

let them be marked as objects of suspicion, scorn & contempt.

It has also been the lot of other countries, and to be the misfortune of this, to possess in its bosom, and to cherish in its confidence, men who from an equally base and corrupt ambition and ill-directed ambition become supple courtiers, political slaves, or, clinging demagogues; who worshipping the idol power, whether in the hands of a military commander, a protector, or a consul, tender an implicit obedience and united support to every measure which emanates from the Executive, the source of office and profit: Such men bring upon a country the curses of undue domestic reverence. Not to know and not to fear the dangers, both of foreign & domestic influence, is to close our eyes on the light of history, and to disregard the testimony of ages. The states of Greece, as the gentleman from Virginia (Mr. Eppes) reminds us, fell from foreign influence; the unhappy kingdom of Spain at this moment groans and bleeds from the same cause. And, sir, from domestic influence, Rome had her Caesar; England her Cromwell, and France now drags the chains of Bonaparte. Should it ever become the settled doctrine of this country, that the opinions and the measures of the Executive are entitled to our prompt acquiescence and blind support; that like the devoted soldier, a mere military machine, we are not to pause over a vote; that free discussion of the merits of the Executive shall authorize suspicion of the purity of the citizen; the time will be fast hastening when a throne shall be erected upon the ruins of the constitution of the United States; and the name of America be added to the list of those republics which have "then like the rocket and fell like the stick." Whether either of these parties exist in this country, I need not at this time enquire; no circumstance could render such an enquiry in this place other than impertinent. I have suggested the possibility of their existence, and their evils, with a view equally pure, I hope, with that of those who have before alluded to them, and to excite a caution which well merits the attention of the American people.

Associated in this House with gentlemen, all of whom I am to presume are actuated by the same love of country; who alike feel the obligations of honor, conscience, regard to the constitution & responsibility to our constituents, I cannot but believe they act on this occasion with motives as pure as my own. Yet, sir, feeling myself bound by these high sanctions to pursue the course pointed out by my own judgment and the dictates of my own conscience, I am compelled to declare, that I disapprove the conduct of the administration in the affair with Mr. Jackson, and that I am decidedly opposed to the resolution before us.

From the view I have taken of the correspondence between Mr. Smith and Mr. Jackson my mind is satisfied.

That the letters of Mr. Jackson do not contain the insult to our administration which is imputed to them by the resolution.

That if they did, the Congress of the U. S. are not required either by duty or policy to interfere in the business—and

That if they will interfere, the resolution under consideration is improper. On each of these points I will submit a few observations.

In regard to the insult said to be contained in Mr. Jackson's letters, my remarks shall be brief, with no other reference to the letters already so often repeated, as to have become "dull as a tale twice told;" than I may conceive necessary, to be intelligible. The offensive idea, "That the Executive government of the United States had a knowledge, that the arrangement lately made by Mr. Erskine in behalf of his government with the government of the U. States, was entered into without competent powers on the part of Mr. Erskine for that purpose," is said in the resolution to be conveyed in Mr. Jackson's letter of 23d October, and to be repeated in that of 31st November. Yet as it was on all hands admitted at no such idea could be found in these letters, which have most anxiously desired to find it, have endeavored to establish it by recurring to Mr. Jackson's letter of 11th October, and there point us to that part of the letter, where Mr. Jackson in reply to Mr. Smith's declaration, that an explanation was expected of the grounds of the disavowal by his British majesty of the arrangement made between Mr. Smith and Mr. Erskine, informs Mr. Smith, that he had seen with pleasure the forbearance of Mr. Smith to complain of this disavowal, "inasmuch as you could not but have thought it unreasonable to complain of the disavowal of an act done under such circumstances as could only lead to the consequences that have actually followed." He adds, "It was not known when I left England whether Mr. Erskine had according to the liberty allowed him, communicated to you in extenso his original instructions; at least appears that he did not. But in reverting to his official correspondence, and particularly to a despatch addressed on the 20th of April to his majesty's secretary of state for foreign affairs, I find that he there states, that he had submitted to your consideration the three conditions specified in these instructions, & the ground work of an arrangement which, according to information received from this country, it was thought in England might be made, with a prospect of great mutual advantage.—Mr. Erskine then reports *verbatim et scribitur* your observations upon each of the three conditions, and the reasons which induced you to think that others might be substituted in lieu of them. It may have been contended between you that these latter were an equivalent for the original conditions; but the very act of substitution evidently shews that those original conditions were in fact very explicitly communicated to you, and by you of course laid before the President for his consideration. I need hardly add, that the difference between these conditions and those contained in the arrangement of the 18th and 19th of April, is sufficiently obvious to require no elucidation; nor need I draw the conclusion, which I consider as admitted by all absence of complaint on the part of the American government, viz. that under such circumstances his majesty had an undoubted right to disavow the act of his minister."

