martial shall be held may pardon or mitigate any punishment ordered by such court to be inflicted.

Article 90. Every judge advocate, or person officiating as such, at any general court martial, shall transmit, with as much expedition as the opportunity of time and distance of place can admit, the original proceedings and sentence of such court martial, to the secretary of war, which said original proceedings & sentence shall be carefully kept & preserved in the office of the said secretary to the end that the persons entitled thereto may be enabled, upon application to the said office, to obtain copies thereof.

The party tried by any general court martial, shall upon demand thereof made by himself or by any person or persons in his behalf, be entitled to a copy of the sentence and proceedings of such court martial.

Article 91. In cases where the general or commanding officer may order a court of inquiry to examine into the nature of any transaction, accusation or imputation against any officer or soldier, the said court shall consist of one or more officers, not exceeding three, and a judge advocate, or other suitable person as a recorder, to reduce the proceedings and evidence to writing, all of whom shall be sworn to the faithful performance of their duty. This court shall have the same power to summon witnesses as a court martial, and to examine them on oath. But they shall not give their opinion on the merits of the case, excepting they shall be thereto specially required. The parties accused shall also be permitted to cross examine and interrogate the witnesses, so as to investigate fully the circumstances in question.

Article 92. The proceedings of a court of inquiry must be authenticated by the signature of the recorder and the president, and delivered to the commanding officer; and the said proceedings may be admitted as evidence by a court martial, in cases not capital, or extending to the dismission of an officer, provided that the circumstances are such, that oral testimony cannot be obtained. But as courts of inquiry may be perverted to dishonorable purposes, and may be considered as engines of destruction to military merit, in the hands of weak and envious commandants, they are hereby prohibited, unless directed by the President of the United States, or demanded by the accused.

Article 93. The judge advocate, or recorder, shall administer to the members the following oath:

"You shall well and truly examine and inquire, according to your evidence, into the matter now before you, without partiality, favor, affection, prejudice or hope of reward. So help you God."

After which the president shall administer to the judge advocate, or recorder, the following oath:

"You, A. B. do swear that you will, according to your best abilities, accurately and impartially record the proceedings of the court, and the evidence to be given in the case in hearing. So help you God."

The witnesses shall take the same oath as witnesses sworn before a court martial.

Article 94. When any commissioned officer shall die or be killed in the service of the United States, the major of the regiment, or the officer doing the major's duty in his absence, or in any post or garrison, the second officer in command, or the assistant military agent, shall immediately secure all his effects or equipage then in camp or quarters, and shall make an inventory thereof, and forthwith transmit the same to the office of the department of war, to the end that his executors or administrators may receive the same.

Article 95. When any non-commissioned officer, or soldier, shall die, or be killed in the service of the United States, the then commanding officer of the troop, or company, shall, in the presence of two other commissioned officers, take an account of what effects he died possessed of, above his arms, and accoutrements, and transmit the same to the office of the department of war; which said effects are to be accounted for, and paid to the representatives of such deceased non-commissioned officer, or soldier. And in case any of the officers, so authorised to take care of the effects of deceased officers and soldiers, should, before they have accounted to their representatives for the same, have occasion to leave the regiment, or post, by preferment, or otherwise, they shall, before they be permitted to quit the same, deposit in the hands of the commanding officer, or of the assistant military agent, all the effects of such deceased non-commissioned officers and soldiers, in order that the same may be secured for, and paid to, their respective representatives.

Article 96. All officers, conductors, gunners, matrosses, drivers or other persons whatsoever, receiving pay, or hire, in the service of the artillery or corps of engineers of the United States, shall be governed by the aforesaid rules and articles, and shall be subject to be tried by courts martial, in like manner with the officers and soldiers of the other troops in the service of the United States.

Article 97. The officers and soldiers of any troops, whether militia or others, being mustered and in pay of the United States, shall, at all times, and in all places, when joined, or acting in conjunction with the regular forces of the United States, be governed by these rules and articles of war, and shall be subject to be tried by courts martial, in like manner with the officers and soldiers in the regular forces, save only that such courts martial shall be composed entirely of militia officers.

