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CONGRESS.

HOUSE OF REPRESENTATIVES.

SATURDAY, MARCH 8.

DEBATE

On Mr. GREGG's Resolution.

[CONTINUED.]

MR. BIDWELL. Mr. Chairman, I came into the House this morning with an intention not to trouble you with any observations on the interesting subject, which has been several days under consideration; and I do not now intend to enter into a discussion of the particular measure proposed in the resolution on your table. But the debate has taken such a course, that I am induced to request your attention, a few minutes, to the extraordinary view, which has been exhibited of our dispute with Great Britain.

A gentleman from Georgia [Mr. Early] yesterday told us that a general alarm had indeed pervaded the nation, respecting our relations with G. Britain; but it had been excited by incorrect views of the state of the dispute, and when the subject should be fairly explained and rightly understood, the alarm would subside. He added, that the carrying trade, out of which our differences have grown, is of little value and not worthy of national protection. The same opinion, in substance, was expressed, on a former day, by a gentleman from Virginia, [Mr. J. Randolph,] and you have just heard it repeated by the gentleman from S. Carolina, [Mr. D. R. Williams,] who last addressed you.

I agree with these gentlemen, that, in order to determine what legislative measures, if any, are necessary to be adopted, it is important, in the first place, to understand the true nature and extent of the controversy between the two governments; and, as their understanding of it is very different from mine, I beg the committee to accompany me in a concise review of it.

The injuries complained of are all on one side, and are entirely without provocation. G. Britain has no cause of complaint against us. Our government has conducted in such a manner, as to give her no occasion for offence.

The claims, on our part, relate to two classes of injuries, the impressment of our seamen, and the seizure and condemnation of our vessels engaged in a neutral trade. The acts, thus complained of as injuries, are undeniable facts. It is certain that G. Britain does impress our citizens and compel them to serve on board her ships of war; and that she does also seize and condemn vessels belonging to citizens of the U. S. and their cargoes being the bona fide property of American citizens, not contraband of war, and not proceeding to places besieged or blockaded; under the pretext of their being engaged, in time of war, in a trade with her enemies, which was not allowed in a time of peace.

Against these injuries, our executive, through the proper organ of negociation, has offered repeated remonstrances, and made a determined stand, in behalf of the U. S. These are the two great points in dispute. They were in general terms communicated to us in the President's message at the commencement of the session, and more particularly in his subsequent message of the 17th of January, to which I beg leave to recall the attention of the committee. It is in these words—"In my message to both Houses of Congress, at the opening of their present session, I submitted to their attention, among other subjects, the oppression of our commerce and navigation by the irregular practices of armed vessels, public and private, and by the introduction of new principles, derogatory of the rights of neutrals, and unacknowledged by the usage of nations. The memorials of several bodies of merchants of the U. S. are now communicated, and will develope these principles and practices, which are producing the most ruinous effects on our lawful commerce and negociation."

"The right of a neutral to carry on commercial intercourse with every part of the dominions of a belligerent, permitted by the laws of the country (with the exception of blockaded ports and contraband of war) was believed to have been decided between G. Britain and the U. S. by the sentence of their commissioners mutually appointed to decide on that and other questions of difference between the two nations; and by the actual payment of the damages awarded by them against G. Britain, for the infractions of that right. When, therefore, it was perceived that the same principle was revived, with others more novel, and extending the injury, instructions were given to the minister plenipotentiary of the U. S. at the court of London, and remonstrances duly made by him on the subject, as will appear by the documents transmitted herewith. These were followed by a partial and temporary suspension only without any disavowal of the principle. He has, therefore, been instructed to urge this subject anew, to bring it more fully to the bar of reason and *to insist on rights too evident and too important to be surrendered*. In the mean time, the evil is proceeding, under adjudications founded on the principle, which is denied.—Under these circumstances, the subject presents itself for the consideration of Congress.

"On the impressment of our seamen, our remonstrances have never been intermitted. A hope existed, at one moment, of an arrangement, which might have been submitted to, but it soon passed away, and the practice, though relaxed at times in the distant seas, has been constantly pursued in those of our neighborhood. The grounds, on which the reclamations on this subject have been urged, will appear in an extract from instructions to our minister at London, now communicated."

The instructions, here referred to, interesting as they are, need not at present be brought into view. But, to shew the precise points in dispute, you will permit me to read one paragraph, respecting each of them, from the official and able remonstrance presented by Mr. Munroe, our minister at the court of London.

