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CONGRESS.

HOUSE OF REPRESENTATIVES.

THURSDAY, APRIL 7.

Debate on the passage of the bill for raising an additional military force.

(CONTINUED.)

MR. EPPES said that if the observations made on the present occasion had been confined to the merits of the bill before the House, he would have rested the justification of his vote on the documents recently communicated. The foreign relations of this country however have been brought into the discussion. The United States injured and insulted as they have been at every period of their political existence, have never heretofore been placed in a situation which so imperiously demands energy and talent on the part of its government, and patriotism on the part of its citizens. Unequal as I am to the task, I will attempt to place before the people of this country our real situation with foreign nations. As a citizen of a country whose rights have been violated, whose independence and honor have been assailed, I feel indignation against each proportioned to the wrongs committed. As a Representative I shall endeavor to place before those to whom I am responsible our present situation with England, France, and Spain. I can have no motive in exaggerating or softening the acts of either. The naked facts such as they exist will present to the American people a gloomy picture marked only by stronger lines of injustice and violence, and induce them to feel as I do, that we have nothing to hope from the justice of Europe; that the safety of our country depends on the virtue and union of our citizens and giving to its resources and energy the proper direction. I commence with Great Britain. The injuries received from Great Britain may be classed under three general heads.

1st. The impressment of American seamen.

2nd. Commercial injuries.

3rd. Violations of our national sovereignty.

1st. The impressment of our seamen. This injury has been continued from the treaty in 1783, to the present period—under circumstances calculated to inflict the deepest wounds on the sensibility of the nation. The right has been recently asserted by proclamation, and the king in a speech to Parliament declares it to be one of the maritime rights of Great Britain which can never be relinquished. The gentleman from Connecticut yesterday (Mr. Dana) told us that Great Britain claimed only to take her own subjects from neutrals on the high seas and that she had a right. In what code of maritime law does he find this right? The right is solemnly denied. It cannot be supported by the law of nations, nor is it sanctioned by the practice of any power but Great Britain. In the letter from the Secretary of State to Col. Monroe of January 5th, 1804 it is declared "That although Great Britain has not yet adopted in the same latitude with most other nations, the immunities of a neutal flag, she will not deny the general freedom of the high seas, and of neutral vessels navigating them, with such exceptions only as are annexed to it by the law of nations. She must produce then such an exception in the law of nations in favor of the right she contends for. But in what written and received authority will she find it? In what usage except her own will it be found. She will find in both that a neutral vessel does not protect certain objects denominated contraband of war, including enemies serving in the war, nor articles going into a blockaded port, nor as she has maintained and as we have not contested enemies property of any kind. But no where will she find an exception to this freedom of the seas, and of neutral flags, which justifies the taking away of any person not an enemy, in military service, found on board a neutral vessel.

"If treaties British as well as others are to be consulted on this subject, it will equally appear that no countenance to the practice can be found in them. Whilst they admit a contraband of war by enumerating its articles, and the effect of a real blockade by defining it, in no instance do they affirm or imply a right in any sovereign to inforce his claims to the allegiance of his subjects on board neutral vessels on the high seas. On the contrary whenever a belligerent claim against persons on board Neutral vessels is referred to in the treaties, enemies in military service alone are excepted from the general immunity of persons in that situation. And this exception confirms the immunity of those who are not included in it.

