to no nation, and restrained by no laws. The government receives nothing for duties, and the people get goods for no less money. Even our own vessels taking out a coasting licence and go direct to Great Britain, notwithstanding the prohibition of the non-intercourse law.

We have been insulted and plundered for fifteen years past by the belligerent nations, and, to be sure, sir, we have borne it with christian patience, upon the principle, I presume, that it is better to suffer wrong than then to do wrong. When we have been smote on one cheek, we have turned the other. When they have taken our cloak we have been ready to give up our coat, and to ask what they would please to have next. We have declared many years since, if my memory serves me, that we were the most wise and enlightened nation in the world, and at another time we have seriously declared that we would not submit. Notwithstanding all this, when we have been insulted by one nation we protest, when by another we remonstrate, and when a national ship is attacked in our own waters, in sight of the smoke of our chimnies, we issue a proclamation: and, last of all, when many gentlemen think that we have been grossly insulted by a foreign minister, that stain is to be wiped away by the force of a joint resolution. If an individual finds fault with one nation's abusing us, his remark is immediately met by observing that other nations have abused us as much. If we apply to France to do us justice, she says we must resist the orders in Council of G. Britain and help her to restore the freedom of the seas. American commerce will then have acquired all its liberty and will be sure of finding favor in the ports of France. If we apply to G. Britain for justice we are told that we must resist the Berlin decree. We have been expecting justice from those nations because we were just ourselves; but national justice and honor are now out of the question with these nations, & avarice, ambition and power are substituted in their room. It is not enough for us to fold up our arms and consider, because we are just and honest, that we are the peculiar favorites of Heaven, and are to be entirely exempt from the calamities that are now overwhelming the civilized world. We must prepare for the worst. I would make a firm and temperate declaration of our neutral rights, and I would demand of France and England a recognition of them. In the mean time I would permit the merchants to arm in defence of those rights, acting only in the defensive, instructing them in such manner as that no act of theirs should commit the peace of the country. This, sir, would replenish your treasury and prevent the necessity of resorting to loans and direct taxes. The merchants have already become very rich by the commerce of the country, and they know best how to manage their own affairs. If they should lose a few vessels carrying to market the surplus produce of this country, it would be no loss to the country. What the merchant lost the farmer would gain; the property would all be in the country.

As to this resolution, I am against it on general principles. I never did vote for a resolve of approbation or for an address under any administration, nor ever will. If we can have resolutions to approve, we can have them to disapprove; and it ought to be a sufficient consolation to the President, and I presume it is, to believe that he squares his conduct by the constitution, and that it meets the approbation of his own conscience. But this, I presume, is to be held up to convince foreign nations that we are not divided and that we will stand by our government. At the last session this business of approving was considered anti-republican and the minority could not then be permitted to approve the President's conduct. It was then of no importance to be unanimous; but now it seems as though every thing that was near and dear to us depended on the passage of this joint resolution. I have known one President ruined by addresses and votes of approbation; it was then held up that the minority was opposed to the administration, and that we were abroad considered a divided people; and the President was addressed from states, corporations, and societies from all parts of the U. S. approving every thing he had done, and pledging their lives and fortunes to support him in any thing he might do. Instead of his taking this as a mere compliment that cost nothing, he took it all in earnest; but as soon as his constitutional period of re election came round, the people soon convinced him of his error, and dismissed him from office—which gave him such offence that he has declared war against himself, his own conduct and administration, and has even extended his resentment beyond the grave, and charged almost all the unpopular acts of his administration upon one of the greatest men the world ever knew, and who is not in existence to answer for himself, when there was not one of those acts during his administration but what, if he had refused his signature and approbation, could have been negatived as there was not a constitutional majority to carry any one of them without his approbation. Perhaps the same thing is now to be urged as was then—a division among the people and the necessity of uniting. There is no division among the people now; there was none then; the division is between the *ins* and *outs*. The ins want to keep in and the outs want to get in, and the division is not so much among the people as it is among those who want the people's money—and they now understand this thing very well, and have found that the question never has been in reality, how much of their money should be spent, but who should have it—not how the government should be administered, but who should administer it; and not how many offices should be created, but who should fill them. That there are parties in the U. S. cannot be denied, and that it is for the interest of the people that it should be so is equally true; and I could wish, let whatever party may have the ascendancy in the U. S. that they may have but a small majority, which will make them more attentive to business and more circumspect in their conduct, knowing that a few changes may place them in a minority—but I consider it otherwise whenever a party come into power with an overwhelming majority.

