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CONGRESS.

HOUSE OF REPRESENTATIVES.

MONDAY, APRIL 11.

DEBATE on the reference of certain petitions from sundry inhabitants of MASSACHUSETTS on the subject of FISH, which they are prevented from exporting by the EMBARGO.

MR. QUINCY presented petitions from five towns in Massachusetts, respecting fish, stating the peculiar distress under which they labor from the operation of the embargo; that it falls unequally upon that class of citizens to which they belong; that they are the class least able to bear it; that their soil is miserable and sandy; and that they depend wholly upon the fishing business for support, having no other employment than fishing; that to carry it on with any success, they should have the right of exportation, as great part of the product of their labor is consumed in foreign countries; that the common home consumption is much reduced by the present low price of other articles for the support of life; that the whole of their product now on hand is of a perishable nature, and great danger will arise in consequence of its putrefaction in summer; that in their opinion it would be better to lose part by capture than to lose the whole from the denial of the privilege of exportation. They pray therefore that they may be allowed to export in foreign ships; they consider that the principle admitted by the permission granted to vessels in ballast to bring home property from abroad, applies here, as that principle was the only mode of saving property, and the proposed mode is the only one which may be devised for saving a valuable property in fish; if this be denied, they pray that the Secretary of the Treasury may be allowed to buy their fish.

In connection with these petitions, Mr. Quincy said he would offer the following resolution, and would preface it but by one observation; that these petitions came from a great number of the laboring class of citizens, stating that their very subsistence was at stake; and that some mode must be devised by which they may escape from perishing:

Resolved, That a committee be appointed to take into consideration the peculiar hardships and sufferings to which the citizens of the United States immediately interested in the fisheries are subjected by the various acts laying an embargo, and that the committee be instructed to enquire, whether any, and if any, what relief ought to be extended to them, and that it have leave to report by bill or otherwise.

The House agreed to consider the resolution, Ayes 72.

MR. NEWTON moved that the resolution be referred to the committee of the whole House, to whom was referred the report on the petition of certain merchants of Philadelphia, praying for liberty to export flax seed. He saw no reason why a different direction should be given to these petitions.

MR. D. R. WILLIAMS hoped, if the gentleman from Massachusetts persisted in his motion, that it would not be agreed to; if for no other reason, because it contained a mistatement. It authorised the appointment of a committee to enquire into the *peculiar* hardship and sufferings of the fishermen in consequence of the embargo; when, if their condition varied from the common lot at all, it was, that they were peculiarly favored. The gentleman from Massachusetts surely did not wish the House to commit itself by a declaration precisely the reverse of the fact; for he was well convinced that they were the peculiarly favored people.