As the offensive idea is alleged to be an allusion to the circumstance under which the arrangement with Mr. Erskine was concluded, which justified the king in disavowing it; intimated to be known to our administration at the date of this letter; it is necessary to search, from the evidence before us, what those circumstances were upon which the king justified his disavowal; these found, we shall be at no loss to fix Mr. Jackson's allusion, and then to enquire whether these circumstances, thus alluded to, were in fact known to our administration.

It appears from the documents before us, that the king's order in council of 24th May, 1807, annulling the provisional agreement concluded by Mr. Erskine and the disavowal of it, assigns as the sole ground of the disavowal, that the said agreement "was not such as was authorized by his majesty's instructions." And Mr. Pinkney on the 13th May, informs Mr. Smith, that the British minister Mr. Ganning, had in their interview on the 28th May, declared "That the British minister (Mr. Erskine) had acted in his late negotiation and engagements with you, not only without authority, but in direct opposition to the most precise instructions;" that these facts were communicated by Mr. Pinkney and known to our administration before the arrival of Mr. Jackson, appears from the correspondence between Mr. Smith and Mr. Erskine in July and Aug. Mr. Jackson also in his letter of 11th Oct. says, that his government "with frankness, promptitude, and almost scrupulous regard to national honour, gave notice to the American minister in London, of the disavowal, of the motives of it, and of the precautions spontaneously taken by his majesty to prevent any loss or injury accruing to the citizens of the United States from an agreement however unauthorized, made in his majesty's name."—And in his letter to Mr. Smith, 23d Oct. explicitly declares "his majesty was pleased to disavow the agreement entered into between you and Mr. Erskine, because it was concluded in violation of that gentleman's instructions, and altogether without authority to subscribe to the terms of it." And to dispense with a recital of each particular in which the instructions were disregarded, Mr. Jackson adds, "These instructions I now understand by your letter, as well as from the obvious deduction which I took the liberty of making in line of the 11th Inst. were at the time in substance made known to you; no stronger illustration, therefore, can be given of the deviation from them which occurred, than by a reference to the terms of your agreement."

We thus find the British government on every occasion and through every vent assigning the violation of instructions, and the want of authority in Mr. Erskine to conclude the agreement, as the sole ground of the disavowal, and relying on that ground and no other to shield them from the charge of perfidy. With this evidence before us; with the admission of Mr. Jackson "that the instructions were not made known in extenso." With the correspondence of Mr. Smith and Mr. Erskine shewing the knowledge of our administration of the instructions to Mr. Erskine and of the grounds of the disavowal of his arrangement prior to the arrival of Mr. Jackson in the U. S. does it consist with candour and good sense; is it not a palpable violation of both, so to torture the language of Mr. Jackson in his letter of 11th Oct. in allusion to the circumstances which could only lead to the disavowal, and of the knowledge of them by our administration, which prevented their conveying to him on his arrival as to make them convey an idea that a distinct and different ground of disavowal existed, than that which his government and himself had before repeatedly assigned; to impute to him the insinuation that the restricted authority of Mr. Erskine was known at the time of the arrangement, when he had explicitly declared, that "the instructions were not made known in extenso;" and thus to fix upon him the absurdity of contradicting himself?

