It was said that our ministers were suppliants at a foreign court, our government must place an efficient instrument in their hands; and a coersive system of policy is recommended, with a direct allusion to the enaction of the non-importation law before the rising of the Congress then in session.

We are told too that a principal cause of our embarrassments is the rejection of the treaty concluded by our ministers in London on the 31st December 1806. This assertion has been made here, sir, with such earnestness that it requires examination. The treaty which has been rejected by our government has been eulogised, and a month's discussion of it has been challenged; not it is true, wholly on its intrinsic worth, or positive merits, but because the *circumstances* also under which it was concluded made its provisions proper, and its adoption necessary. The treaty of 1794 commonly Jay's treaty, I understood the gentleman also to say, would under the existing circumstances of December, 1806, have been proper for our adoption. This was indeed, sir, a necessary preface to his defence of the rejected treaty, for it is certainly susceptible of easy demonstration, that it is in its features and provisions far more objectionable and defective than the treaty of 1794, and whether we take it on the ground of peculiarity in the *circumstances* of the contracting parties, or on its intrinsic merits it has less claim to our assent.

In the first place let us examine the *circumstances* under which those two treaties were made, and then compare their respective provisions: From the retrospect I am at this time able to take of our situations at those different periods, I cannot hesitate to believe, that the circumstances under which the treaty of 1794 was made, were more unfavorable for negociation on the part of the U. S. at that time, both as they respected England and America, than they were in December 1806. As they respected England, her situation was at the former period infinitely more commanding—By her combinations with the great powers of Europe, as early as 1792, or perhaps antecedent to that year, she was perfectly secure against any annoyance from France her only enemy in 1794. The treaties of Pavia and Pilnitz, to which it is believed England early in 1792 acceded, and which certainly laid the ground work of the conventions and coalitions of spring, 1793, had produced the effect of uniting in concert with her against France the powers of Russia, Germany, Prussia, Spain, Portugal, and many of the minor states of Europe. England then felt no apprehensions for her own safety, none for the abridgement of her commerce, and seemed to be but little sensible to her interests in cultivating a good understanding with America: her single enemy was confined to his own territories, and threatened even with famine. The U. S. in 1794, had not long commenced their existence as a nation, and their new government might be said to be scarcely more than in a state of experiment. The debts which had been created by the revolutionary war, we had undertaken the honorable discharge of, and we were then laboring under the immense load: our resources were comparatively small, our embarrassments great, our burthens by no means in a course of alleviation, and our situation totally defenceless: the savages who bordered on our frontiers were numerous, strong, and fierce, and our armies had but recently suffered a dreadful carnage and terrible defeat; we were destitute of manufactories which could supply us with arms, or the means of filling our arsenals: a civilized nation of Europe, then great and powerful, bordered her colonies on our southern frontier, and disputed with us the navigation of our rivers. Sir, if *circumstances* could ever sanction a dereliction of right, and a compromitment of interest, those circumstances then might be said to exist. Then indeed there might have been a semblance of apology, in our infant and crippled state, for leaning in some measure on the strength of a nation which was supposed to stand firm. I confess, sir, I would rather even at that time have had no treaty, than such a one as was then made; it has set at least a bad example. But what was our situation in December 1806; adverting again to circumstances, which are made the test in this case, when the treaty since rejected was signed in London? Our strength and population encreased to a most envious and flattering degree; our foreign debts discharged, and our domestic one, which we had honorably assumed the payment of, reduced—our credit established at home and abroad, our treasury overflowing, and our resources flourishing; manufactories of arms, were every where reared, and had furnished the nation with the best means of defence; the savages on our frontiers were subdued, or civilized; our southern frontier was extended and had grown strong: England, instead of her prosperity and powerful combinations of 1793, was left almost single handed. The subordinate powers of Europe had become a part of France, the great nations were either under her control, or struggling in the last efforts of disastrous conflict; France instead of being confined to the defence of her own dominion, was carrying on offensive war, and England