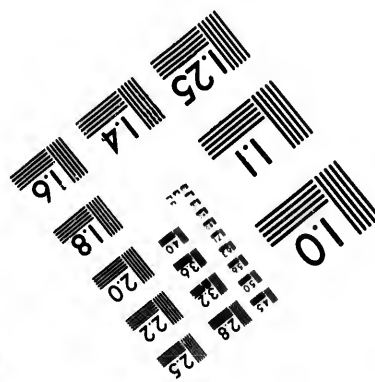
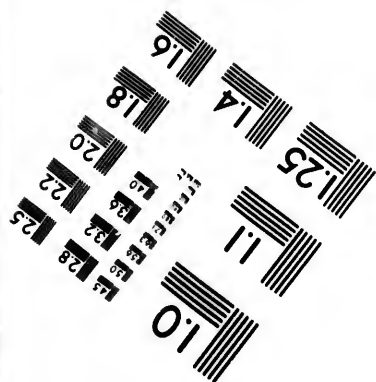
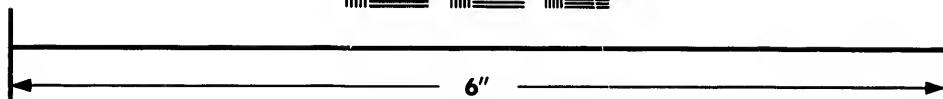
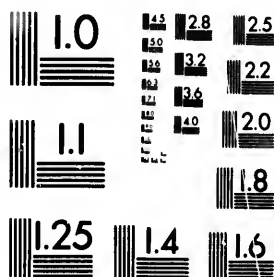


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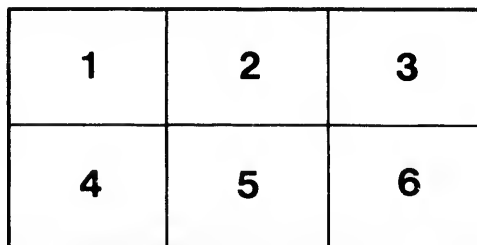
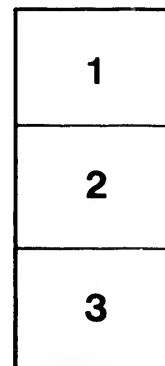
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SUBSTANCE OF THE REMARKS
OF
MR. MENEFFEE, OF KENTUCKY,
ON THE REFERENCE OF THE PRESIDENT'S MESSAGE
RELATING TO THE ATTACK ON THE CAROLINE.

Delivered in the House of Representatives, January 8, 1838.

Mr. MENEFFEE, on rising, observed that any debate on the present proposition, which was merely to refer the message of the President to the appropriate committees, involving a consideration of the merits of the subject to which it relates, would, in his opinion, be premature, and calculated to produce injury without the possibility of any corresponding good. It would, he was sure, have been impossible for the House to have listened to the debates which have thus arisen, unfortunately, he thought, without at least a portion of the surprise and regret with which they had inspired him. The attack on the Caroline, if made as described, may warrant much of the excitement represented as now prevailing amongst the people of New York, and even justify a deep and general sensation in that quarter. But the liability of transactions of this sort to be perverted and exaggerated on the one hand, whilst the possible circumstances of justification or palliation on the other are suppressed, must admonish us of the hazard of founding either direct legislation or public declarations of opinion by individuals so nearly connected with Government as ourselves, upon facts which have so recently occurred, and are so imperfectly ascertained.

Confining ourselves to facts, upon the existence of which there is no dispute, and upon which, of course, an opinion may be now allowed, it is substantially *acknowledged by our Government*, in the message of the President of the 5th inst., his letters to the Executives of New York and Vermont, his proclamation, and in his instructions to the law officers of the United States, that our citizens on the Canada frontier are strongly disposed to violate their neutral obligations to Great Britain, as those obligations are recognised by this Government, and that movements of a hostile character were already made by them; that the Executive is incapable, under the existing laws, of enforcing these obligations, and therefore appeals to Congress to arm him with the requisite powers. In none of these documents, it will be perceived, was the slightest apprehension expressed of a violation by the subjects of Great Britain of their neutral obligations to us. The elements of mischief were admitted to be confined exclusively to our people, and every measure of the Executive was designed for their repression.