Article 98. All officers, serving by commission from the authority of any particular state, shall on all detachments, courts martial, or other duty, wherein they may be employed in conjunction with the regular forces of the United States, take rank, next after all officers of the like grade in said regular forces, notwithstanding the commissions of such militia or state officers may be elder than the commissions of the officers of the regular forces of the United States.

Article 99. All crimes not capital, and all disorders and neglects which officers and soldiers may be guilty of, to the prejudice of good order and military discipline, though not mentioned in the foregoing articles of war, are to be taken cognizance of by a general or regimental court martial, according to the nature and degree of the offence, and be punished at their discretion.

Article 100. The President of the U. S. shall have power to prescribe the uniform of the army.

Article 101. The foregoing articles are to be read and published once in every six months, to every garrison, regiment, troop or company, mustered or to be mustered in the service of the U. S. and are to be duly observed and obeyed by all officers and soldiers who are or shall be in said service.

Sec. 2. *And be it further enacted*, That in time of war all persons not citizens of, or owing allegiance to the U. S. of America, who shall be found lurking as spies, in or about the fortifications or encampments of the armies of the U. S. or any of them, shall suffer death, according to the law and usage of nations, by sentence of a general court martial.

Sec. 3. *And be it further enacted*, That the rules and regulations, by which the armies of the U. States have heretofore been governed, and the resolves of Congress thereunto annexed, and respecting the same, shall henceforth be void and of no effect, except so far as may relate to any transactions under them, prior to the promulgation of this act, at the several posts and garrisons respectively, occupied by any part of the army of the U. S.

NATH'L. MACON,
Speaker of the House of Representatives.

S. SMITH,
President of the Senate, pro tempore.

April 10, 1806.

APPROVED,
TH: JEFFERSON.

CONGRESS.

HOUSE OF REPRESENTATIVES.

TUESDAY, MARCH 11.

DEBATE
On Mr. GREGG's resolution.

(CONTINUED.)

MR. G. W. CAMPBELL.—Mr. Chairman—I rise to submit to the committee some of the reasons that will govern my vote on the measure now under discussion. In doing this, it is not my intention to go over the various grounds taken in this debate, or to answer the several arguments that have been advanced, in support of principles to which I am opposed. My object will be to lay before the committee such view of the subject as I conceive best calculated to ascertain the true ground on which we stand, and the measures which, in the present crisis of our affairs, it would be adviseable to adopt.

I am not disposed, Mr. Chairman, to pursue measures that will *crimson* the American fields with the blood of her citizens, any more than other gentlemen who have spoken on this subject; nor am I willing that *thousands* of innocent persons should suffer *distress* and *ruin*, for the benefit of a few individuals,—*a few merchants*;—which, it has been stated, will be the effect of the measure before you; neither, sir, will I ever give my vote for any measure that shall appear to me calculated to sacrifice the agricultural interest of this nation to that of commerce, or have a tendency to enhance the latter at the expence of the former; and so far as the resolution before you appears to me likely to produce this effect, I shall oppose it. The people whom I have the honor to represent are chiefly agriculturalists, and it will always be my wish and my pride, to support *their* interests, and to cherish and promote the agricultural interest of this country in general, so far as it may be in my power. But I am not, at the same time, prepared to see the *nation* suffer, without resistance, every *indignity* with which G. Britain may choose to treat her, and submit patiently to every aggression and outrage her cruizers, under her authority, may choose to commit on our citizens and on our commerce. I conceive it our duty to take such measures as will prove to the world, a determination on our part to resist injuries and maintain our rights. In regard to the commercial relations of this country with foreign powers, I deem it proper on this occasion to declare it as my opinion, which I have always entertained, that it would have been better for the American people, if government had never given protection to commerce, out of sight of our own territory, or beyond the reach of our cannon from our shores. It would have been well for us, sir, if the American *flag* had never floated on the ocean, under the authority of government, to waft to this country the *luxuries* and *vices* of European nations, that effeminate and corrupt our people—to excite the jealousies and cupidity of those powers whose existence, in a great degree, depends on commerce—and to court, as it were, their aggressions, and embroil us in their unjust and bloody contests. If we had guarded against those pending evils by leaving commerce to seek her own protection, except within the limits of our own jurisdiction, we should have had a fair prospect of continuing to flourish a *free, independent* and happy nation, much longer than I fear it will be our destiny to do, it we continue to become more and more entangled in European politics and intrigues—to be subject to feel the effects of European convulsions, and national contests, in consequence of being deeply engaged in commercial relations with European powers. If we had adopted this policy, foreign nations would have vied with each other for our commerce and our friendship,—would convey the surplus productions of our country from our store-houses, and furnish us in return with those articles and manufactures of their countries, which our necessities or conveniency might require—and we might then behold the collisions of the great powers on the continent of Europe, and their jarring interests contending for superiority, without endangering our peace or our happiness—and with no other inconvenience than the regret we might feel for the miseries and sufferings of *that portion* of the human family, with whom, however, we had no immediate connections.