Such construction, and such an imputation in my opinion is at war with every sound rule of construction, and every honourable principle of just and fair dealing. It is worthy the observation of those gentlemen who so clearly see an insult in his letter of the 11th October, that they have found what had escaped the jealous perspicacity of Mr. Smith and the patient research of the draughter of the resolution: since Mr. Smith in his reply of 19th October, gives no intimation of any thing offensive in this letter, and the resolution confines the insulting idea to the letter of 23d October. We come now to the letter of 31st October, in which according to the resolution is contained the "insolent and indecorous expressions, conveying the idea that the Executive government of the United States had a knowledge that the arrangement lately made by Mr. Erskine with the government of the United States, was entered into without competent power on the part of Mr. Erskine." The offensive idea is said to be found in the following part of Mr. Jackson's letter: "I have no hesitation in informing you that his majesty was pleased, to disavow the agreement, concluded between you and Mr. Erskine, because it was concluded in violation of that gentleman's instructions, and altogether without authority to subscribe to the terms of it. These instructions I now understand by your letter, as well as from the obvious deduction which I took the liberty of making in line of the 11th instant, were at the time in substance made known to you; no stronger illustration therefore can be given of the deviation from them which occurred than by a reference to the terms of your agreement." There is no equivocation in this language. He says the instructions were made known in substance—an expression which from its very terms excludes the idea of being made known in full extent; and that it is true as Mr. Jackson here alleges that the substance of Mr. Erskine's instructions were made known, appears from Mr. Smith's letter of 19th October—"Certain it is that your predecessor did present for my consideration the three conditions which now appear in the printed document—that he was disposed to urge them more than the nature of two of them (both palpably inadmissible and one of them more than merely inadmissible) could permit, and that on finding his first proposals unsuccessful, the more reasonable terms comprized in the arrangement respecting the order in council were adopted." And Mr. Erskine himself declared to his government, 20th April, as stated by Mr. Jackson to Mr. Smith, 11th October, and not questioned by him "that he had submitted to the consideration of Mr. Smith the three conditions specified in his instructions, as the ground work of an arrangement," and adds the reasons which induced Mr. Smith to think "that others might be substituted in lieu of them." These expressions of Mr. Jackson are unequivocal, free from obscurity, and cover no insinuation.—They assert a single fact, the existence of which is established by the letters of Mr. Smith himself.—To find in them a meaning "conveying the insolent and indecorous idea that our government knew of Mr. Erskine's restricted authority," is to give to language a signification different from that heretofore received, and to exert a strength of imagination to which I have no pretensions. But in the letter of Mr. Jackson of 4th November, is said by the resolution to be found "the still more insolent

and insulting expression of the same insinuation, in the conclusion of this letter Mr. J. complains of the impropriety of the liberty Mr. Smith assumed of adding his remarks 'insolent and impudent,'—a freedom which I should regret to believe would be justified by our secretary's ideas of decorum.—Mr. Jackson concludes in the words which are said to contain this offensive repetition of the insinuation with insult—'You will find in my correspondence with you, that I have carefully avoided drawing conclusions that did not necessarily follow from the premises advanced by me, and that of all should I think of uttering an insinuation where I was unable to substantiate a fact.'—If Mr. Jackson had really uttered an unfounded insinuation, he here conspicuously repeats it, because he adheres to all he had before said and retracts nothing. But if as I believe he had not made any insinuations, but had directly and honestly referred to facts which were either admitted or had been substantially proved, and more especially as he has not any where made the insinuation charged, "that our government were acquainted with Mr. Erskine's restricted authority," the conclusion seems to be irresistible, that he could not here repeat an insinuation which he had not previously made. This paragraph obviously means that he had abstained from such an insinuation because "he was unable to substantiate the fact."—Nor can I conceive how this declaration could be offensive to Mr. Smith, unless received by him as presenting a contrast to his own deportment: in which case he owes his feelings to his own conscious sensibility.

