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HOUSE OF REPRESENTATIVES.

Thursday, June 1.

DEBATE

On Mr. Randolph's motion for approving the late conduct of the President of the U. States.—Continued.

Mr. GARDENIER said, that having been several times who had assisted to the elevation of the present Chief Magistrate as one of the most calamitous events to this country that could take place, he rose to make that amendment which was in his power for that error. Yes, sir, said Mr. G.) this is the error which I honestly expected so much had truth is bearing fruit of gladness & rejoicing in our country. I am sorry by willing last, take pleasure in making this avowal. The first impression at the Chief Magistrate of the U. S. is one, which, while it calls for the confidence of the people, demands no less the expression of it by this House. Being of the old school, sir, I am not accustomed to very much lightened at the speech—not from the throne; thank God we have none, and I hope we shall not be whelmed over but by the idea of the terrors which we carried in the countenance of the Executive magistrate. If he would favor us with his presence to make his speech, my poor ears would stand the dazzling glare of such an exhibition. Even in the British Parliament I have never understood that a speech from the throne humbles that body. I have never seen in their debate in the minority have been shaded by it; for not withstanding the speech, they have carried the terrors of their eloquence into the debate, which they have carried it by means of the answer to the speech from the throne. I have understood it that the rights of the minority are unrestrained; it is then that they exert all the powers of the language of freemen—for the House of Commons, elected by the people, though irregularly, constitute the democratic and consequently free part of the English constitution. If they were to exclude them from the right of expressing their opinion to public measures, they would say with great justice that an ancient and constitutional right was withheld from them. They would protest against any measures calculated to deprive them of the right of speaking with freedom of the measures of the court, try and hope. The course which has been pursued, in theory though present to the eye, has in practice been a course which has fortified the Executive magistrate and built a bound him a wall which prevented approach, through which the measures of his administration could not be reached by any members of the House; because forsooth, the House might be disposed to press a Resolution upon the table—but, in point of fact, on this minority, a strong unpermeable animal might be bounded. The Executive magistrate was not unwilling to pass the delegated care to the addresses of citizens accustomed to meeting the man in time who he frowned with severity at that courtly adulation of the Parliaments who have sung his own language to his own ears. He has thanked them for their patriotism, and repudiated such adulation and sent them away. But if the Executive magistrate was, under the good old practice, flattered by these addresses in answer to his speeches, it was here to be conversed whether he would submit to such address to be offered up by the majority and I much doubt, when the praise of the majority was paid to him with the disparaged of the minority, if the bitter did not prevail over the sweet. The practice of communicating by message was one I will not say more into for the purpose I pretended to plead, but the fact has been that if we overdid examine the measures of administration, we were obliged to examine them piece-meal. We could not take them all in one view to make that impression, which is so proper for keeping in check the Executive branch of the government. There might have been an apology made for the late President of the United States, who, if he had information he correct, could hardly be made for the present. I understand that in Great Britain the king can speak but cannot write. Now I think it very well there that the king should have at least nothing to do in public concerns, and inasmuch as he cannot write, let him speak (for the king of England was never remarkable for great literal gifts) what others have written for him. And if we have had a President of the United States who would write but could not speak, it was very well to reverse the usual order of proceeding under this government. Whenever, sir, we have a President who can first write his speech and then deliver it to the House, I should like to see it, because it would show our Sapientia as a noble in point of talents. I wish to put down monarchy, sir—I wish to republicanize it, but wish to show the men who will live the slaves of monarchy that they have nothing to boast of. It is through such these views of the subject that I could have been very well satisfied to have seen an amendment to the effect the Executive magistrate of the people meeting the Representatives of the people face to face. I should like to receive a communication from the Executive, into which he could throw something of his own soul. On the other hand when a message is sent, what practical good results from the message? I presume to say none at all. The only principle on which it could be accepted is that the House could not read it to so august a body as this. If this were the care, it might be excused, but on that principle alone.

However, sir, be the practice of the Executive what it may, I avow, I love the rights of the House, and I will never give up any portion of my right to speak of public concerns and public measures. I am rejected, therefore, that the gentleman from Virginia has laid before the House the resolution now under debate, because it enables us not to the Executive, but to bring back to this House the right, which I thought we were partial to have surrendered upon the course of public measures, upon things which I proposed I have to the myself down to approbate the conduct of the President, be it what it might; but upon the President has done well, I will claim the right of approving him. I would say, "Well done, good and faithful servant," and in so doing, I am permitted to say, if I please, "I do, I do, I do, and I do approve of it." Where we have a right to praise, we have a right to dispraise, and vice versa; and will any one say that there is any thing in censuring misconduct which is inconsistent with Republican forms of government?—No, sir; whoever may feel it, no one will so. I am therefore against a postponement of the question.

