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CONGRESS.

House of Representatives.

MONDAY, MARCH 17.

DEBATE
On Mr. Nicholson's Resolution.

(Mr. Sloan's Speech concluded.)

Here let me call the attention of the committee to the capture of the frigate Philadelphia, whereby upwards of 300 of our citizens became prisoners to the Bashaw of Tripoli. How was this account received by members of Congress? What sensations did it produce, and what was the effect? I need not inform this committee. Every member, by turning to his journal, may satisfy himself, that prompt and decisive measures were adopted to procure their release from captivity. This case has been by some members contrasted with the impressment of our seamen. Let us analise the two cases, and see what similarity there is between them. Our captives at Tripoli had entered voluntarily on board a frigate of the United States, then at war with that power; and in that war were taken prisoners, and when so, were neither inhumanly beaten, nor compelled to bear arms against any nation, although the war was vigorously carried on by the U. States, to reduce the town in which they were prisoners. Did they suffer any thing but what their own voluntary will subjected them to, captivity, a frequent attendant, and always a possible consequence of war? Will their case bear any comparison with that of a passenger, who to avoid the tyranny of a European despot, had left his native land, hoping to find a peaceful asylum in the United States the remainder of his days; supposing himself secure under the protection of their flag, escaped from the danger of the sea, in sight of land, with American seamen, endeared to him by their kindness on the passage; together forced by a press gang on board a ship of war, and there compelled to bear arms against their friends! It will not—it sinks into insignificancy—it is like a drop to the ocean. Shall we then treat with indifference an account laid on our tables, that three thousand of our seamen are not only taken captive, but many of them ignominiously beaten with many stripes, and compelled to assist in fighting the battles of the British government, with nations with whom we are at peace? If the case of our captives at Tripoli was sufficient to excite such tender sensations in the minds of members of Congress, as to induce them immediately to adopt efficient measures to obtain their release. Will not the insolence and barbarity of British armed vessels, pressing our seamen in the mouths of our harbors, after a perilous voyage, rejoicing in beholding again their native land—enjoying by anticipation, the pleasing company of their long absent friends—expecting in a few hours the completion of their happiness, in the rapturous embraces of their bosom friends, and beloved offspring. But alas! from their native land, and from all the most near and dear connections in life, they are inhumanely rent asunder, perhaps never again to see their hearts delight, but forced on board one of those infernal machines called a British ship of war, and there compelled to imbrue their hands in human blood, in the blood of those with whom they have no difference—they receive mortal wounds—they languish—they die—without any tender friend to sympathise with them in their affliction, or tenderly to close their dying eyes! Will not I say, reflecting on such scenes as these, not only excite a superior degree of sympathy and tender feelings of humanity; but raise an honest indignation, and decided detestation for the actors of those horrid scenes, and for that government, who pretends to be the principal supporter of liberty, and that holy religion, which enjoins its adherents to do unto all men as they would be done unto; and yet persists in those base and barbarous acts of injustice, which are disavowed and rejected by all other christian nations!—I hope it will. I hope there yet remains in this committee, some of the sparks of the sacred fire of liberty, that on the 4th of July, 76, arose into an irresistible flame, burned and destroyed that servile dependance on the haughty, oppressive, and tyrannical government of G. Britain, who wished to bind the colonies in all cases whatsoever. May the remaining sparks be re-kindled, and burn up the residue of the dregs of British tyranny. May the first session of the ninth Congress of the U. S. evince to the world, that they are worthy of, and mean to support that liberty and independence, lately purchased at the price of blood; which we have now in our power to do, without the effusion of human blood; only by doing what I conceive to be our indispensible duty to act justly and impartially towards all nations, with whom we have intercourse, and to withhold intercourse from any nation that will not in turn deal justly upon terms of perfect reciprocity.

Mr. Chairman, our situation on the map of the world, places us in a commanding attitude—and our principal exports being the substantial necessaries of life, renders them essentially necessary to those European despots, many of whose wretched subjects, instead of being permitted peaceably to cultivate the soil, are hired, or compelled to leave this innocent occupation, and embody themselves for the purpose of learning more completely the infernal art of inhumanly butchering the human species, and to waste and destroy in a short time the productions of great and fertile countries; whereby always want, and sometimes famine is produced! Thus situated, the United States can, without shedding of human blood, and without permanent injury to her revenue, or citizens, compel the haughty tyrant of the ocean to do that justice, which several of the most powerful nations in Europe have long strove in vain to effect, by equipping large fleets, and raising mighty armies. For the U. S. of America is reserved by the Allwise Disposer of events, that glorious work of effecting by peaceable means, a cessation from injustice and injuries, which war measures has only tended to increase. To prove this fact, we need only recur to the history of last century—there we find three of the most powerful maritime nations of Europe, Holland, France and Spain, contending with England severally and jointly, for the sovereignty of the seas—and what has been the effect? Let the blood stained ocean, and the numerous vessels of war built and equipped by those nations that have heretofore, and do at this time, make component parts of the British navy—answer the question.