This resolution has for its object not only the approbating of the President's conduct but the reprobating that of a foreign minister and convicting him of a gross premeditated insult. Mr. Jackson only persists in asserting what he knew himself, and that was, that Mr. Erskine had no other instructions than those of the 23d of January and that the settlement made was not only without authority but in violation of those instructions; he does not say that our government knew or did not know he had no other, but merely states what he knew himself. For my own part I consider his dismissal as a hasty imprudent measure, although I could have seen no great good to be derived by his staying, as the terms held out in the dispatch to Mr. Erskine could never have been submitted to; but as his stay in this country could have done us no possible injury, and his dismissal and in the manner it has taken place and the way we are now following it up, may have a tendency to precipitate us into a war unprepared, which I consider one of the greatest evils that can afflict any nation. I think it would have been well to have extended our patience and forbearance in this respect a little farther.

Mr. Dana. A solemn legislative decision is proposed by the resolution now before us from the Senate.

As it regards a public minister accredited from one of the great belligerent powers of Europe, our relations with that power may be considered as within the fair range of discussion.

This country has claimed the privileges of a neutral power, one of whose eminent duties is a conduct strictly and truly impartial between the respective parties engaged in war. Of course, the purport of this resolution may be compared with the tenor of our conduct respecting the great rival belligerent, and our relations with this power may be properly taken into consideration. The question therefore is open to a discussion of our affairs with Great Britain and France.

The resolution proposes to declare a determination to employ the full force of the nation in a certain event. To execute this declaration may require various means, and means highly interesting to our country. When therefore we are considering the propriety of making a declaration so serious, we may enquire respecting our naval and military means to enforce it. We may enquire, what augmentation of our naval and military forces would be necessary—what is contemplated, and what are our pecuniary resources for meeting the extraordinary expenditure which may be requisite.

The resolution has reference to a public minister of the highest order ever sent from this country. We have in our statutes provided for sending abroad no minister of a higher grade than that of minister plenipotentiary or envoy extraordinary. As it respects the intercourse with the foreign world and the rules established by the maxims of public law and the general usage of civilized nations, this is not a question which concerns only the United States and which we can determine by our separate vote. It is a question to which the whole civilized world is party, because implicating principles which it has sanctioned; and in our proceedings upon it we should not act in a manner which would make us blush if the whole civilized world were present to witness our deliberations.

These general considerations are connected with the resolution, in addition to another interesting enquiry, whether the terms of the resolution are warranted in point of fact by the transactions which have taken place, as they appear in evidence before us.

The subjects which I have mentioned are so intricate and so various and so vast, that a complete discussion of them is what I do not here adventure to undertake, but to a part of them I propose to direct some observations.

Before I particularly examine the resolution, I request permission to state certain positions in which I agree, so that gentlemen may know where we agree and where we differ; because in this case, as in others, I would diminish the grounds of controversy.

Without going back to the full extent of our wrongs from Great Britain and France, I recur to decrees affecting neutral commerce which have been issued by the dictator of continental Europe, and to orders issued by the British king in council. Omitting a particular discussion of them, I wish to be distinctly understood as avowing that I do not approve either the one or the other; and from the most deliberate judgment which I have been able to form, on such examination as I have given them, I express my disapprobation of both. I consider them both as neither consistent with the rights of the United States, nor warranted by the principles of public law. And I utterly disclaim the whole doctrine of belligerent blockade without a blockading force. The principles on which these opinions are founded, I will not detain the House by stating at the present time.

Further, I agree tha the conditions stated in the despatch from Mr. Canning to Mr. Erskine of the 23d of January, 1809, especially the two last of them, are such as ought not to be admitted explicitly or by implication on the part of this government. I admit not only that we ought not to stipulate that the British navy might take our vessels, but that we should not even by implication cede the principle itself. Of course, therefore, I do not admit, when any vessel of the British, under their orders in council, should have taken one of our vessels violating a law of the United States, that it would not be perfectly competent for the United States to take cognizance of the question whether she had violated our laws or not; for it would be a question solely between our government and its citizens. To leave a law of the United States to be executed by the British navy under the cognizance of their admiralty, would be to relinquish an attribute of our sovereignty, and to abandon the precious duty of executing judgment in mercy.

