National Intelligencer.

& WASHINGTON ADVERTISER.

VOL. IX. WASHINGTON CITY, PRINTED BY SAMUEL HARRISON SMITH, PENNSYLVANIA AVENUE. NO. 1279.

FIVE DOLLARS PER ANNUM, MONDAY, DECEMBER 19, 1808. PAID IN ADVANCE.

IN SENATE.

EMBARGO DEBATE—CONTINUED.

NOVEMBER 24.

Mr. MITCHILL said he was not prepared to vote on the question of repealing the embargo laws, in the precise form in which it had been brought before the Senate. There was as yet a want of information; for certain additional documents expected from the executive had not yet been communicated, and the select committee to which the part of the message concerning the foreign relations of the country was lately referred, had not brought forward a report. He would have been better pleased if the proposition had been so framed as to have expressed indignation at the injuries our government had received from foreign nations. Then he would cheerfully have given it his concurrence. But now when those who are willing to do something though not exactly what the motion proposes, are made to vote directly against a removal of the existing restrictions upon our commerce, their situation is rather unpleasant; indeed it is unfair, inasmuch as they must either give their assent to a measure, to the time and manner of which they may be averse, or they must vote negatively in a case which but for some incidental or formal matter, would have met their hearty approbation. He could therefore have wished that the question had been presented to the House, in such terms as to afford an opportunity of expressing their sense of the wrongs our nation had endured from foreign sovereigns, and of the restrictions laid upon American commerce by their unjust regulations, as well as on the further restrictions, that, under the pressure of events, it had been thought necessary for our own legislature to impose.

But although this course had not been taken, he should avail himself of the present occasion to offer to the Senate such sentiments as had arisen in his mind on the subject. In doing this he should endeavor to take a commercial view of our situation; and although he felt no small discouragement from inability to arrange in a methodical way, the proper topics for a speech: yet he found it his duty to offer something like a survey, however partial or detached, of the mercantile condition of the United States. For this purpose he should give a sketch of the progress of our trade and navigation from the recognition of our independence in 1783.

Immediately after the severing of their empire in America from the British crown, difficulties arose on the mode of conducting commercial intercourse between this country and G. Britain. The parliament immediately took the matter into consideration and provided by law for a commercial intercourse with the new states. The details of this arrangement were vested in the king and council, and to this first statute of the British on the manner of conducting American trade may be traced the origin of the delegated legislative power, with which that body of men have in subsequent years assailed neutral rights. Thus authorized by parliament to regulate commerce, they have prescribed, enforced, relaxed, or rescinded their orders according to their pleasure, or the ever-varying course of events, and thereby been enabled in a summary way to meet the exigencies of the times.

About this time may be traced the commencement of that wonderful spirit of adventure which so distinguishes our people. We find some of them doubling the Cape of Good Hope and displaying for the first time the flag of their nation to the Chinese at Canton, while others found their way round Cape Horne, and opened a traffic with the nations of the North West coast of America. And the joy which was excited on this side of the Atlantic by the success and the profits of these voyages, was attended by a jealousy on the other, that the monopoly of the East-India company would be invaded by these daring competitors. The exertions of this class of our countrymen have been such, that a small firm in partnership, or even the capital of an individual American merchant, has repeatedly provided the outfit, that only forty years ago required the patronage of an European government. Massafuero, the Sandwich & the Fejee Islands have been visited, and served but as resting places for our mariners in their circumnavigation of the globe.

Difficulties having been found to increase between the American states and the British islands, in respect to their commerce, it was found expedient on our part to send them a minister plenipotentiary. And accordingly in 1785, Mr. Adams went to London in that capacity. As an evidence of the temper both of England and France at that period of our history ought to be mentioned, the attempt then made to seduce the whalemen from Nantucket. So successful for a while were these wily efforts, that the sandy but industrious island whence its inhabitants migrated to Liverpool and to Dunkirk, suffered no inconsiderable shock by the migration of many of its most active citizens, and a removal of much of its shipping and stock. It was easy to discern that the desire of the two great commercial nations to increase their respective supplies of spermaceti bone and oil, was gratified by depriving our country of the most skilful and daring of its seamen.

