HOUSE OF REPRESENTATIVES.

NOVEMBER 30.

DEBATE ON FOREIGN RELATIONS CONTINUED.

First resolution under consideration.

Mr. Masters said he lamented the present situation of affairs, which he feared would terminate to our disgrace; he wished that one sober view should be taken of this great question, before they blindly rushed deeper into a scene of confusion and distress.

In the precarious situation in which this country stands (said he) it is the duty of every man to avow his principles and sentiments, with firmness and integrity. It is public delusion to bow to the chimerical projects and phantoms of any man; No man can be deemed independent, unless he is guided by the reason and expedience of things, abstracted from all party and personal prejudices. I trust these resolutions will be determined by their merits, and not by Executive or party influence.

Great pains have been taken both in conversation and in print, to work upon the feelings of the people to persuade them, it must be embargo or war; at the same time you intend non-intercourse and then war.

This report is calculated to manage, cultivate and set in action, the warmth of public imagination; in order that a non-intercourse and the embargo may be well received.

The report states, at the time the embargo was laid, the British orders in council were known and understood in this country, though not officially communicated. The fact is the British orders in council were not even mentioned in the debate on that question; and the embargo was laid as a coercive measure, without any reference to those orders; and when the administration found they had mistaken its operation, they went to the British government supplicating and begging, that those orders might be rescinded. Sir, this nation feels humbled with the unhappy issue of their measures; and by deviating from an energetic and practical course, are whirled about, the sport of every gust, and easily driven into any port.

Mr. Masters said, it had been in the power of this nation, more than once to have adjusted their differences with Great Britain. When Mr. Fox came into the British administration, he offered our minister to renew the expired treaty; and at the same time remarked it should not prevent him from proceeding in the negotiation, and endeavoring to make such a treaty as would be most satisfactory to both countries. In the mean time the renewal of the old treaty would prevent all collision between the two nations. Mr. Munroe's instructions would not admit of it.

Although Jay's treaty was exceptionable in many points, and not popular in this country, yet this nation prospered under that treaty, more than they have since without it.

Mr. M. said, the late treaty concluded with the British government, by Messrs. Munroe and Pinckney, was, in his opinion, more advantageous than the former. This last treaty was rejected principally on account of the protestation signed by the British commissioners. It was worthy of consideration that the protestation was no part of the treaty, and our government had since offered to continue the embargo as to France, provided the British government would rescind their orders, which was substantially complying with the protestation, yet this treaty is rejected. It never has been in our power (said he) honorably, to adjust the existing differences with France, whose Emperor has always shewed the greatest contempt for the neutrality of every nation, and whose determination is, to compel us to take part in the war, either as friends or allies. If the nation does not know this, I know it, and you know it Mr. Chairman. The demands are positive, and because we have not promptly obeyed. France has swept by sequestration and confiscation all the American property, from Italy to Antwerp, amounting to more than one hundred millions of livres; she has burnt and sunk many of your vessels without even the form of a trial.

Why do you continue the embargo, and add to it a non-intercourse? Are you waiting for an answer from *Bonaparte*, that he has taken off his decrees, that you may go to war according to his demand? or do you wish to continue this pressure, in order to gain time to offer to the great Emperor, in more explicit terms, that you will take sides with him? your measures are leading to that point, and it will be the result.

Russia, Prussia, Holland, Spain, Portugal, Naples, in short all the subjugated world, passed embargo laws under the influence of France, under the same pretence, and worded nearly in the same manner as ours—therefore your embargo laws had a tendency to prevent the British government from rescinding their orders of council, and were more injurious than beneficial.

Great Britain has given you her answer. Sir, our affairs have proceeded daily from bad to worse, until we have been brought step by step, to this mildest procaution when they exercis- state of things. By not resisting the first belligerent decree we have invited retaliation and courted calamity.

You ought to desist from a course of measures, which will in my opinion, bring the people of this nation into want and misery. This is a question which will decide the fate of this country. Sir, before you pass a non-intercourse, I beg the House sincerely and gravely, to consider the calamities which will follow; inconveniences, mischief and distress, are great and certain. The belligerent powers have trampled upon the law of nations, and we have trampled on and disgraced ourselves. If these measures were intended to coerce them, they would prove visionary and philosophical, and not founded on experience. Your extreme and theoretical measures may be brought forward, *ad infinitum*, in order to extinguish all principles of action, which arise from experience and probability.