If *citizens* of the United States have thus violated their neutral obligations, that of itself constitutes, on every principle, an offence complete against Great Britain, for which this *nation* is responsible. It is of no avail, in ascertaining the existence of the offence on the one hand, or of our national responsibility on the other, that those violations occurred without the instigation or countenance of *the Government*, and even in violation of the positive municipal laws of the United States. As between foreign nations and this, ours is answerable if it fail to enforce an observance by its citizens of our national obligations. Any other rule would render neutrality insecure, and the maintenance of peace between contiguous nations difficult if not impracticable, left, as it thus would be, at the mercy of the irritations and collisions

unavoidably incident to a frontier. It is national responsibility only, which, by exciting the vigilance of Government over unauthorized acts of its citizens, can check and repress this spirit and a resort to force. Such is our position, and such our responsibilities, as already acknowledged by the Government.

It must be recollected, sir, that a resort to arms, on account of illegal acts of *the citizen*, cannot be considered until reparation by *his Government* has been demanded and refused.

It is now represented that *the subjects of Great Britain* have, likewise, in the case of the *Caroline*, violated their neutral obligations to us, under circumstances of great atrocity. Still, so far as appears, it was, as in the case of our citizens, an illegal and unauthorized act of the *subjects* of Great Britain. We have no more just right to presume, in the absence of the fullest proof to the contrary, that this proceeding of British subjects was instigated, or in the remotest manner countenanced, by *the British authorities*, than would their Government to presume, under like circumstances, that the officially acknowledged aggressions against them by *our citizens* was the deliberate act of our Government.

It is reasonable to conclude, from the present state of our information, that neutrality has been violated and wrong done by the *people* of both nations. For the honor of ours, I hope it may ultimately appear that the offence of our people has not been so flagrant as that of the opposite side. Yet the information already communicated by the Executive leaves no room to hope that *the first* aggressions did not proceed from us, and serve as a pretext, though I can hardly suppose a justification, of what succeeded. If we have been *most* wronged, it is certain that Great Britain has been *first* wronged.

Now, in the midst of this popular ferment, before the Governments on either side are implicated, does not every consideration recommend self-possession and wisdom *here*? The right of individuals, and even nations, to sympathize in the cause, real or imagined, of freedom, is not contested; but it must be exercised in subserviency to justice and law, not at their expense. In an exigency like this, the public have a right to look to Congress for a proper tone of opinion. It must be expected that the lead will be taken, to a great extent, by this House, the proceedings of which (our debates forming a part) will necessarily be regarded with peculiar interest by both nations. It is therefore, I conceive, of the highest consequence that our views, as here publicly expressed, should rise to the magnitude as well as the dignity of the occasion; and that the subject should be placed at once beyond the influence, and, if possible, the suspicion of the influence, of passion or precipitation. Not that I imagine there is danger of war with Great Britain; of that, gentlemen may dismiss all apprehension; for, sir, there will be no war over these border collisions. To imagine such an event, is ridiculous and absurd. A course of intemperate discussion here may, nevertheless, greatly embarrass the two Governments, by inflaming still farther the public mind, already too highly excited. But it will merely embarrass; for war, I repeat, will not come.

It would be superfluous to enter at large, in the present state of the controversy, into the numerous reasons which pronounce such a war utterly out of the question. It is enough, almost, to remember that the spirit of the age, and the religious and moral as well as political illumination of the world, stand opposed to war, especially between highly civilized Christian nations. The advance of mankind could by nothing be more strikingly illustrated than the prevailing aversion and abhorrence with which war is now regarded,

except in the last deplorable extremity, as the only means of securing repose in honorable peace. War is now viewed as but an instrument of peace. In this condition of the world, is it to be credited that the two nations foremost, by universal acknowledgment, in the career of civilization, religion, liberty, and law, can, except from absolute madness, engage in the barbarities of war? Why should they? Is it not admitted, by both, that war is the last dread resort; not to be adopted till every peaceful appeal for justice has failed? Has such failure actually occurred? Has either evinced an intention to deny to the other the fullest justice, be their mutual injuries what they may? Who can, without a blush, suppose the existence of such an intention on our part possible? Does not generosity, then, as well as justice, require us, at the same time, to presume that a similar desire for peace, whilst it demands justice, animates the Government of Great Britain?