On the subject of our neutral trade, he states to lord Mulgrave, the British secretary of state, that "the vessels condemned were engaged in a commerce between the U. S. and some port in Europe, or between these states and the West India islands, belonging to an enemy of G. Britain. In the European voyage the cargo consisted of the productions of the colonies; in the voyage to the West Indies, it consisted of the goods of the power to which the colony belonged, and to which the ship was destined. *The ship and cargo, in every case, were the property of American citizens, and the cargo had been landed and the duty on it paid in the U. S.* It was decided that these voyages were continuous, and the vessels and cargoes were condemned, on the principle that the commerce was illegal. I beg to refer more especially in this statement, to the case of the Essex, an appeal from the judgement of the vice-admiralty court at New-Providence, in which the lords commissioners of appeal established this doctrine."

Here is the new principle, which G. Britain, through the organ of her admiralty courts, directed by the ministry, has interpolated into her law of nations, and which Mr. Munroe, in behalf of the U. S. agreeably to instructions from the executive, has met with a firm and manly remonstrance. This is, then, the point, on which issue is joined between the two governments. The question relates to the carriage of cargoes, which though of foreign production, are the *bona fide* property of American citizens, on board American vessels. It has no relation to goods belonging to foreigners shipped in American bottoms. That was once a controverted point; but it is at present entirely out of the question. During our revolutionary war, the U. S. as well as the northern powers of Europe, made efforts to introduce, by conventional arrangements, the doctrine, that free ships should make free goods; that the property of belligerents might be carried on board of neutral bottoms, free from seizure and search. G. Britain refused to admit the principle. By our treaty of 1794, it was solemnly renounced on our part, and has never since been resumed. It would not now indeed be so important as formerly; for, then the capital of our merchants was not sufficient to enable them generally to be owners of the cargoes carried in our vessels. Our mercantile capital, not being equal to our tonnage, it was an object with our ship owners to carry the cargoes of other nations, especially of belligerents, on freight. That freighting trade has, in a great measure, ceased. We are no longer mere freighters for foreigners, but have become the carriers of foreign as well as native produce, on our own capital, and for our own account. This is now the general character of our carrying trade.

There are instances, no doubt, altho' comparatively few of them, of the carriage of property belonging to foreigners, in American vessels, on freight. There may be cases of fradulent attempts to cover belligerent property under American names, with a view to give it an apparent neutral character. Such cases have occurred. There always have been, and so long as human nature continues depraved, there always will be, frauds committed in every line of business, and among every description of men. The covering of property, owned by belligerents, under American papers, is by no means confined to articles produced in foreign countries. It is equally applicable, and probably as often in fact applied, to the productions of the United States. It is as practicable, for instance, and the temptation is as strong, to conceal, under American names and papers, a cargo of Virginia tobacco or Pennsylvania flour, purchased here by a French or Spanish or Dutch merchant, or his factor, as it would be to give such neutral appearance to a cargo consisting of the produce of any of their colonies. In either case, our laws give no encouragement or protection. We are not called upon to extend the protecting arm of government. And, if we were, we should be under no obligation, and I presume, should feel no inclination, to interpose. No, sir, the persons committing such frauds, in common with all other violators of the laws of nations, are left to suffer the consequences of their conduct. Their property is liable to forfeiture. Such cases, however, are not within the question pending between the United States and Great Britain, altho' they have been artfully or ignorantly confounded with it, to the prejudice of the claim asserted by our government. That claim, as Mr. Munroe has correctly stated it, embraces only the *bona fide* property of American citizens, carried in American vessels.

The adjudications, as reported, and as referred to by Mr. Munroe, are bottomed on the principle, that although the property is American, and therefore neutral, yet, as it was produced in an enemy's colony, and is proceeding to the mother country of that colony, or *vice versa*, either directly or after an importation into the United States with an intention of re-exportation, the trade in which it is so carried, not having been allowed to us by the belligerent in time of peace, as it is in time of war, is an illicit trade, as it respects Great Britain, and the vessels and cargoes engaged in it, therefore, liable to be seized and condemned.

In some cases, the fact assumed, as the ground of condemnation, that the trade was not allowed and enjoyed in time of peace, is not true. It can be proved by authentic documents, the official statements from our treasury department, founded on the custom-house returns, that with some of those countries we did carry on an import and export trade, in a time of peace, before the present war. In those cases, our government, therefore, may deny the fact, as well as the principle, on which the condemnations have been founded. For the correctness of this observation, gentlemen are referred to the official statements of the secretary of the treasury.

But the principle of the adjudications cannot be admitted. The reason alledged in support of it, is that such a trade, in time of war, although not in articles commonly considered contraband, nor with places besieged or blockaded, is beneficial to the belligerent, and increases his means of war. Their reasoning goes beyond their rule, and is equally applicable to other cases, to which it has not yet been applied. The whole trade, between a belligerent and a neutral, even in articles produced in the country of the latter, is beneficial to the former. It adds to his ability to prosecute the war; and may, therefore, for the same reason, be interdicted by an opposite belligerent. The principle, carried through, will deny us the transportation, not merely of the produce of belligerent countries, but the whole of our exports and imports to and from those countries, including the produce of our own. It aims a mortal blow at our carrying trade.