Mr. M. said, the embargo originated from no plan of sound policy whatsoever, and was in contradiction to all the principles of commerce. Your finances (said he) must lean upon commerce, or your whole system will tumble upon your head. You are throwing open the doors to smuggling. Whenever the laws of trade press hard upon the people, your shores and frontiers are full of contraband. When he cast his eye back on our once flourishing commerce and agriculture, grown to perfection thro' a series of fortunate events, and train of successful industry and interprize, unparalled in the annals of the world, and contrasted them with your non-intercourse and embargo, it gave him *melancholy reflections*. He could not embrace a system which tended to destroy this country.

In looking round (said he) you will discover symptoms of radical decay, and proof of consuming strength.—Never did a people suffer so much from fallacious measures and empty words. This non-intercourse and embargo, must be given up. They stand on no solid principle; it is a reflection on your wisdom to persist in them; you cannot shew either of them to be the means of obtaining some useful end, there can be no dignity in persevering on your ill chosen ground; you are not punishing the belligerents; the operation against them is childish and fruitless; you are punishing ourselves. The project of abstinence and starving men into a sense of duty might apply to a Convent or Monastry, but the operation as against the belligerents, is extremely absurd and ridiculous.

We have got into this difficulty; the great question is, how are we to get out. One obstacle in the way, is, that you proudly boasted when you laid the embargo, and you now scorn meanly to sneak out of difficulties, and are pressing the nation into non-intercourse and war. I think it best to have the generous courage, when you find and feel an error, honorably and fairly to renounce it.

If your non intercourse and embargo are intended to habituate the citizens to the manufacturing and wearing of homespun; that is also visionary. Instead of homespun, the genius of the people is *commerce, commerce, money, money*; and we ought to spurn from us the hand of unconstitutional power, that would wrest from us those privileges. Let the House be cautious to guard against the progress of subtle encroachments on commerce, and consider that it may be undermined, as well as openly attacked. If you attempt to destroy or depress commerce, you excite a jealousy between the states; which, however, much to be lamented, will end in a separation. Among the united interests of the commercial and agricultural parts of the Union, nothing can be more detrimental than their jealousies of each other, and nothing can be so advantageous to this country, as their united efforts for their mutual benefit. You have already excited jealousies, and shaken the confidence of the people; mutual affection and confidence between the several states is the glory and safety of all. You have turned the course of trade into other channels, which cannot be recovered back for years to come, and posterity will *curse* the non-intercourse if it is adopted, and posterity will *curse* the embargo, which will be remembered as great instances to instruct the world, to avoid unpardonable error. Sir, you know they cannot be carried into effect without a large military force, subject to military tribunals. I have always understood, that military force was not to be applied to enforce obedience to a law, but when called for by a civil magistrate; and if they are not under the civil authority, it is not government, it is *war, civil war*, and we have no protection against tyranny. While we follow the sound of liberty, let us take care we do not lose the substance.

Mr. M. said, he had taken great pains, and paid attention with deliberation to the highly interesting and important situation of the country, and did believe it indispensably necessary to negative the resolution for a non-intercourse, and raise the embargo. If you do not (said he) it is but the beginning of distress, and I never knew any thing which gave me more heartfelt regret than these measures. This nation has experienced great advantages resulting from the different branches of trade; and the sources of public wealth and individual happiness are encreasing and extending.—Reject this resolution of non-intercourse; raise the embargo, in whole or in part; you will then invigorate her exertions, and reanimate her hopes. If you do not, you will sink down the nation into despair, and an absence of hope for constitutional relief, and their resentment may get the ascendency of their moderation, and your laws will be evaded by force.—Sir, a want of remedy, is in effect the same thing as a want of right.

I will not say where it will end; I will be silent on that head, and go no further; but look to the consequences. No rational man will deny, that this state of things, cannot be attended with either duration or stability.

December 1.