Perhaps I shall be told that I have given up the argument, by acknowledging that the three greatest maritime powers during the last century, by opposing the tyranny of Britain, only increased her power at their own expence and loss. No, Mr. Chairman, I adduced this fact to shew, that they attacked her in the only point where she was invulnerable—they attacked her wooden walls, raised by her manufactures, and supported in part by the plunder of foreign nations—they attacked the effect—let us attack the cause—remove the cause, and the effect will cease. This is not a sentiment peculiar to my weak brain; I believe it to be a sentiment adopted by a great majority of the most enlightened and best informed citizens of the U. S. I believe so from verbal communications, and from public prints, an extract from one of those I shall now read. "It is expected, says the Independent Chronicle, that on the meeting of Congress, the important business of national commerce will be fully considered—that measures will be adopted to give protection to our property and seamen; that the British nation will feel the weight of our trade, not only within their manufacturing towns, but the islands. We have a strength in this species of warfare, which would command the attention & respect of that nation. Our imports of their fantastical articles of fashion, which only serve to vitiate our habits, and introduce idleness and dissipation among our citizens, are the main springs which enable them to enrich themselves at our cost. Let us only cease to barter our national honor for gowgaws and articles of foppery, and we might bid defiance to that power, which now wantonly sports with our sovereignty and independence. The suppression of a cargo of British manufactures would be more powerful than ten sail of the line; for the latter might be captured, and occasion a loss of millions, but the former would enforce its operation with an efficacy too powerful to be concealed, attended with the saving of millions of dollars, which are yearly remitted for superfluities. Let us know our strength as it relates to Britain, and we should not hesitate long in putting it into operation. Ships of war are the strength of Britain, but a non intercourse would soon dismount every cannon of their navy."

However chimerical this may appear to the eulogists of Britain, who suppose her power invincible, and her resources inexhaustible, they are as certain and inevitable consequences as that water will quench fire, or, that taking away the fuel will cause it to go out. But suppose great Britain should, contrary to her interest, refuse to enter into just and amicable arrangements with the United States; should let a non-intercourse law go into operation; should put forth her strength, as we have been told she will do, and make us feel it. What would be the consequence? In my opinion, a horn book politician, that has only learned his A. B. C. (if he has not learned them in the school of a British minister) may discover the certain and inevitable consequence, that as their oppression and injustice to the colonies produced a partial independence; their continuance therein would complete the system. I say a partial independence, and conceive myself fully authorised in adopting this language, as long as members of Congress hold up an idea, that we cannot exist without importing British manufactures; that non-intercourse would injure the U. S. more than G. Britain, and that if we offend her minister, he will put forth his strength and make us feel it.

But, Mr. Chairman, as I desire not to trespass on the patience of this committee, I will in a few words state what appears to me to be the real grounds of opposition to a non-intercourse law, which I consider as the only effectual measure. One member has told us his tobacco is not sold. Another that it would sacrifice at least one year's crop. And a third, that it will operate harder upon his constituents than in any other parts of the union. And here I must anticipate the situation of a fourth class, that has not sold their wheat. And another class of citizens I should have added to this list of anticipated sufferers, if we had not been informed from high authority, that they were like slippery eels, that could slip round and evade any law. I mean the merchants, who doubtless have on hands large quantities of flour, beef, pork, &c. But as we are told they are cool calculating rogues, and therefore well able to help themselves, I shall leave them to manage their own business, in their own way, and close the catalogue of sufferers with the case of my immediate constituents in New Jersey,—they are many of them poor tenants, who depend upon paying high rents, and supporting their families by raising produce for market, and can only by steady industry, and rigid economy, pay ther rents, and support their families. If produce falls one hundred per cent. what must their situation be? Will not they merit at least an equal share of commiseration with rich landholders, who clear by raising tobacco, cotton, or rise, from five to ten, or fifteen thousand dollars per annum? I hope no member on this floor will conclude they do not. Yet, Mr. Chairmain, I am bold to say on their behalf, that if it depended upon their voice, they would say pass the law. They would say, as some of their fathers said at the commencement of the revolutionary war—we will put on our old cloaths and wear them over again—we will reject her manufactures, and forego the sweets of her islands, rather than submit to her insolence, and the cruelty of her commanders of armed vessels, pressing our fellow citizens in the mouths of our harbors, and by stripes and cruelty, compelling them to assist in fighting their battles against nations in amity and peace with us! This, I believe, would be their language—and not their's only, but a great majority of the citizens of the U. S. So far am I from believing with my friend from Georgia, (Mr. Early) that if all the people of the U. S. were fully informed of the conduct of G. Britain, nine tenths would reject the present resolution—nineteen twentieths would call upon us to pass a non-intercourse law—to prohibit trade with that nation, until she restored our seamen, and entered into arrangements to trade with us in future, upon terms of perfect reciprocity.