"Even however if the right of Great Britain to take her own seamen from neutral vessels on the high seas was admitted, can any nation without surrendering its pretensions to independence, submit to the form in which that right is exercised. A neutral vessel is brought to. A certain number of the crew claimed. A foreign officer at once decides & his decision without appeal consigns to bondage an American citizen. Whenever property in a neutral vessel is supposed to be liable on any grounds to capture and condemnation, the rule in all cases is that the question shall not be decided by the captor, but be carried before a legal tribunal, where a regular trial may be had and where the captor himself is liable to damages for an abuse of his power. Can it be reasonable then or just that a belligerent commander who is thus restricted, and thus responsible in a case of mere property, of trivial amount, should be permitted without recurring to any tribunal whatever to examine the crew of a neutral vessel, to decide the important question of their respective allegiances, and to carry that decision in to instant execution, by forcing every individual he my choose, into a service abhorrent to his feelings, cutting him off from his most tender connections, exposing his mind and his person to the most humiliating discipline and his life itself to the greatest dangers. Reason, justice, and humanity, unite in protesting against so extravagant a proceeding."—For this extract I refer gentlemen to the same letter page 5th. We have established a government for the avowed purpose of protecting human rights. And what is our practice? The personal rights of an American citizen are less regarded than the most trifling article of property. To appropriate a yard of riband taken from a neutral vessel without condemnation by a judicial tribunal would be an act of piracy. But the native born citizen of our country is liable to be seized in the prosecution of his lawful avocation. A father torn from his children, a husband from his wife, the most endearing ties of society broken at the will of a foreign officer. Man on land and man on water is still the same. The feelings of patriotism, but above all the attachments of the heart which bind man to society, are the same. Let gentlemen bring the subject home to themselves—the seizure of a single individual on land while pursuing his lawful avocations, and depriving him without trial of liberty, happiness, and country, would rouse the indignation of a whole community. The seizure of the Kempers in 1806 by the agents of Spain, although they were rescued and preserved to their country and friends, has been considered as just cause of war—but the groans of upwards of 2000 of our seamen now writhing in bondage must be viewed with indifference. I cannot conculde this part of the subject better than in the words of our late minister at London—speaking on the subject of impressment to the British minister he declares "That the rights of the United States have been so long trampled under foot and the feelings of humanity in respect to the sufferers and the honor of their government so often outraged even in their own ports, that the astonished world may begin to doubt whether the patience with which these injuries have been borne ought to be attributed to generous or unworthy motives—whether the United States merit the rank to which in other respects they are justly entitled among independent powers, or have already in the very morn of their political career lost their independence and become degenerate." Degenerate indeed and degraded must that nation be that can tamely submit to have its citizens like the wretched African kidnapt, and carried into bondage. This practice too so disgraceful to our national character, although justified under the pretext of securing to the British government its own citizens, falls almost exclusively on American seamen. It appears from the letter to which I have already referred that between the month of June, 1797 & September, 1801—of 2,059 cases of impressment from American vessels, 102 seamen only were detained as British subjects, being less than one twentieth of the whole number impressed. That 1042 were discharged as not being British subjects—and 805 detained for further proof, the greater part of whom were probably Americans or other aliens. And from the same paper it appears that for every British seaman gained by the practice of impressment, at leat ten persons citizens of other countries become the victims of this odious and unexampled species of tyranny. That the greater portion and very commonly the whole of those whose rights are thus wantonly sacrified are real American citizens.

These are the injuries inflicted on us by the British system of impressment. The practice is justified by the British government on the ground that it has a right to the its own subjects for its defence, and that this right cannot be abandoned during a struggle for existence.

The United States have no wish to employ or protect British subjects. Liberal arrangements have been offered to the British government to secure the services of it own subject—To pledge the faith of the United States to exclude British subjects from our vessels—To employ on board those vessels only native born American citizens and such persons as are naturalized under the laws of the United States. The arrangements have been refused—the conclusion is irresistable. Either no reliance is placed in the good faith of the United States—or in a struggle for existence it suits the convenience of the British government to join the American seamen to its own and to take them by force.

I pass on now to the second class of injuries—violations of our commercial rights. In order to give a connected view of these it will be necessary to go back to the year 1793, when Great Britain commenced her system of illegal blockade and to trace her step by step to the period when she attempted to engraft into the law of nations a usurpation of her own, commonly known as the rule of 1756. In the month of May, 1793, Great Britain entered into a treaty with Russia for the purpose of narrowing the intercourse of neutrals with France. In pursuance of this treaty on the 8th of June, 1793, the first British orders were issued interdicting all neutral supplies of provions to France with a view to produce submission by famine. In the course of the same year Great Britain formed treaties with Spain, Austria, and Prussia similar to the one concluded with Russia, and all these powers became united for the holy purpose of starving France by destroying the rights of neutrals. On the 6th of November 1793, instructions were issued by the British Cabinet which struck generally at the neutral commerce of the French West Indies. This instruction was addressed to the commanders of privateers and ships of war in the following terms:—

"That they shall stop and detain all ships laden with goods the produce of any colony belonging to France or carrying provisions or other supplies, for the use of any such colony, and shall bring the same with their cargoes to legal adjudication in our courts of admiralty."

These orders were secretly issued—were put into execution without notice and the American flag swept from the ocean. The general sentiment of indignation excited by these orders among our citizens and the proceedings of the American government on that occasion are well known.

