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CONGRESS.

HOUSE OF REPRESENTATIVES.

Debate on the PASSAGE *of the bill in addition to an act entitled "An act supplementary to an act, entitled "An act laying an* EMBARGO, *&c."*

(CONCLUDED.)

MONDAY, FEBRUARY 29.

MR. KEY declared that he should vote in favor of the bill, and as he had voted against the original bill he believed it incumbent on him to assign his reasons for voting for this. It appears to me proper, said he, upon correct principles, although I opposed a measure which nevertheless was adopted, to give every aid to carry into effect that measure which a majority has thought proper to adopt. Failing in my efforts to prevent the embargo, I shall still give my aid to carry it completely into effect. From other motives I shall vote for this bill; I understand it as calculated to give efficiency to the measure in every part of the Union. While my constituents are deprived of a market for their produce, from the prohibition of its exportation; if this bill does not pass, a large portion of our citizens in immediate proximity to settlements of foreign nations, enjoy the benefit of traffic. Our laws should be uniform: at present large portions of our country have an outlet for commerce, and the embargo law operates unequally to that part of the community at the expence of the remainder. On the score of uniformity then I deem it proper to pass the law. On another ground also: At present vessels of a particular description may carry off produce to vessels lying at sea, and thus evade the general measure.

Although I was opposed to the original bill, believing that the principle once adopted ought to be carried into effect I assign this reason for voting for the present bill.

MR. J. CLAY said the bill before them in its first provisions went merely to secure the general and uniform operation of the embargo law. It is, said he, a fact well known to a number of gentlemen on this floor, that the provisions of that law have been evaded by boats and small craft, and these are the subjects of the first sections of the bill. These boats have gone off to vessels of G. Britain with the produce of the U. States. Whether as the gentleman from New York says, this be a non-intercourse or an embargo it is immaterial; the effect of every embargo must be a non-exportation. With the gentleman from Maryland I believe, whatever may have been my opinion of the original embargo, that as the principle is once adopted, it is the duty of honest men and good citizens to prevent evasions of the general measure from being practised. I say the same in respect to the revenue system, to the excise system when in operation, and of the embargo now, that it is the duty of every honest citizen, whatever his opinion of its operation, to guard it from violation as a national regulation.

Another reason in favor of this bill is, that unless its provisions be adopted, there is no possibility of an opportunity for citizens of the U. S. to bring back an immense portion of property belonging to them and now in the hands of those powers with whom we are at variance. I mentioned on a former occasion that there is in the island of Santa Cruz, the property of a single house in Philadelphia, a sum of 80,000 dollars. I have in my possession a petition to the President of the U. S. addressed to him under the idea that he had a discretionary power to permit vessels to go out, the prayer of which is that the petitioner may be allowed to dispatch a vessel in ballast to Santa Cruz to bring home property to the amount of 80,000 dollars. The situation of that island is peculiar. In December last it was taken by a British force the commander of which became provisional governor. On the 28th of December this person issued a proclamation allowing the exportation of produce for debts due to citizens of this country, with a limitation of the permission to the term of six months. I have understood that the construction of the original embargo law does not authorise the President to permit any vessel to sail except on public service. The 7th section of this act empowers the President of the U. S. to permit the departure of vessels in ballast. Now if gentlemen would consider the seventh section, they would find that so far from imposing great hardships, (for I suppose that the gentleman from Massachusetts (Mr. Livermore) who went so *largely* into the subject of commerce in general or the gentleman from N. York, (Mr. Gardenier) who dwelt on the traffic on the Lakes, will not say that this is an injury) and so far from being a restriction, it is a great advantage to the country. For these reasons also I hope the gentleman from Connecticut (Mr. Dana), who says he will vote against the bill though he has used his endeavors to perfect it, will agree to give his assent to it.