Were it however otherwise, and if instead of an insinuation so hidden that a secretary of state only can discover it, Mr. Jackson had given a direct and unequivocal insult, the Congress of the U. States are not required either by duty or policy to interfere. The constitution has wisely created different branches of the government—committed to each its separate cares and duties, made each independent of the other, intending thereby to secure the separate deliberation and separate responsibility of each. To attain its blessings, these valuable objects of the constitution ought not to be defeated.—To the President alone is given the power to receive ministers and to treat with them, and as in the course of this duty he becomes personally interested in the department of foreign ministers, if they demean themselves disrespectfully towards him, he is clothed with the power to break off intercourse with them at pleasure, and so far to suspend their ministerial functions. This power has been repeatedly exercised by our Presidents, as the constitution intended it should be upon their responsibility. And it is the highest policy of this government, in order to obtain the advantages of the free judgment and decision of the President, so to conduct towards him that he should learn to act without fear of the censure of Congress on the one hand, and without any hope on the other, that their countenance shall shelter his measures from scrutiny. This policy, and the strict involubility of the Executive power in all cases of treaty, were emphatically settled in the case of Jay's treaty, in which the President (whose independent example deserves more respect than it has met from his successors, standing upon his own responsibility refused to submit to the House of Representatives any papers relating to that negotiation, except the treaty itself. Yet if the plan proposed by these resolutions be adopted, if we by formal resolutions approve the conduct of the President in an affair so exclusively his own, as that of the rupture with Mr. Jackson, may we not on some future occasion as observed by my honourable colleague (Mr. Macon) claim the right of censuring in matters equally within his sole and peculiar province? If then we are to interfere with executive duties, not merely as spectators, applauding his every act, but as freemen, condemning what we do not approve, the inevitable consequence must be, a conflict between the Executive and Legislative departments, in which the wounds of either can only be inflicted through the constitution; or (an issue equally fatal) the advantages intended to be derived from separate deliberation, distinct responsibility and mutual jealousy and watchfulness of the separate departments disappear, in a miserable complaisance of acting by previous concert, and thus proping each other before the people.

But, sir, to sanction this resolution we have been referred to the resolution of the British Parliament in the year 1777, in the case of De Palm, the imperial minister. Sir, I conceive precedents of legislative flattery or complaisance, in other terms professions of duty and allegiance to the executive of this country, are not happily drawn from the records of Great Britain. I consider it dangerous, if not degrading, that a republican Congress should condemn their conduct towards the President as justified by the example of correspondent humility of an English Parliament towards a king. But independent of all these considerations, the case of De Palm has already been shewn to be so entirely unlike the one before us that I am surprised the gentleman last up (Mr. Newton) should have ventured again to have relied on it in support of the resolution before us. Let me again briefly notice the circumstances which distinguish De Palm's case from Mr. Jackson's.—De Palm by command of his sovereign, the Emperor of Germany, (as he expressly declares) in a memorial by him addressed to the king and published to the nation, charged the king with "distorting things in his speech to their worst sense, stating others destitute of all foundation, empty, frivolous, supported by no manner of truth," with "want of sincerity in endeavouring to excite the nation" and concludes that *his imperial majesty had strictly enjoined him to declare these things to the king, to the kingdom of Great Britain and the world.* In this publication we are not driven to a laborious investigation of every word to strain the imagination and torture our complaisance to find, or to acknowledge we have found an insinuation. The charge of falsehood and hypocrisy is directly made, by order of one monarch to another.—And this too at a period when the sovereign thus charged, George I. was but recently seated on his throne, by a precarious and disputed title, not well sealed in the affections of his subjects, among whom the sparks of rebellion and disaffection soon appeared, not to have been extinguished—charges so infamous, made and published by the Emperor's express command, could but excite alarm of increasing the disaffection of the people, encouraging the many and powerful supporters of the cause of the Pretender to the throne of his ancestors, and thus of bringing both George the I. and his parliament as traitors to the scaffold. Under such circum-

stances, well might the parliament exclaim, "We stand by" each other—each upon his own merits and fortunes depending. Mr. Erskine made no direct charge of any improper conduct on our government, the fruits of his office, he was an ambassador, which title existed, conferred from himself, not from his sovereign, and ready been sufficiently repelled by the President's demand of his recall and refusal further to communicate with him.