The next British orders were issued in January 1794. These were considered as varying the instructions of 1793 and intended t take the direct trade from the French West Indies to the United States out of the operation of the orders of 1793—on the 19th of November, 1794, the treaty between the United States & Great Britian was concluded, and before it was ratified in this country orders were issued for carrying in our provision vessels. These orders were issued in May, 1795. They suspended the ratification of the treaty for some time and upwards of 122 American vessels were carried in, in 22 months—On the 25th of January, 1798, the instructions of 1794 were revoked. These las instructions authorised the bringing in for adjudication all vessels with their cargoes, that are laden with goods the produce of any island or settlement belonging to France, Spain, or the United Provinces, and coming directly from any port of the said islands or settlements, to any port in Europe (not being a port of the kingdom of Great Britain) nor a port of that country to which such ships, being neutral ships, shall belong. The operation of this new change in the instructions was peculiarly injurious to the United States, because it excluded them from a commerce allowed to the neutrals of Europe, and compelled them to bring through the United States the same articles which other nations standing in the same relation to Great Britain, might carry direct.

In the year 1803 orders were issued for the seizure of neutrals with return cargoes, who were suspected of having supplied the enemy on the outward voyage with articles contraband of war. Under these instructions the outward and return voyage were considered as one. This was the preparatory step for throwing the United States altogether out of the colonial trade. The next step was to declare that the landing of colonial produce, and securing the duty according to the local regulations did not break the continuity of the voyage. Thus West India produce brought first to the United States and landed was considered by their courts as going direct to Europe. These decisions gradually formed on the decree of 1803, were not known in the U. States until 1805. The decree was issned without notice, and its application to our commerce made known to the United States by the capture and condemnation of our vessels. The immense capital embarked in this commerce, its unexpected and unexampled destruction covered your table with memorials from every part of the continent. The injury in 1805 like that in 1793 was produced by secret orders. The destruction of American commerce was decreed, and capture and condemnation were the couriers by which it was announced. In both cases public indignation was justly excited against Great Britain, because lawless power was rendered more intolerable by being combined with treachery.

Under the operation of the feeling excited by the various injuries done to our commerce; by the impressment of our seamen, and by the insults offered within our waters and even within our ports, the non-importation was law passed. It is not my intention now to discuss the policy of that measure. If it has caused Great Britain to commit towards us additional acts of injustice (which I do not believe) it proves only that the exercise of a positive right on our part can subject us to insult and injury from a nation whose code of national law is her interest. The regulation of commerce within the territorial limits of a country is an act of sovereignty of which no other nation has a right to complain. Every nation has a right to say what intercourse it will hold with another nation & on what terms. Great Britain is the last nation in the world that ought to complain of the exercise of this right by the U. States. All American manufactures are permanently excluded from that country. All our salt provisions except bacon, and even wheat and flour, except in times of scarcity.

The last commercial regulations of Great Britain are the orders of January, 1807, and of November the 11th. These orders interdict to neutral nations or rather to the United States, now the only commercial nation in a state of neutrality, all commerce with the enemies of Great Britain, now the whole commercial world, with certain exceptions only, and under certain restrictions.

I am almost at a loss to say which is most calculated to excite the indignation of an American, the orders, or the exposition which his majesty has been graciously pleased to give of them. Several of the exceptions being considered as favors conferred on the United States I will notice them.

1st. As a proof of the amicable and indulgent disposition of the British government towards the United States, commercial intercourse is allowed with the dependencies of the enemies of Great Britain. This is considered as a departure from the ancient and established principle of maritime law, prohibiting altogether such intercourse in time of peace. This ancient principle as asserted by the British government was for the first time introduced in the year 1756. It is invariably cited in all judicial decisions as the rule of 1756. Instead of being an ancient principle Great Britain is the only nation that has acted upon or otherwise given countenance to it. It is not even an established principle in the practice of G. Britain herself. When first applied in the year 1756, the legality of a neutral trade with enemies colonies was not contested by it. In certain cases only the allegation was that the presumptive evidence, arising from circumstances against the bona fide neutrality of the ownership, justified the condemation of enemies property. During the war of 1778 it is admitted by every British authority that the principle was never brought into operation. It may be regarded in fact as having been silently abandoned. And within the period of war since the commencement in 1793, the manner in which the principle has been alternately contracted and extended, explained sometimes in one way, sometimes in another, rested now on this foundation, now on that, is no secret to those who have attended to its history and progress in the British orders of council and the British courts of admiralty. With the exception therefore of a period the last in modern times from which authentic precedents of maritime law will be drawn, and thoughout which the United States, more interested in the question than any other nation, have uniformly combatted the innovation, the principle has not been in operation in the British tribunals for a longer period than three, four, or five years, while in no other has it ever made its appearance but to receive a decision against it. Such is the antiquity and such the authority of a principle the deviations from which are held out as so many favors conferred on the United States. For a detailed and luminous view of this question I refer gentleman to the "Examination of the British Doctrine," page 20—what I have said as to the rule of 1756 is little more than an extract from that work.