MR. G. W. CAMPBELL said it was not his purpose to take up much time of the House on a subject so often discussed; but it seemed as if gentlemen were determined to pursue the same argument so often urged and as often repelled for no earthly purpose but to mislead the public mind. Their observations, said he, go to the effect that this bill contemplates a measure distinct from the original embargo. Are gentlemen disposed to tell us that we do not understand language? The embargo law is a non-exportation law, and this was proven to be the sense of the House at the time of its passage. Why then should gentlemen now rise and declare that this bill involves a new principle, when it was declared to be a non-exportation law by the rejection of an amendment to allow exportation of American produce in foreign bottoms? I can see no laudable object gentlemen can have in telling us that this bill embraces a distinct object. It is to carry into effect the precise object of the embargo.

What do gentlemen mean by a difference between the object and effect? When a measure is adopted it is to produce an effect; and if the effect be produced before the object is answered, that effect is as necessary to the object as the measure itself. What was the object of the embargo? Not merely to keep our *citizens* at home; it was to keep our citizens, commerce and *merchandize* at home, in the first instance to prevent their being taken at sea, and thus becoming the cause of immediate rupture, and in the next to keep within ourselves the necessary articles for our consumption in the case of war. It was essential to preserve our produce for our own use and keep it from being of use to our enemies. Does the gentleman from Massachussets mean to say that we ought to be careful not to make an unfavorable impression on Great-Britain, and that the embargo was not intended to operate on foreign powers but on ourselves? Now I conceive that though the principal object of the embargo was to preserve our citizens and vessels from spoliations and capture, that it was intended to have an effect on other nations, to make them feel in the only way in which we could, the necessity for our commerce—to bring them to terms of justice by the only way we could, if they ever can be brought to terms. This was the object of the embargo.

But let it be recollected that during the discussion of the orginal law, the proposition of the gentleman from North-Carolina (Mr. Blackledge) to permit exportation in foreign vessels, proved that the sense of the House then was that no produce should be permitted to go out of the United States. Does this not prove the propriety of passing the bill before you to make perfect the intended operation of the original law? Gentlemen may now take all the goods or produce they wish to send to foreign countries by means of sleds through Vermont or in boats across the lakes into the British provinces. Where then will be the operation of the embargo law, and where the distinction which the gentleman from Massachusetts has taken between a non-exportation and a partial embargo in one part of the Union while another part is free from it? I can see no consistency in such reasoning & cannot see how gentlemen are serious in making these representations in this House, telling us that money is scarce on the frontier; if it is scarce on one side of the line it not on the other? There is no foundation whatever for these arguments. The truth is, that whatever measure is adopted by the government should press equally hard on all. I have before stated my sentiments on the subject, and now rise that it may be distinctly understood and not go abroad otherwise, that this is a part of the original measure of non-exportation. It does not yet operate as a non-intercourse. Merchandize may be landed, but they who bring it can take none away. Hence it is not a non-intercourse, but is and ought to be a non ex-portation measure.

MR. LIVERMORE said that in the observations which he made, he had alluded to the motives for the original embargo as expressed by the President of the U. States, to save our citizens and property within the United States. He knew not the motives which actuated gentlemen in voting for it, nor did he call them in question; by the same rule he could not conceive it proper that they should call in question the motives of its opponents. In answer to the gentleman from Pennsylvania, Mr. L. observed, that it was true there was a principle in the bill which he should like to see carried into effect; but he could not swallow the nostrum merely because there was honey in the cup; but should endeavour to separate the sweet from the bitter. If this act did not pass, it by no means followed that an act might not be produced to answer this object. He would join with the gentleman in any thing to qualify or to destroy the embargo. Undoubtedly in various parts of Europe there was a great deal of property of citizens of the U. States; there was within the grasp of a certain power which he would not name a vast amount of property; and he should be willing to contribute his vote to authorise our citizens to bring it home.