But, Mr. Chairman, we have assumed the character of a commercial nation, abroad as well as at home. Our government has, in some degree, pledged the nation to protect commerce, and under this impression our citizens have embarked largely in trade, and made considerable progress therein. The enterprising spirit of our merchants has raised this nation to rank, in regard to commerce, the second in the world, and from this source also, our revenue is chiefly derived. Under these circumstances, I am not prepared to say, this is the propitious moment to retrace our steps, and without even giving notice of our intention to do so, abandon our merchants and their property to the rapacity of a foreign nation. I conceive, on the contrary, it is our duty to afford them such protection as the resources of our country, and the prospects we have heretofore held out, would authorise them to expect.

In examining this subject, the first important enquiry that presents itself, is, in regard to the grounds of complaint, which have occasioned the resolution before you to be proposed. There are two. First, the *impressment* of our seamen, and second, the unjust, and as we believe, unauthorised aggressions committed on our commerce, by the cruizers of Great-Britain. If you look at the documents on your table, you will see that our seamen have been impressed by that nation for years past, without the color of right, and in a manner, which it is not pretended, on this floor, is authorised by justice, or sanctioned by the laws or usages of nations. They have been treated in the most inhuman manner, if information is to be relied upon—compelled to perform the hardest duty in her ships of war, and forced against their will to fight her *enemies*, who were at the same time on terms of friendship with us. They have been taken from sea to sea; and from place to place—from one country or island to another—shifted from ship to ship, and often sent to distant parts of the world, so as to place them beyond the research of their friends or their country, & put it out of the power of either to reclaim them, by producing the proofs required of their citizenship to obtain their liberation. It has been stated that Great Britain has always been willing to deliver up such impressed seamen as were proved to be *bona fide* American citizens. But this is a fallacious pretext on her part—from which little or no benefit can arise to us. She impresses our people, without inquiring in regard to their citizenship, or paying the least regard to their *protections*. Their friends know not where to find them—the government cannot ascertain where they are,—and years sometimes pass, before it is known whither they have been carried. It has, therefore, in most cases, been found impossible to procure their relase, and restore them to their friends and their country—and there are at this moment, unjustly detained by that nation, between two and three thousand of our seamen; who have been impressed without any other pretext, than that they spoke the English language, or resembled in their persons, the inhabitants of the British empire. Our government has, in vain, remonstrated, time after time, on this subject to the court of St. James'. No satisfactory arrangements could be obtained—nor is there any fair ground to expect a change in the conduct of that government in this respect. Complaints have been made and repeated in every quarter of the union on this subject. The outrages committed on our citizens have made an impression on the public mind, that demands on our part the adoption of some decisive measure to correct the growing evil. It has, indeed, been said by some gentlemen on this floor, that there exists a prospect of the fair adjustment of our differences with Great Britain on this subject. I would ask those gentlemen, upon what information this opinion is founded? For myself, Mr. Chairman, I know of no just ground to authorise such expectation. The documents on your table do not justify a belief, that there is at this time the least prospect of adjustment. They inform us, there was once such a prospect, but that it has long since vanished—and so far as we can collect information, from those documents, as well as from other sources, there is not to be found in the conduct of the British ministers, the slightest foundation for a belief that they are disposed to relinquish the ground they have taken—unless it is rendered necessary by some effective measures on our part. I would then put it to gentlemen to say, if we are not at this time, to take any step whatever, towards vindicating our violated rights—when will be the proper time for us to act? Have we not patiently indured those injuries long enough? And if not, how much longer must we tamely submit to them? What time can be more favourable than the present to resist them? Will it be when Great Britain has gotten into her possession a greater number of our seamen? When instead of near three thousand, she will have gotten, six, eight or ten thousand? Will it then be a more proper time to make a stand—to call upon her by some efficient measure to do us justice—to treat us as an independent nation,—or to tell her, that we will at least, cease to treat her as a friend?—I presume not, sir. I cannot conceive it proper that we should wait for such an event, before we make a stand in defence of our *rights*. On the contrary, it is my opinion, there can be no time more likely than the present, to render effectual any measures we may adopt. The present state of the war in Europe—which sufficiently occupies the great powers in that quarter, if properly considered, and its probable results, in regard to us, duly weighed, ought, it appears to me, to convince any man of reflection, that this is the most favorable moment, to insist on finally adjusting our differences on this subject with G. Britain. The right of our seamen to protection, while they sail under our flag, is undeniable. It is a *perfect* right, as much so as the right to be protected within our houses, or in our carriages on the highway. You ought, therefore, never to abandon it, on any pretence whatever—nay, sir, you cannot abandon it, in justice to your citizens, unless, indeed, you are willing to surrender your independence as a nation. The ocean is a highway for all nations, over which no one power has exclusive jurisdiction. If you resign this right now to Great Britain, what reason have you to believe she will not push her demands farther, and urge you to resign another, that may be still more important? It is high time that this business was brought to a final close—for if your seamen are to be seized wherever they are found on the ocean, you had better strip your ships of every sail they carry—confine your citizens within the limits of your own jurisdiction, to fight your own battles, should it become necessary, rather than see them exposed against their will, in fighting the battles of a foreign nation.

