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CONGRESS.

WEDNESDAY, MARCH 5.

DEBATE

On Mr. GREGG's resolution.

[*CONTINUED.*]

Mr. J. CLAY. I had entertained a hope that the call of my colleague would have been delayed for a few days longer, as the documents we have received from the Treasury Department have been but two days on our table, at least in a printed form, and as they are calculated to throw much light on the subject before us. In the few remarks which I am about to offer, I shall not follow my colleague through the detail he has made of the injuries and insults of G. Britain. We all of us well know that the national flag has been grossly outraged and the national honor violated by her. But I do not conceive that the best mode of obtaining redress for these wrongs is to do that which will be more injurious to ourselves than to her. My objections to this resolution are two fold. The *first* is that, if carried into effect, it places greater means of injuring us in the hands of our enemy than she already possesses; and the *second*, that we shall not be able to maintain the course it points out for any length of time.

By the resolution before us we are prohibited from importing from G. Britain, any articles, however necessary or convenient they may be; while at the same time we are permitted to carry any articles to her market. The effect will be that while our productions are accumulating in the hands of the British manufacturers and merchants they will have no means of paying for them. And of consequence debts to a very large amount will become due from British merchants to American citizens. Even at the present day I have great doubts whether there are not greater sums due by the merchants, of G. Britain to the citizens of the U. S. than there are recoverable debts due by American citizens to them. If so, what will become of the second expedient proposed to be resorted to by my colleague, that of sequestration? The balance of injury, instead of being in our favor, will be against us. If my colleague had looked over the report of the secretary of the Treasury, and had attended to the amount of American property afloat, he would have seen that there is not less than one hundred millions of dollars worth of American property at the mercy of the cruizers of Britain. I believe that the naked vessels, independent of the products they carry, amount in value to more than thirty millions of dollars. It will be seen that the commerce of the U. S. in exports and imports amount to 150 millions, of which it is fair to calculate that one third is constantly exposed on the ocean. Of this amount about forty millions is carried on between the U. S. and the power with whom it is proposed to cut off intercourse. With this fact staring us in the face, would it be politic to expose so much property to the retaliation of the British ministry. When the gentleman spoke of the amount of British depredations, he ought to have stated the amount of those recently committed. I believe I am not very wrong in stating the whole amount of American property detained by British cruisers as not exceeding six millions of dollars. On balancing, therefore, their interests, ought the U. S. to resort to measures of hostility, to measures which, in the opinion of every man, will justify retaliation.

Besides, I would wish my colleague to shew us how we are to be supplied with articles heretofore derived from G. Britain. All articles of iron manufacture, hard ware, of cotton, and coarse woolens, we are obliged to import from that Island. From her East India dominions we likewise import a great variety of useful articles; while from her West India islands we import a great portion of one article, spirits, which pays one sixth of our whole amount of duties—the amount which we get from her colonies will be found to be two and a half millions of dollars. From the same document it appears that the whole of this article imported from the British dominions is consumed in the U. S. But it is said that we may find a substitute for it. I acknowledge it. We may find this substitute in the products of our domestic distilleries which pay no duties. Are we prepared to sacrifice so large a part of our revenue as is derived from the importation? For it will be observed that other kinds of spirits are in a great measure exported from the U. S. while all that we import from British settlements is consumed in this country. If the importation of British manufactures is prohibited I do not know whence we are to be furnished with the articles we stand in need of. It is true, France has some rising manufactures, and that she takes off about a fourth part of the cotton exported from the U. S. But are we, by this measure, to cut off the market of the agriculturalist for this article to the extent of 90,000 bales at present annually exported to G. Britain?

But the great and material injury to the U. S. will be from the destruction of revenue occasioned by this measure. The present revenue may be estimated at 12,000,000 of dollars, of which 5,400,000 dollars is paid on importations from G. B. and her dependencies. We have an annual appropriation of 8,000,000 for the payment of the principal and interest of the public debt. We have been engaged in extinguishing this debt for near twenty years, and have so far succeeded.

It is a probable calculation that if we remain at peace, and do not cut off the right hand of our revenue, the debt will be extinguished by the year 1816. To me this is an object as desireable as it can be to my colleague. I do not, therefore, wish to deprive the government of this large share of revenue derived from duties on merchandise imported from G. Britain.