A peace neutrality, a non-intercourse law to enforce the resolutions sent by the Senate to our President, will be more efficacious than 50 ships of the line and 100 frigates. The voice of our beloved country calls upon us. The voice of a respectable class of citizens, (the merchants) who more immediately suffer loss of property. The voice of humanity. The sighs of aged parents, lamenting the absence of their beloved offspring. The heart rending cries of tender females, for the loss of their bosom friends. All supported by the eternal, immutable principle of equal justice, united, calls aloud to the Congress of the U. S. to apply an effectual remedy to this horrid scene of injustice, oppression and tyranny! God grant that we may no longer turn a deaf ear, or treat with indifference these calls.

As I do not intend to impose upon the committee by frequent communications, I must beg their attention a few minutes longer. Mr. Chairman, the confident declamation of a member, (Mr. Randolph) who has taken up the time of the committee more than three times as long as any other, has brought to my remembrance the language of one, who in his day, was called the wisest of men, (Solomon)—"Woe to thee, oh land, when thy king is a child."—Woe to these U. S. if ever that day should arrive, when a majority of her legislature should be children—rocked on downy pillows—dandled in the lap of pleasure, and fed at the table of luxury—whose knowledge is all theoretic, acquired by reading, seated in easy chairs. These are the mushrooms—the fungusses—the premature hot bed productions that we have been so often told of—notwithstanding they have had the assurance, (may I not more properly say insolence) on this floor, to treat the arguments of all who differ from them, as trifling and unworthy of notice; and those resolutions which other members have introduced, as spurious illegitimate productions, and their authors and supporters as horn book politicians, not having learned their A, B, C, and what is much worse, they never can; being so void of reason, that they ought to be put in straight waistcoats, and confined in dark rooms!—But one ray of comfort, doubtless, strikes every honest mind in observing, that this number of arrogant dictators is small. God grant that they may not barely remain small, (but if they continue their late insolent conduct) at the next election be removed.

Mr. Chairman, members of this House who frequently take a retrospect view of the revolutionary war, whereby the colonies of North America became free and independent states—who remember the time, when the American army, reduced to a skeleton, a handful of men dispirited by defeats, and hard pressed by a powerful victorious army, crossed the Delaware at Trenton; and in addition to the reduced state of the army, a mortal disorder raged in various parts, which caused some to observe, that it appeared as if the hand of Providence was turned against us; but in the sequel, had thankfully to acknowledge, that not by their own power, but through the mercy of the Allwise disposer of events this powerful army was turned back again, and finally obliged to leave this land with shame and disgrace!

I say those members will not rise on this floor and assert, that that government, headed by the same monarch, is now fighting the batties of liberty, and is the only barrier we have against Gallic tyranny—neither will they pour torrents of abuse upon the government of that nation, which was instrumental in procuring our freedom, and still manifests a friendly disposition, a disposition to treat our citizens with respect, and our commerce with justice.

No, Mr. Chairman, I hope and trust there yet remains in this House, and in this nation, a great majority who believe in the existence of a supreme omnipotent power, that not only reigns above, but doth whatsoever he sees meet amongst the children of men! These will not depend upon the fleets and armies of G. Britain to defend us from Gallic, or other tyranny—these will be concerned to act justly and impartially towards all nations, depending upon the God of justice, truth and mercy, to bless their honest endeavors, and to preserve them and their constituents from all harm. With this class, however they may be despised by the wise and learned, in their own conceit; it is my pleasure—my joy—my comfort—and my glory to act. These I salute as my beloved brethren, & for their encouragement under the torrents of abuse that they have received; let them remember that the just man's path is a bright and shinning light, that shines more and more unto the perfect day, and that all who walk in it walk safely, and have nothing to fear! I shall conclude with recommending to the perusal and attention of those wise and learned members before alluded to, one verse of that justly celebrated prayer, composed by Alexander Pope:—

"Let not this weak, unknowing hand,
Presume thy bolts to throw,
And deal damnation round a land,
On each, I judge thy foe."