As to the amendment of the gentleman of Massachusetts, I do not know precisely what he means by it; and therefore know not whether I am for or against it. I feel tingling to most literally accordant with it in the message of the President of the United States, for, if I take the message as a mere echo of the President's message, that I do call adulation; that I do say; I do so kingly exalt me; and I do not want these echoes. I wish the House to express its opinion, rather receiving the message of the President of the United States, to breathe it back upon him in kindness. I believe the gentleman is a good republican; I extend to him the same charity which I ask for myself. This is a mere error into which he was led from the situation into which the House was drawn. To be the resolution pass entire, would not do; there was no objection to the substance of it, but it should be amended, as the gentleman from Virginia (Mr. Randolph) moved it, for the reasons and reasons which I will not detail, which rendered it manifestly unjust. It was therefore proper to move an amendment—In this point of view I object to it.

But in another view—as I cannot clearly comprehend the idea intended to be conveyed, I will explain my difficulty to the House. "And furnishes additional evidence of the spirit of accommodation on the part of our government, which has at no time been intermitted." Now I agree with this; it is true, and I am surprized that it escaped the sagacity of the gentleman from Virginia, that as an amendment there can be no objection to it. Intermission is necessarily implies commencement. Now, sir, when was our government ever been interrupted? The government of the United States since it *begun* to entertain that spirit, has not intermitted it. This is all true, and I cannot object to the substance of it; but I am sorry that I shall be compelled to vote against the amendment, because it is not republican; it is too much of an order.

Now for the original resolution. I do much like the two sides of perspicuity and frankness. The compliment contained in them is highly merited; and I will proceed to show it is referred to my way of judging upon this subject. We have just emerged from the dreadful night of adversity, which had plunged in utter darkness, distress and consternation, this great nation. Yes, sir, we have just emerged from it. It is well now, after having escaped to great a calamity, that we should refer to the cause of that calamity and the means which have been happily employed utterly to avert it. The cause of this calamity may be distinctly traced to the issuing of the Berlin decree bare not a right to such duct (I am free to express my opinion) not calculated for peace and is little for calculated to produce the fine other practical effect than the ruin of our selves. By issuing the Berlin decree the Emperor of France has violated the rights of the American Republic and of the British government, which, if permitted to slightly this idea, it was as improper for her to have recourse to the British Orders in Council. Nothing to knock so advisedly that we was down! Certainly not, sir, it was not as of peace between nations. You are not permitted legally to do every thing which you have a disposition to do. This need but be mentioned to be clearly perceived by every gentleman. Suppose that a right to attack her adversary through a neutral and friendly power. France had committed an act of aggression upon Prussia by the Berlin decree; the interests of Great Britain and of the United States were both injured by the Berlin decree. Their interests and their rights thus injuriously affected, it was a mutual concern necessarily between the two countries. Both were interested in repelling the violation of neutral rights; and the study of our government should have been, as to the Berlin decree and as to that only, to have made a common cause with Great Britain, and revised the decree. If this course had been so made, a great deal of distress and ruin which has fallen upon the country would have been avoided. Our government, however, was silent upon this subject, but the British Orders in Council taking a common matter between this country and England; and I think you will see, Mr. Speaker, gentlemen that I should think it possible that America and England could have reached each other. Great Britain could not be reached but thro' us, when she was so reached both had one object; both were interested and both to have made common cause. But what did the government of the U. S.? Did they shew at that time, manly front to French injustice and arrogance? Did it consult with the British government what measures should be taken to repel this assault? No, sir, but it took steps (strange to tell) precisely of an opposite character. The Berlin decree was issued on the 21st Nov. 1806. Our minister negotiated between Messrs. Monroe & Pinkney and the British commissioners was signed on the 31st Dec. of the same year, say forty days after the issuing the Berlin decree. Did the government of Great Britain, willing to rain your commerce (and many hold out this idea) make use of this period at that time to repel violent upon you? No sir—but what was the actual state of things? The Berlin decree had been issued; a treaty was digested & signed by the commissioners of the two governments of America and Great Britain, and there was much of friendly intercourse between the two countries. I would demand the manner in which the American government received this decree? And much, I say, for I am not afraid to speak the truth, was to be expected from the American government, placing itself as a fair and impartial neutral between the two governments. Do you recollect that the British ministers annexed to the treaty note in which, pointing to the consideration already mentioned as regarded themselves and the right of France to issue the decree, they said "Such principles are in themselves extravagant and repugnant to the law of nations; and the pretension founded on them, though professedly directed solely against Great Britain, tend to alter the practice of war among civilized nations and attempt to subvert the rights and independence of neutral powers." Did not the British decree tend to do this? Was it not an injury of a new and at the same time of a most frightful character? Was it not a violation of nation, when an attempt was made by her antagonist to keep from her trade customer, and this attempt was an injury to her customer as well as to her, was it a point on which it would have been expected that the British government would have been silent? Would not the British ministers have felt themselves called to the confidence of the British nation if upon such a decree they had not done something on their selves? Certainly. I speak of the course which they had pursued upon the decree. They signed a note in which they said that "They proceeded to communicate under the impression that before the treaty shall be returned from America with the ratification of the U. S. the country will still be formally abandoned, or tacitly relinquished his unjust pretensions." Was it not a reasonable expectation? Was it unreasonable to hope that the system of aggression which the Emperor of France in the world was for the first time speaking against her should be abandoned? Certainly not, sir. It was not, what next did she express a desire to have done? "Or (as the British commissioners) that the government of the U. S. by its conduct or assurances, will have given security to his minister that it will not submit to such innovations in the established system of maritime law." Was there any thing wrong in this request sir? It cannot be controverted that upon this occasion we had a common cause with Great Britain, whether we chose to make it or not, sir, that it depended upon our conduct or assurances, what you will resist the decree; do something not necessarily, sir, but that it is quite a specific pledge, but as we are deeply interested in the measure in which you have taken conduct, it becomes important to us to know what you will do about it." If such assurances had been given, if steps becoming the dignity of this government had been pursued, the British decree, which recall have been issued? Yes, never would have been occasion for them—But this is not all contained in the note; for it continues this. "The undersigned have presented this note to an anxious wish that the matter may be clearly understood on both sides, that, without such an abandonment on the part of our country, or assurances or such conduct on the part of the U. S. Great Britain will not consider himself bound by the present signature of his commissioners to ratify the treaty, or precluded from adopting such measures as may seem necessary for counteracting the decree of his enemy." Now, sir, was not all this fair? If we consider that Great Britain has rights as well as we, that one great right was in jeopardy in regard to her interest as well as ours, was this arrogance? Was it not reasonable? Being continued cause with her, should we not have made that answer which she wished? But what answer did we make? Was the government of the United States content with being merely silent? No, sir; so far from given any intimation that it meant to defend itself, the very circumstance of this note was made one of the causes for the rejection of this treaty, by the President of the U. States at the subsequent session of Congress declared. He declares that there was one consideration, independent of the other which induced him to reject the treaty, thereby clearly shewing that the annexion of that note was considered as a motive as to have induced him to reject the treaty, if there had been no other cause for it. After this, sir, I ask, how could the British ministers bound to assert the rights of their nation any? The U. S. never gave any intimation of the course which they intended to take. In the next place the President had told Congress that their speaking to him was so offensive, that on his account it will not under he should have considered himself warranted in rejecting the treaty. Were the British ministry to expect after this that the President would have recommended a resistance of the French decrees? No sir; it would have been giving more faith than we generally give to our fellow citizens.