As to the effects of this measure on G. B. I might acknowledge, if it could be permanent, that it might raise a clamor among her merchants & manufactures, which might induce the minister of that nation to relax in the course now pursued. But I will appeal to any gentlemen conversant with the state of the country from the year 1792 to this time, to say whether there is any probability of our being able to endure a non-importation of British goods for any length of time; for more than about six or eight months. We have neither stock enough on hand; nor manufactures or manufacturers of our own to enable us to do so. It is true that our manufactures are advancing surely, though slowly, and I may state in corroboration of this fact, what may not generally be known, that in the city of Philadelphia, manufactures are now carried on to a greater extent than they were forty years ago in the town of Birmingham. But can we from this source, or from foreign markets supply the great demand of our citizens? No. There are some articles which we may obtain elsewhere—Let us then prohibit the importation of these from Britain. Let us carry such a system as this into effect. One which as it will do us little injury, is likely to be permanent, and will therefore have a permanent influence on G. Britain.

My colleague has alluded to the measures taken in the year 1793. But he will recollect that the orders, issued by the British government, at that period went much farther than the principle now set up. Besides in 1793 the spirit of this country was very different from that which now prevails. The revolution of France had, at that time, rekindled the enthusiasm of our own revolution; and I believe I shall not be incorrect in saying a majority of our citizens were in favor of drawing the sword in favor of France. I ask, if that is the case now? If a majority of the people of America are ready to take part with the emperor Napoleon. And notwithstanding the measures then taken, in 1794 we concluded a treaty which sacrificed every thing we had contended for, and for which I believe my colleague voted, at least for appropriations to carry it into operation. If this was the issue of violent measures, I am not now for taking them. I am not for taking measures, which my colleague says will strike at the vitals of Britain, but which, he says at the same time, will not be a cause of war. I am, on the contrary, in favor of such measures as we are able to carry into effect, and which may be adopted without permanent injury to ourselves.

MR. CROWNINSHIELD. The gentleman from Pennsylvania, who has last spoken, regrets that this subject has been taken up so soon, but I regret it has not been taken up at an earlier period. Although, after I found certain information called for, I moved for other documents, calculated to shed further light on the subject, yet I then said, and I am still convinced that this information, could not influence my decision on the subject under consideration. The documents called for are, however, now before us. And it appears that the balance of trade between the U. S. and Great Britain is from eleven to twelve millions against us. This difference we are obliged to make up by remittances in cash or bills from other countries; when if we did not purchase of her more than we sell to her, we should not owe this annual balance, and the amount would surely be returned to the U. S. very probably in cash, as a balance in our favor from other European nations. The trade, therefore, with Great Britain, so far as relates to the balance, is disadvantageous to us. The gentleman from Pennsylvania (Mr. Clay) thinks this resolution will materially injure us, while it will inflict little injury on G. Britain. But there can be no doubt that the measure it contemplates will injure Great Britain vastly more than it will injure us. Great Britain has, without any cause whatever, condemned our vessels engaged in the carriage of colonial productions, the bona fide property of American citizens. The gentleman has acknowledged that these captures may amount to six millions of dollars. I do not know the amount, but if the adjudications continue, I believe it will soon exceed that sum. But if the amount did not exceed one million we are bound in duty to protect our merchants. The gentleman, in his remarks, goes on the calculation that Great Britain will go to war with us if we adopt this resolution. But I have no such idea. If, however, I held that opinion, I should not on that account withhold my approbation from it. Because I believe if a war should take place, the U. S. will have a great advantage over Great Britain. We should be able, in that event, to fit out a great number of privateers, and we should make two captures to their one. If a war should take place, which I do not hesitate to say I should greatly deprecate, we should take twice as much of their property, as they would take of ours. But we are not, by the adoption of this resolution, about to enter into war with Great Britain. No such thing is in the contemplation of any gentleman. We are merely about to prohibit the importation of British goods, in consequence of her having seized our vessels engaged in carrying on a lawful commerce, and in consequence of her seizure of American citizens protected by the American flag.

With regard to the measure contemplated by the resolution, I hope that G. Britain will not permit it to go into operation; that she will, on the contrary, on mature reflection, give us back the property she has wrongfully taken from us, and liberate our seamen from the captivity in which she detains them.

With regard to the observation of the gentleman relative to our inability to supply ourselves with the goods we get from her settlements in the East Indies, I think it proper to observe that they may be obtained from other colonies in that quarter; and as to spirits, there can be no doubt of our getting a sufficient quantity of spirits, notwithstanding the adoption of this resolution. But suppose we could not obtain a sufficient quantity of rum, or manufactured articles for our ordinary supply, and the revenue should be thereby affected for a time. We ought not to be governed by this consideration. But I believe the industry and enterprise of our merchants would soon obtain from other markets, a sufficient supply of every article, woollen goods, perhaps, excepted.

