

Mr. Ames's

S P E E C H,

IN THE

HOUSE OF REPRESENTATIVES

OF THE

UNITED STATES.

THURSDAY, April 28, 1796.

T H E
S P E E C H

O F

[Fisher]
Mr. Ames,

IN THE HOUSE OF REPRESENTATIVES

O F T H E

United States,

WHEN IN COMMITTEE OF THE WHOLE,

On THURSDAY, April 23, 1796,

IN SUPPORT OF THE FOLLOWING MOTION :

Resolved, That it is expedient to pass the Laws necessary to carry into effect the Treaty lately concluded between the United States and the King of Great-Britain.

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HOUSE OF REPRESENTATIVES OF THE UNITED STATES.

SATURDAY, APRIL 30, 1796.

ON the motion to agree to the following Resolution, viz. *Resolved*, That it is expedient to pass the Laws necessary to carry into effect the Treaty lately concluded between the United States and the King of Great Britain.

The AYES and NOES are as follow.

AYES.

Massachusetts.

Messrs Ames, Bradbury, D. Foster, Goodhue, Leonard, S. Lyman, Reed, Sedgwick, Thatcher, Wadsworth.

Vermont. Mr. Buck.

New-Hampshire.

Messrs A. Foster, Gilman, J. Smith.

Rhode-Island.

Messrs Bourn, Malbone.

Connecticut.

Messrs Coit, Goodrich, Griswold, Hillhouse, N. Smith, Swift, Tracy.

New-York.

Messrs Bailey, Cooper, Gilbert, Glen, Van Alen, Van Cortlandt, Williams.

New-Jersey.

Messrs Henderson, Kitchell, I. Smith, Thompson.

Pennsylvania.

Messrs Gregg, Hartley, Kittera, Muhlenberg, Richards, Sitgreaves, Thomas.

Maryland.

Messrs Christie, Crabb, Dent, Hindman, Murray, S. Smith.

Virginia. Mr. Hancock.

North-Carolina. Mr. Grove.

South-Carolina.

Messrs Harper, W. Smith.

NOES.

Massachusetts.

Messrs W. Lyman, Dearborn, Varnum.

Vermont. Mr. Israel Smith.

New-York.

Messrs. Hathorn, Havens, Livingston.

Pennsylvania.

Messrs Baird, Gallatin, Heister, Maclay, Swanwick.

Maryland. Mr. Sprigg.

Kentucky.

Messrs Greenup, Orr.

Virginia.

Messrs Brent, Cabell, Claiborne, Clop-ton, Colca, Giles, Harrison, Heath, Jackson, Madison, Moore, New, Nicholas, Page, Parker, Preston, Rutherford, Venable,

North-Carolina.

Messrs Blount, Bryan, Burgess, Franklin, Gillespie, Holland, Locke, Macou, Tatom, Wm.

South-Carolina.

Messrs Benton, Earle, Hampton.

Georgia.

Messrs Baldwin, Milledge.

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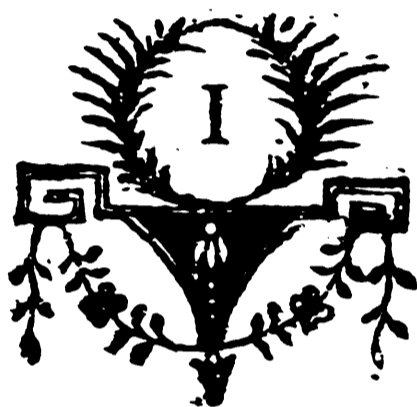
The following are the Resolutions moved by Mr. Blount of North Carolina, in the House Representatives of the United States, April 6; referred to in Mr. Ames's Speech.

Resolved, That it being declared by the second section of the second article of the Constitution, "That the President shall have power, by and with the advice and consent of the Senate, to make Treaties, provided two thirds of the Senators present concur, the House of Representatives do not claim any agency in making Treaties; but that when a Treaty stipulates regulations on any of the subjects submitted by the Constitution to the power of Congress, it must depend for its execution, as to such stipulations, on a law or laws to be passed by Congress, and it is the constitutional right and duty of the House of Representatives, in all such cases, to deliberate on the expediency or inexpediency of carrying such Treaty into effect, and to determine and act thereon, as in their judgment may be most conducive to the public good.

Resolved, That it is not necessary to the propriety of any application from this House to the Executive for information desired by them, and which may relate to any Constitutional functions of the House, that the purposes for which such information may be wanted, or to which the same may be applied, should be stated in the application.



Mr. *AMES*'s SPEECH.



ENTERTAIN the hope, perhaps a rash one, that my strength will hold me out to speak a few minutes.

IN my judgment, a right decision will depend more on the temper and manner with which we may prevail upon ourselves to contemplate the subject, than upon the developement of any profound political principles, or any remarkable skill in the application of them.---If we could succeed to neutralize our inclinations, we should find less difficulty than we have to apprehend in surmounting all our objections.

THE suggestion, a few days ago, that the house manifested symptoms of heat and irritation, was made and retorted as if the charge ought to create surprise, and would convey reproach. Let us be more just to ourselves, and to the occasion. Let us not affect to deny the existence and the intrusion of some portion of prejudice and feeling into the debate, when from the very structure of our nature we ought to anticipate the circumstance as a

probability, and when we are admonished by the evidence of our senses that it is a fact.

How can we make professions for ourselves, and offer exhortations to the house, that no influence should be felt but that of duty, and no guide respected but that of the understanding, while the peal to rally every passion of man is continually ringing in our ears.

Our understandings have been addressed, it is true, and with ability and effect; but, I demand, has any corner of the heart been left unexplored? It has been ransacked to find auxiliary arguments, and, when that attempt failed, to awaken the sensibilities that would require none. Every prejudice and feeling has been summoned to listen to some peculiar stile of address; and yet we seem to believe, and to consider a doubt as an affront, that we are strangers to any influence but that of unbiassed reason.

It would be strange that a subject which has roused in turn all the passions of the country, should be discussed without the interference of any of our own. We are men, and therefore not exempt from those passions--as citizens and representatives, we feel the interest that must excite them. The hazard of great interests cannot fail to agitate strong passions: we are not disinterested--it is impossible we should be dispassionate. The warmth of such feelings may becloud the judgment, and, for a time, pervert the understanding. But the public sensibility, and our own, has sharpened the spirit of inquiry, and given an animation to the debate. The public attention has been quickened to mark the progress of the discussion, and its judgment, often hasty and erroneous on first

impressions, has become solid and enlightened at last. Our result will, I hope, on that account, be the safer and more mature, as well as more accordant with that of the nation. The only constant agents in political affairs are the passions of men. Shall we complain of our nature—shall we say that man ought to have been made otherwise. It is right already, because HE from whom we derive our nature ordained it so—and because thus made and thus acting, the cause of truth and the public good is the more surely promoted.

But an attempt has been made to produce an influence of a nature more stubborn, and more unfriendly to truth. It is very unfairly pretended that the constitutional right of this house is at stake, and to be asserted and preserved only by a vote in the negative. We hear it said that this is a struggle for liberty, a manly resistance against the design to nullify this assembly, and to make it a cypher in the government. That the President and Senate, the numerous meetings in the cities, and the influence of the general alarm of the country are the agents and instruments of a scheme of coercion and terror, to force the Treaty down our throats, though we loath it, and in spite of the clearest convictions of duty and conscience.

It is necessary to pause here and enquire, whether suggestions of this kind be not unfair in their very texture and fabric, and pernicious in all their influences: They oppose an obstacle in the path of enquiry, not simply discouraging, but absolutely insurmountable. They will not yield to argument; for, as they were not reasoned up, they cannot be reasoned down. They are higher than a Chinese wall in truth's way, and built of materials that are

indestructible. While this remains, it is vain to say to this mountain, be thou cast into the sea. For, I ask of the men of knowledge of the world, whether they would not hold him for a blockhead that should hope to prevail in an argument whose scope and object it is to mortify the self-love of the expected profelyte ? I ask further, when such attempts have been made, have they not failed of success ? The indignant heart repels a conviction that is believed to debase it.