While the precarious orders of council thus governed the trade of our people to G. Britain, there existed a source of difficulty within the American states themselves, which proceeded from their political condition. A cluster of independent governments, loosely adhering by the original articles of compact framed during the revolution, and under the specious appearance of political unity assuming the character of thirteen distinct sovereignties, begat a variety of unprecedented occurrences. Attempts to strengthen this confederation, by granting the duties on imports to Congress for the purpose of paying the debts and supporting the credit of the nation, were ineffectual. And the refusal of N. York in 1787 to surrender its rich and increasing impost, may be considered as having left the union to expire for want of support. Under the new constitution which was framed that very year, provision was expressly made for vesting in Congress the authority to regulate commerce. We were merely enabled to remedy many of the defects inherent in our former system; and particularly to assume an entire and undivided character in relation to foreign powers.

The navigating spirit of our countrymen having called the attention of the commercial world to the North West coast of America, we find that in 1790, G. Britain and Spain were preparing to engage in a war concerning the possession of a region, which in truth belonged to neither; but which had been purchased of the natives some years before, and possessed in full right and property by citizens of Massachusetts. In 1793, France having undergone its republican metamorphosis, declared in due form the same commercial privileges to this as to other nations.

This, if I am not mistaken, said Mr. Mitchill, is the point of time when the commercial enterprise of our countrymen was considered by the belligerent powers of Europe, as worthy of special attention. And here is the commencement of these efforts to drive a lucrative trade on the one side, and of those exertions to curtail it on the other, which have led us step by step to our present awful situation. Repeated disasters and defeats had weakened the naval armament of France. She was unable to maintain her dominion on the ocean, or to give adequate protection to her external commerce. The business which had heretofore been carried on by her own merchant ships was now transferred to neutrals. And of these, the Americans, as the most enterprizing, and contiguous to her West India colonies, acquired the principal part of it. G. Britain saw with displeasure the relief thus afforded to her enemy. She endeavored to prevent this interference of a neutral. And that very year, ordered her cruisers to stop vessels of neutrals going to France and her dominions. The vast diffusion of our commerce, already spread over the greater part of the maritime world, was now very ably pourtrayed, and presented to the inspection of a prosperous and thrifty people by the American secretary of state. The intercourse with France still alluring neutrals by the prospect of great profits, our people crouded their ports with vessels and cargoes. The British persisted in their interruptions of this trade, and proceeded to make seizures, on the allegation that those ships were freighted with French property.

With the British nation possessing a commerce of the greatest extent, and a navy capable of protecting her trade and settlements abroad, it was a matter of the most ardent desire, that our government should have a treaty of amity and commerce. The uneasiness of the people, and the discontents in the great cities were so serious, that it was judged necessary to send an envoy extraordinary to the court of St. James. And with the hope that the fermentation would be allayed by a suitable negociation, Mr. Jay was dispatched on a special mission. He succeeded in forming a treaty. When, however, the President submitted it to the Senate, and its contents were made known to the nation, the dissatisfaction seemed to have been rather aggravated than assuaged. It was contended on the part of a people who could count but ten years since the date of their existence as a nation, that the terms were unequal and disadvantageous; and that a total rejection was preferable to the ratification of an instrument by which we made such mighty concessions. It was always my opinion, sir, that the statesman employed to negociate on this occasion, was treated by public clamor with unmerited severity. He obtained a treaty from Great Britain, at that juncture, which on the whole answered our purposes exceedingly well, and was in reality more favorable to us than it probably would have been, had not the pressure of her affairs on the continent of Europe, induced her ministers to be rather more conciliatory than usual.

In the mean time the Thirteen Stripes were displayed with increasing frequency and numbers along the coasts of Europe. And such was the opinion of the three great maritime kingdoms, of their appearance, that in 1794 and 1795, the cruisers of Spain, as well as of England and France, made captures of American vessels. They offered various pretexts for these acts. These chiefly referred to evasions of blockades, to the carrying of enemy's property, and to the concealing or covering it by fraudulent invoices and papers. On the part of France, however, our affairs soon wore a more serious aspect. Uncivil dispositions were working up to hostility. The resident minister of the U. S. was recalled, and another sent in his stead. At length after successive and fruitless attempts to accommodate the differences, during which marked disrespect had been shewn to our government and its commissioners, Congress formally dissolved the existing treaty between the two nations, and authorised American vessels to cruise against those of France. This brings me to the year 1798, during which, and the time we were then embroiled, the British government granted for a stipulated sum, the protection of convoy to the merchant vessels of the U. States.

