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CONGRESS.

HOUSE OF REPRESENTATIVES.

WEDNESDAY, MARCH 12.

DEBATE

On Mr. Gregg's resolution.

[CONTINUED.]

MR. EARLY. I believe it must be seen by gentlemen that there is now no probability of adopting this measure; and I am convinced that if adopted, it will not answer the purposes which they themselves intended to answer by it. It is not because it takes too strong ground that I am opposed to it; I am opposed to it on other grounds. On the ground that the measure, if carried into operation, will be weak and impotent, as it respects G. Britain, and ruinous as it respects ourselves. These are the grounds on which my opposition is founded. The gentleman, therefore, who submitted this proposition is mistaken if he supposes I opposed it on the ground that it was too strong; but it is not my intention again to go into the merits of this subject. I have barely risen in consequence of the diversity of opinion expressed by gentlemen all tending to shew that if this measure cannot be adopted, they are willing to meet on other ground, to invite them to give us an opportunity to occupy this ground, which I believe will be found in the resolution of the gentleman from Maryland. It is because I think that eligible ground to occupy; a ground which will not recoil upon ourselves, or do us more harm than our enemy, that I think it time to put an end to the discussion of this first resolution. Gentlemen must have discovered that they cannot carry it. To put the thing then gently to sleep, and to give us an opportunity to occupy more eligible and efficacious ground, I move that the commitee rise. When the House shall be resumed, it is my intention to move to discharge the committee from the resolution under consideration.

MR. MACON. Before the question is taken I beg to be indulged in stating that the gentleman from Virginia has misunderstood me. I stated that the best way in my opinion to prevent Britain from impressing our seamen, was to agree not to employ her sailors, on condition that she would agree not to take ours, relying on her being governed by a sense of interest. I should have thought the sentiment ascribed to me by that gentleman would have been one of the last in the world attributed to me.

MR. SMILIE. I am against the motion for the committee's rising, though I have no objection to postpone the resolution for the purpose of taking up any other. There is a wide difference between postponing a measure to a day certain, and discharging a committee from it. Let me tell the gentleman from Georgia that I am not afraid of the fate of this resolution. It is far from me to undertake to say what that fate will be. I know it not, nor can I know it until the final vote of this House. But should this resolution be negatived, that circumstance will not change my conduct. It is enough for me that I am convinced its adoption will promote the interests of this country, & that I am not responsible for its fate, but only for my own conduct, and that I possess the privilege of recording my name in its favor whenever a decision shall be had upon it. If the gentleman will agree to postpone this resolution to a day certain, in order in the mean time to take up any other resolution on the table, I will agree to it.

As we are now explaining, I am glad to see the gentleman from Virginia in his place. That gentleman, in taking notice of my observations, doubted whether the friendship I entertained for him was sincere. If the declaration will be satisfactory to him, I will declare it was sincere: that friendship is not removed; but I wish the gentleman to understand it properly. Friendship requires an exchange of good offices between man and man; but there is a fund on which even friendship cannot draw—the fund of public good, which is of too sacred a nature to be sacrificed even to friendship; and I declare, that except so far as public duty requires, I am still willing to interchange the offices of friendship with that gentleman.

MR. JACKSON. I owe an explanation to the Speaker & the House. My colleague observed that some apology was to be found for the conduct of G. Britain with regard to the impressment of our seamen, from our having more of her subjects in our employ, than she had of our citizens in hers. The Speaker stated that protections were a thing in the market, the price of which was as well understood as the price of other articles. Other gentlemen made various allusions to the conduct of G. B. I had therefore no particular allusion to the Speaker, when I said I was sorry to find apologists of Britain on the floor of Congress.

MR. MACON. I understood the remark as applicable to myself. I said the price of getting naturalized was as well understood as any thing in the market.