THE self love of an individual is not warmer in its sense, nor more constant in its action, than what is called in French, *L'Esprit de Corps*, or the self love of an assembly ; that jealous affection which a body of men is always found to bear towards its own prerogatives and power. I will not condemn this passion. Why should we urge an unmeaning censure, or yield to groundless fears that truth and duty will be abandoned, because men in a public assembly are still men, and feel that spirit of corps which is one of the laws of their nature ? Still less should we despond or complain, if we reflect that this very spirit is a guardian instinct that watches over the life of this assembly. It cherishes the principle of self preservation—and without its existence, and its existence with all the strength we see it possess, the privileges of the representatives of the people, and mediately the liberty of the people would not be guarded, as they are, with a vigilance that never sleeps, and an unrelaxing constancy and courage.

If the consequences most unfairly attributed to the vote in the affirmative were not chimerical, and worse, for they are deceptive, I should think it a reproach to be found even moderate in my zeal to assert the constitutional powers of this

assembly, and whenever they shall be in real danger, the present occasion affords proof that there will be no want of advocates and champions.

INDEED so prompt are these feelings, and when once roused, so difficult to pacify, that if we could prove the alarm was groundless, the prejudice against the appropriations may remain on the mind, and it may even pass for an act of prudence and duty to negative a measure which was lately believed by ourselves, and may hereafter be misconceived by others to encroach upon the powers of the house. Principles that bear a remote affinity with usurpation on those powers will be rejected, not merely as errors, but as wrongs. Our sensibilities will shrink from a post where it is possible they may be wounded and be inflamed by the slightest suspicion of an assault.

WHILE these prepossessions remain, all argument is useless; it may be heard with the ceremony of attention, and lavish its own resources, and the patience it wears to no manner of purpose. The ears may be open, but the mind will remain locked up, and every pass to the understanding guarded.

UNLESS therefore this jealous and repulsive fear for the rights of the house can be allayed, I will not ask an hearing.

I CANNOT press this topic too far—I cannot address myself with too much emphasis to the magnanimity and candor of those who sit here, to suspect their own feelings, and while they do, to examine the grounds of their alarm. I repeat it, we must conquer our persuasion that this body has an interest in one side of the question more than the other, before we attempt to surmount

our objections. On most subjects, and solemn ones too, perhaps in the most solemn of all, we form our creed more from inclination than evidence.

LET me expostulate with gentlemen to admit, if it be only by way of supposition, and for a moment, that it is barely possible they have yielded too suddenly to their alarms for the powers of this house,—that the addresses which have been made with such variety of forms, and with so great dexterity in some of them, to all that is prejudice and passion in the heart, are either the effects or the instruments of artifice and deception, and then let them see the subject once more in its singleness and simplicity.

It will be impossible, on taking a fair review of the subject, to justify the passionate appeals that have been made to us to struggle for our liberties and rights, and the solemn exhortations to reject the proposition said to be concealed in that on your table, to surrender them forever. In spite of this mock solemnity, I demand, if the house will not concur in the measure to execute the Treaty, what other course shall we take? How many ways of proceeding lie open before us?

IN the nature of things, there are but three— we are either to make the Treaty—to observe it—or break it. It would be absurd to say, we will do neither. If I may repeat a phrase already so much abused, we are under coercion to do one of them, and we have no power, by the exercise of our discretion, to prevent the consequences of a choice

By refusing to act, we chuse. The Treaty will be broken and fall to the ground. Where is the fitness then of replying to those who urge upon the

house the topics of duty and policy, that they attempt to *force* the treaty down, and to compel this assembly to renounce its discretion, and to degrade itself to the rank of a blind and passive instrument in the hands of the Treaty making power. In case we reject the appropriation, we do not secure any greater liberty of action, we gain no safer shelter than before from the consequences of the decision. Indeed they are not to be evaded. It is neither just nor manly to complain that the Treaty making power has produced this *coercion* to act. It is not the art or the despotism of that power, it is the nature of things that compels. Shall we, dreading to become the blind instruments of power, yield ourselves the blinder dupes of mere sounds of imposture? Yet that word, that empty word, *coercion*, has given scope to an eloquence, that one would imagine, could not be tired, and did not chuse to be quieted.

LET us examine still more in detail the alternatives that are before us, and we shall scarcely fail to see in still stronger lights the futility of our apprehensions for the power and liberty of the House.

Is, as some have suggested, the thing called a Treaty, is incomplete, if it has no binding force or obligation; the first question is, will this house complete the instrument, and by concurring, impart to it that force which it wants.

THE doctrine has been avowed, that the Treaty, though formally ratified by the executive power of both nations, though published as a *Law* for our own by the President's proclamation, is still a mere proposition submitted to this assembly, no way distinguishable in point of authority, or obli-

gation from a motion for leave to bring in a bill, or any other original act of ordinary legislation.— This doctrine, so novel in our country, yet so dear to many, precisely for the reason, that in the contention for power, victory is always dear, is obviously repugnant to the very terms as well as the fair interpretation of our own resolutions—(Mr. Blount's.) We declare that the Treaty making power is exclusively vested in the President and Senate, and not in this house. Need I say that we fly in the face of that resolution when we pretend that the acts of that power are *not valid* until we have concurred in them? It would be nonsense, or worse, to use the language of the most glaring contradiction, and to claim a share in a power which we at the same time disclaim as exclusively vested in other departments. What can be more strange than to say, that the compacts of the President and Senate with foreign nations are Treaties, *without our agency*, and yet those compacts want all power and obligation until they are sanctioned by our concurrence? It is not my design in this place, if at all, to go into the discussion of this part of the subject. I will, at least for the present, take it for granted that this monstrous opinion stands in little need of remark, and if it does, lies almost out of the reach of refutation.

BUT, say those, who hide the absurdity under the cover of ambiguous phrases, have we no discretion?—And if we have, are we not to make use of it in judging of the expediency or inexpediency of the Treaty? Our resolution claims that privilege, and we cannot surrender it without equal inconsistency and breach of duty.

If there be any inconsistency in this case, it lies, not in making the appropriations for the Treaty,

but in the resolution itself—(Mr. Blount's.) Let us examine it more nearly. A Treaty is a bargain between nations, binding in good faith; and what makes a bargain? The assent of the contracting parties. We allow that the Treaty power is not in this house, this house has no share in contracting, and is not a party; of consequence the President and Senate alone, may make a Treaty that is binding in good faith. We claim, however, say the gentlemen, a right to judge of the expediency of Treaties—that is the constitutional province of our discretion. Be it so. What follows? Treaties when adjudged by us to be inexpedient, fall to the ground, and the public faith is not hurt. This, incredible and extravagant as it may seem, is asserted. The amount of it, in plainer language, is this—the President and Senate is to make national bargains, and this house is nothing to do in making them. But *bad* bargains do not bind this house, and, of inevitable consequence do not bind the nation. When a national bargain called a Treaty is made, its binding force does not depend on the *making*, but upon our opinion that it is good. As our opinion on the matter can be known and declared only by ourselves, when sitting in our Legislative capacity, the Treaty, though ratified, and, as we choose to term it, *made*, is hung up in suspense, till our sense is ascertained. We condemn the bargain, and it falls, though, as we say, our faith does not. We approve a bargain as expedient, and it stands firm, and binds the nation. Yet, even in this latter case, its force is plainly not derived from the ratification by the Treaty making power, but from our approbation. Who will trace these inferences and pretend that we have no share, according to

the argument, in the Treaty making power?— These opinions, nevertheless, have been advocated with infinite zeal and perseverance. Is it possible that any man can be hardy enough to avow them, and their ridiculous consequences.

LET me hasten to suppose the Treaty is considered as already made, and then the alternative is fairly present to the mind, whether we will observe the Treaty or break it. This in fact is the naked question.

IF we chuse to observe it with good faith, our course is obvious. Whatever is stipulated to be done by the nation, must be complied with. Our agency, if it should be requisite, cannot be properly refused. And I do not see why it is not as obligatory a rule of conduct for the legislative as for the courts of law.

