is not a favorite instrument of defence. Our substantial farmers and planters and their sturdy sons, cannot be wanted. But brute bravery cannot be driven by this favorite discipline—discipline indeed with a vengeance—and I trust in God they never will.

It is a matter of very great surprise to me that our vast Confederacy of the U. States—it is impossible to pass over the name of that man without some expression of respect; and it is impossible to express not merely what we ought, but even what we feel—I say it is a matter of surprise to me that this great and good man, who so long presided at the helm of this government and in his infirmity, the most arduous period of it, too; who waged a bloody war on the frontiers, both with men and regulars—for then our situation was different from what it is now—we were weak and the enemy was strong—with all his honest propensities in favor of military law—for no man more highly venerates the real soldier than I do, whatever I may think of those who act ridiculously in the character of the mass of pottage—a bare substance) with all his well founded military partiality, and no man had more, should have conducted this government for eight years, and that then it should have fallen into the hands of a successor, of whom I will say no more than that he had a very strong *prejudice* for military force (as the lesser evil to our treasury unfortunately will show) —whether he was calculated to figure at the head of a country in which it is necessary to say—that during all this time it under such circumstances, it should have been the Phenomenon of the day that this power was necessary to conten mortal. How happens it that this great man has slept so long? We waged a seven years active war against G. Britain, and yet this important subject never started but with under a Washington or Montgomery. It was destined to be unbared in under far different circumstances. I do not understood as having no reference to any of the constitutional authorities, and so, I wished to have called to a range in that direction, which I certainly am not, unpleasant opportunity has been afforded me by one of the friends of the bill, who has declared to you that the repugnance of the Executive, as well as of the commander in chief, is stifled upon the trial, to which this bill is intended to be subject. I, as a member of this same, coming from a different quarter, would have met with a very different reception from that which, almost slumbering assembly. Made by certain gentlemen it would have had received a spirit of great asperity. I however deny it—I do not believe it; I will not believe that the character of the President of U. S. depends upon the trial, so often banded about this House. I should be very much ashamed, or rather I should rejoice; for certainly no man's reputation could be in safer custody than the reputation of the President, if such a case would be. It would be in the hands of those who are the breath of his nostrils, who like bad bloodhounds have their very existence and being in the sunshine of his favor, and over whose nostrils he would, in the last case complete and efficient control.

The bill was then passed, 61 to 12.

[The following is a list of the bill and all amendments, which have ever been considered by the House. The bill in the bill was not finally passed.]

LETTER

From Mr. Madison to Mayor. Monroe and Pinkney.

DEPARTMENT OF STATE,
MARCH 18, 1807.

Gentlemen,

YOUR dispatch of January 5, with the treaty signed December 31, with the British commissioners, which was received on the 5th inst. Your letter of December 27 notifying the approach of that event had been previously received in time to be included in a communication of the President to Congress, then in session. A copy of the instrument in its actual form, with the declaration of the British commissioners, which was received by Mr. Erskine on the day of the adjournment of Congress, was communicated by him to the Executive.

The observations relating to the whole, which it is now proper to make, will be introduced in detail as will explain the views of the President, with the proceedings in the case, and transmitted by Mr. Purdy, who holds himself in readiness to attend to them.

For the present I am charged by the President to refer you to my letter of February 3, and to signify his desire that the negotiation may proceed where form therein stated, but without being brought to an absolute conclusion until further instructions shall arrive.

You will conform also to the views of the President, in forbearing to enter into any conventional arrangements with the British government, which shall embrace a trade or intercourse of its subjects with the Indian tribes, within any part of the territories westward of the Mississippi, under the authority of the U. States. Considerations of prudence, and a knowledge of the state, and of the aboriginal inhabitants of that country, forbid the policy of prohibiting the admission of foreign traders into it.