If any great contested principle of international law or national rights were involved in the existing difficulties between the two Powers, such as the right of search on the high seas, or of impressment of seamen, as claimed and exercised by Great Britain prior to the war of 1812, their repose, and probably their peace, might be disturbed now, as then. These were principles *contested* by us from the first; and presented a case where peace was neither secure nor honorable, so long as the pretensions of Great Britain under them were tolerated. That war, on our part, was, I never doubted, both justifiable and necessary. That justification and necessity, however, did not rest on a detached aggression on an acknowledged right, but on the assertion by Great Britain, I repeat, of principles, with the maintenance of which she deemed her existence almost to be identified, but which our honor and interests as strongly impelled us not to tolerate; principles which would have authorized her to follow up her aggressions indefinitely, as to repetition and duration. Granting, therefore, the late aggressions, on either side, to have been as atrocious as the ascertained facts will warrant, or as the imagination of the most belligerent here can paint, still there is *no contested principle* involved. Neither Power claims, or ever has claimed, the right to violate, in this manner, the property, or lives, or territory, of the other. Both, on the contrary, now admit, as they always have done, that such violations are wrongs, for the reparation of which the respective Powers are liable. All the principles which govern the present difficulty are simple and admitted. It is but a question about facts, which, when ascertained and reciprocally presented, are disposed of by uncontested principles common to both Powers. Can either, then, I demand, without national reproach, for an instant, in such a case, tolerate the idea that a resort to arms is possible? They are holding themselves aloft among the nations of the earth as the patrons and champions of human civilization and liberty throughout the world. The liberal spirit which they have breathed, and are daily breathing, into the institutions of mankind, has placed them already far beyond all others—and side by side—in the noble work of advancing the high destinies of our race. Extinguish these lights; or turn them to glare on each other in barbarity and blood, instead of shining in co-operation, as heretofore, for the illumination of mankind; and can the vision of any be so confined and imperfect as not to foresee the disasters to which such an event would expose the world; or, at least, all it contains worth preserving—its Christian civilized liberty.

But, sir, I repeat, we shall have no war with Great Britain. Nations under such high responsibilities to mankind, *dare* not go to war on an occasion like this. They cannot, without a portion of dishonor and disgrace, encounter and breast, as they would by a war, the enlightened and liberal spirit of

this age, which their own efforts and example have so largely contributed to produce, and now mainly impel.

Their characters and positions, in other respects, give the amplest assurance that a resort to force is not now to be expected. No two separate nations have, perhaps, ever existed, at any period of time, between whom has prevailed, of what is valuable, so much that is common to both. Language, laws, religion, ancestry, historical renown, and the most intimate relations of commerce and pervading interchange of capital in other forms—all conspire to condemn war between them as peculiarly calamitous and unnatural. It is true, as I have stated, that, notwithstanding all this, war has, in fact, occurred between them. Yet this multitude of kindred principles soon triumphed over temporary hostility, and reunited them, as the necessities of their relative positions ever must, as the high priests of human civilization and freedom. They defy their destiny, when their arms are turned against each other. The cause of human nature suffers under every blow they strike.

Such being the relative positions of the two Powers, for the reasons and for the high purposes which I have mentioned, the simple fact that difficulties like the present now exist must strike every observer as in a high degree extraordinary. Whence, then, these disturbances, whilst every enlightened motive is against them?