I CANNOT loose this opportunity to remark that the *coercion*, so much dreaded and declaimed against, appears at length to be no more than the authority of principles, the despotism of duty.---- Gentlemen complain we are *forced* to act in this way---we are forced to swallow the Treaty. It is very true, unless we claim the liberty of abuse, the right to act as we ought not. There is but one right way open for us, the laws of morality and good faith have fenced up every other. What sort of liberty is that which we presume to exercise against the authority of those laws? It is for tyrants to complain that principles are restraints, and that they have no liberty so long as their despotism has limits. These principles will be unfolded by examining the remaining question :

SHALL WE BREAK THE TREATY ?

THE Treaty is bad, fatally bad, is the cry. It sacrifices the interest, the honor, the independence of the United States, and the faith of our engagements to France. If we listen to the clamour of party intemperance, the evils are of a number not to be counted, and of a nature not to be borne, even in idea. The language of passion and exaggeration may silence that of sober reason in other places, it has not done it here. The question here is, whether the treaty be really so very fatal as to oblige the nation to break its faith. I admit that such a treaty ought not to be executed. I admit that self-preservation is the first law of society, as well as of individuals. It would perhaps be deemed an abuse of terms to call that a treaty which violates such a principle. I waive also, for the present, any enquiry what departments shall represent the nation, and annul the stipulations of a Treaty. I content myself with pursuing the enquiry, whether the nature of this compact be such as to justify our refusal to carry it into effect. A Treaty is the promise of a nation. Now, promises do not always bind him that makes them.

BUT I lay down two rules which ought to guide us in this case. The Treaty must appear to be bad not merely in the petty details, but in its character, principle and mass. And in the next place, this ought to be ascertained by the decided and general concurrence of the enlightened public. I confess there seems to me something very like ridicule thrown over the debate by the discussion of the articles in detail.

THE undecided point is, shall we break our faith? And while our country, and enlightened Europe, await the issue with more than curiosity,

we are employed to gather piecemeal, and article by article from the instrument, a justification for the deed by trivial calculations of commercial profit and loss. This is little worthy of the subject, of this body, or of the nation. If the Treaty is bad, it will appear to be so in its mass. Evil to a fatal extreme, if that be its tendency, requires no proof---it brings it. Extremes speak for themselves and make their own law. What if the direct voyage of American ships to Jamaica with horses or lumber might net 1 or 2 per cent. more than the present trade to Surinam, would the proof of the fact avail any thing in so grave a question as the violation of the public engagements?

It is in vain to alledge that our faith plighted to France is violated by this new Treaty. Our prior Treaties are expressly saved from the operation of the British Treaty. And what do those mean, who say, that our honor was forfeited by treating at all, and especially by such a Treaty? Justice, the laws and practice of nations, a just regard for peace as a duty to mankind, and the known wish of our citizens, as well as that self-respect which required it of the nation to act with dignity and moderation, all these forbid an appeal to arms before we had tried the effect of negociation. The honor of the United States was saved, not forfeited by treating. The Treaty itself by its stipulations for the posts, for indemnity and for a due observation of our neutral rights, has justly raised the character of the nation. Never did the name of America appear in Europe with more lustre than upon the event of ratifying this instrument. The fact is of a nature to overcome all contradiction.

But *the independence of the country---we are colonists again.* This is the cry of the very men who

tell us that France will resent our exercise of the rights of an independent nation to adjust our wrongs with an aggressor, without giving her the opportunity to say those wrongs shall subsist and shall not be adjusted. This is an admirable specimen of independence. The Treaty with Great Britain, it cannot be denied is unfavorable to this strange sort of independence.

FEW men, of any reputation for sense, among those who say the Treaty is bad, will put that reputation so much at hazard as to pretend that it is so extremely bad as to warrant and require a violation of the public faith. The proper ground of the controversy, therefore, is really unoccupied by the opposers of the Treaty; as the very hinge of the debate is on the point not of its being good or otherwise, but whether it is intolerably and fatally pernicious. If loose and ignorant declaimers have anywhere asserted the latter idea, it is too extravagant, and too solidly refuted, to be repeated here. Instead of any attempt to expose it still further, I will say, and I appeal with confidence to the candor of many opposers of the Treaty to acknowledge, that if it had been permitted to go into operation silently, like our other Treaties, so little alteration of any sort would be made by it in the great mass of our commercial and agricultural concerns, that it would not be generally discovered by its effects to be in force, during the term for which it was contracted. I place considerable reliance on the weight men of candor will give to this remark, because I believe it to be true, and little short of undeniable.---When the panic dread of the Treaty shall cease, as it certainly must, it will be seen through another medium. Those who shall make search into the articles for the cause of their alarms will be so far from finding

stipulations that will operate fatally, they will discover few of them that will have any lasting operation at all. Those which relate to the disputes between the two countries, will spend their force upon the subjects in dispute, and extinguish them. The commercial articles are more of a nature to confirm the existing state of things, than to change it. The Treaty alarm was purely an address to the imagination and prejudices of the citizens, and not on that account the less formidable. Objections that proceed upon error in fact or calculation, may be traced and exposed. But such as are drawn from the imagination, or addressed to it, elude definition, and return to domineer over the mind, after having been banished from it by truth.

I WILL not so far abuse the momentary strength that is lent to me by the zeal of the occasion, as to enlarge upon the commercial operation of the Treaty.

I PROCEED to the second proposition which I have stated as indispensibly requisite to a refusal of the performance of a Treaty. Will the state of public opinion justify the deed?

No government, not even a despotism, will break its faith, without some pretext—and it must be plausible—it must be such as will carry the public opinion along with it. Reasons of policy, if not of morality, dissuade even Turkey and Algiers from breaches of treaty in mere wantonness of perfidy, in open contempt of the reproaches of their subjects. Surely, a popular government will not proceed more arbitrarily, as it is more free, nor with less shame or scruple in proportion as it has better morals. It will not proceed against the faith of Treaties at all, unless the strong and decided sense of the nation shall pronounce, not simply that the

Treaty is not advantageous, but that it ought to be broken and annulled. Such a plain manifestation of the sense of the citizens, is indispensibly requisite, first, because if the popular apprehensions be not an infallible criterion of the disadvantages of the instrument, their acquiescence in the operation of it is an irrefragable proof that the extreme case does not exist which alone could justify our setting it aside.

In the next place, this approving opinion of the citizens is requisite as the best preventive of the ill consequences of a measure always so delicate, and often so hazardous. Individuals would, in that case at least, attempt to repel the opprobrium that would be thrown upon Congress by those who will charge it with perfidy. They would give weight to the testimony of facts, and the authority of principles, on which the government would rest its vindication. And if war should ensue upon the violation, our citizens would not be divided from their government, nor the ardour of their courage chilled by the consciousness of injustice, and the sense of humiliation, that sense which makes those despicable who know they are despised.

I ADD a third reason, and with me it has a force that no words of mine can augment, that a government wantonly refusing to fulfil its engagement, is the corrupter of its citizens. Will the laws continue to prevail in the hearts of the people, when the respect that gives them efficacy is withdrawn from the legislators? How shall we punish vice while we practice it? We have not force, and vain will be our reliance when we have forfeited the resources of opinion. To weaken government and to corrupt morals are effects of a breach of

faith not to be prevented—and from effects they become causes, produced with augmented activity, more disorder and more corruption—order will be disturbed, and the life of the public liberty shortened.

AND who, I would enquire, is hardy enough to pretend that the public voice demands the violation of the Treaty? The evidence of the sense of the great mass of the nation is often equivocal. But when was it ever manifested with more energy and precision than at the present moment? The voice of the people is raised against the measure of refusing the appropriations. If gentlemen should urge, nevertheless, that all this sound of alarm is a counterfeit expression of the sense of the public, I will proceed to other proofs. Is the Treaty ruinous to our commerce? What has blinded the eyes of the merchants and traders? Surely they are not enemies to trade, nor ignorant of their own interests. Their sense is not so liable to be mistaken as that of a nation, and they are almost unanimous. The articles stipulating the redress of our injuries by captures on the sea are said to be delusive. By whom is this said? The very men whose fortunes are staked upon the competency of that redress say no such thing. They wait with anxious fear lest you should annul that compact on which all their hopes are rested.