Still farther, if it were conceded that in any case of disagreement between the President and a minister, Congress could with propriety exercise its weight of their arguments to the correction proposed by indicated by the President, the present case does not require it, because Mr. Jackson has openly and honourably tendered an amendment for the signed affront. In his message to Mr. De Palm, 13th November he declares "his regret at the construction put on his correspondence, that he could not imagine that offence would be taken at the the American government, as *such a construction was intended on his part.*" We have been referred to this Debate, in justification of the measure proposed, to the course which our feelings would dictate in case of insinuations deemed affronting private life. Permit me to ask, what such a sensibility, what chivalrous knight who looks to distinction to the imperious voice of honour, would in private life be satisfied with the explanation offered? The explicit declaration directly and respectfully made, "I regret my conduct towards you is viewed as offensive; most certainly no offence on my part was intended." With no pretensions to knowledge on this subject, I can only say, that my feelings would in such a case be satisfied with such an apology. This apology was refused, because it is said, Mr. J. had previously demanded his passports. The documents before us exhibit this demand. Mr. J. it seems was so far unacquainted with the American people, as to apprehend personal violence from those whose duties were, it is true, not sparingly bestowed upon him even before his arrival, from certain presses in the United States. Passports in diplomatic language, I understand to be a permission to leave the kingdom, found necessary from the jealous caution existing in Europe from the situation and junction of territory, divided by imaginary lines.—Mr. Jackson demanded his passports, but for such "document, passport, or safeguard," as might protect his person and his persons of his family from violence, so the administration understood him, and granted him, not a passport to leave the United States but "a certificate of his public character." Thus, sir, on this unsubstantial pretext, is resided the rejection of this thank apology by the administration; and we are actually beat on discord, are, without necessity in any opinion, about to follow their injudicious example.

But, sir, (said Mr. Stanley) waving for the present every other objection, I disapprove the resolution on account of the improper language in which it is couched, and from an apprehension of the consequences to which it may lead. If it be determined that the miserable system of words is to be continued, that we are still longer to rely on resolutions to support the national interests and retrieve the national character, we should at least remember that respect a nation owes to itself, that the language of approach may be so used as to degrade those who support it into less than those to whom it is applied.—As a gentleman who should stoop to a gutter to abate a chimney, could not expect to rise without having picked up of the soil which he had scattered. We charge a public minister, the accredited representative of the British empire, with "indecorum and insolvency;" with "the crime of direct and aggravated affront of insidious attempts, and of using false and fallacious disguises." It has been said of a throne, and ought, I should hope, to be equally applicable to the representatives of a republic, that every ray which beams from it should bear the character of purity, nobleness and grandeur. Is the language of this resolution, that of "purity, nobleness and grandeur?" On the contrary, intemperance, harsh and opprobrious, does it not violate those very principles of decorum of which we profess to be the champions, and in thus correcting Mr. Jackson's offence of indecorum not only commit it ourselves, but ascend to hectoring as well as abusing? The reply of Scipio to the Romans on an occasion of this kind, presents an example worthy our imitation.—The Carthaginians having abused the sanctity of the character of the Roman ambassadors, their ambassadors were brought before Scipio, and he was asked, what return should punish the perfidy of the Carthaginians? His reply, worthy a Roman, worthy an American, was, "do not do yourselves, that which you condemn in the Carthaginians." If Mr. Jackson has been guilty of using insolent and indecorous language let us not degrade ourselves by committing the same offence.

This worthy observation that upon former occasions of differences between our Executive and foreign ministers, no such course as that now proposed has been adopted. Genet, the minister of the French Directory, violated our rights of sovereignty no less than the principles of decorum. He issued commissions to raise troops within our territory, to be employed against a nation with whom we were at peace. He appealed from the decision of the Secretary of State, [Jefferson] with the despicable duplicity of "holding a language official and a language confidential." His recall was requested and he was recalled. In the case of Vrejo, the Spanish minister, his department insolent and affrontive gave offence to the late President. He was simply requested to be recalled. On these occasions, where the offence was not, as in the present, a doubtful "insinuation," an equivocal "insinuation," but a direct and outrageous injury and affront, no means were used to excite the passions of the people, or to wound the feelings of the nations whose representatives had offended us; no resolutions of Congress were resorted to; no threats were formulated; no pledges of standing by the President were made. The President discharged his duty by requesting the recall of the offending ministers, and the people were content. Why is a different course now necessary? Not that by an assurance we may give confidence to the President of the readiness of the people to support the government of their country, if the rupture with the British minister (however mistaken his policy) should lead to war. Neither the President nor any other man can doubt our promptness to defend ourselves if attacked. Such a declaration implies a doubt of the fact, and a doubt on this point is not more degrading than unjust to our character. One view in the resolution must be to prop the conduct of the administration in this affair, and sorry I am to say, that their conduct needs a more substantial apology than this resolution can afford or any that I have yet heard.

I further see in this resolution not only the protraction of a settlement of our differences with Great Britain, but an intention to precipitate us into a war with that country. Language so harsh and affrontive applied to the British minister, accompanied with what has aptly been called "a defiance to battle to the British nation," cannot be