had been made to tremble for her own existence. What then are the circumstances alleged, to palliate the evils of such a treaty as was offered us? Was England about to be suddenly relieved in an instant from her embarrassments and burthens? How? We are told indeed, that France had pushed her conquests too far, that her Emperor had so far streched his arm of conquest, as to leave himself exposed to the most eminent danger at home; was it therefore, that England elevated her hopes, and carried her demands? Stuff, sir, fit only for the cook-shops and coffee-houses of London, I should never have expected it to find its way into the semi-official letter which has been read to us, from a character who has deservedly stood high in the rank of politicians. But our own internal situation threatened with conspiracy, the extent and magnitude of which was unknown, was another reason it has been suggested for hastening the execution of this treaty. How in Decem. 1806, accounts so alarming could have reached England of the extent of Burr's conspiracy, I cannot but be at a loss to conjecture. The alarm at that time here was not I believe very serious, not such however as would have been a reason with any man in this country, to have thrown ourselves into the lap of a foreign nation, or to have made a treaty which compromitted our rights, and left our interests unprovided for. I must say I think too much alarm was felt on this subject, and that it would at least have been as honorable a sentiment towards the people and government of America, to have entertained an entire confidence in them, that without any great or dangerous effort they were capable of quelling the conspiracies which might be engendered against their peace; I assert that independent of circumstances which I have endeavored to shew were more unfavorable as they regarded the U. S. and far more favorable as they regarded England in 1794, than in December 1806, the treaty of the latter date is worse than that of the former. The former did provide redress in some sort for previous injuries. That of the latter date contains no provisions for any kind of redress or compensation, which was due to us, for the very many spoliations which had been committed on our commerce—it offers no alleviation to the evils of the former—is silent as to the injuries and insults which we had sustained in our waters; totally, sir, although these were subjects of special instruction from our government, & although we were told by our embassy, that a treaty was concluded on the different points of commercial interest. Was it forgotten, sir, to what an immense amount America had suffered under the different orders of the king in council, even from the very date of the former agreement for reparation? Were not our losses under the orders particularly of 1798, which gave rise to so much of the havoc our neutral commerce had groaned under, and which placed the nations of Europe in a better situation than the U. S. in the conveyance of colonial produce, known to our ministers? It must have been recollected, for it was enforced in their instructions, how our vessels had been incessantly sent into the ports of Britain and her colonies for adjudication, the unjust condemnations which had taken place, under the construction of those orders. It must have been recollected how far in the first instance the orders themselves had gone towards the subversion of the laws of nations. The time was indeed, when a great jurist, lord Mansfield, had declared, that neither the orders of the king in council, or even an act of Parliament which contravened the law of nations was binding on any one; this was said in the case of the Silesia loan, but those days were past. Sir William Scott has since told us, that the text of the instructions are his guide, and king George the third, is thus by his single voice to make and expound the law, which is adjudged to be paramount in modern times to the laws of nations: the adjudications, it is a well known fact, have been in conformity to the royal will, stimulated alone by the shipping interests of England: principles of adjudication have been established in the British courts of admiralty, which had on the most unjust pretensions wrested from our citizens many millions of their property. Why by this treaty give up our claims to reparation, as they were most emphatically, by signing a treaty which yielded no redress for them while the claims were still unsatisfied; by making a compact which wholly pretermitted them? It is said, sir, that the disputes respecting the colonial trade are adjusted by this treaty. How, by agreeing to a duty on exports? Where was our constitution now so strongly pressed in discussion when this stipulation was made, when it was solemnly covenanted, that we should directly invade one of its provisions by laying an *export duty*? And that, in addition to the deduction on drawbacks allowed by law an export duty of one, two or three per cent. should be imposed on colonial articles? Why make the extraordinary and vain stipulation too, contained in the fifth article, that we should have a right to lay the same export duty, which England should have a right to impose, if we could lay none by our constitution?