Thus we offer proof, little short of absolute demonstration, that the voice of our country is raised not to sanction, but to deprecate, the non-performance of our engagements. It is not the nation, it is one, and but one, branch of the government that proposes to reject them. With this aspect of things, to reject is an act of desperation.

I SHALL be asked why a Treaty so good in some articles, and so harmless in others, has met with such unrelenting opposition? And how the clamours against it from New-Hampshire to Georgia can be accounted for? The apprehensions so extensively diffused, on its first publication, will be vouched as proof that the Treaty is bad, and that the people hold it in abhorrence.

I AM not embarrassed to find the answer to this insinuation. Certainly a foresight of its pernicious operation could not have created all the fears that were felt or affected. The alarm spread faster than the publication of the Treaty. There were more critics than readers. Besides, as the subject was examined, those fears have subsided.

THE movements of passion are quicker than those of the understanding. We are to search for the causes of first impressions, not in the articles of this obnoxious and misrepresented instrument, but in the state of the public feeling.

THE fervor of the revolution war had not entirely cooled, nor its controversies ceased, before the sensibilities of our citizens were quickened with a tenfold vivacity by a new and extraordinary subject of irritation. One of the two great nations of Europe underwent a change which has attracted all our wonder, and interested all our sympathies. Whatever they did, the zeal of many went with them, and often went to excess. These impressions met with much to inflame, and nothing to restrain them. In our newspapers, in our feasts, and some of our elections, enthusiasm was admitted a merit, a test of patriotism, and that made it contagious. In the opinion of party, we could not love or hate enough. I dare say, in spite of all the obloquy it

may provoke, we were extravagant in both. It is my right to avow that passions so impetuous, enthusiasm so wild, could not subsist without disturbing the sober exercise of reason, without putting at risk the peace and precious interests of our country. They were hazarded. I will not exhaust the little breath I have left, to say how much, nor by whom, or by what means they were rescued from the sacrifice. Shall I be called upon to offer my proofs? They are here, they are every where. No one has forgotten the proceedings of 1794.* No one has forgotten the captures of our vessels, and the imminent danger of war. The nation thirsted not merely for reparation but vengeance. Suffering such wrongs

* Soon after France declared war against England, citizen Genet (whose civism had assisted the revolution that had just been effected at Geneva) was dispatched to the United States for the purpose, as appears by his instructions, of engaging them to take part in the war, and in case the Government, from motives of prudence, and a desire to remain in peace, could not be enlisted, the people were to be stirred up, and by a revolutionary process, plunged into a contest which has done more injury to the morals and happiness of nations than all the wars of the last century.

Citizen Genet, perceiving that the success of his mission could only be expected from a revolutionary movement of the people, commenced his operations at the place of his landing, and by his own agency and that of his partizans, every popular passion was inflamed, and every convenient means employed through all the states, to produce distrust and confusion among our citizens, and a disorganization of our government. It must be in the recollection of all, that during the disgraceful contest between this foreign agent and our Executive, the public opinion for a time hung doubtful and undecided—to the honor of our country, virtue and good sense ultimately triumphed over this incendiary

The revolutionary labours of the citizen Genet were performed in the spring and summer of 1793, his instructions were probably early known in England; and the spirit and hostility towards that country which during this season appeared throughout the United States, together with the numerous equipments in our ports, of privateers under French commissions, must naturally have produced an opinion in the British Cabinet, that the United States would ultimately engage in the war on the side of France. The orders of the 6th November, and the speech of Lord Dorchester to the Indians, are more satisfactorily accounted for by supposing the existence of this opinion in England, than by the extravagant supposition that has so often been made, that they meditated war against the United States, because our citizens were free and our government a republic.

and agitated by such resentments, was it in the power of any words of compact, or could any parchment with its seals prevail at once to tranquilise the people? It was impossible. Treaties in England are seldom popular, and least of all when the stipulations of amity succeed to the bitterness of hatred. Even the best Treaty, though nothing be refused, will choak resentment, but not satisfy it. Every Treaty is as sure to disappoint extravagant expectations as to disarm extravagant passions. Of the latter, hatred is one that takes no bribes. They who are animated by the spirit of revenge, will not be quieted by the possibility of profit.

Why do they complain that the West-Indies are not laid open? Why do they lament that any restriction is stipulated on the commerce of the East-Indies? Why do they pretend that if they reject this, and insist upon more, more will be accomplished? Let us be explicit—more would not satisfy. If all was granted, would not a Treaty of amity with Britain still be obnoxious? Have we not this instant heard it urged against our Envoy, that he was not ardent enough in his hatred of Great-Britain? A Treaty of Amity is condemned because it was not made by a foe, and in the spirit of one. The same gentleman at the same instant repeats a very prevailing objection, that no Treaty should be made with the enemy of France. No Treaty, exclaim others, should be made with a monarch or a despot. There will be no naval security while those sea robbers domineer on the ocean. Their den must be destroyed. That nation must be extirpated.

I LIKE this, sir, because it is sincerity. With feelings such as these, we do not pant for Treaties.

Such passions seek nothing, and will be content with nothing but the destruction of their object. If a Treaty left King George his island, it would not answer—not if he stipulated to pay rent for it. It has been said the world ought to rejoice if Britain was sunk in the sea—if where there are now men and wealth and laws and liberty, there was no more than a sand bank for the sea monsters to fatten on; a space for the storms of the ocean to mingle in conflict.

I OBJECT nothing to the good sense or humanity of all this. I yield the point that this is a proof that the age of reason is in progress. Let it be philanthropy, let it be patriotism, if you will, but it is no indication that any Treaty would be approved. The difficulty is not to overcome the objections to the terms; it is to restrain the repugnance to any stipulations of amity with the party.

HAVING alluded to the rival of Great Britain, I am not unwilling to explain myself. I affect no concealment, and I have practised none. While those two great nations agitate all Europe with their quarrels, they will both equally desire, and with any chance of success, equally endeavour to create an influence in America. Each will exert all its arts to range our strength on its own side. How is this to be effected? Our government is a democratical republic. It will not be disposed to pursue a system of politics, in subservience to either France or England, in opposition to the general wishes of the citizens: and, if Congress should adopt such measures, they would not be pursued long, nor with much success. From the nature of our government, Popularity is the instrument of foreign influence. Without it, all is labour and disappointment. With that mighty auxiliary, foreign intrigue

finds agents, not only volunteers, but competitors for employment, and any thing like reluctance is understood to be a crime. Has Britain this means of influence? Certainly not. If her gold could buy adherents, their becoming such would deprive them of all political power and importance. They would not wield popularity as a weapon, but would fall under it. Britain has no influence, and for the reasons just given, can have none. She has enough—and God forbid she ever should have more. France, possessed of popular enthusiasm, of party attachments, has had, and still has, too much influence on our politics—any foreign influence is too much and ought to be destroyed. I detest the man and disdain the spirit, that can bend to a mean subserviency to the views of any nation. It is enough to be Americans. That character comprehends our duties, and ought to engross our attachments.

BUT I would not be misunderstood: I would not break the alliance with France—I would not have the connection between the two countries even a cold one. It should be cordial and sincere, but I would banish that influence, which by acting on the passions of the citizens, may acquire a power over the government.

It is no bad proof of the merit of the Treaty that, under all these unfavourable circumstances, it should be so well approved. In spite of first impressions, in spite of misrepresentation and party clamor, enquiry has multiplied its advocates—and at last the public sentiment appears to me clearly preponderating to its side.