Mr. Burwell. I feel bound by the course the debate has taken to express my sentiments upon the resolutions, and place in a proper point of view my conduct and opinions. The view taken of the subject by the gentleman from Massachusetts (Mr. Quincy) is, to be sure, an extraordinary one; he seems to have considered it a question whether we shall have a free trade or not. Can he seriously believe that to be the true question before the House? Can he hope to impose that belief upon us? In the course of my remarks I will endeavor to shew that the question stands upon very different grounds, and that heretofore we have had but a choice of evils, and have but the same hereafter. He has presented us a high wrought picture of the distress and sufferings of the New England states generally. Is this intended to operate upon us in favor of free trade? or does the gentleman expect by unfolding to Europe these dreadful calamities, to awaken the tenderness of Mr. Canning, and dispose him by withdrawing the orders of council, to facilitate the removal of the embargo as a measure of inconvenient restriction to the American people? Will this language have a more beneficial effect upon France? No, sir, it requires a firm and decisive tone, manly fortitude to command respect from those governments. But the gentleman, like an indiscreet officer, in a state of siege, while endeavoring to form an honorable capitulation tells his adversary he can hold out no longer, his provisions are exhausted, his men disheartened, and his works of defence tottering. Others have taken a retrospective view of this subject, and say that the government might have avoided the present difficulties, if a different course had been adopted. I could have wished that all which is past should be forgotten, and that we should now take the course best adapted to secure the honor and independence of our country; but as this government depends upon the will of the people, and derives its strength from their approbation, it is necessary they should know the truth of things urged on this part of the subject. The gentleman from N. York (Mr. Masters) told us yesterday all our difficulties might have been averted by the ratification of the rejected treaty of Monroe and Pinkney; without deciding the merits of that treaty, at the same time yielding every tribute of respect to the talents of the negociators, I altogether deny the assertion—I beg leave to recal to the attention of gentlemen a single fact. By a reference to the note of Mr. Canning of 23d of September last, you will find the orders of January, 1807 and November 11th, rest upon the same ground, and are defended upon the same principle, the "unquestionable right of his majesty to retort upon the enemy the evils of his own injustice." You well know that of January was issued in seven days after the signature of the treaty, and before its reception in the United States; and supposing therefore the treaty had been ratified, it proves that the same measures would have followed; that part of the argument is completely done away by a reference to that note. With respect to the conduct of our government in relation to G. Britain, the proclamation interdicting your ports and harbors to British ships of war, and the non-importation act deserve some consideration, particularly the proclamation. It has been stated that all our difficulties have been protracted upon a point of etiquette. The proclamation was not a departure from our neutrality with G. Britain & France, because it inflicted a penalty for the violation of a general statute, passed in 1804, without reference to a particular nation, and applicable equally to any power that should offend against it. If the ships of France had committed similar outrages, they would, I am confident, have received the same treatment. Do you doubt the violation of the law? Look at the conduct of the squadron. It cannot be reconciled with the independence of the U. S. and the proclamation was the ed the hostile rights of soveriegnty in this country. They stopped our vessels, impressed our seamen, attacked our frigate, threatened the destruction of Norfolk, and arrayed themselves in complete hostility against us in our own waters. I do not mention these circumstances to excite strong feelings against the nation; I would ask if the U. S. could suffer the officers of a foreign government to exercise this power within our territory, and whether, if the French had done the same acts, it would not have been considered blameable to permit them to remain there?

If the British navy had conducted themselves right, they would have been entitled to and received the customary hospitality. Is it too much for the U. S. to ask as a condition for revoking the proclamation, and inconsistent with the dignity of the British government to give an assurance that their hospitality shall not be again repaid by the violation of their peace? As to the non-importation act, I would ask, can gentlemen believe if it had not passed, the system pursued by G. Britain would have been different? Had not the policy which terminated in the orders of council commenced previous to the passage of your law? Mr. B. contended that the measures adopted by that government grew out of the state of things in Europe, and the peculiar character of the present war. The non-importation act could not have given offence to the English cabinet, because it was a commercial regulation justified by previous injuries, and the discrimination made in England of four per cent. more on goods exported to the U. S. than the continent of Europe; and this country had an undoubted right to countervail it in any way they pleased. England had the less right to complain, as she was in the habit of excluding from her ports, such articles as were objectionable, and in her colonies had placed the exports of the U. S. upon terms by no means reciprocal.

Admit for argument sake, that the act was improper, its policy equivocal, it was not enforced; and therefore the English never experienced any injury from that act. It does not constitute an apology for them. Why ascribe the conduct of England to these causes, when your ministers, Messrs. Monroe and Pinkney, have declared to you, there were strong and powerful interests in that country, anxious for a war with you; they have told you these interests combine power and wealth sufficient to control the government; and you have been cautioned by Mr. Monroe, in the most propitious moments of his negociations, against this spirit; that the liberal views of the minister must yield to the clamor of the West India planters, the jealousies of the East India Company, and ship holders, and the impatient avarice of the navy. It is the ascendancy in the cabinet of these influences, thwarted by the war on the continent, which menaces your commerce with extermination, and your country with servitude. It kept pace precisely with the progress of these events.