MR. QUINCY said that even supposing the position taken by the gentleman from South Carolina to be (which he denied) correct, there was no affirmative declaration contained in the resolution. It went merely to appoint a committee to consider, under certain suggestions of certain petitions whether there were any peculiar hardship on that class of citizens. As this is a subject so very important, said Mr. Q. I must beg the indulgence of the House for a few moments. I maintain that there is something peculiar in the situation of the fishermen; and I believe I can so convince the gentleman from South Carolina, with all his prejudices and pre-conceived opinions on this point. The nature of this kind of business is in itself peculiar, in this single fact: that it is not profitable to those who carry it on, but of immense importance to the nation. It is not to the individual a profitable mode of employing his industry. The reward of the fisherman is the least, and his hazard the greatest. His recompense is never above mediocrity. He lives upon the sea coast in a shed which scarcely protects him from the storm; his trade is on the bosom of the deep. And what is his reward? A scanty pittance from his daily labour. The receipts from the fish are merely an income which he spends within the year; and if that perishes he has no capital with which to carry on business and support his family. In order to shew that I am correct, I beg leave to read extracts from a report from the present President of the United States while Secretary of State, on the subject of the fishing trade. He says "The cod and whale fisheries, carried on by different persons, from different ports, in different vessels, in different seas, and seeking different markets, agree in one circumstance, in being as *unprofitable* to the adventurer as *important* to the public." In another part of the same report he says "The profits of the sales in 1787—8, were too small to afford a living to the fisherman, and on those of 1789, there was such a loss as to withdraw thirty-three vessels, of the town of Marblehead, alone, from the farther pursuit of this business: And the apprehension is, that, without some public aid, those still remaining will continue to withdraw, and this whole commerce be engrossed by a single nation. This rapid view of the cod-fishery, enables us to discern under what policy it has flourished or declined in other nations; and to mark the *fact*, that it is *too poor* a business to be left to itself, even with a nation the most advantageously situated." Thus, though highly advantageous to the public, it is productive of little or no profit to the individual. Gentlemen will say, then why follow this business? Why pursue this unprofitable avocation? Why not enter into some other business? The nature of their soil compels them to pursue it, sir; it will not yield them support. There is another reason for it: it is their habit; the mode of life which they receive from their fathers. They seek their subsistence from the ocean, as much as the sea-birds by plunging among the waves. I ask gentlemen to observe how the embargo acts on these people, and see whether the gentleman from South Carolina be correct; and whether this class of men are not at least entitled to have their petitions considered, and to have some way devised for their relief, that they may not have their whole property left to perish on their hands. The reason is so simple as to strike every gentleman. Much of the product of the fisheries is destined for foreign and but little for internal consumption, and that little now lessened from the depreciation in the price of flour, beef and pork, in consequence of the embargo. The external consumption is destroyed by the direct operation of this law; and the internal diminished by the inevitable effect of the law upon other parts of the community.

I ask the House what is the value of these fisheries in a national point of view. By the statement of the Secretary of the Treasury made in March last, the whole amount of exportation of fish is 2,804,000 dollars; and the amount of tonnage employed is nearly 70,000 tons. By calculation we find that the persons employed in the fisheries will average about one man to every ten tons. Thus 7,000 men are now employed in this business, who derive from it their whole livelihood, the happiness and support of their families. If we divide the sum we shall find that there is to each individual an annual income of 400 dollars; not only his whole income, but the whole hope and reliance of his family. This is all destroyed; and this is the effect of the embargo. If it were tobacco, cotton, or any article that could be stored, it would not be lost; even flaxseed would not suffer so much; for although flaxseed may be destroyed, the farmer has still his capital and stock, which the embargo cannot touch; while our fishermen have their whole substance taken away.

There is one other reason which I will suggest to the House, why some peculiar consideration is due to this subject: that these men will be lost to their country, if some relief be not afforded. Mr. Jefferson, in the report before referred to, speaking of the measures of the English and French governments, and how they operated, says, "At that period, our fishery being suspended, the English seized the opportunity of pushing theirs." "They had some little time before turned their attention to the southern fishery, had given very great bounties in it, and had invited the fishermen of the United States to conduct their enterprises." "In 1788 they increased their bounties, and the temptations to our fishermen, under the general description of foreigners who had been employed in the whale fishery, to pass over with their families and vessels to the British dominions either in America or Europe, but preferably to the latter." "The fishermen of the U. S. left without resource by the loss of their market, began to think of accepting the British invitation, and of removing some to Nova Scotia, preferring smaller advantages in the neighborhood of their ancient country and friends, and others to G. Britain postponing country and friends to high premiums." If Mr. Jefferson was then afraid in consequence of not granting the ordinary encouragements to lose our fishermen by competition, how much more is it to be apprehended, when you not only do not give them an equal chance, but take away their market altogether; when you not only destroy their future market, but past product. In a national point of view then it is highly proper that the House should consider the situation of this class of the people, and not suppose that they do not suffer more than rich individuals who suffer nothing but the suspension of their annual sale.