In November 1793, Great Britain adopted a similar principle with regard to the colonial trade, except that the orders issued at that time went further than the present principle. In consequence of these orders four or five hundred of our vessels were seized. Every one knows the conduct of the American government at that time. A treaty was finally made in which Great Britain promised to pay for the aggressions committed by her vessels on neutral rights. But nearly ten years elapsed before our merchants received compensation for their losses. The principle slept till 1801. Great Britain did not find it convenient to call it again into existence before that time. It then appears by a correspondence between Mr. King, then our minister at the court of Great Britain and Lord Hawksbury, that she attempted to renew it at that time.—Mr. King, however, remonstrated; and he finally received a note from lord Hawkesbury, who had referred the subject to the attorney general of Great Britain, admitting that the seizure, under this principle, was not warrantable. The opinion is this: that the neutral has a right to carry on a commerce with the enemies colonies. That the continuity of the voyage is broken when the return cargo is landed in the neutral country, & has paid duties there, and that the goods can afterwards be safely transported to any belligerent country in Europe, in the same bottom on which they were originally imported or on any other neutral bottom whatever. This appears to have settled the question, and numerous decisions in England both before and since that time have confirmed the principle as a correct one. But notwithstanding all this, to our astonishment, the same adjudications have been renewed, and the same principle considered as abandoned last war, is now revived. In the early part of the last summer we find it once more brought into existence, and the following case was made use of, as a fit pretext, to warrant the new captures which were intended should be made under this extraordinary decision of the court of appeals.

In the latter part of the late war which was terminated by the treaty of Amiens, an American vessel was carried into the island of New-Providence, and adjudicated. An appeal was carried to Great Britain, where the condemnation was affirmed on the ground that she was carrying on a trade during war which was not allowed in a time of peace. Under this decision the cruizers of Great Britain have seized a great number of other vessels. I know this case particularly. The vessel, I have referred to, was the Essex, Capt. Orne. There was a direct importation of her cargo into Salem, in Massachusetts, after remaining there stored three or four weeks, the duties having been paid, it was shipped for the Havanna. On her passage to the Havanna, she was seized, and adjudicated in New-Providence. There was an appeal, and after remaining nearly four years undecided, the judgment is at last confirmed in England, and the capture of American vessels commences. Can we put up with such decisions? Can we agree to them? If this principle be allowed, I desire to know whether the whole carrying trade of the U. S. will not eventually be sacrificed. By the carrying trade I mean the direct trade to and from the colonies, as well as to Europe. If we acquiesce in their capturing a part, Great Britain will extend her captures still further, and make a sweep of our whole trade. For my part I am not willing to make this sacrifice; if it were no more than a million I could not agree to it.

As to the impressment of our seamen, that too is a subject of most serious complaint. We have called for a document on this point, which unfortunately is not yet on our tables. It is so extensive, and the information drawn from such various sources, that the Secretary of State has not yet been able to present it. We have, however, understood, that the number of our impressed seamen amounts to above 3,000. During the last war G. Britain impressed upwards of 2,000 of our seamen, of which she restored 1,200, proved to be American, and 800 remained in her possession at the peace. In the short period of two years she has impressed 3,000 seamen. I believe that we are bound, by all peaceable means, to obtain the liberation of these men. Lately, one of our frigates was shipwrecked off Tripoli, and 300 men taken captives. We immediately passed a new appropriation bill, and sent out several additional frigates. The affair has terminated honorably to our country, and our seamen are released. Will we not now do as much for 3,000 seamen, as we then did for 300, which are but a tenth part? After the course we are now taking, should Britain persist in her captures and in her oppressive treatment of our seamen, and refuse to give them up, I would not hesitate to meet her in war. But, as I observed before, I do not believe G. Britain will go to war. Our trade is too valuable to her. She knows too that in such an event she will lose her Eastern provinces. The states of Vermont and Massachusetts will ask no other assistance than their own militia to take Canada and Nova Scotia. Some of her West-India islands will likewise fall. She knows also other things. Her subjects own sixteen millions of the old public debt of the U. S. eight millions of the Louisiana stock; and three or four millions of Bank stock; and have private debts to the amount of ten or twelve millions, amounting in the whole to nearly forty millions of dollars.—Will G. Britain, by going to war, risque her provinces, and this large amount of property? I think she will not put so much at hazard. I believe she will take no other steps than are usual with regard to neutral trade. As I said before, the risk of a contrary course will be too great. Her minister is now trying a system, the continuance in which will depend on us. He means to see how much we can bear. By this step we shall put an end to it. If, before it goes into effect, we give him time to reflect, he will, rather than experience the injury that menaces his country, pay for the property that has been condemned, and release our seamen. Under these circumstances, and viewing the resolution as a pacific measure, I hope it will be adopted unanimously.

(*To be Continued.*)

IN SENATE OF THE U. STATES.

MARCH 6.

Mr. SMITH of Maryland, from the committee appointed to consider the resolution of 12th February on the subject, reported the following bill, which was read and passed to a second reading.