MR. EARLY. In reply to the observations of the gentleman from Pennsylvania, I will observe, that if the committee should rise, it will be in the power of the House to dispose of the resolution as it pleases. The gentleman will there enjoy the same privilege of moving a postponement to a definite time, that I shall to move a discharge of the Committee from its farther consideration. For my part it is not material to me which motion prevails. I shall not oppose the motion to postpone this resolution to a day certain. I am as willing that one course should be pursued as the other.

MR. CLARK, in allusion to the remarks of Mr. Jackson, said he had never supposed, from the feelings which he entertained, that he should have been considered as the apologist of G. Britain.

The question was then taken on the rising of the committee, and passed in the negative—Ayes 53—Noes 58.

MR. CROWNINSHIELD----Mr. Chairman—The question is on the resolution for interdicting the importation of all goods, wares, and merchandizes from Great Britain and her dependencies. It is to be regretted that in the consideration of this subject, its opponents have considered it as a war measure, or such as will lead to war. Had I viewed it in this light, I should have never risen in its support. I will take the liberty of saying a few words in reply to the gentleman from Maryland, (Mr. Nicholson) on certain observations which fell from me when this subject was first brought into discussion. What I then said has been misunderstood and misrepresented both by that gentleman and the gentleman from Virginia, (Mr. Randolph). I am accused of wishing to plunge this nation into a war with Great Britain, I deny the charge, and I believe I said nothing which ought to have led gentlemen to have drawn such an inference from my remark. I am charged by the gentleman from Maryland with saying that our privateers would be a match for British seventy-fours—I did not say so. I said if Great Britain considered this as a hostile measure and made war upon us, we should fit out privateers, and they would probably be able to capture two vessels to one taken by her. I here alluded to merchant vessels—and had reference to no other description of vessels. The reason I assigned for this was our experience during the last war, and our ability to defend ourselves in this way, has certainly not diminished since that time. But could it hence be imagined by any rational man, that I considered a privateer equal to a man of war? It has also been insinuated that I am in favor of a confiscation of British property, whether there shall be war or not, I suppose. I said if Britain preferred to consider this as a hostile measure, if she actually made war upon us, we should be obliged to confiscate her debts. If she pursues a hostile course, preys upon our property, and impresses our seamen, shall we be expected to furnish her with all the means in our power to carry on war against us? Shall we continue to pay the debt and interest, when this will be the effect? Though this was a hasty remark, I am convinced on reflection, that it was just, and I have no doubt if Britain chooses to hurry us into war, that it will be our duty to take her property on the land, if she takes ours upon the ocean. With regard to the observations of the gentleman from Virginia, of a personal nature, I shall not condescend to answer them, except so far as to observe, that when the gentleman stigmatises those who held particular opinions, with meriting strait waistcoats, I am sure the committee did not consider the remark as justified by any thing which had been said. I presume no person would wish to put me into a dark room, confine me in a strait waistcoat, and support me on water gruel. Such places are only fit for madmen. I am not willing to go there; but if I should, I might unfortunately, perhaps, find the gentleman from Virginia along side of me.