The subject of blockades also, sir, was one, on which some stipulation was made absolutely necessary, by the novel doctrines lately asserted, and insisted on by the nations of Europe; it was important that their extent should in some way have been defined, their nature described, when a blockade should be said to exist, and that it should not be a question left entirely to the discretion, or interest of a belligerent, or the caprice of her officers: this single question had already led us at different times to the very brink of war with England. In June 1793, she asserted all France to be in a state of blockade, and ordered our vessels to be captured which should attempt to enter any of her ports with our produce. France had in May of the same year issued an inhibitory order against our trade, of a nature but little less hostile in consequence as it was said, of the Russian convention made in London, I think in March of the same year. In the fall of 1793, the British had issued secret orders on the same principle of blockade which entrapped our West-India commerce, to an immense amount, before they were known by us to be in existence; this it was said was a principal reason for the proposition contained in a bill for prohibiting all intercourse with England which had in the early part of 1794 received the sanction of the House of Representatives, and was rejected in the Senate but by the majority of one vote, and which was succeeded by Mr. Jay's mission. To the same class too, may be assigned the British orders of May 1795, against our vessels laden with provisions which brought President Washington to a stand on the British treaty, and caused him, it is said, to demand a previous explanation, which was at that time I presume, satisfactorily made, but which has been since in innumerable instances violated, and the same vague and undefined principles of blockade enforced, at one time by declaring a blockade to exist, from Brest to the river Elbe, at others by proclamations of blockade equally extravagant, and more than once by the declaration of the British naval commanders, that a whole kingdom should be cut off at stroke of the pen, from all the trade of neutral nations—but, sir, if the general and extensive evils which the new doctrine of blockades had superinduced, were not of sufficient importance to claim a stipulation against their exercise in future, there was one species of injury which seemed really to merit, and to claim indispensably, some notice either by redress or stipulation against its future practice. I know not how to class it; it may be assimilated to a modern blockade, inasmuch, as it assumes a jurisdiction wholly ideal; I mean that which was a particular subject of complaint, from the assumption made of a right by a British naval officer in the port of New-York in claiming jurisdiction, and the exercise of the right of impressment, and of course every one less inimical to natural right, within the distance of the buoys from his ship. To this assertion of authority I see no disclaimer in this applauded treaty, or any hint at redress for the injury inflicted by the particular occasion on which it was exercised: if this new claim of naval sovereignty is insisted on or thus tacitly permitted, it is time it should be so understood; for with the same propriety which the British commander in New-York claimed jurisdiction within his buoys, another might claim British jurisdiction from Boston to Charleston, if he could so far stretch a cable.

I come now, sir, to say something on the question of impressments wholly omitted in the treaty, and which the gentleman from Virginia has said was informally and satisfactorily arranged by the note of the British commissioners on that subject. He has said that their note contained a stipulation, "that they would order their naval commanders to *abstain from the practice* of impressments on board American vessels." I confess I was astonished at the declaration. It is true the printed document has not been furnished till just now—I presume the note of the 8th of Nov. 1806, to have been alluded to, because something like the same defence on this subject has been used by one of the American commissioners in his late letter to the secretary of state, (although indeed until I heard that defence read, I had not understood that any improper dereliction of the American interests had been imputed to our ministers, I had always understood, and except in the letter alluded to, and the arguments of the gentleman I have yet understood from every source of information open to me, that it was not expected by our ministers that the treaty could be ratified by the American government, but that it was the best they could obtain;) I could not think the quotation of the gentleman correct as to the language of that note. I mentioned then, sir, to those who sat near me, that I had understood it to convey no promise to *abstain from the practice* of impressment, but a vague and unsatisfactory declaration, that the British naval commanders, should be instructed to use *caution* in the impressments they made; as it was said they had been always before instructed; by that means, sir, placing ourselves, if we chose to recognise this informal stipulation, in a worse situation, than before, inasmuch as it was an unequivocal acknowledgement of the right of impressment, when exercised under the *caution* of a British officer: and what, sir, is the language of this same note of November 8th—we have it now before us. "His majesty's ministers give to Mr. Monroe and Mr. Pinckney the most positive assurances, that instructions have been given and shall be repeated and enforced for the observance of the greatest *caution* in the impressing of British seamen and that the strictest care shall be taken, to preserve the citizens of the U. S. from any molestation or injury; and that immediate and prompt redress shall be afforded upon any representation of injury sustained by them." How, sir, let me ask, have those officers conducted themselves under these repeated instructions? To say nothing of the continued violations committed on our merchant vessels, we have indeed had a most notable example of the extreme *caution* which her naval officers had no doubt been instructed, and were determined to observe, in their mode of impressments, in that excessively *cautious* plan adopted by admiral Berkeley, to effect his honorable and loyal purposes, in the memorable attack upon the Chesapeake. Then, sir, I must admit, that in pursuance of what I now believe, were his orders, the most cool and deliberate *caution* was used. Our frigate on an outward voyage, on the day she left her port, in the usual unprepared state, in which I am told vessels of war sail in times of peace, is with the *utmost caution* pursued by a British ship of superior force, in sight of several others. The American frigate is overtaken; her men, proved to be American citizens, are demanded of her, as of right being the subjects of the king. They are refused, and indeed, sir, I must acknowledge, with *peculiar caution*, before it was possible for our frigate to prepare for action and the defence of the honor of her flag, the British commander fires three broad sides into her, and commits the murder of fifteen or twenty other American citizens, and no doubt most *cautiously* compels the United States frigate to strike her colours, goes on board, and takes off three of the native citizens of our country, none of whom have to this day been returned! !