Now, sir, to carry you with me a little in the order of time. I would call the attention of the House to a letter dated at London on the 22d of April, 1807. If my memory serves me, I have read this letter to the House, I beg them to bear in mind that in these documents they may find truth as well as falsehood of state diplomatists. On the 21st of December, 1806, the note was sent accorded to the treaty. On the 22nd of April, 1807, Messrs. Monroe and Pinkney wrote to the Secretary of State, inform him that they had had an interview with Mr. Canning. "As soon as we had got to the end of the preliminary objects of this interview, he observed that he had just received intelligence, which he thought it was his duty it was necessary for us to chuse at present on any of the topics alluded to; that it had been represented to him, that officers just arrived from America, had at most pressing informed the ministry that the treaty which had been lately concluded here had been rejected by our government. &c. &c." Here now it will be proper to bear in mind that this treaty was formally by the ministry and that at the time the speech in Parliament which the gentleman read, Mr. Canning was very most finitely to this country, if there be any such thing as friendship towards us, which I very much doubt. This treaty then made was sent immediately after the issuing of the Berlin decree, which so closely connected in one respect, the interest of the two countries. Was this right and proper? Certainly not. Well might Mr. Canning hesitate as to what he should do in this new state of things. But to complete his disappointment and confusion on this subject, the American ministers on the 24th of July, 1807, addressed to Mr. Canning another note. This was the first answer which was given to any note whatever to the enquiry as to what the American government meant to do in relation to the Berlin decree. It was as follows:

"There is another object to which the undersigned have the orders of the President to invite the attention of his Britannic Majesty's ministry, as affecting materially, and giving a new and unexpected character to the proceedings of the United States. The written declaration, relative to the French decree of the 21st of November last, by which the signature of a plenipotentiary accompanied their signature of the treaty, a declaration which is in fact the cause of unnecessary embarrassments in the way of an exchange of the treaty by the United States. The undersigned persuade themselves that a mutual explanation on this occasion was given on their part, imposed on the United States no new obligation, and only by the intention to declare that in signing or ratifying the treaty it was understood, by Great Britain that nothing prohibited, in it would be a bar to any measure, which H. Ma. thick treaty had been signed would be fatal, as a mere sure of retaliation against her treaty, and as the occasion which pretended does not now appear to be so it is an then supposed, it will not be thought any thing is rectified by undersaying it as unnecessary."

Yes, sir; an enquiry made by Great Britain in a most perfidious manner was answered by a cool and very