This period of our commercial history, of which I am tracing this faint and imperfect outline, was distinguished by two remarkable events; one emanating from an act of our own legislature; and the other from the misconduct of a petty despot of Barbary. And they are worthy of notice as tending to display the course of our trade and navigation, and of the proceedings of the government in relation to them. The voyages to Africa for slaves had long disgraced while it enriched several of the European nations. The profits of a traffic in which rum and baubles were bartered away for negroes, allured our countrymen to embark in it. But, for the purpose of stopping so disgraceful and unprincipled an employment, Congress enacted heavy penalties against it. And the commerce of a people, which, as far as its internal regulations extended had been universal, underwent a restriction which permanently prohibited the trade to Guinea in human beings. The rich cargoes conveyed under our flag thro' the Mediterranean sea had often tempted the cupidity of the Deys and Beys ruling the inhabitants of its southern shore. By annual stipends and subsidies paid by the government, for the protection of our foreign commerce in those distant regions, the persons, and the goods of our citizens were protected against those audacious pirates. One however more unwise and unjust than the rest, by the exorbitancy of his demands, drew on himself the vengeance of our nation. He had captured American vessels and doomed their officers and crews to slavery. A war with Tripoli was the consequence, and at the expence of a million of dollars from the treasury, our naval heroes compelled those sons of rapine to respect the rights of our nation, and restore to its wonted freedom the commerce of its citizens.

In 1801, there was an occurrence which though it happened in Denmark, was of evil augury in the eye of neutral nations. And as forming a link in the chain of events it ought to be mentioned here. A project had been formed among the northern powers of Europe to revive the armed neutrality which had been originally conceived at St. Petersburgh in 1780. A British fleet was sent to the Baltic Sound to dissolve it. A destructive cannonade of Copenhagen was the consequence of Danish adherence to their principles. Awed by superior force, those brave assertors of their rights sunk into acquiescence. But the citizen of our own or of any neutral nation who considers this transaction in its true bearings and tendencies, will find it big with mischiefs to the weaker powers that take no part in the neighboring wars. An armed neutrality, or an armed commerce, may be expected alike to impel the stronger belligerent to repress it as a measure of precaution, or to destroy it under a pretence of necessity.

The peace of Amiens subsisted but a short year; for in 1803, the recommencement of hostilities between France and G. Britain implicated in additional difficulties the foreign commerce of America. Our citizens persisted in their right to visit the ports of friendly nations. Our dispute with France had been terminated amicably by a treaty with the first consul. The British council, acting under a conviction that this trade was conducted in a manner that succoured the enemy while it greatly incommoded themselves, determined that interference was necessary. Their cruisers seized American vessels trading with some of the French ports that were not blockaded, and their courts passed decrees of condemnation against ships with innocent cargoes on a return from ports to which they had carried contraband articles.

Moralists have sometimes considered blindness to the future, a happy trait in the constitution of the human mind. They might with equal or with greater propriety have ascribed much of private and public felicity to a becoming degree of foresight.—There was indeed little, very little of a prophetic spirit wanting to satisfy us that our halcyon days were passing rapidly away, and a season of privation and adversity would arise. The haughty nation that had terrified the Scandinavian thrones, next tormented the American coasts. The Hudson, the Delaware and the Chesapeake had been annoyed by her squadrons of vigilance; ships both inward and outward bound had been captured and sent to Halifax. The trade of New York, Philadelphia, Norfolk, Charleston, and Baltimore was sorely distressed at the very mouths of their harbors. Passengers and seamen were arbitrarily impressed, as the milder phrase is, but really kidnapped or made prisoners. Coasting vessels carrying the domestic produce of our country from one port to another, and in no respect concerned in foreign commerce, were fired upon, and one of their people killed. The national territory was violated, the service of writs to arrest some of those disorderly persons was resisted, the civil authority despised, and defied, and even the public vessels of the revenue assailed with shot. Conduct of this atrocious character was so impudent and so reiterated, that the repeated appeals of the citizens to their government, rendered it at length a case in which right blended with duty called upon Congress to act, and the result of these intolerable outrages was the statute for preserving peace in our own ports and harbors.