The second ground of complaint is the aggressions committed on our commerce, contrary to the law of nations, and in violation of every principle of justice. G. Britain assumes to herself the right to interdict to neutral nations a commercial intercourse with the colonies of her enemies, except under such modification as she has been pleased to prescribe. She justifies the capture of your vessels on the ground of their being engaged in a commerce, during the war, that was not open to them in time of peace. If this principle be once admitted as correct, and carried to the full extent of which it is capable it will be found in its consequences, almost wholly, to destroy, not only the commerce of this country as a neutral, but that of every neutral nation in the world. You are told you must not *in time of war, exceed your accustomed traffic in time of peace.* What is the consequence? War in a great degree destroys the trade which you were accustomed to enjoy in time of peace, as a great part of it becomes contraband of war; and this new principle shuts up all the avenues of commerce that were opened, in consequence of, or even during the war. What commerce, then, let me ask, will be left to the neutral? None, sir, that will deserve the name of commerce. But the reasons advanced in support of this principle, will go still further to shew its destructive consequences. One of the reasons given why you must not carry on this trade, is, because it is beneficial to the enemies of G. Britain, as you thereby furnish them with provisions and other articles of merchandise, which relieve them from the pressure of the war, and prevent *her* from deriving all the benefits she otherwise would do, from her superiority at sea. If there is any solidity in this reasoning, it will go the whole length to prohibit you from carrying the productions of your own farms to any nation, the enemy of G. Britain. Your provisions, bread stuff, beef and pork, are surely as useful for carrying on war as the produce of the West India islands. She has hitherto, it is true, applied this reasoning only to the productions of the colonies, but it will equally apply to those of your own country. Hence the injustice, and absurdity of the principle must appear evident to every discerning and unprejudiced mind. But she has already in carrying into effect her new principle, gone further than merely to prohibit neutrals from carrying colonial produce directly to the ports of her enemies. She has laid the ground work to prevent you from carrying to those ports your own productions. Your vessels are seized and condemned for being engaged in conveying to her enemies colonial produce, which have been fairly purchased and paid for by your citizens, brought to this country, and according to your revenue laws, made a part of the common stock of the nation. If there is a shade of difference in principle between this case, and that in which the produce of your own farms should be captured on its way to the same enemies ports, it is as flimsey as can be conceived to exist. When your people have purchased the productions of other countries, and fairly paid for them—brought them into your own, and complied with your municipal regulations respecting them, they become neutralised, and as much a part of the common stock of the nation as if they had been raised on your farms—and the same principle that would inhibit you from carrying these to the ports of a belligerent, would by parity of reasoning, prevent you from carrying to the same ports the productions of your own farms.