ON the most careful review of the several branches of the Treaty—those which respect political arrangements, the spoliations on our trade, and the

regulation of commerce, there is little to be apprehended. The evil, aggravated as it is by party, is little in degree, and short in duration—two years from the end of the European war. I ask, and I would ask the question significantly, what are the inducements to reject the Treaty? What great object is to be gained, and fairly gained by it? If, however, as to the merits of the Treaty, candor should suspend its approbation, what is there to hold patriotism a moment in balance as to the violation of it? Nothing—I repeat confidently nothing. There is nothing before us in that event but confusion and dishonor.

BUT before I attempt to develop those consequences, I must put myself at ease by some explanation.

NOTHING is worse received among men than the confutation of their opinions—and, of these, none are more dear or more vulnerable than their political opinions. To say that a proposition leads to shame and ruin, is almost equivalent to a charge that the supporters of it intend to produce them. I throw myself upon the magnanimity and candor of those who hear me. I cannot do justice to my subject without exposing as forcibly as I can all the evils in prospect. I readily admit that in every science, and most of all in politics, error springs from other sources than the want of sense or integrity. I despise indiscriminate professions of candor and respect. There are individuals opposed to me of whom I am not bound to say any thing. But of many, perhaps of a majority of the opposers of the appropriations, it gives me pleasure to declare they possess my confidence and regard. There are among them individuals for whom I entertain a cordial affection.

THE consequences of refusing to make provision for the Treaty are not all to be foreseen. By rejecting, vast interests are committed to the sport of the winds. Chance becomes the arbiter of events, and it is forbidden to human foresight to count their number, or measure their extent. Before we resolve to leap into this abyss, so dark and so profound, it becomes us to pause and reflect upon such of the dangers as are obvious and inevitable. If this assembly should be wrought into a temper to defy these consequences, it is vain, it is deceptive to pretend that we can escape them. It is worse than weakness to say, that as to public faith our vote has already settled the question.— Another tribunal than our own is already erected. The public opinion, not merely of our own country, but of the enlightened world, will pronounce a judgment that we cannot resist, that we dare not even affect to despise.

WELL may I urge it to men who know the worth of character, that it is no trivial calamity to have it contested. Refusing to do what the Treaty stipulates shall be done, opens the controversy. Even if we should stand justified at last, a character that is vindicated is something worse than it stood before, unquestioned and unquestionable. Like the plaintiff in an action of slander, we recover a reputation disfigured by invective, and even tarnished by too much handling. In the combat for the honor of the nation, it may receive some wounds, which, though they should heal, will leave scars. I need not say, for surely the feelings of every bosom have anticipated, that we cannot guard this sense of national honor, this ever-living fire which alone keeps patriotism warm in the heart, with a sensibility too vigilant and jealous.

IF, by executing the Treaty there is no possibility of dishonor, and if, by rejecting, there is some foundation for doubt and for reproach, it is not for me to measure, it is for your own feelings to estimate, the vast distance that divides the one side of the alternative from the other.

IF therefore we should enter on the examination of the question of duty and obligation with some feelings of prepossession, I do not hesitate to say, they are such as we ought to have---it is an after enquiry to determine whether they are such as ought finally to be resisted.

THE resolution (Mr. Blount's) is less explicit than the constitution. Its patrons should have made it more so, if possible, if they had any doubts or meant the public should entertain none. Is it the sense of that vote, as some have insinuated, that we claim a right for any cause or *no* cause at all, but our own sovereign will and pleasure, to refuse to execute, and thereby to annul the stipulations of a Treaty? That we have nothing to regard but the expediency or in expediency of the measure, being absolutely free from all obligation by compact to give it our sanction? A doctrine so monstrous, so shameless, is refuted by being avowed. There are no words you could express it in that would not convey both confutation and reproach. It would outrage the ignorance of the tenth century to believe, it would baffle the casuistry of a Papal council to vindicate. I venture to say it is impossible. No less impossible that we should desire to assert the scandalous privilege of being free after we have pledged our honor.

IT is doing injustice to the resolution of the house (which I dislike on many accounts) to strain

the interpretation of it to this extravagance. The Treaty making power is declared by it to be vested exclusively in the President and Senate. Will any man in his senses affirm that it can be a Treaty before it has any binding force or obligation? If it has no binding force upon us, it has none upon Great-Britain. Let candor answer, is Great-Britain free from any obligation to deliver the posts in June, and are we willing to signify to her that we think so. Is it with that nation, a question of mere expediency or inexpediency to do it, and that too, even after we have done all that depends upon us to give the Treaty effect? No sober man believes this. No one who would not join in condemning the faithless proceeding of that nation, if such a doctrine should be avowed, and carried into practice--and why complain, if Great-Britain is not bound? There can be no breach of faith where none is plighted. I shall be told that she is bound. Surely it follows that if she is bound to performance, our nation is under a similar obligation--if both parties be not obliged, neither is obliged, it is no compact, no Treaty. This is a dictate of law and common sense, and every jury in the country has sanctioned it on oath.

It cannot be a Treaty and yet no Treaty, a bargain and yet no promise--if it is a promise, I am not to read a lecture to shew why an honest man will keep his promise.

THE reason of the thing, and the words of the resolution of the house, imply, that the United States engage their good faith in a Treaty. We disclaim, say the majority, the treaty making power, we of course disclaim (they ought to say) every doctrine that would put a negative upon the doings

of that power. It is the prerogative of folly alone to maintain both sides of the proposition.

WILL any man affirm, the American nation is engaged by good faith to the British nation: But that engagement is nothing to this house? Such a man is not to be reasoned with. Such a doctrine is a coat of mail that would turn the edge of all the weapons of argument, if they were sharper than a sword. Will it be imagined the King of Great-Britain and the President are mutually bound by the treaty, but the two nations are free?

It is one thing for this house to stand in a position that presents an opportunity to break the faith of America, and another to establish a principle that will justify the deed.

WE feel less repugnance to believe that any other body is bound by obligation than our own. There is not a man here who does not say that Great-Britain is bound by Treaty. Bring it nearer home. Is the Senate bound? Just as much as the house and no more. Suppose the Senate, as part of the Treaty power, by ratifying a treaty on Monday, pledges the public faith to do a certain act. Then, in their ordinary capacity as a branch of the legislature, the Senate is called upon on Tuesday to perform that act, for example, an appropriation of money, is the Senate (so lately under obligation) now free to agree or disagree to the act? If the twenty ratifying Senators should rise up and avow this principle, saying, we struggle for liberty, we will not be cyphers, mere puppets, and give their votes accordingly, would not shame blister their tongues, would not infamy tingle in their ears---would not their country, which they had insulted and dishonored, though it should be si-

lent and forgiving, be a revolutionary tribunal, a rack on which their own reflections would stretch them?

THIS, sir, is a cause that would be dishonored and betrayed if I contented myself with appealing only to the understanding. It is too cold, and its processes are too slow for the occasion. I desire to thank God, that since he has given me an intellect so fallible, he has impressed upon me an instinct that is sure. On a question of shame and honor, reasoning is sometimes useless, and worse. I feel the decision in my pulse---if it throws no light upon the brain, it kindles a fire at the heart.

It is not easy to deny, it is impossible to doubt, that a Treaty imposes an obligation on the American nation. It would be childish to consider the President and Senate obliged, and the nation and house free. What is the obligation? Perfect or imperfect? If perfect, the debate is brought to a conclusion. If imperfect, how large a part of our faith is pawned? Is half our honor put at risk, and is that half too cheap to be redeemed? How long has this hair-splitting subdivision of good faith been discovered, and why has it escaped the researches of the writers on the law of nations? Shall we add a new chapter to that law, or insert this doctrine as a supplement to, or more properly a repeal of the ten commandments?

THE principles and the example of the British Parliament have been alledged to coincide with the doctrine of those who deny the obligation of the Treaty. I have not had the health to make very laborious researches into this subject, I will however sketch my view of it. Several instances have

been noticed, but the treaty of Utrecht is the only one that seems to be at all applicable. It has been answered that the conduct of Parliament in that celebrated example, affords no sanction to our refusal to carry the treaty into effect. The obligation of the Treaty of Utrecht has been understood to depend on the concurrence of Parliament, as a condition to its becoming of force. If that opinion should however appear incorrect, still the precedent proves, not that the Treaty of Utrecht wanted obligation, but that parliament disregarded it, a proof, not of the construction of the Treaty-making power, but of the violation of a National engagement. Admitting still further, that the Parliament claimed and exercised its power, not as a breach of faith, but as a matter of constitutional right, I reply that the analogy, between Parliament and Congress totally fails. The nature of the British Government may require and justify a course of proceeding in respect to Treaties, that is unwarrantable here.