I have only to add that a proclamation, which has been issued, forbidding the non-importation measure until the next session of Congress. This is the measure and as the Executive British government of the conciliatory sentiments of the President, and of his sincere wishes that no circumstance whatever may obstruct the prosecution of a settlement by the amicable and honorable terms, which ought no longer to exist between two nations having so many reasons to establish and cherish mutual friendship.

I have the honor to be, &c.

(*Signed*)

JAMES MADISON.

From the same to the same.

DEPARTMENT OF STATE,
May 20, 1807.

Gentlemen,

MY letter of March 18, acknowledged the receipt of your dispatches of the treaty signed on the 31st December, of which Mr. Purviance was the bearer, and signified the sentiments of the President, of the President, formed on the actual posture of our affairs with G. Britain would have been expressed by the instruments mentioned. The subject is accordingly resumed in this dispatch, with which Mr. Purviance will be charged, in order to render his passage the more sure and convenient, he takes it in the sloop of war, which he will convey from a British port, on her way to the Mediterranean, with instructions, that a British port, probably L'Orient, with dispatches for gen. Armstrong and Mr. Bowdoin, will be given him an opportunity for any communications you may have occasion to make to those gentlemen.

The President has seen in your exertions to accomplish the great objects of your instructions, strong proofs of that zeal and patriotism in which he confided; and feels deep regret, that your success has not corresponded with the reasonableness of your propositions, and the ability with which they were supported. The arrangements more especially that the British government has not yielded to the reasonable considerations, which forbid the practice of its cruisers in visiting and impressing the crews of merchant vessels, under the independent flag, and guarded by the laws of the high seas, which ought to be sacred with all nations.

The President continues to regard this subject in the light in which it was presented in the letter of the friendship of G. Britain. He cannot reconcile it with his duty to our country, with the sensibility or sovereignty of the nation, to recognize even constructively a principle which denies to persons on the high seas their liberty, their lives, every thing, in a word, which is dearest to the human heart, to the capricious or interested sentences which may be pronounced against their allegiance, by officers of a foreign government, whom neither the law of nations, nor even the laws of this government will allow to decide on the ownership, or character of the minutest article of property found in a like situation.

It has a great and necessary weight, also, in the decision, that the act of Congress, as manifested during the session which passed the non-importation, was not, as is primary, and is held by the object of securing American crews against British impressment among the objects which suggested the solemnity of an extraordinary mission, expressed to any convenient national arrangement, which, without effectually providing for that object, would disarm the U. States of the powerful instrument most eligible as an eventual remedy.

It is considered, moreover, by the President, that your reasoning with the necessary concession in this case, should be made by G. Britain, rather than by the U. States, in the same consideration first, that a concession on our part, would violate both a moral principle, and a law, in the government, to our citizens, which would not be the case on the other side; secondly, that a greater number of American citizens, than of British subjects are, in fact, impressed from our vessels; and consequently more of wrong is done to the U. S. than of right to G. Britain; taking even her own claim for the legal criterion.

On these grounds, the President is constrained to decline any arrangement, formal or informal, which does not comprize a provision against impressments from American vessels on the high seas, and which would, notwithstanding, be a bar to legislative measures, such as Congress have thought, or may think, proper to adopt, for controlling that species of aggression.

In covering at the same time in his earnest desire to establish the harmony of the two nations on a proper foundation, the President has motives which must be equally felt by G. Britain to secure that important object. The wounds of hostility and efforts should be renewed, with a view to such alterations of the instrument, which may be, in the Executive, as may render it acceptable to the U. States.

That you may the more fully understand his impressions and purposes, I will explain the alterations which are to be regarded as essential; and proceed then to such observations on the other articles, as will show the other alterations which are to be attempted, and the degree of importance, and prospect of success of each.

1st. Without a provision against impressments, substantially such as is comprehended in the instructions, no treaty is to be concluded.

2d. The eleventh article on the subject of colonial trade, cannot be admitted, unless freed from the concession, which it contains, to the rivals of Europe, the re-exportation of colonial produce, and to European artificial supplies to the colonial market.