I further agree that the privilege of a foreign minister here accredited does not extend to charging the government of my country with the detestable turpitude of intentional falsification in a matter of fact. And on this subject I do not enquire whether the charge be well or ill founded. It is not admissible within the principles of diplomatic intercourse. If the government submit to it in terms, intercourse on the principles of equality must cease.

I agree further that the immunity of a foreign minister here accredited does not extend to entering a public appeal against the Executive administration. Whether the appeal be well or ill-founded in point of fact, it is not for the foreign minister to put the administration of this country upon its arraignment at the public bar; it is not for him, through the medium of the press, to profess peace towards the people and proclaim war against the palace.

I agree further that the President of the U. States has the constitutional competence to receive ambassadors and other public ministers, and that in the power to receive is included the power to refuse for reasonable cause, and that he is constitutionally the judge of this reasonable cause. Whenever therefore a foreign minister has committed an offence for which he ought to be refused liberty to communicate with the administration, the President may refuse it. If an offence more gross has been committed, for which the minister ought to be required to depart from the United States, the President may order his departure. If the minister has committed an atrocious crime for which he ought to suffer corporal punishment, the President may order him to be sent home that he may be punished by his own government. And the gentlemen of the sword are the proper officers to be employed for this purpose. As the minister has a rank of high public trust, let him be treated with public decency! But in a case of atrocious criminality, let the proceeding have the character of decision, that he may be duly punished! Such I admit to be the power of the President of the United States without any statute whatever existing on the subject.

Having made these admissions, I may hope gentlemen will acknowlege that I am not solicitous to extend the points of difference between us.

The inquiry arises, whether the language of this resolution is warranted by facts as they appear before us? On this point I am willing at this time to wave dispute; not that I admit the resolution to be warranted in point of fact, for the documents laid before us together with the messages of the President of the United States, afford matter for much, very much observation interesting to the country. But on that subject I will not now occupy the time of the House. For in the view which I take of the resolution, I propose to consider it on the basis of what is contained in the letter of the 23d of November from Mr Smith the Secretary of State to Mr. Pinkney our minister in London, and the message of the President communicated to Congress at the opening of this session. I am not at present about to dispute whether an adjustment of differences was probable; I may even admit that, after the irritating and disgusting circumstances attending the correspondence between the Secretary of State and Mr. Jackson, it was not probable that they would have come to any definitive adjustment. And I am willing to admit that Mr. Jackson may have waited for proposals to be made to him as proposals were made to France, without this power's having first made proposals to us, if I do not misapprehend the President's message.

Taking up this resolution and the letter from the Secretary of State to Mr. Pinkney, I ask in the first place, what is the import of the resolution? Is it merely approbating the conduct of the President of the United States and a manifestation of respect and decorum towards him? For myself, if it be merely the language of approbation of the conduct of the President of the United States, I am not making objection to it on the ground that we ought not to pass a vote of approbation. I am afflicted with no scruples of that sort. If gentlemen who opposed a resolution of approbation at the last session chuse now to support this resolution on the principle which they then opposed, it is not for me to object to it for such cause. If they are disposed to consider their former arguments as so many collections of straw, it is not for me to deny to the gentlemen the privilege of overturning and destroying such works of their own hands. Nay—further—If this resolution is to be considered as having the nature of a joint address to the President of the United States, I make no objection on that account. Some gentlemen may heretofore have seemed to be afflicted at the manner of addressing the President of the United States as being too adulatory. I am not troubled with their past scruples on the subject of addresses, and, considering this as a joint address to the President, should make no such objection.

(Speech to be Concluded in our next.)

CONGRESS.

IN SENATE.

Wednesday, December 20.

The bill to prevent the abuse of the privileges and immunities enjoyed by foreign ministers within the United States, was read a third time and decided by Yeas and Nays as follows:

YEAS—Messrs. Bradley, Condit, Gaillard, German, Giles, Gilman, Goodrich, Gregg, Lambert, Leib, Lloyd, Matthewson, Meigs, Parker, Pope, Robinson, Smith of Maryland, Smith of New York, Sumpter, Turner—20.

NAYS—Messrs. Hillhouse & Pickering—2.

So the bill was passed.