It is said, observed he, because the embargo is laid, that it is necessary to cause this additional oppression. As to the equality of the law, if the question was in what way we could do the most injury to all, the argument might have weight. There is no justice in the observation that the law should be carried into effect in the same manner as the excise law. That was for drawing a revenue into the treasury of the United States; it was there a moral duty to make the law equally binding on all. This is a totally different case. First shew that it is necessary for the safety of the United States that this should be passed. I have called upon gentlemen to do this. They have not done it; I believe I may say they cannot do it. The prevention of our citizens from trading to Canada is certainly an injury. Will it bring about this political revolution which seems to be expected? It is but a fly on the axle. It is an egregious mistake to suppose that preventing a few men in New-York, Massachusetts or Vermont from trading, should force the mighty powers of the earth to give up what they conceive a right. My arguments have not been answered.

MR. SMILIE said he had expected this morning that this bill would have passed without their going back again to consider the principles and policy of the embargo law. He was sorry to find that this was not the case. Such discontent at the original act existed with some gentlemen, that if they could but prevent its being effectual, they would be well pleased. It appears to me, said Mr. S. from the course of the argument this morning, that we have altogether forgotten the situation of this nation at the time the embargo law passed. The gentlemen from New-York and Massachusetts complain loudly of the hardships of the people of the United States in consequence of the law, and in doing so have gone upon the ground that the U. S. was in a perfect state of quiet, and had no cause of complaint against any nation. If this had been the case I should certainly never have voted for that law. What was the situation of the country at that time? In order to do justice to that measure, we must consider the state of our foreign relations at the time of its adoption. Will gentlemen pretend to tell us that our ships were in a state of safety after the French decree was promulgated, and we knew of the existence of the British decrees? Certainly they will not say this. Was it not then necessary to pass that law for the purpose of calling home our property and placing it in safety? So far gentlemen seem to admit we ought to have gone. I will ask gentlemen whether if our vessels now go abroad, they will be more safe than they were at that time? I cannot see how it is possible that a ship now going out could escape. Gentlemen totally overlook the operation which we believe this act will have upon the nations with whom we have cause of complaint.

At the time of the passage of the embargo law, this government had but three choices: either to submit to all the injuries received, go to war, or lay an embargo. Now will gentlemen come forward in this House and declare that they are willing to submit to all injuries? If they will do that we shall understand them. If they will not, I ask them what would they do? Would they go to war? I suppose they had rather not. Would they lay an embargo? No, they tell us. They must then wish to submit, to bow their neck, and let the enemy trample on it. Have they forgot our situation—the capture of our seamen—the outrage on our sovereignty in the attack on the Chesapeake—our vessels carried into foreign ports for condemnation—and would they indeed have crouched with submission? If they would not, I wish them to come forward and tell us what they would have done. We have laid an embargo? we thought it a lighter evil than war, and we hope it will produce its effect. If gentlemen think however that we were mistaken and can propose a measure less oppressive and equally effectual, I will give up this. But if they will take no measures, but tamely bend the neck, I have done with them.

MR. LIVERMORE said it would be recollected that he had endeavoured to avoid discussion of the the embargo measure; and for gentlemen to call upon its opponents to shew reasons without a full discussion, was not proper. He was ready now to go into a discussion; and he avowed his intention to bring forward a resolution for a repeal of the embargo law, in order to produce a discussion, and would then meet the gentleman from Pennsylvania (Mr. Smilie) on the general principle.

MR. SLOAN said although he should no doubt vote on the same side with his friend from Pennsylvania, he rose to express a different sentiment from his. He calls upon the opponents of the bill, said Mr. S. to come forward and give reasons for their opposition, I cannot conceive what the gentleman would wish, or how many reasons would satisfy him. The opponents of the bill have expressed their objections to it in gross over and over again, and I have been tired of it. For were they to give their opinions from this day till June, or we repel them, it would not alter our sentiments one way or the other. We understand each other well; they say they do not approve the embargo, while we think it a benefit. What reason can the gentleman have for wishing their reasons? I have but one wish, and that is to have the question.

MR. LYON conceived the original embargo to have been one of the most destructive measures ever adopted, for which no good reason could be shewn. Can you, said he, ever convince the nation of the propriety of adopting it? You have been ten or twelve weeks about this embargo, and has not every step you have taken in regard to it been convincing to the people that you did not know what you were about? It shews that you did not understand it, that you are so long in making it perfect. The people are looking at you—they enquire what you are about.