In the ordinary intercourse of nations, such conduct would have amounted to war. It was indeed war; it was legitimate cause of war; nothing was required after such a severe blow given by them, but for us to return it, and the American would have entered the bloody amphitheatre to contend with the gladiators of Europe. But a pacific policy prevailed. The feeling of our people, smarting still under the wounds of the revolution, and maintaining the doctrine that every citizen possesses as an indefeasible inheritance, a portion of his country's sovereignty, was averse to contention in arms. On the part of France no reparation had been made for the heavy spoliations made upon our commerce by her cruizers; save the sum provided to be paid out of our own treasury in satisfaction of them, by one of the conventions appurtenant to the treaty by which Louisiana was ceded to us. For the losses sustained by our merchants and underwriters, reparation had years before been sought for from Congress; but it had there been decided that losses in consequence of capture by a belligerent as well as by danger from the seas were to be borne by the concerned, and not to be considered as guaranteed by the national treasury.

I now come to the year 1806, an eventful year to the foreign commerce of our people. An extravagant and armed trade had for a considerable time been carried on by some of our citizens with the emancipated or revolted blacks of Hayti. The French minister, conformably to the instructions of his government, remonstrated against this traffic as ungracious and improper; and under an impression that our citizens ought to be restrained from intercourse with the negroes of Hispaniola, Congress passed an act forbidding that altogether. This was the second time that our government circumscribed the commercial conduct of its citizens. It was also during this year that memorials were forwarded to the executive and legislative branches of our government by the merchants of our principal seaports, stating the vexations of their foreign commerce to be intolerable, and calling in the most earnest terms for relief or redress. These addresses were mostly composed with great ability; it seemed as if the merchants were in danger of total ruin. Their situation was depicted as being deplorable in the extreme. The interposition of their government was asked in the most strenuous and pressing terms; and your table, Mr. President, was literally loaded with petitions. The chief cause of this distress was briefly this. These citizens of the United States were engaged during the war in Europe, in a commerce with enemies colonies not open in time of peace; by this means, the produce of the French West Indies was conveyed under the neutral flag to the mother country. Great Britain opposed the direct commerce from the colony to France through the neutral bottom. The neutral then evaded the attempt against him by landing the colonial produce in his own country, and after having thus neutralized or naturalized it, exported it under drawback for Bordeaux or Marseilles; this proceeding was also opposed by the British, and much property was captured and condemned in executing their orders against it. Their writers justified their conduct by charging fraud upon the neutral flag, and declaring that under cover of them a "war in disguise" was carried on, while on our side the rights of neutrals were defended with great learning and ability in a most profound investigation of the subject.

Connected with these events, progressing from bad to worse, are some proceedings of the Senate, which I deem it necessary here to state. This dignified body listened with peculiar attention to the complaints of the merchants. Their tale of sufferings excited a general sympathy. The most studious efforts were made for devising a plan of relief; at last it occurred that the peculiar organization of the Senate would enable it to pursue a course different from the ordinary routine of legislative business. In its executive capacity, the Senators were the constitutional counsellors of the President as to treaties with foreign nations; and the Senate influenced by a desire of removing the difficulties that were thickening around us, resolved to express their sense to the President upon that solemn occasion. After full consideration they framed two strong resolutions, which are recorded in your journal of that session; the one expressed indignant feelings at the aggressions made by the belligerents, and the other requested to demand restitution and reparation for the captures, condemnations and impressments they had committed. Two members of the Senate were sent to communicate these resolutions to the President. It was my lot, sir, to be employed in that service, and I well remember the interview. What effect this conduct of the Senate produced in the mind of the President, it is impossible for me to say, but certain it is that shortly after, he nominated Mr. Pinkney as envoy extraordinary to England, and the Senate gave their advice and consent; and this important step was taken to appease mercantile uneasiness, and to remove obstructions to the freedom of commerce.

This same year was ushered in by a proclamation of Gen. Ferrand, the French commandant at St. Domingo, imposing vexations on the trade of our citizens; and a partial non importation law was enacted against G. Britain by Congress about the middle of April. But these were not all the impediments which [illegible] Notices were given to the American minister in London of several blockades. [illegible] chief of these was that of the coast from the Elbe to Brest [illegible]