It was admitted by the President, almost in terms, before the affair of the Caroline, that *our* citizens, by the violation of their neutral obligations, were endangering the peace of the two nations; and, in effect, that retaliation by the *other* side might be provoked. The danger was alleged by him to proceed, in the first instance, from our citizens, and the enactment of laws recommended to restrain *them*; treating it throughout as a domestic cause of difficulty to be removed by domestic measures. What, I ask, produced this lawless spirit amongst our people? For in that, and not in the defenceless state of our frontier, or in the seizure of the Caroline, lies the true cause of this emergency. Pains, I know, have been taken in this debate, by the friends of the administration, to cast the whole blame upon *the people*, to the entire exoneration of *the Government*; a course not without a late precedent, from the same quarter, on another subject. This condemnation of the people is scarcely less unjust than the acquittal of the Government. These errors of the people, (for such I readily admit them to be) find their palliation, if not justification, in the antecedent and more flagrant wrongs by the Government itself. When the head of a Government like ours becomes lawless and unjust, upon whom, in the eye of reason, rests the blame, if those who live under that Government, taking shelter under the example, are infected with a similar spirit? Is not the influence natural and unavoidable? Does not the moral condition, in many respects, of our people, mournfully attest that a lawless spirit has found its way into our national councils? To all whose judgments, and affections, and imaginations, are united as they ought to be, and as I hope mine are, in devotion to their country, it is a source of humiliation and pain to be compelled to arraign their Government in a matter so delicate as the conduct of its relations towards a foreign nation. But, sir, there is a stage in the progress of international controversies when to condemn one's own Government, if in the wrong, is not only becoming the citizen, but rises into a solemn duty of patriotism. Not to do so, would be blindly to sanction and follow whithersoever the caprice, ambition, or injustice, of weak or wicked rulers might lead. The voice of the citizen, exposing and denouncing pernicious and unjust measures towards other nations, should be raised with

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freedom and constancy, up to the period when the appeal to arms is actually made, or becomes clearly inevitable. Then the patriotic citizen adheres to, and maintains to the utmost, his country, right or wrong. Always a delicate ground, it is peculiarly so from the critical relations now existing between this Government and Mexico. Considerations of national pride might even now restrain the expression of sentiments which I most firmly entertain, were not the contending nation, Mexico, whose weakness, from internal dissensions, is so generally conceded that nothing I might say could be construed into undue concession to her power. And, in the recurrence which I shall make to the conduct of our Government towards Mexico during the Texas revolt, nothing of unfriendliness or disrespect is intended towards the new republic which has emerged from that revolt. On the contrary, it is the profound wish of my heart that its political institutions may be speedily and firmly consolidated, and that its civil career may be as tranquil and prosperous as its military has been striking and glorious.

Now, sir, I extend my view beyond what has recently transpired on the Canada frontier, and, in searching for the real causes and authors of this crisis, recognise them in the conduct of our own administration. Them I now here solemnly accuse, and hold, as the country and mankind will, responsible, to the last degree, for every consequence of treasure, or blood, or fame, to which the present disturbances may lead; as fairly and naturally resulting from its dishonorable and perfidious failure to enforce our neutral and express treaty obligations to Mexico, under similar circumstances of provincial revolt. Whose devotion is headlong enough to deny the shameless supineness, if not positive connivance and instigation, displayed by the administration over the most audacious and reiterated breaches by our citizens of their obligations to that Power?

The West and Southwest, from the beginning of the Texas revolt to our recognition of its independence, exhibited, in almost every city and village, the aspect of a national war. Military array in no concealed form, but in all "the pomp and circumstance" of war, was the spectacle of every day. The agents and emissaries of Texas, sensible of the gross impropriety and illegality of raising forces and fitting out military expeditions against a nation with which the United States were at peace, sought, at first, to cover their operations under the pretext of embodying *emigrants*, whose voluntary expatriation the Government was supposed to have had no right to prohibit. But, sir, emboldened by impunity, that pretext, as troublesome, was soon laid aside, and a direct military recruiting for the defence of Texas openly substituted. Bodies of men, with arms, uniforms, and standards, and every quality of organized military force, breathing war and vengeance against a friendly Power, were publicly displayed in the heart of our country! Are proofs required? The Representatives on this floor from that section of the Union are my witnesses to attest the literal truth of what is here declared.

And how, sir, was all this met by the administration? Instructions were despatched to the law officers of the United States, and perhaps others, announcing the existence of a state of peace between the two nations, and enjoining the enforcement of the obligations on our part which that state as well as treaty imposed. But these obligations were not enforced. They were in no instance attempted to be enforced. Yet all this the administration knew, and knew from the beginning; and *tolerated* it, against, as I understand, the solemn and reiterated remonstrances of Mexico.