3d. The change made by the article in the 2d article of the treaty of 1794, relative to the trade with the British possessions in India by limits in the latter period, the same as from the U. States, as weak as to them, is deemed an insuperable objection, if it were unexceptionable. Justice ought to be insisted on for indemnifying sufferers from wrongful sales, and for saving in some form or other, of their rights against any implied claim of forfeiture.

5th. Articles 18 and 19 to be so altered as to leave the U. S. free as a neutral, to keep up the rights of belligerent nations on an equality with G. Britain.

6th. Of such alternative as is presented by the declaratory note on the subject of the French decree of December 31st, 1806, will be admissible.

First. The considerations which relate to the 1st article, on the subject of impressments indispensable, have been already sufficiently explained.

Second. The considerations of the amendment required in the 11th article, results from the extent of the effect which it would be intended, would have on the system of our commerce as hitherto carried on, with the sanction, or acquiescence of G. Britain herself.

It was hoped that the British government would be free from the exception in this article, would at least have yielded to Russia, example of the treaty with Russia. It could not have been supposed that a modification would be required, which shuts from our neutral commerce important channels, open by the adjudication of British tribunals, and particularly the principle officially communicated by that government to this, through Mr. King, in the year 1801.

According to that principle and those adjudications, the indirect trade through our neutral ports, was to first from enemy colonies, to every other part of the world as to Europe; and the trade of enemy colonies, in articles of all other countries, as in European articles.

Third. Under the tenor of the article, and the general prohibitory principle assumed by Great Britain, to shut up the trade of her colonies, the productions both of the continental and of the insular colonies in America, China and India, can no longer be sent, as heretofore to the W. Indies, or the Spanish Main, where they not only now yield a great profit to our merchants, but being mixed in cargoes with the produce of this country, facilitate and encourage the trade in the latter. Besides the effect of the article in abridging so materially our valuable commerce, the distinction which it introduces between the manufactures of Europe and those of China and India, is chargeable with evils of another sort. In many cases it might not be easy to pronounce on the real origin of the articles. It is not improbable that suppositions attempts also might be occasionally made, to elude the scrupulous tribunals. Such attempts as these, arguing from the abuse made of less plausible, the interpretations and modifications of our trade, by the greedy cruizers which swarm on the ocean, cannot fail to be surprising, in a degree, not a little enforcing the objection to the article insists present in the 11th.

As the prohibitory principle of Great Britain does not extend to the case of a colonial trade usually open, and no judicial decision has professed to explain the principle in such a trade, it is a reasonable inference, that the article will not be so construed in its liberal sense, as to take in that description, between enemy colonies beyond the cape of Good Hope, and other countries not belonging to that quarter. But on the other hand, it may not be amiss to guard against a construction of the article that would abolish the rule observed in the prize courts of Great Britain, which in the case of the eastern colonies, presumes that these ports were always open, and thereby throws on the claimant, the proof of the contrary, to his advantage of proving the fact in question.

It is observable, that the duration of this article is limited to the period of the present hostilities, while the others are to be in force for ten years, or even if there should be a peace and a renewal of the war, as is very possible, in the latter period, the same parts of the barrigo would survive in part, in consideration of which, they were introduced. Justice and reciprocity evidently require that the most important articles of the treaty should be regarded as conditions of each other and therefore they should be co-adjunct. In this point of view, you will bring the subject under reconsideration; if it cannot making this qualified amendment an ultimatum, press it with all the force which it merits. This amendment ought to be insisted on, insisted on the British side, as it would still leave to that side an advantage resulting from the same, very two great objects to be attained by the U. States, namely the immunity of their ships and crews from the impressment, which are connected with a state of war only; whereas the stipulations required by Great Britain, to operate constantly throughout the period of the treaty, as well in time of peace, as in a state of war.