MR. BURWELL said, from the tenor of the observations of the gentleman from Massachusetts, he understood him as wishing to convey an impression that the distress of our citizens was caused entirely by the embargo. Now, Mr. B. said, the distress of that class of citizens was not produced by the embargo, but by the state of things in Europe, by the actual prohibition of every branch of our trade by the powers of Europe previous to the imposition of the embargo. I think it important, said he, in every point of view, that this question should be kept strongly before our eyes, not only for our own particular information, but for that of our constituents; that they may be enabled to judge of the stagnation of business produced, not by the embargo, to which alone it is erroneously imputed; but, by the arbitrary measures of foreign governments. I ask the gentleman from Boston this question: what proportion of these fish is consumed in Europe, in ports prohibited by the British orders of council? For really I had been impressed with the idea that a great portion of this fish was consumed in the Mediterranean, in Spain, Portugal, and other Catholic countries. Does the gentleman suppose that the consequence of our relaxing would be that the British would relax? He cannot believe it. It is therefore very important that the people should understand that the evils recited by the gentleman from Boston, as far as they are true, are not produced by our own voluntary acts, but by the injustice of other nations, whose hopes of plunder by our measures we have counteracted. It is then absurd to talk about the stagnation of trade by the embargo. Where would fishermen send their fish, if it were not embargoed? The British have prohibited it all. I perceive they have lately imposed a new regulation on our commerce in relation to the article of cotton. The exportation of it to France was permitted on payment of a considerable duty; but now from excessive tenderness to the U States, they are inclined to prohibit the exportation altogether. One reason for this measure is, that the French manufactures will be more effectually checked by a prohibition than by a duty; and another is, that they will give less offence to America by prohibiting exportation to France altogether, than by laying a duty on it. They seem to wish to remember America a little in this: I wish to God they would in all things.

No one would be more disposed to take off the embargo than myself, if the state of our foreign relations would permit it; but if we were instantly relieved from the embargo, what would be the effect on our commerce? I see no part of the world where our produce could get but to England; every article of our produce is confined to a market where perhaps not one fifth of it can be consumed; and practising upon the principle they have adopted in relation to cotton, we shall be prohibited from trading any where but to G. Britain; where but 21 or 22 millions of dollars are consumed, of the 103 millions which you export. Nothing is more evident to me than that by removing the embargo, we should hold out to foreign nations the greatest encouragement to perpetuate that system which would produce the ruin and utter annihilation of the commerce of the U. S.

What would be the effect on our seamen and shipping by a removal of the embargo? Will gentlemen say that more than one fourth of them would be employed in our direct commerce with G. Britain? I presume not; because in proportion to our exportation to any part of the world, is the shipping employed in that trade. If one fifth of our exports are consumed in G. Britain, one fifth of our seamen and shipping will be employed in carrying on the trade. How then would relief be afforded by a removal of the embargo, when no employment would be afforded to our shipping or seamen; when they would only fall a prey to the cruizers of the belligerents? I do contend that if the merchants of this country were true to themselves, instead of raising clamours against the government, they would confirm the people in a confidence in their own resources, and demonstrate to them, as they must well know it, the policy of the measures we have adopted; and in so doing they would display much more patriotism and eventually render much more service to the permanent interest of the country, than by pursuing the line of conduct which has produced these petitions.

Gentlemen say that they are disposed to remain neutral; the gentleman himself has said this was the course to be pursued. How are we to remain neutral if we take off the embargo? Does the gentleman believe, with all the patriotism of the merchants, that they would remain patient while their ships were captured in every sea? Does the gentleman recollect the effervescence which took place amongst them two years ago? Will they be more patient when their whole property was destroyed? You would hear as much patriotism from them as you did once before, and it will desert them in as short a time. If we mean to continue neutral, it appears to me that we must continue in our present situation. When the time arrives that the effects of the embargo shall be more injurious than war, I well know what shall be my course; but I am willing to give foreign powers time to accept or propose liberal arrangements against all difficulty—and if they are disposed to recede, I am willing to relax. Let me ask the gentleman from Massachusetts, if we extend benefits to the fishermen, why not to others of our citizens? Does not the gentleman know that the citizens of every part of the U.S. feel precisely the same impression as the fishermen do? Does not every merchant concerned in exportation feel quite as much? If he had listened to the discussion on the bill for raising a military force, he would have heard it said that every man is paralized. If you extend relief to one, do it to all.