Having made these remarks, I shall proceed to consider the main proposition under consideration. It is no declaration of war, nor do I believe if adopted, Great Britain will think it sufficient to go to war with us. She will not hazard a war with the United States on this account. Her interest is too deeply involved to permit her to take this step. What does it propose? What are our complaints? Great Britain, in the plenitude of her goodness and mercy, seizes American shipping carrying on a lawful commerce, in goods bought in the colonies of the belligerent nations. What has been her conduct ever since the first war against revolutionary France. On the 6th November, 1793, she issued orders to her armed ships, to seize all neutral vessels trading with her enemies colonies, or loaded with colonial produce, not vessels loaded with *provisions* merely, as has been supposed by some gentlemen, in consequence of which three or four hundred American vessels were captured. On proper representations being made, she acknowledged this conduct to be improper, and allowed the trade on which she had thus depredated, to be a lawful trade. In the treaty made with her the following year, she agreed to make compensation, and I believe nearly four millions of dollars was allowed to our suffering merchants for property thus unjustly taken from them. Here was a complete abandonment of the ground she had assumed. Why did she make restitution if the trade was unlawful? How came it, that the commissioners sitting under that treaty, almost without exception, awarded damages in every case of capture prior to the date of that treaty? We heard nothing of this principle, till the year 1801, when Great Britain again attempted to revive it in a new form. But on reference to her attorney general, he declared this ground to be incorrect, and that a neutral had a right to pursue his commerce with the belligerent colony. He makes no distinction as to the outward or homeward cargo. He does not contend that the colonial trade is to be shut or interdicted in time of war, and although the direct trade between the mother country and the colony ought not to be allowed in his opinion, yet he concedes the principle that the commerce is lawful between the neutral country and the colony, and that upon the goods being once landed in a neutral port the continuity of the voyage is broken, and they may then be sent to Europe, even to those nations at war with Great Britain, to the mother country for instance.

The principle, therefore, was again abandoned by Great Britain. It is now, however, once more revived, and under the decisions of her admiralty courts, we find an immense amount of property at stake. We find not only our vessels going from the colonies to the belligerent nations, and from the belligerent nations to the colonies, exposed to capture. But our vessels are seized and condemned when trading between the United States and the colonies, and also when bound direct to Europe from this country, when loaded with colonial productions. We do not know the precise amount of these captures, but we do know it is immense. Our merchants were taken unprepared: they had not insured against such risks. Many of them must be ruined if you do not hold out your protecting hand towards them. Sacrifice this principle, and we know not where it will end. Viewing the United States as increasing in population and wealth, and unjustly considering us as her rival, her object is to destroy our commerce. I have viewed the subject in this light from the first, and I have no doubt that if we give up this right, we shall be pushed to give up others, one demand will be made after another, and we shall lose all our commerce. But we are told that Great Britain is a powerful nation, that she has 800 vessels of war. But suppose she had 1000, is there any independent man on this floor, prepared on this account to relinquish our rights. I hope not Mr. Chairman, but such strange opinions have been delivered I am prepared for any thing. G. Britain, is so powerful, and has such a great navy, we ought not to provoke her, we must secure her friendship by concessions I suppose. We are told by the gentleman from Virginia, (Mr. Randolph) that if we go to war with her we must hold our sea coast at the will of the conqueror, that we must fly to the mountains for protection. No, sir, we shall not fly to the mountains. We shall meet our enemy at the ocean's edge, we shall there defend our sea coasts. To talk of abandoning our sea-coats is idle. In defence of our coast we shall, if necessary, shed the last drop of our blood. No, sir, we shall not hide behind a hogshead of tobacco, or a bale of cotton, but boldly stand forth, and fight for our shores, whenever a lawless invader shall touch them.

But G. Britain says, you are carrying on a trade in war, which was not allowed in peace. Is this a fact? It is not a fact. The valuable document from the secretary of the treasury proves that it is not. If that document did not prove it, I could from my own personal knowledge, for I have enjoyed the colonial trade in common with thousands of my fellow citizens during peace and war. In 1802, a year of peace all over Europe, from the returns of the secretary of the treasury it appears that you exported colonial and other foreign productions to the amount of thirty five millions. This was a period of peace, as I have before observed, and demonstrates that you enjoyed this trade in a time of peace. This produce was purchased with American capital, in foreign countries, but chiefly in the colonies belonging to the enemies of Great Britain, very little of it came from the English colonies. Similar property is now seized and condemned upon the presumption that we are not carrying on our accustomed trade. I ask then in what other light we can consider this aggression of Britain, than as a part of her regular system of plunder.