The first cause of complaint you had was the obstructions to the exportation of foreign articles to the continent, the surplus of similar articles became multiplied in the hands of the British merchants, and the means of disposal gradually lessened, with the conquests of France, and her occupation of the continental sea ports; in order to counteract these effects, they tried to destroy our trade, by declaring the continuity of the voyage between the colonies and mother country illegal; your vessels were then required to stop in the United States, change the cargo, and pay or secure the payment of the duties, before they could proceed to the continent. These regulations obviously tended to destroy the superior advantages of the commerce of the U. States, and when France had succeeded in cutting out the British entirely from the trade of the continent, a report of the West India committee declared, that unless *all* West India and colonial produce, was compelled to reach the continent through England, they could not cope with the American merchant: and the planters in the British colonies could not compete with their rivals without absolute loss. To secure the interest of her planters the American commerce must be depressed. It was the same object which revived the rule of 1756, and extended its application to us, upon principles totally new; and the orders of the 11th November, which followed the execution of the Berlin decree, were intended to give efficacy to this project. Upon this point the gentleman from Massachusetts is good authority; he admitted one of the objects was the annihilation of *neutral* commerce; he seems however to have forgotten that it was impossible for an American vessel to reach the continent; and argues as if your commerce was perfectly free, overlooking the actual situation of the United States. You are told by the gentleman from Massachusetts, you have effectually yielded to the operation of the French and British edicts, by withdrawing from the ocean, in conformity to them. I would ask him if we had armed against both powers, in addition to the embargo, whether that would be submission? Yet according to the gentleman's logic, submission *consists* in refusing to *trade* with the belligerents. Let us take him upon another ground; he says take off the embargo, and let your vessels go! to sea.—Well, suppose that to be done; your vessels go to sea, and trade exclusively to Great Britain; for she says you shall go no where else; would that be submission or resistance? Unquestionably submission. But, sir, grant your present system to be submission, is it of that abject kind recommended by the gentleman, which renounces the character of your flag, abandons your property and citizens to the mercy of every picaroon and plunderer on the high seas? Upon the subject of *tribute*, you are told by him, it will not be paid, if you first go to England—*because* your merchant will not afterwards go to the continent, as he knows France will confiscate his property. Is it come to this, and are we to be indebted to France, our bitter enemy, for protection? Is the national honor to be deposited in such hands? It is asked, could we not trade to Russia, Denmark and Sweden? Yes, you could go *direct*, but for the orders of council, which compel you to touch first at a British port, and pay the duty which she requires for permission to carry on that commerce, to which you have an undoubted right, without imposition or obstruction from that government. In this case who will save your *honor*, and your people from paying tribute? The gentleman from Massachusetts admits the trade of the United States *must* stop in England; it was upon that ground he endeavored to prove we need not pay tribute—what will be the consequence to the United States and the New England people themselves?—Why, as England does not employ or consume more than *one-third* or *one-fourth* of all your exports, of course you will loose the employment of your shipping in that proportion; what will become of the vessels usually employed in the export trade, in exporting the remaining produce to the continent, when they are absolutely prohibited from approaching it. They will be useless; and it is absurd, in the present state of things, to imagine they would be relieved by taking off the embargo. He tells us, in speaking of the relative importance of the commerce of Massachusetts and Virginia, that the state of Massachusetts exported to the amount of twenty millions of dollars, 13 in foreign and 7 in domestic produce. Great part of the latter is actually the product of Virginia, whose resources he has endeavored to underrate.

In the report of the Secretary of the Treasury you will find the whole U. S. exported a little more than *one million & a half* of *foreign* produce to England; this is all she wants—whilst Massachusetts alone exports *thirteen* millions; several other states export as much foreign produce. Can it be necessary to say what will be the consequence of carrying all these goods to G. Britain? Instead of enhancing the value to the proprietor the loss and depreciation in the price are inevitable. You must pay an export duty of 17 per ct. ad valorem, the consumption in that country being prohibited; and according to the gentleman's account the trade closes there. But admit it may be sent abroad, that it escapes the fangs of French privateers and unprincipled confiscation in French ports—in that case you cannot in addition to the expence of a circuitous voyage, pay 17 per cent. and come into competition with British merchants trading in similar products favored with the consumption of the home market, and aided by the drawback, in foreign markets. Sir, you would lose upon the property at least as much as you do here, where by the progress of internal consumption it is gradually going off at its full value. When the gentleman talks about a disposition to sacrifice commerce, a disposition which never did or can exist, what would he say if instead of the British repealing our drawbacks we were to do it? The drawback given by the U. S. to the eastern merchant upon exportation to foster navigation, the British government has undertaken to repeal, and that which we give as a stimulus to enterprise, they extort as a tax upon it. You will find the drawback has been made the standard for the duties imposed by England on foreign exports.

I would again demand, what would these gentlemen say if *we* should repeal the drawback? They would say you paralise our commerce, suspend the employment of our capital, and sacrifice us to our rivals. Yet when the very thing is done by a foreign government having no jurisdiction over us, they see nothing hostile to commerce, not a murmur is heard; but they tell you, let the merchants trade, they will not pay tribute, France will prevent that—they are determined upon *free trade* in spite of drawbacks, circuitous voyages, exposure to captures, new duties and total exclusion from a mar-