Whatever term may finally be settled for the continuance of the regulation, it will be proper to retain the clause which saves the right to withdraw from the treaty, on twelve months abandonment or abridgement. Even the temporary modification of the rule, it will show sufficiently, the admissible restrictions now in the article, is considered as an important sacrifice on the part of the United States to their desire of friendly adjustment with Great Britain. To an admission of the article with these restrictions, the President prefers the leaving impressions, the national trade, by the deference of Great Britain for the maritime powers, and by an enlightened policy of the U. States, to adapt their regulations in the course which her policy takes.

That the operation of the articles in its present form, might be more fully understood, it was thought proper to avail the public of the ideas of a citizen of great intelligence and experience with respect to our commerce. His remarks contained in a paper herewith inclosed, afford a valuable elucidation of the subject. They will suggest at the same time, some explanatory precautions worthy of attention, particularly in the case of articles, which paying no duty on importation into the United States, do not fall under the prohibitions of drawbacks; and in the case of securing by bond, instead of security, the duties, which would be drawn back. It appears by the observations in your letter of January 5, that the amount of the duties, as it surely ought to be, equivalent to actual payment. But this is a point, so material, that it cannot be too explicitly guarded against the misinterpretation of interested cruizers, and the ignorance or perversness of inferior courts.

Third. The necessity of the change required in the third article, in order to secure an indirect, as well as a direct trade to the British East Indies, will be fully explained by the observations which have been obtained from several of our best informed citizens on that subject, and which are herewith inclosed.

As this latitude of intercourse was stipulated by the 13th article of the treaty of 1794, as judicially expounded by British superior courts; as it was enjoyed by the United States prior to that epoch, and has been always enjoyed, both before and since the former friendly intercourse; and as there is reason to believe that the British government has been at all times ready since that epoch expired, to renew it in its original form, it may justly be expected that the insertion of novelty will not be insisted on. Should the expectation fail, the course preferred is to drop the article altogether, leaving the trade on the general footing of the most favored nation, or even treating to the interest of Great Britain for such regulations as may correspond with that of the U. States.

Should the negociation take up the East India article of the treaty of 1794, it will be with several amendments suggested in the extracts above referred to, some of which may be attempted with the greater chance of success, as they are harmless, if not favorable to the British system. Two of the suggestions to be added, a privilege to American vessels of touching at the cape of Good Hope. The other suggests such a stipulation, under the present desirable title of Great Britain to the cape, as may be secured by a descriptive provision, not necessarily applicable to it. In the event of its resistance, the treaty of January 5, introducing it, in case the British title should be established by that event; and the right of Great Britain to the United States may touch for refreshment at all the ports and places in the possession of the British Crown, or in the African or Asiatic seas.

Fourth. Without a provision, or a reservation, as to the claims of indemnity, an abandonment of them would be a sacrifice, which, not being in a final settlement, of existing controversies. It cannot be pressed, with the same propriety, as a preference, in any mode that may be most effectual, can be opposed or resisted by Great Britain, without serious surprise, that so much restitution should be made to indemnification reported in the British prize rules of right, and by a precedent in the British courts, in many cases, which so many other articles have been copied. The only ground, which can be taken, is, that a strict provision, flows from a presumption, not only that the British courts have disregarded the rules incompetent, to the purpose of complete redress. Not to repeat observations on the time usual in this, including an unanswerable one is suggested by the clause in the article

Fifth. Articles 18 and 19—Any effect of these articles is to secure to the British prize courts, their prizes a treatment in American ports, more favorable than will be conceded to those of an enemy; with a saving of contrary stipulations already made, and a prohibition of any such hereafter, in the case of our treaties with the belligerent nations (France excepted) stipulate to their ships and cargoes, as to the ships, and as there are parties to the war, with whom we have no treaties, it cannot be a cause of disunion, or of the mind of war, between the belligerent nations, which it will not be in the power of the U. S. to redress.

Weighty considerations would dissuade from such a deduction from a strict equality towards belligerent nations, if stipulated at a time least liable to objection. But it would be im-