Notwithstanding this, sir, charity, aided by a natural, and perhaps just, prepossession in favor of one's own country, might possibly have exculpated

the administration of the infancy of unworthy *motives*, and ascribed to inattention and remissness what, to Mexico, was equivalent in its effects to perfidy and dishonor. But, sir, the recent action of our Government towards another Power under like circumstances strikes away every remaining hope of reconciling its proceedings towards Mexico with any other supposition than of perfidy and dishonor. What, I demand of the adherents of the administration here, has been its recent action towards Great Britain? A Province of hers contiguous to us, as in the case of Mexico, is in a state of revolt. Instructions are issued, enjoining on our law officers and others an enforcement of the neutral obligations of our people, as in the case of Mexico. But the administration does not stop at that point, as in the case of Mexico. A solemn proclamation is published by the President, enjoining on our citizens the sacred observance of neutrality, and warning them against the consequences of disobedience, in addition to what was done when Mexico was concerned. Officers of Government are despatched to the scene of the disorders, with special instructions, unknown in the case of Mexico. Not even content with an enforcement of the existing law, (not one clause of which was enforced, or in good faith attempted to be enforced, when Mexico was concerned,) the President, by a pressing message to Congress, entreats an *extension of the law* to cases not now embraced, in order to coerce our citizens into a more effectual respect for their obligations to Great Britain; none of which occurred when Mexico was concerned. All which strikingly commendable zeal for maintaining our neutral duties, when Great Britain was concerned, transpired, it will be borne in mind, *prior to the affair of the Caroline*.

Why this prompt and energetic action when Great Britain is concerned, so directly opposite to that when Mexico was concerned? Is not peace as sweet, and are not treaties as sacred in the one case as in the other? Is our measure of justice graduated by the power of the nations to whom we administer it? Do you deny to the weakness of an infant and distracted republic, what you grant, with a haste almost indecent, to the power of a great monarchy? Do you reverse the principles which govern brave and magnanimous nations? True bravery, sir, exalts itself into magnanimity in the intercourse of the powerful with the weak. In proportion to the weakness of Mexico, should have been the punctilious observance of every obligation we owed her. Did the administration avail itself of that very weakness to disregard all its obligations? On the other hand, brave nations are apt to poison themselves when in collision with their equals or superiors in power, and are prone, from fear of the imputation of undue concession to power, to a slow and stately port. Such is our posture towards Great Britain, the power of whose arms and the glory of whose name place her in the front rank of the nations of the earth. She is our peer. With her, when nations exact justice, they must also perform it.

In the late executive proceedings in regard to Great Britain, to which I have referred, I rejoice to recognise a disposition to enforce, in good faith, the national obligations. But how humiliating the contrast between the treatment which the two nations respectively received! What can save the national honor from the just suspicion, both at home and abroad, of the Government having done, in regard to Great Britain, from *fear*, what it perfidiously omitted to do, *from principle*, in regard to Mexico? Yet, sir, as no nation ought to be allowed to persist in a course of injustice, I perceive, in looking to the ultimate results of this emergency, the elements of remote advantage affecting the national character, more than compensating for any immediate mischief it may occasion. This last precedent of faith and jus-

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truce will, I trust, obviate, to some extent, the evils of the former precedent of perfidy and injustice. There is nothing dishonorable in *doing justice* to Great Britain—nothing humiliating. The dishonor and humiliation consist in having withheld it from Mexico. It is better for our youthful nation of free institutions, that an occasion has arisen thus early to reinstate its character by rectifying its policy, than, after persisting in error for a series of years, to confess and correct it, perhaps after fruitless and exhausting contests.