We have reason to believe, that G. Britain is acting upon a systematic calculation, and with a design to engross the commerce of the world. She calculates upon our local interests, our party divisions, and a continued opposition to our government, to disable us from uniting in any effectual counteraction of her measures. Under an impression that our executive will not be effectually supported, in the position he has assumed against her claims, she has taken this first step in her system, to ascertain by the experiment, how much we will bear, and how far she can safely go in applying her new principle. If we submit, if we do not make it her interest to stop, she will proceed in her encroachments, as surely and as steadily as time advances.

The gentleman from Georgia says, we had better sacrifice our carrying trade than our agriculture. Indeed, he thinks it a question whether that trade is not, upon the whole, injurious rather than advantageous to us, in a national view. I agree with that gentleman, and the gentleman from Virginia, in one point, the superior importance of agriculture. It is, in my estimation, the most important, the primary, interest of the United States, considered in relation either to the numbers employed in it, or the utility and necessity of their employment. This is true of the United States as a nation. I believe it is also true of every particular state. I am sure it is of that, with which I am best acquainted, my own native state. It is emphatically so, of the district, which I have the honor to represent on the floor of this House. For, like the gentlemen from Virginia and Georgia, I stand here as the representative of an agricultural district. My constituents, most of them, are proprietors and cultivators of the soil. But, sir, I am confident that I truly represent them, in declaring the opinion, that agriculture and commerce are inseparably connected and mutually dependent. Their connection and dependence grow out of the natural situation and circumstances of our country, and the immemorial usage and habits of our people. The God of Heaven has here joined them together, and it would be not less impious than impolitic to attempt to disjoin them & set them in hostile array against each other. There is no cause for such an unnatural hostility, but, on the contrary, every rational motive for reciprocal assistance and support. Sir, the produce of our farms, beyond our own consumption, must perish on our hands, or rather there would soon be no such surplus produce, if there were no commerce to carry it to foreign markets, and to bring us, in return, the productions of other countries, which we want and they can spare.—This is the very end of commerce. Such a commercial exchange multiplies the comforts and increases the happiness of mankind.

The average annual produce of the U. S. beyond what we consume ourselves, according to the late treasury statement of our exports, amounts, in value, to about forty millions of dollars. It is carried to market chiefly by our own citizens, and in our own vessels, not a tenth part of our imports or exports being now shipped in foreign bottoms. By the enterprize of our merchants, these native exports are carried to every part of the habitable globe, that is open to our trade. We thus have the benefit of a choice of markets, which we should not have, were our commerce more limited, as it certainly would be, if it were in the hands of foreigners, instead of our own enterprising citizens. Our produce, thus exported, is marketed, wherever the greatest demand for it is found. It is not, it cannot be generally sold for specie. It must be exchanged for the productions or manufactures of the respective countries where the sales are effected. If they were limited to specie, or even to such articles of barter as must be consumed in the U. S. the sales would necessarily be less advantageous, and the market prices of our own produce proportionably lower. The commodities, received in exchange, constitute the return cargo. When it arrives here, it is as lawfully and honestly the property of the importing merchant, and as truly the object of legal protection and free disposal, as if he had himself raised it out of the soil, or purchased it from the farmers. But the demand for home consumption may be already supplied by other similar importations, or the cargo may not be adapted to our market. In that case it must either be lost, or re-exported to a foreign market and there disposed of for cash, or in exchange for other articles of commerce. The importation, into the U. S. as stated by the secretary of the Treasury, amount to seventy-six millions of dollars a year, computing them by the scale, on which the *ad valorem* duties are calculated, that is by adding from 10 to 20 per cent. on the prime cost and charges; but, reckoned according to their cost and charges, their amount is sixty-seven millions. Of these imports it appears that twenty-eight millions and a half are re-exported, and the residue consumed among us. This re-exportation of imported articles is connected with the sales of our native exports, and indeed grows out of them. By way of remittance, it is also connected with the purchase of and payment for the imports, which are consumed in the U. S. It is, in short, an essential link in the chain of our commerce. It is a fair and valuable part of our carrying trade, and not, as has been represented, a "fictitious interest," "a mercantile fungus," "a fraudulent speculation."