Is it true that this trade is a mushroom or fungus that has sprung up in the night? I think it is as valuable as your export trade in tobacco, cotton, beef or pork. Indeed it is so intimately conected with the trade in our own products that it cannot be separated from it. Your people raise a large surplus beyond their wants. Do gentlemen want this surplus produce to rot in the hands of the farmer or planter? To avoid this what must be done? It must be exported to other markets. Take the case of a cargo of flour sent to the West Indies. They have no money to pay for it, but they are willing to barter sugar or coffee in exchange. The American merchant brings these articles to the U. S. but he finds the market so overstocked that he cannot sell them here. He prefers sending them to Europe rather than waiting for a demand which may never come. Now I wish to know whether he has not the same right to send this sugar and coffee to Europe, received in exchange for his flour, as he has to send the flour itself, which is the product of your soil. There can be no doubt of it—it is his own property—sailing under a neutral flag, which if outraged, he has a right to call on his government to protect.

I know of a vessel which went last year from Salem in Massachusetts, to Richmond or Petersburgh in Virginia, I forget which of them, and there took a cargo of tobacco, with a view of going to Manilla, a Spanish port in the Chinese seas. I believe she loaded 4 or 500 hogsheads of tobacco. This vessel will be compelled to bring back a cargo of sugar and indigo. There will be no dispute as to the neutrality of the ship or cargo—both belong to an eminent merchant of Massachusetts. I am sure the indigo will not be wanted in this country. It will sell higher in Europe and the owner may wish to send both the sugar and indigo to Spain, to France or Holland, but it will be exposed to British capture. It will be said it came originally from an enemies colony. It is contaminated. It cannot be carried to Europe; because it may turn out possibly that the owner intended to send it to Europe when he first undertook the voyage to Virginia, twelve months before. This will be said in a British court of admiralty, however true or false it may be, they will judge of the intention, and the whole will be condemned. I ask you, sir, I ask the committee, whether this is not a fair and a lawful trade. It is an honorable trade. It is a trade in tobacco. The sugar and indigo of Manilla will be purchased with the tobacco of Virginia. It is sent to a distant country on American account. The returns from necessity are made in colonial produce. It will not all sell here. It must be sent abroad; if it is seized on the passage, will a second voyage be attempted? Will any merchant send to Virginia to buy another cargo to ship to an enemy's port, if his property is to be torn from him on its return, or before it can find a market? It would be just as right to seize the tobacco before it reached the enemies port, as to take the proceeds of that tobacco on a subsequent voyage. Is not agriculture interested, and greatly interested too in such voyages as these? It is perfectly clear in my mind that it is. Such a trade as I have described, is the trade in dispute between us and G. Britain. Will you abandon it? I hope you will not. You cannot. It is too important, too valuable to be sacrificed.

Some gentlemen, and particularly the honorable Speaker, has conceded all the advocates of this measure wish, in saying we have a right to send a load of flour to the West Indies, and bring back a cargo of coffee in return, and afterwards to send this coffee to Europe. We have a right to this trade as much as to the trade in flour.

[*Mr. Macon* here explained, and observed he had said that a dollar got in in this trade was worth as much to the country as a dollar got in any other way.]