Am I not justified, then, in maintaining that, had the same promptness and energy been displayed by the Government, in behalf of Mexico, whilst her Province was in revolt, which it has displayed in behalf of Great Britain, now that a Province of hers is in that state, the present difficulties would, in human probability, not have existed? Would not our citizens have been taught to respect the laws and their duty, instead of violating both, under the impunity which like conduct towards Mexico had experienced? Were they not, by the previous passiveness of the Government, in substance told that their sympathy (perhaps commendable in itself) might, without impropriety, be exercised by fighting for others the battles of revolt? Did they not thus, in the first instance, thrust themselves into this Canadian revolt, with scarcely a suspicion of illegality?

If, sir, the indignation of mankind could fasten exclusively on the administration, by whom this pernicious policy has been practised, I should experience the less sensibility: it might sink into quiet infamy, without a tear of mine, and hardly a regret over its fall. But the national honor is implicated, and, unfortunately, tarnished by the process which has infamized the hands to which it was committed.

My purpose, sir, in rising, was not to discuss now the merits of the subject to which the President's message immediately relates; but to offer my opinion of the principles and considerations by which the two Powers ought to be, and, I think, must be, governed in its adjustment; and to avail myself of the earliest occasion that presented to recall the attention, not only of Congress and the country, but of the administration itself, to the unfortunate and disastrous policy which marked our relations with Mexico during the Texas revolt; to the striking contrast it exhibited with our present policy towards Great Britain; to the expectation which our citizens on the frontier naturally entertained, that, as the laws and their obligations were the same, the course of the administration would be the same, by allowing similar impunity to similar violations; to the precipitate change in its policy by the administration, and the attempt it now makes to cast the whole blame on citizens whom it has substantially betrayed into their present proceedings; and to the responsibility of the administration for whatever of outrage has occurred on the Canada frontier, either by or against our people, arising from the fair operation of remote causes, to be found in the pernicious example it had previously set in regard to Mexico.

Sir, neither nations nor individuals can be too early or profoundly penetrated with the sentiment, that inflexible justice to others, under all conceivable circumstances, is their true glory as well as interest. An immediate and temporary advantage may be gained, as experience has shown, by its violation; but experience has equally shown that, sooner or later, in some form or other, through the wise though often inscrutable dispensations of a great Providence, retribution will come, as it ought to. The application of that sentiment to the present conjuncture is simple and easy. For the injuries which *are admitted* by the President to have been done Great Britain by our citizens, we must, in proper time and form, afford her justice. The attack

on the *Caroline*, on the other hand, presents an occasion for the most scrupulous examination by the Government into the facts of that transaction, which, if found as now represented, exhibits an aggression upon us, which Great Britain, in proper time and form, must redress. And that this reciprocal justice will be extended by both Powers, who is authorized to entertain the slightest doubt?

I must be allowed, then, to express my utter dissent from any attempt which may be here made, either by the friends or the enemies of the administration, under a state of information admitted to be doubtful and imperfect, on grounds of acknowledged passion, to force the two nations into false positions. Let us display calmness, moderation, and dignity, which are not only consistent with a firm and inflexible purpose to exact the most scrupulous justice, but afford the best proof of a determination to do so. Yet if, after all, against human expectation, the Government of Great Britain shall, on proper application, refuse to disavow the late aggression of her subjects, and seasonably redress it, and force the necessity of an appeal to arms, our present power and past history leave on my mind no apprehensions of any result inconsistent with the national glory, and the complete vindication of a just cause. And when that deplorable contingency shall arise, it will be seen who are foremost to vindicate by arms the violated rights and offended honor of the country—those under whose auspices that honor has been stained, by withholding justice from an infant republic, because weak, or those who will tolerate no denial of justice by others, *because they deny justice to none*.

I am sensible, Mr. Speaker, that I may seem to evince an unreasonable solicitude on this subject. I persuade myself, however, that I entertain a sincere and profound devotion to the preservation of the national honor, upon principles which will ever ensure, at the hands of other nations, a scrupulous respect for our national rights. If our internal policy is doomed to perpetual vacillation, amidst the clouds of party and faction, I trust that at least the policy which governs our intercourse with foreign nations may, in the sight of all mankind, tower, like the mountain peak, above the region of change or cloud, reposing on its foundation, not of passion, or rash and headlong excitement, with their floods and sands, or short-sighted temporary expediency, but the everlasting rock of undeviating justice.

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