

H. OF R.]

*Treaty with Great Britain.*

[MARCH, 1796.]

to risk them in ordinary cases. In some cases they must be risked, and to decide what those cases are, is an object of the soundest discretion. The subject, he said, was capable of being placed in many other interesting points of view, which the late hour of the day and the great length of the discussion then rendered improper. Some things had been said which he was sorry to hear; which tended not to enlighten, but to irritate. He would not now remark on them, because he wished and hoped that they might be forgotten, that they might pass into oblivion, and leave the field open for truth and good sense. All, he hoped, would inquire with care, and act for the public good, from the best of their judgment. In that case, their conclusions would not be far wrong; and if they should, he hoped and trusted, that there was strength in the Constitution to correct the error.

Mr. H. having sat down, the question was taken upon Mr. LIVINGSTON'S resolution, which is in the words following:

*"Resolved, That the President of the United States be requested to lay before this House a copy of the instructions to the Minister of the United States, who negotiated the Treaty with the King of Great Britain, communicated by his Message of the first of March, together with the correspondence and other documents relative to the said Treaty; excepting such of said papers as any existing negotiation may render improper to be disclosed."*

The division on this resolution, in Committee of the Whole, was—for the resolution 61, against it 38—majority 23.

The resolution was then taken up in the House, and the yeas and nays being called upon it, were taken, and stood yeas 62, nays 37, as follows:

YEAS.—Theodorus Bailey, David Bard, Abraham Baldwin, Lemuel Benton, Thomas Blount Richard Brent, Nathan Bryan, Dempsey Burges, Samuel J. Cabell, Gabriel Christie, Thomas Claiborne, John Clop-ton, Isaac Coles, Henry Dearborn, George Dent, Gabriel Duvall, Samuel Earle, William Findley, Jesse Franklin, Albert Gallatin, William B. Giles, James Gillespie, Andrew Gregg, Christopher Greenup, Wm. B. Grove, Wade Hampton, George Hancock, Carter B. Harrison, John Hathorn, Jonathan N. Havens, John Heath, James Holland, George Jackson Aaron Kitchell, Edward Livingston, Matthew Locke, William Lyman, Samuel Ma-clay, Nathaniel Macon, James Madison John Milledge, Andrew Moore, Frederick A. Muhlenberg, Anthony New, John Nicholas, Alexander D. Orr, John Page, Josiah Parker, John Patton, Francis Preston, John Richards, Robt. Rutherford, John S. Sherburne, Israel Smith, Samuel Smith, Thomas Sprigg, John Swanwick, Absalom Tatom, Philip Van Cortlandt, Joseph B. Varnum, Abraham Venable, and Richard Winn.

NAYS.—Benjamin Bourne, Theophilus Bradbury, Daniel Buck, Joshua Coit, Wm. Cooper, Abiel Foster, Dwight Foster, Nathaniel Freeman, jr., Ezekiel Gilbert, Nicholas Gilman, Henry Glen, Benjamin Goodhue, Chauncey Goodrich, Roger Griswold, Robert Goodloe Harper, Thomas Hartley, James Hillhouse, Wm. Hind-man, John Wilkes Kittera, Samuel Lyman, Francis Mal-bone, Wm. Vans Murray, John Reed, Theodore Sedg-wick, Samuel Sitgreaves, Jeremiah Smith, Nathaniel Smith, Isaac Smith, William Smith, Zephaniah Swift,

George Thatcher, Richard Thomas, Mark Thompson, Uriah Tracy, John E. Van Allen, Peleg Wadsworth, John Williams.

RECAPITULATION.—Yeas 62, nays 37, absent 5—104—the Speaker 1—whole number of Representatives 105.

Mr. DAYTON, the Speaker, in Committee of the Whole, voted against the resolution.

MARCH 25.—The committee (Messrs. LIVINGSTON and GALLATIN) appointed to present the resolution agreed to yesterday to the PRESIDENT, reported, that the PRESIDENT answered, that he would take the resolution into consideration.

MARCH 30.—The following Message was received from the PRESIDENT in answer to the resolution of the House:

*Gentlemen of the House of Representatives:*

With the utmost attention I have considered your resolution of the 24th instant, requesting me to lay before your House a copy of the instructions to the Minister of the United States, who negotiated the Treaty with the King of Great Britain, together with the correspondence and other documents relative to that Treaty, excepting such of the said papers as any existing negotiation may render improper to be disclosed.

In deliberating upon this subject, it was impossible for me to lose sight of the principle which some have avowed, in its discussion, or to avoid extending my views to the consequences which must flow from the admission of that principle.

I trust that no part of my conduct has ever indicated a disposition to withhold any information which the Constitution has enjoined upon the President, as a duty, to give, or which could be required of him by either House of Congress as a right; and, with truth, I affirm, that it has been, as it will continue to be, while I have the honor to preside in the Government, my constant endeavor to harmonize with the other branches thereof, so far as the trust delegated to me by the people of the United States, and my sense of the obligation it imposes, to "preserve, protect, and defend the Constitution," will permit.

The nature of foreign negotiations requires caution; and their success must often depend on secrecy; and even, when brought to a conclusion, a full disclosure of all the measures, demands, or eventual concessions which may have been proposed or contemplated would be extremely impolitic: for this might have a pernicious influence on future negotiations; or produce immediate inconveniences, perhaps danger and mischief, in relation to other Powers. The necessity of such caution and secrecy was one cogent reason for vesting the power of making Treaties in the President with the advice and consent of the Senate; the principle on which the body was formed confining it to a small number of members. To admit, then, a right in the House of Representatives to demand, and to have, as a matter of course, all the papers respecting a negotiation with a foreign Power, would be to establish a dangerous precedent.

It does not occur that the inspection of the papers asked for can be relative to any purpose under the cognizance of the House of Representatives, except that of an impeachment; which the resolution has not expressed. I repeat, that I have no disposition to withhold any information which the duty of my station will permit, or the public good shall require, to be disclosed;