A BILL

For the encouragement of the shipping and navigation of the U. States.

BE *it enacted by the Senate and House of Representatives of the U. S. of America in Congress assembled*, That from and after the day of next, no goods, wares or merchandize shall be imported in any foreign ship or vessel into the U. S. or the territories thereof, other than goods, wares and merchandize of the growth, produce or manufacture of the nation to which such foreign ship or vessel shall belong, upon the penalty of the forfeiture of all such goods, wares and merchandize as shall be imported, in any foreign ship or vessel, contrary to the true intent and meaning hereof, as also of the ship or vessel in which they shall be imported, and of all her tackle, furniture and apparel, to be disposed of conformably to the ninety-first section of the act to regulate the collection of duties on imports and tonnage, passed the second day of March, one thousand seven hundred and ninety nine. *Provided always*, That this prohibition shall not extend to the ships or vessels of any foreign nation, which admits into its ports the importation, in ships or vessels of the U. S. of goods, wares and merchandize, not being the growth, produce or manufacture of the U. S: *And provided also*, That any forfeiture which may be incurred by virtue of this act, may be mitigated or remitted in the manner prescribed by the act to provide for mitigating or remitting the forfeitures, penalties and disabilities accruing in certain cases therein mentioned, passed third March, one thousand seven hundred and ninety seven, and made perpetual by an act passed eleventh February, one thousand eight hundred.

MARCH 6.

Mr. WORTHINGTON submitted the following resolution for consideration.

RESOLVED, That in order better to provide for the defence of the territory of Orleans, a tract of land, not exceeding in any case acres, to be located out of a tract of land not exceeding two millions of acres, to be surveyed between the Achafalaga, the Red river, and a meridian line passing by the fort at Nachitoches; shall be given free of all expenses, other than those of surveying expenses and office fees, to every citizen of the U. S. above twenty one years of age, and not at present residing either in said territory or in the Mississippi territory, who shall before day of next, become an actual settler on such tract, and shall actually improve, and continue to cultivate and reside on the same years thereafter; on condition, that such actual settler and his sons above the age of eighteen years, at any time or times during the said period of years be liable to be called into service for the defence of the said territories of Orleans and Mississippi, and under obligation during the said period, to continue in such service for any length of time which may be necessary.

Navy Department, March 4, 1806.

SIR,

In obedience to the resolution of the House of Representatives of the 5th ult. requiring the secretary of the navy to inform the House "of the nature and extent of the services rendered to the captive crew of the frigate Philadelphia, by the Danish consul, at Tripoli," I herewith enclose a copy of a letter from captain Bainbridge to me, which affords all the information in my possession upon the subject.

Respectfully submitted

R. SMITH.

The hon. the Speaker of the House of Representatives of the U. States.

COPY.

New-York, Feb. 12, 1806.

SIR,

In compliance with your letter of the 6th inst. which this day came to hand, I hasten to detail the services rendered to the crew of the U. S. late frigate Philadelphia, while in captivity at Tripoli, by Nicholas C. Nissen, esq. his Danish majesty's consul residing there.

In consequence of the mode of imprisonment it was impossible for the officers to procure the necessary articles of subsistence, they were therefore necessitated to receive their daily provision, &c. through another channel. Mr. Nissen generously offered his services to obtain our necessary supplies, which he did, in the most faithful manner, for 19 months and 3 days, the period of our captivity, and at times when the funds placed at my command, in Tripoli, were expended, he continued our daily supply, by his own means, until ours were renewed by the commodore of the Mediterranean squadron, or George Davis, esq. charge of affairs at Tunis, to whom we are gratefully indebted.

Had it not been for the friendly aid of consul Nissen we should not have received our subsistence in so regular a manner as we did, and should have been exposed, at a great expence, to the impositions of the lowest class of our enemy. His attentions were not confined solely to the officers, but were equally extended to the seamen and soldiers.

Consul Nissen was the first christian we saw after landing on the shore of Africa, and he met us the very evening of our misfortune, with the philanthropy of a man of feeling, and immediately administered to our wants by sending provision and bedding from his house, and ameliorated, as much as possible, our truly unpleasant situation.

I cannot, in justice to his attention, omit mentioning a circumstance which shews the lively interest he took in our situation, and the hazard he ran to serve us. When commodore Preble attacked Tripoli, Mr. Nissen's house was as much exposed as any in the town, and himself in danger from the bombardment. I solicited him frequently to leave his dangerous situation, and retire to the gardens where the consuls were: he requested me not to importune him more to leave the town, for he preferred running the risk of the shot and shells from our squadron, and attending to our wants and subsistence, to resorting to the gardens. In thus pursuing the dictates of a feeling mind he was very near losing his life by a shot from