One of the grounds on which this measure was supported, was, that it was a measure adopted under the administration of Washington. Gentlemen have had all the time since the passage of the bill to find a better reason. Have they found it while patching up what I call an abominable measure? The embargo is not a measure to be approved by the nation. It is one of those anti-republican measures which stops the operations of agriculture and arrests the common course of business—

[The Speaker here declared the gentleman to be out of order. He was clearly of opinion, after a bill had passed both branches of the Legislature and received the signature of the President, and become a law, that it could not be made a subject of discussion.]

Mr. L. conceived this an arbitary decision—[Mr. L. was here called to order by several gentlemen.] Although he was cut down by a decision that he could not discuss the embargo, on reading the title of the present bill he found it was supplementary, &c. but, said he, you come to the embargo at the end of the title, so that notwithstanding the Speaker's decision it is in order to speak of the embargo.

What is this bill to effect, said he? It appears as though it was determined to keep the embargo on next year. Before this bill can reach the north-eastern frontier, ice & snow will have taken leave; so that if this provision against sleds mean any thing, it contemplates the existence of the embargo during the next winter—to prevent sleds from running next year.

The genleman from Tennessee asks why money is scarce on one side of the line and not on the other? It is owing to the embargo, sir; the people on side of the line are embargoed and on the other not.

I perceive that some gentlemen who voted against the embargo intend to vote for this. If I wanted to obtain popularity I would vote that all should be embargoed because my district is; but I vote against gentlemen for their own sake, and for the sake of the nation. I wish to stop where we are, I will not vote for this as I think it a thing unnatural and improper. Every addition you make to it renders it more abominable—worse and worse. I cannot vote for it. I think this is a proper time to discuss the embargo; the doors are open now; but it is a subject that will not bear discussion. I will risk my reputation as a politician against any of those who supported the measure. The nation is not in a state of quiet, nor ever has been since the commerce of the nation was attacked in the face of the nation by republican France; she commenced what has led to all this. I avow and can prove it, that she commenced the injury and we bore it patiently. An experiment is now made by her antagonist to see what we will bear. All the nations of the earth are trying what we can bear. I would take a course of argument to prove this; but I shall get on the embargo again, which it seems it is not in order to discuss. We are told of our seamen, our poor seamen. A few days ago we had before us a bill to employ a part of them; after all our te[ars] and weeping over these seamen, what has become of this bill? Forgotten. This is the most inconsistent conduct I ever met with; and I here declare I am tired and ashamed of it.

MR. QUINCY made observations calling into question the decision of the Speaker on the point of order. He did not rise to enter into a discussion of the bill. Mr. Q. was repeatedly called to order by several members. The object of his observations was to deny in toto the correctness of the the Speaker's decision.

MR. DANA did not rise to enter into the discussion, for though he considered it perfectly in order now to discuss the subject of the original embargo, he deemed it more proper on the whole to reserve the discussion till the subject was brought before them on its own merits exclusively. If therefore he did not make any reply to the observations of gentlemen in favor of the measure, he begged it might be distinctly understood, that he was not restrained from so doing by the idea that it was not perfectly in order at this time to discuss the object of the bill to which this was amendatory.

The question on the passage of the bill was then taken by Yeas and Nays, as follow:

YEAS—Messrs. W. Alston, Bacon, Bard, Barker, Bassett, Bibb, Blackledge, Blake, Blount, Boyle, Brown, Burwell, Butler, Calhoun, G. W. Campbell, J. Campbell, J. Clay, M. Clay, Clopton, Cobb, Cutts, Dawson, Desha, Durell, Eppes, Findley, Fisk, Gardner, Goodwin, Green, Heister, Helms, Hoge, Holland, Holmes, Howard, Humphreys, Isley, Jackson, Jenkins, Jonson, Jones, Kenan, Key, Kirkpatrick, Knight, Lambert, Lewis, Lloyd, Love, Macon, Marion, Masters, M'Creery, D. Montgomery, J. Montgomery, N. R. Moore, Jer. Mor-