Whatever may be the suggestions of theory, it is too late to think seriously of introducing the Chinese policy, and withdrawing our citizens from all commercial pursuits. The U. S. are not a mere "land animal," to use the figurative description of the gentleman from Virginia, but a water animal also. Our people, from their colonial infancy, have always been a mercantile, as well as an agricultural people. If commerce was not originally their natural employment, habit has given it the force of second nature. Before our independence, the restraints imposed on the trade of the colonies, by the operation of the British navigation act, formed one of the sources of our complaint and one of the causes of the revolution. The regulation of foreign commerce, not being provided for under the articles of confederation, was one of the principal objects for which a convention was called, and the federal constitution framed and adopted.

The design of the constitution, as expressed in the preamble, was, among other things, "to provide for the *common* defence and promote the *general* welfare:" not for the exclusive benefit of either farmers or merchants, or mechanics or sailors, or any other class of citizens alone; but for the general welfare of all classes, whether at sea or on land; not for the defence of agriculture or manufactures only, but for the common defence of all our national interests, including commerce among the rest. This appears to me to be the fair construction of the constitution.

The gentleman from Georgia has told us, that this subject bears upon local interests; that it is itself a local question, and is to be so considered and decided. I am sensible there are local interests, and they sometimes influence our deliberations. I was never more sensible of their existence or their influence, than during the present discussion. I think I can discern their operation on that gentleman's opinions and arguments; and he may, perhaps, perceive them in mine; for it is vain to boast of exemption from such prejudices. But, sir, let us obey the injunction of the constitution, and the dictate of duty. Let us endeavor to guard against those localities and competitions of interest. Let us take a fair view of the whole ground, and bestow the national protection upon agriculture and commerce in proportion to their relative degrees of importance. I am aware that the latter is not susceptible of the same perfect defence, as the former, because one is within our own exclusive jurisdiction, and the other is on that element, which is the common jurisdiction of all nations. It is, nevertheless, entitled to a reasonable protection, adapted to its nature. That portion of it which is now attacked, is, in the language of the executive, "too important to be surrendered." There is no need of a surrender. By proper regulations, commerce will furnish the means of its own protection.

The second ground of complaint against Great Britain is, the impressment of our seamen.

In addition to the President's communication on this subject, which I have taken the liberty to read, I might here introduce the conclusive argument contained in the instructions from the secretary of State to our minister at London. But it is unnecessary, as that interesting document is in the hands of every member. Yet I cannot forbear calling your attention to one paragraph of Mr. Munroe's remonstrance. "On the topic of impressment, however, the motive is more urgent. In that line the rights of the U. S. have been so long trampled under foot, and the feelings of humanity in respect to the sufferers, and the honor of their government even in their own ports, so often outraged, that the astonished world may begin to doubt, whether the patience, with which these injuries have been borne, ought to be attributed to generous or unworthy motives: whether the U. S. merit the rank, to which, in other respects, they are justly entitled, among independent powers, or have already, in the very morn of their political career, lost their energy and become degenerate. The U. S. are not insensible that their conduct has exposed them to such suspicions, though they well know that they have not deserved them. They are aware, from the similarity in the persons, the manners, and above all, the identity of the language, which is common to the people of both nations, that the subject is a difficult one; they are equally aware, to G. Britain also it is a delicate one, and they have been willing, in seeking an arrangement of this important interest, to give a proof, by the mode, of their very sincere desire to cherish the relations of friendship with her."

In this remonstrance Mr. Munroe has spoken not only the language of our government, but also the sentiments of every considerate true American.

That cruel, that abominable pratice of impressment, in contempt of our unintermitted remonstrances, has been repeated and continued and increased, and is still increasing. There is no prospect even of relaxation. Impressments are now multiplying faster than ever before. They are connected with our other cause of complaint, the infringement on our neutral trade; for, when a vessel is condemned, or detained for trial, it furnishes an opportunity and a pretext, for impressing the men, thus thrown out of employment. Sailors are likewise taken out of any of our vessels in Europe, and the West Indies, in our coasting trade, and at the very mouths of our harbors, while pursuing their lawful business, of carrying to market the lumber and fish of Massachusetts, the beef and pork of Connecticut, the flour of the middle states, the tobacco of Virginia, the rice and cotton of Carolina and Georgia, and other exports of the U. S. or imports from abroad. The number of these unfortunate seamen has arisen to an alarming amount. Though we have not yet received an official statement, which is expected from the secretary of state, it is understood, that between two and three thousand names have been returned to that department, accompanied with proofs of their American citizenship; and it is believed that the list is necessarily a very partial one. Many poor fellows, impressed perhaps when no American witnesses were present, transferred from ship to ship, or removed from one station to another, have probably not yet found an opportunity of making any communications to their friends and through them to the department of state. There can be very little doubt, that there are a sufficient number of our seamen in the British navy, serving, under impressments, to man at least five ships of the line. They are not only withdrawn from our service, but made the instruments of aiding one belligerent nation in prosecuting their war against another.