Mr. Crowninshield. Yes, sir, I understood the gentleman as saying that also. I may, however, be mistaken in the first declaration of what fell from the honorable Speaker; but I took a memorandum of it at the time. Well, this is all the advocates of the resolution contend for—that it is a fair trade—as good a trade as that of tobacco, or flour, or any thing else—that a dollar earned by it is as valuable as any other dollar—that it is not a dishonest trade—that it is not the covering trade; in my part of the country it is not known by the name of the carrying trade—the carrying is the freighting trade; and our people do not fit out their ships for the purpose of transporting the property of belligerents on freight. Our merchants are possessed of sufficient capital to load their own ships on their own account. They own the property themselves. It is not a foreign property. There is no want of American capital to carry on our commerce. The British condemnations do not proceed on this ground. They alledge we are carrying on a trade in time of war which was not allowed in time of peace. There is one point of view in which this subject may be considered, which is important; it is this. It will be seen by the committee, that G. Britain condemns both ship and cargo, when there is no question as to the neutrality of the flag, and the crew are sure to be kept prisoners at the same time. It is not so where the ship is freighted for account of a belligerent. Here she would be paid her freight, and the ship would be acquitted, and the seamen would be left to navigate the ship home, the cargo only being enemies property, would be condemned. By the new principle, the whole is swept away. This is even far worse than the blockade principle. Here the vessel ought to be warned not to enter a blockaded port; she cannot fairly be seized unless the owner or master has been informed of the blockade; and on the return voyage, in my opinion, she must be permitted to go free. Grant to England what she wants, under her new doctrine, and she may give up blockades altogether. She need not blockade Martinique or Guadaloupe in future. She may save the expense of sending her fleets against the enemies colonies. She has only to watch the ports of New-York and Boston, with a few frigates, and the thing is done. Here they can prey upon your defenceless vessels with the greatest facility. Your merchant vessels trading with the enemies colonies and to Europe, loaded with colonial productions, clearly American property, fall into the hands of British cruizers without any trouble. This takes place every day. What! Shall a neutral ship and cargo be captured and condemned because it was the owners intention to send the produce to Europe, to a better market than his own country afforded him. The principle is monstrous. I revolt at it. It sets reason and justice at defiance. G. Britain condemns both ship and cargo, and in addition seizes our seamen. She has extended the ground of capture. She has condemned our property coming from a belligerent nation to America, or when destined to a neutral country, not our own, on the pretext of intention to trade with the colonies. I assert that all these condemnations are illegal and unjust. I say the trade in which these vessels are engaged, is highly valuable and ought to be protected. It is an important branch of your import as well as export trade. But gentlemen differ on this subject. Comparisons have been made as to the different branchs of our commerce. The honorable Speaker said when he was up on this subject, that the trade which he considered of the most consequence was the coasting trade. This trade is valuable in a certain degree, but it is subordinate to your other commerce. Is the coasting trade in tar and turpentine from North Carolina to Norfolk and New-York of so much consequence? But even this trade is put to hazard. Allow the British doctrine to be correct, and their seizures will soon extend to this trade. They want to confine you to a mere coasting trade from state to state. I am not contending for the freedom of commerce for one state more than another. The northern and southern, the eastern and Western states are all interested in this great question. I cannot permit the insults offered to our seamen to be passed over without some remarks. G. Britain, whenever she finds an American seamen without a protection, seizes him—whenever she wants men to man her vessels, impresses them. Something has fallen from the honorable Speaker, in which I understood him as saying he had been informed from respectable authority, that protections are an article bought and sold in the markets; but I know that this is not the fact; they are an article which cannot be bought or sold in the market. I do not pretend to say there may not have been some abuses in the protections, but the instances are rare. Under a law of the U. S. the applicant is obliged to apply to a justice of the peace, and unless he proves to the satisfaction of the magistrate that he is a citizen, the magistrate does not give him a certificate. On proving this, he gives him a certificate, with a description of his height, complexion, age, and place of birth. With this he applies to the custom house, and receives from the collector his protection, as it is erroneously called, for it is no protection to him, it affords him none. Now, it is impossible, if the man felt so disposed, to sell this protection, as it will not correspond with the description of another person. It will, however, I believe, be agreed, that these protections are totally disregarded by Great Britain. Has she then a right to treat our citizens in this manner? Is it right for a belligerent nation to have 3000 of our citizens on board of her ships of war, fighting her battles against our friends? I have no doubt that at the battles of Aboukir and Trafalgar, many of your seamen were engaged in her service; I have no doubt that in the list of killed at Trafalgar, are to be found the names of hundreds of your seamen, who fought and bled, not in defence of your liberties, but against a friendly power!—Seamen impressed into the service of a foreign nation, without receiving any compensation for their services; for