THE British government is a mixed one. The king at the head of the army, of the hierarchy, with an ample civil list, hereditary, unresponsible, and possessing the prerogative of peace and war, may be properly observed with some jealousy, in respect to the exercise of the Treaty making power. It seems, and perhaps from a spirit of caution on this account, to be their doctrine, that Treaties bind the nation, but are not to be regarded by the courts of law until laws have been passed conformably to them. Our Constitution has expressly regulated the matter differently. The concurrence of Parliament is necessary to Treaties becoming laws in England, gentlemen say, and here the Senate, representing the States, must concur in

Treaties. The constitution, and the reason of the case make the concurrence of the Senate as effectual as the sanction of Parliament, and why not? the Senate is an elective body, and the approbation of a majority of the states affords the nation as ample security against the abuse of the Treaty making power as the British nation can enjoy in the controul of Parliament.

WHATEVER doubt there may be as to the parliamentary doctrine of the obligation of Treaties in Great Britain, (and perhaps there is some) there is none in their books, or their modern practice. Blackstone represents Treaties as of the highest obligation when ratified by the King—and for almost a century, there has been no instance of opposition by Parliament to this doctrine. Their Treaties have been uniformly carried into effect, although many have been ratified of a nature most obnoxious to party, and have produced a louder clamour than we have lately witnessed. The example of England, therefore, fairly examined, does not warrant—it dissuades us from a negative vote.

GENTLEMEN have said, with spirit, whatever the true doctrine of our Constitution may be, Great Britain has no right to complain or to dictate an interpretation. The sense of the American nation as to the Treaty power, is to be received by all foreign nations. This is very true as a maxim; but the fact is against those who vouch it. The sense of the American nation is NOT as the vote of the house has declared it. Our claim to some agency in giving force and obligation to Treaties, is beyond all kind of controversy NOVEL. The sense of the nation is probably against it. The sense of the Government certainly is. The Pre-

fidest denies it on constitutional grounds, and therefore cannot ever accede to our interpretation. The Senate ratified the Treaty and cannot without dishonour adopt it, as I have attempted to shew. Where then do they find the proof that this is the American sense of the Treaty making power which is to silence the murmurs of Great-Britain? Is it because a majority of two or three, or at the most, four or five of this house will reject the Treaty? Is it thus the sense of our nation is to be recognized? Our Government may thus be stopped in its movements—a struggle for power may thus commence, and the event of the conflict may decide who is the victor, and the quiet possessor of the Treaty power. But, at present, it is beyond all credibility, that our vote by a bare majority, should be believed to do any thing better than to embitter our divisions, and to tear up the settled foundations of our departments.

If the obligation of a Treaty be complete, I am aware that cases sometimes exist which will justify a nation in refusing a compliance. *Are our liberties, gentlemen demand, to be bartered away by a Treaty, and is there no remedy?* There is. Extremes are not to be supposed, but when they happen, they make the law for themselves. No such extreme can be pretended in this instance, and if it existed, the authority it would confer to throw off the obligation, would rest where the obligation itself resides—in the nation. This house is not the nation—it is not the whole delegated authority of the nation. Being only a part of that authority, its right to act for the whole society obviously depends on the concurrence of the other two branches. If they refuse to concur, a Treaty once made remains of full force, although a

breach on the part of the foreign nation would confer upon our own a right to forbear the execution. I repeat it, even in that case the act of this house cannot be admitted as the act of the nation, and if the President and Senate should not concur, the Treaty would be obligatory.

I PUT a case that will not fail to produce conviction. Our Treaty with France engages that free bottoms shall make free goods, and how has it been kept? As such engagements will ever be in time of war. France has set it aside, and pleads imperious necessity. We have no navy to enforce the observance of such articles, and paper barriers are weak against the violence of those who are on the scramble for enemy's goods on the high seas. The breach of any article of the treaty by one nation gives an undoubted right to the other to renounce the whole treaty. But has one branch of the government that right, or must it reside with the whole authority of the nation? What if the Senate should resolve that the French Treaty is broken, and therefore null and of no effect. The answer is obvious, you would deny their sole authority. That branch of the legislature has equal power in this regard with the House of Representatives. One branch alone cannot express the will of the nation.

A RIGHT to annul a Treaty, because a foreign nation has broken its articles, is only like the case of a sufficient cause to repeal a law. In both cases, the branches of our government must concur in the orderly way, or the law and the Treaty will remain.

THE very cases supposed by my adversaries in this argument, conclude against themselves. They will persist in confounding ideas that should be

kept distinct, they will suppose that the House of Representatives has *no* power, unless it has *all* power. The house is nothing if it be not the whole government--the nation.

ON every hypothesis therefore, the conclusion is not to be resisted, we are either to execute this treaty, or break our faith.

To expatiate on the value of public faith may pass with some men for declamation---to such men I have nothing to say. To others I will urge, can any circumstance mark upon a people more turpitude and debasement? Can any thing tend more to make men think themselves mean, or degrade to a lower point their estimation of virtue and their standard of action?

It would not merely demoralise mankind, it tends to break all the ligaments of society, to dissolve that mysterious charm which attracts individuals to the nation, and to inspire in its stead a repulsive sense of shame and disgust.

WHAT is patriotism? Is it a narrow affection for the spot where a man was born? Are the very clods where we tread entitled to this ardent preference because they are greener? No, sir, this is not the character of the virtue, and it soars higher for its object. It is an extended self-love, mingling with all the enjoyments of life and twisting itself with the minutest filaments of the heart. It is thus we obey the laws of society, because they are the laws of virtue. In their authority we see, not the array of force and terror, but the venerable image of our country's honor. Every good citizen makes that honor his own, and cherishes it not only as precious, but as sacred. He is willing to risk his life in its defence, and is conscious that he gains protection while he gives it. For

what rights of a citizen will be deemed inviolable when a state renounces the principles that constitute their security? Or, if his life should not be invaded, what would its enjoyments be in a country odious in the eyes of strangers, and dishonored in his own? Could he look with affection and veneration to such a country as his parent?—The sense of having one would die within him; he would blush for his patriotism, if he retained any, and justly, for it would be a vice. He would be a banished man in his native land.

I SEE no exception to the respect that is paid among nations to the law of good faith. If there are cases in this enlightened period when it is violated, there are none when it is decried. It is the philosophy of politics, the religion of governments. It is observed by barbarians—a whiff of tobacco smoke, or a string of beads, gives not merely binding force, but sanctify to Treaties. Even in Algiers, a truce may be bought for money, but when ratified, even Algiers is too wise or too just to disown and annul its obligation. Thus we see neither the ignorance of savages, nor the principles of an association for piracy and rapine, permit a nation to despise its engagements. If, sir, there could be a resurrection from the foot of the gallows, if the victims of justice could live again, collect together and form a society, they would, however loath, soon find themselves obliged to make justice, that justice under which they fell, the fundamental law of their state. They would perceive it was their interest to make others respect, and they would therefore soon pay some respect themselves to the obligations of good faith.

It is painful, I hope it is superfluous, to make even the supposition that America should furnish

the occasion of this opprobrium. No, let me not even imaginethat a republican government sprung, as our own is, from a people enlightened and uncorrupted, a government whose origin is right, and whose daily discipline is duty, can, upon solemn debate, make its option to be faithless—can dare to act what despots dare not avow, what our own example evinces the states of Barbary are unsuspected of. No, let me rather make the supposition that Great Britain refuses to execute the treaty, after we have done every thing to carry it into effect. Is there any language of reproach pungent enough to express your commentary on the fact? What would you say, or rather what would you not say? Would you not tell them, wherever an Englishman might travel shame would stick to him—he would disown his country. You would exclaim, England, proud of your wealth, and arrogant in the possession of power—blush for these distinctions, which become the vehicles of your dishonor. Such a nation might truly say, to corruption, Thou art my father, and to the worm, Thou art my mother and my sister. We should say of such a race of men, their name is a heavier burden than their debt.