I will improve the opportunity while up on this subject, to make some remarks on the course which has been taken in the U. S. in relation to it. The manner in which this measure was opposed when first introduced, and the predictions which were then made must be familiar to all. How have these predictions been fulfilled? When the embargo was first laid, it was objected to as a measure peculiarly to operate on G. Britain, and which would produce immediate war between the two countries. What is the consequence of it? So far from G. Britain having considered it as a measure aimed at herself, she considers it expressly levelled against France; and if I am not misinformed the ministry have justified their orders of council on the ground of their being issued before the embargo was laid; for if the embargo had been laid before the orders of council, they would have considered the measure as a resistance to the decree of France of November, 1806; and it would have taken from them every pretext for issuing the countervailing orders.

MR. QUINCY said, the gentleman was anxious to take a distinction, and that it should be marked, that the evils resulting from a stagnation of business were not the result of the embargo, but of the conduct of the belligerents towards the U. S. To answer this fully, said Mr. Q. would oblige me to enter into a discussion of the wisdom of the measure, which I am not disposed to do on an abstract resolution; I will make one observation, however, which if this House will not admit, the nation will: that so far as respects the oppression of industry in its first sources, the active farmer and mechanic, the whole oppression is imputable to the embargo, and not to foreign nations. Suppose the embargo had not been in existence, and all the products of the country had been swept from the ocean by the belligerents. Upon whom would the loss have fallen? Upon the merchants, the insurers—the rich class of the community; upon those classes who are able and willing to bear it. But its operation is such that it stops the profits of industry. Its first weight falls upon the poor; and this is the cruelty, the misfortune—I had almost said the madness of it. The gentleman asks if the embargo were removed, to what ports we could carry our product? It seems to me that the fishermen are better judges than the gentleman from Virginia or myself. They do not say, but I do for them, better would it be that they should be permitted to sell to the merchant, and let the loss fall upon him, than upon the fishermen—the active labourers of the community. This is the misfortune of the policy of this embargo; that you undertake by your laws to do what laws never did do—what they never can do. You undertake to protect better the property of the individual than his own sense of personal interest would enable him to protect it. The interests which society has in the property of the merchant, are much better secured by his own prudence and understanding of his business, than by any general law. This is the great mistake; and it is an error which will be understood because felt by the people. The true course of policy in such a case would have been to say to the merchant, we will not defend you, here are facts; these are the orders of one nation, these the decrees of the other; you see your danger; we have given you all the information in our power; now do what you please. What would have been the consequence of this? The merchant has his eyes open; he buys up the produce of the country, and sends out adventures. The article is captured; it is lost. It gets to a foreign market; which being under-stocked, he receives a better price for it. If it be lost, who loses it? The insurer, sir; not the planter, grower, farmer or fisherman; not industry in its first sources. I could branch out this idea further into a wide field; but I do not wish upon a particular resolution to enter into it. A gentleman from Virginia (Mr. Randolph) the other day touched a point in relation to the constitution, which is worthy the consideration of this House and the nation: whether in the constitution itself the power of laying an embargo be given. If such a power exist, it is idle to say that this is the last time it shall be exercised; the commercial states will not rest till they shall bring forward amendments by which the power shall be limited. There is not an instance in all history of a perpetual embargo; it is a new experiment. It was impossible that the framers of the constitution should presume that a power would be exercised which should exceed any exercised by the most despotic governments in the world. No such thing ever had been heard of as a perpetual embargo.