But, Mr. Chairman, let us for a moment enquire, whence G. Britain derives the right according to any known principle of law or justice, to seize and condemn colonial produce, the property of a neutral, in consequence of its being destined for the ports of the parent state, her enemy? Strangers can acquire no rights against each other, in consequence of the domestic regulations relative to commerce, which a power independent of them, may choose to establish. Suppose, France by law, in time of peace, should prohibit the importation of colonial produce to her ports, on the continent, except in her own vessels, G. Britain could have no right to capture an American vessel engaged in such trade. France alone could rightfully seize and condemn such vessel for the infraction of her laws—but no other power could have such right. Suppose such prohibition is removed by France, during a war, and the trade declared lawful—could G. Britain thereby acquire a right to capture such vessel for being engaged in a trade now declared lawful, which she could not do, when it was unlawful? Certainly she would not. Such doctrine would be contrary to the plainest dictates of reason and common sense. She had no right to capture such vessel, while the prohibition continued, and she could not certainly acquire the right by such prohibition being removed. The intervention of war cannot alter the case, for the rights of neutrals, except as to contraband, remain the same in time of war, as they were during peace. I must therefore, consider this principle assumed by G. Britain as a flagant violation of the law of nations, contrary to every principle of justice, and such as ought not to be sanctioned by this or any other independent nation. If you tamely submit in this instance, she will assuredly push her aggressions still further; encroach on your rights, step by step, as her conveniency and interest may require, until she has effectually destroyed your commerce, and monopolised to herself the whole of its profits. That part of our commerce, that becomes immediately subject to the operation of this new principle, has been stated as very unimportant, and under the name of the carrying trade, has been ridiculed as not meriting the notice of government. A very few remarks, however, will, I apprehend, shew that it is not so insignificant as has been represented.—In our trade with G. Britain there is a balance in her favor of nearly twelve millions of dollars. This balance must be paid out of the proceeds of the exports of the United States to other countries. Many of those countries that consume a great portion of our produce cannot give us specie in return—our merchants must therefore, in such cases, take in return, the produce and manufactures of such countries instead of specie—and as the quantity of foreign produce and goods thus received, exceeds the amount necessary to supply the demands for consumption in this country; it becomes important that this surplus should be carried to other markets, where there is a demand for it—and where specie can be obtained in return. This has heretofore been done by our merchants, by first importing such foreign produce into our own country, and then re-exporting the same for a market—and by means of this trade alone have they been enabled to discharge the balance against us in our trade with G. B. The annual value of imports into the United States, amounts to about seventy five millions of dollars—of this, twenty eight millions are re-exported to all parts of the world, and of that amount, eighteen millions go to the dominions of Holland, France, Spain, and Italy. The greater part of which is subject to capture by the new principle of the law of nations acted upon by G. Britain. This is the carrying trade, Sir, which gentlemen have considered so unimportant, as not to merit the attention of government. Instead of estimating this trade at 850,000 dollars as gentlemen have done, being the net revenue derived therefrom, (and which is not considered as paid by citizens of the United States) it may fairly be estimated at nearly eighteen millions, or about one fourth of the whole of your imports, nearly in the proportion of eighteen million to seventy-five. For if your merchants are not permitted to re-export the surplus foreign produce to those markets where there is a demand for it, it will remain on their hands, and rot in their store houses. This would also sink the price of your own produce, as there could not be a sufficient demand for it, because your merchants would not receive in return foreign produce. Your trade must, therefore, be diminished nearly in the proportion before stated. I ask gentlemen if this trade is cut off, how your merchants are to get specie to meet the balance in favor of G. Britain of twelve millions of dollars? If this cannot be done, your imports must diminish in proportion as