I CAN scarcely persuade myself to believe that the consideration I have suggested requires the aid of any auxiliary. But, unfortunately, auxiliary arguments are at hand. Five millions of dollars, and probably more, on the score of spoliations committed on our commerce, depend upon the treaty.—The treaty offers the only prospect of indemnity. Such redress is promised as the merchants place some confidence in. Will you interpose and frustrate that hope? Leaving to many families nothing but beggary and despair. It is a smooth proceeding to take a vote in this body—it takes less than

half an hour to call the yeas and nays, and reject the treaty. But what is the effect of it? What but this; the very men, formerly so loud for redress, such fierce champions that even to ask for justice was too mean, and too slow, now turn their capricious fury upon the sufferers—and say, by their vote, to them and their families, No longer eat bread; petitioners go home and starve, we cannot satisfy your wrongs, and our resentments.

WILL you pay the sufferers out of the Treasury? No. The answer was given two years ago, and appears on our journals. Will you give them letters of marque and reprisal to pay themselves by force? No. That is war. Besides, it would be an opportunity for those who have already lost much, to lose more. Will you go to war to avenge their injury? If you do, the war will leave you no money to indemnify them. If it should be unsuccessful, you will aggravate existing evils—If successful, your enemy will have no treasure left to give our merchants, the first losses will be confounded with much greater, and be forgotten. At the end of a war there must be a negotiation, which is the very point we have already gained, and why relinquish it? And who will be confident that the terms of the negotiation after a desolating war, would be more acceptable to another House of Representatives than the treaty before us? Members and opinions may be so changed, that the treaty would then be rejected for being what the present majority say it should be. Whether we shall go on making treaties and refusing to execute them, I know not. Of this I am certain, it will be very difficult to exercise the treaty making power on the new principle with much reputation or advantage to the country.

THE refusal of the posts (inevitable if we reject

the treaty) is a measure too decisive in its nature to be neutral in its consequences. From great causes we are to look for great effects. A plain and obvious one will be, the price of the western lands will fall. Settlers will not chuse to fix their habitation on a field of battle. Those who talk so much of the interest of the United States should calculate how deeply it will be affected by rejecting the treaty—how vast a tract of wild land will almost cease to be property. This loss, let it be observed, will fall upon a fund expressly devoted to sink the national debt. What then are we called upon to do? However the form of the vote and the protestations of many may disguise the proceeding, our resolution is in substance, and it deserves to wear the title of a resolution to prevent the sale of the western lands and the discharge of the public debt.

WILL the tendency to Indian hostilities be contested by any one? Experience gives the answer. The frontiers were scourged with war until the negotiation with Great-Britain was far advanced, and then the state of hostility ceased. Perhaps the public agents of both nations are innocent of fomenting the Indian war, and perhaps they are not. We ought not however to expect that neighbouring nations, highly irritated against each other, will neglect the friendship of the savages, the traders will gain an influence and will abuse it—and who is ignorant that their passions are easily raised and hardly restrained from violence? Their situation will oblige them to chuse between this country and Great-Britain, in case the Treaty should be rejected. They will not be our friends and at the same time the friends of our enemies.

BUT am I reduced to the necessity of proving this point? Certainly the very men who charged

the Indian war on the detention of the Posts, will call for no other proof than the recital of their own speeches. It is remembered with what emphasis, with what acrimony, they expatiated on the burden of taxes, and the drain of blood and treasure into the western country, in consequence of Britain's holding the Posts. Until the Posts are restored, they exclaimed, the Treasury and the frontiers must bleed.

IF any, against all these proofs, should maintain that the peace with the Indians will be stable without the Posts, to them I will urge another reply. From arguments calculated to produce conviction, I will appeal directly to the hearts of those who hear me, and ask whether it is not already planted there? I resort especially to the convictions of the Western gentlemen, whether, supposing no Posts and no Treaty, the settlers will remain in security? Can they take it upon them to say, that an Indian peace, under these circumstances, will prove firm? No, sir, it will not be peace but a sword; it will be no better than a lure to draw victims within the reach of the tomahawk.

ON this theme, my emotions are unutterable: If I could find words for them, if my powers bore any proportion to my zeal, I would swell my voice to such a note of remonstrance, it should reach every loghouse beyond the mountains. I would say to the inhabitants, wake from your false security. Your cruel dangers, your more cruel apprehensions are soon to be renewed: The wounds, yet unhealed, are to be torn open again. In the day time, your path through the woods will be ambushed. The darkness of midnight will glitter with the blaze of your dwellings. You are a father—the blood of your sons shall fatten your

corn-field. You are a mother—the war hoop shall wake the sleep of the cradle.

ON this subject you need not suspect any deception on your feelings. It is a spectacle of horror which cannot be overdrawn. If you have nature in your hearts, they will speak a language compared with which all I have said or can say, will be poor and frigid.

WILL it be whispered that the treaty has made me a new champion for the protection of the frontiers? It is known that my voice as well as vote have been uniformly given in conformity with the ideas I have expressed. Protection is the right of the frontiers; it is our duty to give it.

WHO will accuse me of wandering out of the subject? Who will say that I exaggerate the tendencies of our measures? will any one answer by a sneer, that all this is idle preaching? Will any one deny that we are bound, and I would hope to good purpose, by the most solemn sanctions of duty for the vote we give? Are despots alone to be reproached for unfeeling indifference to the tears and blood of their subjects? Are republicans unresponsible? Have the principles on which you ground the reproach upon cabinets and kings no practical influence, no binding force?—Are they merely themes of idle declamation, introduced to decorate the morality of a newspaper essay, or to furnish pretty topics of harrangue from the windows of that state house? I trust it is neither too presumptuous nor too late to ask, Can you put the dearest interest of society at risk without guilt, and without remorse?

IT is vain to offer as an excuse, that public men are not to be reproached for the evils that may

happen to ensue from their measures. This is very true, where they are unforeseen or inevitable. Those I have depicted are not unforeseen; they are so far from inevitable, we are going to bring them into being by our vote. We chuse the consequences, and become as justly answerable for them as for the measure that we know will produce them.

By rejecting the Posts, we light the savage fires, we bind the victims. This day we undertake to render account to the widows and orphans whom our decision will make, to the wretches that will be roasted at the stake, to our country, and I do not deem it too serious to say, to conscience and to God. We are answerable—and if duty be any thing more than a word of imposture, if conscience be not a bugbear, we are preparing to make ourselves as wretched as our country.

THERE is no mistake in this case, there can be none. Experience has already been the prophet of events, and the cries of our future victims have already reached us. The western inhabitants are not a silent and uncomplaining sacrifice. The voice of humanity issues from the shade of the wilderness. It exclaims, that while one hand is held up to reject this treaty, the other grasps a tomahawk. It summons our imagination to the scenes that will open. It is no great effort of the imagination to conceive that events so near are already begun. I can fancy that I listen to the yells of savage vengeance and the shrieks of torture. Already they seem to sigh in the west wind—already they mingle with every echo from the mountains.

IT is not the part of prudence to be inattentive to the tendencies of measures. Where there is any ground to fear that these will be pernicious, wisdom

and duty forbid that we should underate them.— If we reject the treaty, will our peace be as safe as if we execute it with good faith? I do honor to the intrepid spirit of those who say it will. It was formerly understood to constitute the excellence of a man's faith to believe without evidence and against it.

BUT, as opinions on this article are changed, and we are called to act for our country, it becomes us to explore the dangers that will attend its peace, and to avoid them if we can.

FEW of us here, and fewer still in proportion of our constituents, will doubt that, by rejecting, all those dangers will be aggravated.