Mr. J. CLAY. Several reasons induce me to advocate the resolution on your table, one of the principal of which is that I believe it to be the best means of vindicating that right which is inherent in us as an independent neutral nation—the right of freely navigating the ocean in our own ships and carrying our own property. A view of the subject in its proper aspect will enable us to see what that right is, its real and legitimate extent, and consequently wherein it has been violated. In taking this view I shall be led to consider the doctrine of neutral rights in a different light from that in which some gentlemen have taken it. It is much to be regretted that the original ground of free ships making free goods has ever been abandoned by us. Had this doctrine been established, an end would have been put to the vexations and spoliations on neutral commerce which have been committed under the pretext of covered property, as the neutrality of the ship would have insured the safety of the cargo, no temptation could possibly exist for fradulent practices, no ground for the accusation. I believe this doctrine is the best supported by reason and by the considerations of justice due to neutral by belligerens powers. Nothing is more certain than that a nation at war has no right to take enemy property on neutral ground. No nation has ever claimed a right to violate the territory of a friend in order to seize the property of an enemy; and it appears to me that a ship sailing under a neutral flag ought to be considered in the same light as a part of the territory of the nation to which that flag belongs. The only enquiry which a belligerent is justified in making is whether the ship sails under false colours or not; and this would be sufficiently shewn by her papers. I believe this has been conceded by all nations; at least as far as it respects ships of war; that it has been conceded by G. Britain, appears from the celebrated case of Jonathan Robbins, otherwise called Thomas Nash. By the treaty of 1794, a person committing murder in the territory of one of the contracting parties and flying to the other, was to be given up to the nation in whose territory the murder had been committed. Under that treaty this person was claimed as one of the mutineers on board of the Hermione, and was surrendered to the British by this government. He could not have been demanded on a charge of piracy, it must have been on a charge of murder, and nothing can be clearer than that he was surrendered under the idea that the ship on board of which the murder had been committed, was British territory. If the act had been merely a piratical one, he could not have been demanded; this nation as well as that would have been competent to punish him, all nations having a concurrent jurisdiction over acts of piracy committed on the high seas. He must, therefore, have been demanded and surrendered under the treaty of 1794, on the charge of murder, and both nations must have considered the ship as British ground. This, then, I take to be the true and legitimate extent of the claim of a neutral nation, that her ships shall be considered as a part of her territory, and that if no fraud is committed in carrying the flag they have a perfect right to pass unmolested. But unfortunately, the right in this full extent, has been abandoned by our nation, and however we may regret it, we are bound by the surrender.

It has been justly observed by my friend from Virginia, (Mr. J. Randolph) that the nation who has the mastery of the sea always finds it her interest to narrow down the rights of neutrals; and indeed attempts have been made by different nations totally to cut off all commerce with their enemies. So with Britain. We find as early as the year 1688, that this was insited upon by G. Britain. In her treaty with Holland of that year, she agreed to prohibit all trade with France; & it was attempted to be justified upon the same ground as is now set up as a pretext for her present aggressions, the ground of necessity and the inordinate ambition of the French monarch. This was not submitted to by the neutral powers. Sweden and other northern nations remonstrated, and their remonstrances were, I believe, successful. In the year 1757, the man who has been so often alluded to, by the epithet of *back stairs*, the present Earl of Liverpool, wrote a book in vindication of the conduct of G. Britain towards neutral nations, and from it we may gather his sentiments on the treaty just mentioned.

After quoting the 2d and 3rd articles of the convention in whibh it was agreed that "they (Holland and England) would take any ship or vessel whatever king or state it may belong to, that shall be found sailing into or out of the ports of France, and condemn both vessel and merchandise as legal prize; and that this resolution should be notified to all neutral states." He proceeds "Such, therefore, at this time was the avowed opinion of Holland, and England was induced to join with her in this convention, *exceeding thereby those bounds of equity and moderation, which she had almost always practised in this point before, and which she will, I hope, most faithfully observe for the future. The Northern Crowns who were particularly affected by this prohibition, contended very vehemently against it.* In answer to their objections, were urged *the circumstances of affairs, the danger of Europe*, and *the mighty strength of that ambitious power*; which if some extraordinary effort was not made, would bring mankind under its subjection. It is remarkable, that Puffendorf, who owed his fortune and employment to one of those northern crowns, was of opinion in this case against them; and thought that the convention might be justified. It is not meant here, at present, either to censure or commend it; circumstances may sometimes make a thing lawful, which, considered by itself, would be unjust; but such times are truly unhappy, when necessity must be pleaded in support of a right." Discourse on the conduct of the government of G. Britain in respect to neutral nations, By the Rt. Hon. Charles Jenkinson, (now Earl of Liverpool) written in the year 1757.

Such was the opinion of the Earl of Liverpool in the year 1757.

But after having abandoned the doctrine of free ships making free goods we must be contented with endeavoring to examine what rights remain to neutrals. Writers upon national law who have supported the opposite principle have attempted to shew the extent of neutral rights in their commerce with the belligerent nations; and the principal restrictions are that they cannot carry enemy's property, or goods contraband of war. Various definitions have been made of contraband articles. As long as the production or fabrication of warlike stores and arms were in the hands of a few nations the application of the principle to them might have been just; but when they have become common to almost all nations, they are placed in the same situation as provi-