The bill to revive an act entitled "An act for the relief of the refugees from the British provinces of Canada and Nova Scotia, and for other purposes" was referred to Messrs. Bradley, Goodrich and Lloyd to consider and report thereon.

The bill from the House of Representatives for the relief of William and Elias Rector was read a first and second time, and referred to Messrs. Pope, Meigs and Bradley to consider and report thereon.

The President communicated a letter from the Secretary of War on the subject of fortifications. Whereupon,

On motion of Mr. Smith of Maryland, the galleries were cleared, and it was agreed that the report be read with closed doors.

Ordered that it lie for consideration.

Mr. Gaillard presented a petition of a number of inhabitants of Washington, praying to be incorporated for the purpose of completing certain roads.—Referred to Messrs. Gaillard, Brent and Bradley.

December 21.

Mr. Anderson appeared and took his seat.

Mr. *Pope* from the committee to whom was referred the bill from the House of Representatives for the relief of William and Elias Rector, reported the same without amendment; and it was ordered to pass to a third reading.

The bill for the relief of Joseph Summerl, Simon Philipson, William Hamon, Archibald M'Call and Isaac Clason, was committed to a select committee composed of Messrs. Smith of Maryland, Lloyd and Bradley.

Agreeably to notice given, Mr. Bradley asked and obtained leave to bring in a bill "making further provision for the corps of engineers," and the bill was read and passed to a second reading.

HOUSE OF REPRESENTATIVES.

Wednesday, December 20.

Mr. *Johnson* from the committee of claims reported unfavorably to the petition of Edward Turner and Thomas Brickell. The reports were severally agreed to.

Mr. *Love* reported a bill to authorise the removal of slaves from one part to another of the District of Columbia.—Twice read and referred to a committee of the whole.

The bill for the relief of William and Elias Rector was read a third time and passed.

Mr. *Love* reported a bill to amend the charter of Alexandria; which was twice read and referred to a committee of the whole.

RUPTURE WITH MR. JACKSON.

The House again resolved itself into a committee of the whole, Mr. Basset in the Chair, on the resolution approving the conduct of the Executive in refusing to hold further communication with Francis James Jackson.

Messrs. M'Kee and Johnson spoke in favor of the resolution, and Messrs. Wheaton and Emott against it.

When Mr. *Emott* had spoken rather more than an hour, a motion was made and carried, he having given way for the purpose, that the committee rise and report progress.

The committee obtained leave to sit again. And the House adjourned.

Thursday, December 21.

Mr. Poindexter reported a bill extending jurisdiction in certain cases to the territorial courts and for other purposes. Twice read and referred to a committee of the whole.

Mr. Johnson from the committee of Claims, reported a bill for the relief of John N. Stout; which was twice read and referred to a committee of the whole.

Mr. Johnson made an unfavorable report on the petition of Betsey Beall; which was read and concurred with.

Mr. Morrow from the committee to whom was referred the bill from the Senate in addition to an act to regulate the laying out and making a road from Cumberland in the state of Maryland to the state of Ohio, reported the bill without amendment; which was read and referred to a committee of the whole.

Mr. Southard reported a bill prescribing the mode of taking evidence in cases of contested elections, &c. which was twice read and referred to a committee of the whole.

A communication was received from the Secretary of War, stating the situation and state of the different fortifications in the U. S.

Objection was made to the reading of this paper on the ground that it would afford official information to the enemies of the U. S. if they have any, of their weakest points.

A question was taken on the reading of it and carried in the affirmative.

After it was read, a motion was made by *Mr. Troup* to print it. The motion was supported by himself and Mr. Upham, and opposed by Messrs. Tallmadge and Livermore; and negatived, Ayes 32.

The report was referred to the committee on fortifications.

On motion of *Mr. Love*,

Resolved, That the committee on the district of Columbia be instructed to enquire into the expediency of amending the act for establishing a turnpike company in the county of Alexandria, in the district of Col.

RUPTURE WITH MR JACKSON.

The House again in committee of the whole on the resolution from the Senate.

Mr. Emott concluded his speech against it.

Mr. Gholson & Mr. Ross spoke in favor of it.

And at half past three, on motion of *Mr. Upham* the committee rose and obtained leave to sit again.

A message was received from the president of the U. S. by Mr. Graham enclosing a report of the Surveyor of the public buildings.

And the House adjourned.