THE idea of war is treated as a bugbear. This levity is at least unseasonable, and most of all unbecoming some who resort to it.

WHO has forgotten the philippics of 1794? The cry then was reparation—no Envoy—no Treaty—no tedious delays. Now it seems the passion subsides, or at least the hurry to satisfy it. Great-Britain, say they, will not wage war upon us.

IN 1794, it was urged by those who now say, no war, that if we built frigates, or resisted the piracies of Algiers, we could not expect peace. Now they give excellent comfort truly. Great-Britain has seized our vessels and cargoes to the amount of millions; she holds the posts; she interrupts our trade, say they, as a neutral nation; and these gentlemen, formerly so fierce for redress, assure us, in terms of the sweetest consolation, Great-Britain will bear all this patiently. But let me ask the late champions of our rights, will our nation bear it? Let others exult because the aggressor will let our wrongs sleep forever. Will it add, it is my duty to ask, to the patience and quiet of our citizens to

see their rights abandoned? Will not the disappointment of their hopes, so long patronised by the government, now in the crisis of their being realized, convert all their passions into fury and despair?

ARE the Posts to remain forever in the possession of Great-Britain? Let those who reject them, when the Treaty offers them to our hands, say, if they chuse, they are of no importance. If they are, will they take them by force? The argument I am urging would then come to a point. To use force is war. To talk of Treaty again is too absurd. Posts and redress must come from voluntary good will, Treaty or war.

The conclusion is plain, if the state of peace shall continue, so will the British possession of the posts.

Look again at this state of things: On the sea coast, vast losses uncompensated; on the frontier, Indian war, actual encroachment on our territory. Every where discontent, resentments tenfold more fierce because they will be impotent and humbled. National discord and abasement.

THE disputes of the old treaty of 1783, being left to rankle, will revive the almost extinguished animosities of that period. Wars in all countries, and most of all in such as are free, arise from the impetuosity of the public feelings. The despotism of Turkey is often obliged by clamour to unsheathe the sword. War might perhaps be delayed, but could not be prevented. The causes of it would remain, would be aggravated, would be multiplied, and soon become intolerable. More captures, more impressments would swell the list of our wrongs; and the current of our rage. I make no calculation of the arts of those whose employment it has been, on former occasions, to fan the fire. I say nothing of the foreign money and emissaries that might foment the spirit of hostility, because the state

of things will naturally run to violence. With less than their former exertion, they would be successful.

WILL our government be able to temper and restrain the turbulence of such a crisis? The government, alas, will be in no capacity to govern. A divided people, and divided councils! Shall we cherish the spirit of peace, or shew the energies of war? Shall we make our adversary afraid of our strength, or dispose him, by the measures of resentment and broken faith, to respect our rights? Do gentlemen rely on the state of peace because both nations will be worse disposed to keep it? Because injuries, and insults still harder to endure, will be mutually offered.

SUCH a state of things will exist, if we should long avoid war, as will be worse than war. Peace without security, accumulation of injury without redress, or the hope of it, resentment against the aggressor, contempt for ourselves, intestine discord, and anarchy. Worse than this need not be apprehended, for if worse could happen, anarchy would bring it. Is this the peace gentlemen undertake, with such fearless confidence, to maintain? Is this the station of American dignity which the high-spirited champions of our national independence and honor could endure—nay, which they are anxious and almost violent to seize for the country? What is there in the treaty that could humble us so low? Are they the men to swallow their resentments, who so lately were choaking with them? If in the case contemplated by them, it should be peace, I do not hesitate to declare it ought not to be peace.

Is there any thing in the prospect of the interior state of the country to encourage us to aggravate the dangers of a war? Would not the shock of that evil produce another, and shake down the feeble and then unbraced structure of our government? Is this a chimera? Is it going off the

ground of matter of fact to say, the rejection of the appropriation proceeds upon the doctrine of a civil war of the departments? Two branches have ratified a treaty, and we are going to set it aside. How is this disorder in the machine to be rectified? While it exists, its movements must stop, and when we talk of a remedy, is that any other than the formidable one of a revolutionary interposition of the people? And is this, in the judgment even of my opposers, to execute, to preserve the Constitution, and the public order? Is this the state of hazard, if not of convulsion, which they can have the courage to contemplate and to brave, or beyond which their penetration can reach and see the issue? They seem to believe, and they act as if they believed, that our union, our peace, our liberty are invulnerable and immortal—as if our happy state was not to be disturbed by our dissensions, and that we are not capable of falling from it by our unworthiness.--- Some of them have no doubt better nerves and better discernment than mine. They can see the bright aspects and happy consequences of all this array of horrors. They can see intestine discords, our government disorganized, our wrongs aggravated, multiplied and unredressed, peace with dishonor, or war without justice, union or resources in “the calm lights of mild philosophy.”

BUT whatever they may anticipate as the next measure of prudence and safety, they have explained nothing to the house. After rejecting the treaty, what is to be the next step? They must have foreseen what ought to be done, they have doubtless resolved what to propose. Why then are they silent? Dare they not avow their plan of conduct, or do they wait until our progress towards confusion shall guide them in forming it?

LET me cheer the mind, weary no doubt and ready to despond on this prospect, by presenting another which it is yet in our power to realize. Is it possible for a real American to look at the prosperity of this country without some desire for its continuance, without some respect for the measures which, many will say, produced, and all will confess have preserved it? Will he not feel some dread that a change of system will reverse the scene? The well grounded fears of our citizens in 1794, were removed by the treaty, but are not forgotten. Then they deemed war nearly inevitable, and would not this adjustment have been considered at that day as a happy escape from the calamity? The great interest and the general desire of our people was to enjoy the advantages of neutrality. This instrument, however misrepresented, affords America that inestimable security. The causes of our disputes are either cut up by the roots, or referred to a new negociation, after the end of the European war. This was gaining every thing, because it confirmed our neutrality, by which our citizens are gaining every thing. This alone would justify the engagements of the government. For, when the fiery vapors of the war lowered in the skirts of our horizon, all our wishes were centered in this one, that we might escape the desolation of the storm. This treaty, like a rainbow on the edge of the cloud, marked to our eyes the space where it was raging, and afforded at the same time the sure prognostic of fair weather. If we reject it, the vivid colours will grow pale, it will be a baleful meteor portending tempest and war.

LET us not hesitate then to agree to the appropriation to carry it into faithful execution. Thus we shall save the faith of our nation, secure its

peace, and diffuse the spirit of confidence and enterprise that will augment its prosperity. The progress of wealth and improvement is wonderful and some will think, too rapid. The field for exertion is fruitful and vast, and if peace and good government should be preserved, the acquisitions of our citizens are not so pleasing as the proofs of their industry, as the instruments of their future success. The rewards of exertion go to augment its power. Profit is every hour becoming capital. The vast crop of our neutrality is all seed wheat, and is sown again to swell, almost beyond calculation, the future harvest of prosperity. And in this progress what seems to be fiction is found to fall short of experience.

I ROSE to speak under impressions that I would have resisted if I could. Those who see me will believe that the reduced state of my health has unfitted me, almost equally, for much exertion of body or mind. Unprepared for debate by careful reflection in my retirement, or by long attention here, I thought the resolution I had taken to sit silent was imposed by necessity, and would cost me no effort to maintain. With a mind thus vacant of ideas, and sinking, as I really am, under a sense of weakness, I imagined the very desire of speaking was extinguished by the persuasion that I had nothing to say. Yet when I come to the moment of deciding the vote, I start back with dread from the edge of the pit into which we are plunging. In my view, even the minutes I have spent in expostulation have their value, because they protract the crisis, and the short period in which alone we may resolve to escape it.

I HAVE thus been led by my feelings to speak more at length than I had intended. Yet I have

perhaps as little personal interest in the event as any one here. There is, I believe, no member who will not think his chance to be a witness of the consequences greater than mine. If however the vote should pass to reject, and a spirit should rise, as it will, with the public disorders to make confusion worse confounded, even I, slender and almost broken as my hold upon life is, may outlive the government and constitution of my country.