But the United States in the opinion of his majesty ought to be grateful for other favors also. They are permitted to carry on trade with the whole Continent of Europe, subject only to the very reasonable conditions of going first to a British port, accepting a British licence, and paying tribute to the British exchequer. Under these orders every article of American produce exported to Europe, although not destined for England, must pass through British ports. But this is not all—the article must remain there. The ceremony of passing through a British port can have no effect but prohibiting the admission of the trade into the port of destination. We know that all intercourse between the ports of Great Britain and those of the continent, Sweden alone excepted, is at an end. To offer us trade with the Continent of Europe through British ports in the present situation of the world is adding mockery to insult. As the last and I suppose the greatest proof of the friendship of his Britannic majesty, he has graciously determined to lay a tax upon our cotton, and has even condescended to assign his reason for this singular favor—viz. the encouragement of British manufactures. I forbear to express the indignation I feel on this occassion. This infant country in the colonial state refused to bend to lawless power. Shall we in the vigor of manhood relinquish our rank among the independent nations of the earth, by tamely abandoning our rights?

These are the commercial injuries received from Great Britain. They are justified, the late orders particularly of January and November, 1807, as measures of retaliation. How far they can be supported on this ground will appear from a statement of facts. The first instance in which the French decree of November 6th, was put in force against the neutral rights of the United States, was the case of the Horison an American ship bound from Great Britain to Lima, wrecked on the coast of France. This decision took place in October, 1807—and was not known to the American minister at Paris until some time in November. So that when the British order of January, 1807, was issued no case had occurred of an application of the French decree to the American commerce. At the date of the late orders of Nov. 11th, the only aggression which had occurred was unknown to the British government. It could therefore have no share in producing this alledged retaliation. On the contrary it had been expressly communicated to the British government, by the American minister at London, that explanations, uncontradicted by any overt aut, had been given to our minister at Paris which justified a reliance that the French decree would not be put in force against the United States. Seizures have lately been made and our vessels sequestered—these we know to have taken place under the French decree of December 17th, professing to be a retaliation on the British orders of Nov. 11th.

I pass on now to the last class of injuries—violations of our national sovereignty by Great Britain. These are stated in the letter from the Secretary of State of March 5th, 1808, to Mr. Rose in a style so far superior to my own, that for this part of the subject I will avail myself of that letter—here Mr. E. read the following extract—"In the summer of the year 1804, the British frigate the Cambrian with other cruizers in company entered the harbor of New York. The commander captain Bradley in violation of the port laws relating both to health and revenue, caused a merchant vessel just arrived, and confessedly within the limits and under the authority of the United States to be boarded by persons under his command, who after resisting the officers of the port in the legal exercise of their functions, actually impressed and carried off a number of seamen and passengers into the service of the ships of war. On an appeal to his voluntary respect for the laws, he first failed to give up the offender to justice, and finally repelled the officer charged with the regular process for the purpose."

"This procedure was not only a flagrant insult to the sovereignty of the nation, but an infraction of its neutrality also, which did not permit a belligerent ship thus to augment its force within the neutral territory.

"To finish the scene the commander went so far as to declare, in an official letter to the minister plenipotentiary of his Britannic majesty, and by him communicated to this government, that he considered his ship whilst lying within the harbor of New York, as having dominion around her within the distance of her bouys.

"All these circumstances were duly made known to the British government in just expectation of honorable reparation. None has ever been offered. Captain Bradley was advanced from his frigate to the command of a ship of the line.

"At a subsequent period several British frigates under the command of Captain Whitby of the Leander pursuing the practice of vexing the inward and outward trade of our ports, and hovering for that purpose about the entrance of New-York, closed a series of irregularities, with an attempt to arrest a coasting vessel, on board of which an American citizen was killed, by a cannon ball which entered the vessel whilst within less than a mile from the shore.

"The blood of a citizen thus murdered in a trade from one to another port of his own country, and within the sanctuary of its territorial jurisdiction, could not fail to arouse the sensibility of the public, and to make a solemn

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