But, sir, if this treaty, with its appendages, had contained in it provisions and stipulations which were responsive to our injuries, and which comported with our rights, is there a man in this nation, who consults the dignity and honor of his country, who could have wished its assent to it, subject to the condition dictated by the king of England, and transmitted by a note of the British commissioners annexed to it? The gentleman from Virginia has spoken of the insult conveyed by the letter of Champagny of the 15th of January, 1808, to our minister in Paris; its terms have been gramatically scanned. Sir, there was no need for this; we are at no loss for subjects of humiliation and insult, whether we look to France or to England. As early as 1793, attempts of the most unjustifiable nature were made to involve us in war by both these powers. Lord Grenville so early as that time, expressly told our minister, without disguise, that the British orders of November in that year were intended to have an internal effect upon the affairs of this country; such has ever since been the conduct of the belligerents, constantly and undeviatingly pursued in the most disrespectful manner towards us, such was certainly the object of the British cabinet, in annexing the note of the 31st of December, 1806, to the treaty of that date, and certainly sir, if a direct attempt to force us into war, is considered an insult to our independence, and an encroachment upon our rights of self government—such was the language of that note, which in open and unreserved terms, made it an indispensable condition to the ratification of the treaty, "that the government of the United States, by its conduct or assurances, *will have given security to his majesty*, that it will not submit so such innovations in the established system of maritime law,"—as the French decree therein alluded to contained. His majesty thus most graciously taking upon himself the right of determining for us what course of conduct we should pursue towards his enemy. I do not say, sir, that the letter of Champagny, which has been repeatedly mentioned, with such asperity by the gentleman, is such an one as consists with the respect due to us; by some gentlemen its language has been construed to mean a proposition, originating in a disposition of friendship, and to convey nothing more than an offer, founded on a supposition of the actual existence of war between Great Britain and the United States, and in that event, to take care of such of our property as should be exposed to capture, until there should be an opportunity of restoration; but to me, sir, I confess the language is not satisfactory; we have a right to expect from all nations something more, or something less than equivocal language. Our government speaks in terms of friendship, and in the plain language which neither conveys a doubt as to its hostility or friendship; we have a right to expect the same frankness in others. But why, sir, should gentlemen who profess to feel, and I hope do feel only as Americans, suffer their sensibilities to transport them to battle with the Gallic Cock, while under heavier insults they seem disposed to succumb to the British Lion. Why is the letter of the British minister of the 23d of February wholly forgotten, when we are undergoing the humiliating revisal of insults and threats? Is it less awakening to our national sensibility, and to the alarms of honor or interest, to be told, as we are by that letter, that his majesty the king of England, is disappointed in his *just* expectations, that we should have gone to war with France, than to be told through our minister at the court of France, that the emperor of that nation expected we were at war with England. If insult was intended by either, it seems to have been measured by the same equal standard with which they have by their hostile orders measured their injuries to our commerce; perfectly in the spirit of retaliation, sir.

My astonishment, sir, has indeed been excited more than on any former occasion, when I have heard a gentleman condemn our government for the rejection of a treaty, which provided no redress for former injuries, no security against future ones, and which by the conditions annexed to it, would have infallibly, by stipulating resistance against a belligerent, directly have involved us in war; and that not a war of self defence, but a war of alliance with one of the powers, for the purpose of resistance and offence against the other. War, sir, I hope will be avoided, notwithstanding the bold attempts made to involve us in it, and which have been so steadily pursued by the contending nations. It will I hope be avoided, unless our self-defence shall render it indispensably necessary. Attack or invasion from France cannot be rationally contemplated. War with England we must all agree, rests on more uncertain grounds; if any thing will prevent it, I believe it to be the course pursued by our government. The resolution under discussion explicitly avows the terms on which we will consent again to renew our intercourse with Europe. If Great Britain is induced to relax, France must and will pursue the same policy. I think, sir, we have a right to believe from the best information from England that this relaxation will take place. I am aware of that disposition in the ruling party in England to go to war with us. I have no right to doubt the truth of the declarations of Mr. Monroe, that there is a party in that country *strong and active* indeed, as he has described it to be, who are disposed to hostility with us, and who are at all hazards determined to support the maritime supremacy of Great Britain—they are described to be the navy interest, the East India chartered companies, the West India traders, and the shipping interest—