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HOUSE OF REPRESENTATIVES.

DECEMBER 2.

DEBATE ON FOREIGN RELATIONS CONTINUED.

Mr. JACKSON (Virg.) said that the importance of this subject had been acknowledged by all the gentlemen who had addressed the committee of the whole; they had admitted that this was a crisis which called for all the information, talent and decision of the nation, which, unfortunately for its best interests, were divided into parties and subdivided, so as materially to affect that strength which ought to be united. The course of discussion which had been pursued, necessarily resulted from the nature of the subject, our foreign relations; every thing connected with them came before the House in some shape or other. And although the time of the House might be employed on some things unnecessarily, according to his conception it would be well employed in defending measures which had been condemned with a view to prejudice the public mind, for it was not with the hope of changing the conviction of any member of the House, but for influencing the people, that they had been thus condemned. And as some gentlemen had taken views of our situation which were conceived by him to be incorrect, disingenuous, and improper, he thought it due to himself, to the majority with whom he was associated, and to the people, to state the grounds on which they acted according to his conception.

We are scarcely permitted to touch the threshold of this investigation, said Mr. J. when we are called upon to take care how we act, insurrection is threatened, and an attempt is made to influence the House by representations of hostility to the government, in the Eastern people, which only pervades the minds of those who represent them. I know that watchfulness is characteristic of a republican form of government; it is the grand centinel of the system; and I should regret to see the disposition to watch over and animadvert on the measures of the administration, lulled into a listless security. But it is not that watchfulness, disgracing the authors of misrepresentations which have extended to every hamlet and fireside in the country, that is proper, but a candid examination of both sides of the question. *Audi alteram partem* is a precept founded on justice and reason, and necessary to a correct decision. Misrepresentations have gone forth to every quarter of the union, and charges reiterated in some instances on this floor, have operated on the public mind, so as to excite unnecessary, unjust and unreasonable jealousies against the government. Party spirit, the bane of free governments, a monstrous excrescence growing out of liberty, and threatening even liberty itself with destruction, still exists in our country, and after the unsuccessful experiment of seven years has been made, it is in vain to expect to disarm it of its antipathies and its malice. Its great maxim seems to be that the end will justify the means; and if it can attain its end by the most dishonorable means, that they are justifiable. To this source in a great measure may be ascribed the difficulties this nation has to encounter, and to this source, foreign nations are unfortunately too much in the habit of looking; to our opposition prints and our opposition men, England looks for support, and from them an idea has gone abroad that the insurrections of the Vermontese and the opposition in the North East would overturn the constituted authorities; and if not by the regular process of election, by revolution itself, a change would be made in the politics of those who administer the government of the U. S. We know that it is the wish of each of the belligerents who have swallowed up in the vortex of their interminable disputes all the nations of the world but the U. S. to unite us in their cause. Each one wishes to form more intimate connections with us than those we have with its enemy. This disposition is natural; for when we look into private life, we see individuals endeavoring to enlist those who have no concern in the dispute among their partizans in their personal contests. Besides this wish common to both the belligerents, a spirit of monopoly and jealousy of our commercial greatness has seized upon the government and people of one of them. It is evident from the conduct of G. Britain for many years past that she cannot consent to submit to the idea that the U. S. shall be reaping the rich harvest of their neutrality, while her thousand ships are scouring every sea and driving every thing from its surface. The commercial spirit of the people of the U. S. has been the cause of that jealousy; that spirit which in its infancy was so eloquently pourtrayed by Edmund Burke, which has been so essentially fostered by the measures of our government, has grown with our growth, and strengthened with our strength. Our hardy adventurous seamen have prosecuted commerce in every sea, and reaped the most advantageous harvests appertaining to it. Therefore it is natural to suppose that with the jealousy excited by our successful competition, and a knowledge of her supremacy on the ocean, Great Britain, who wields its trident, should be disposed that we should bow to its haughty mistress; and though we have not succumbed, every right appertaining to us as a neutral nation has been assailed in turn. Let us look at the injuries practised by G. Britain in relation to their effects upon the U. States in their national and neutral character; and first with reference to those affects on ourselves. Our citizens have been impressed under a pretext that they were British subjects; they have been deprived of their liberty, seized and carried from their country, compelled to endure an arduous service, and to fight against nations with whom we were at peace. The colonial trade, which tended to enrich our merchants, and from which we derived a revenue of a million of dollars per annum, was next assailed by them, on the principle that they had a right to prohibit a trade with enemy's colonies not permitted in time of peace. This attempt to destroy our commerce was enforced by an arbitrary and tyrannical interpolation of new principles into the law of nations, giving efficacy to the spirit which contemplates the pressure of its rival in every quarter. We find that spirit in other outrages, in relation to blockades notified to us, made only on paper, enforced solely towards neutrals, and which never existed in reality; thereby cutting off a trade with places which, by the laws of nations, except actually blockaded or invested, we have a right to carry on. By the order of June, 1803, a very essential branch of our commerce was likewise cut off, and our vessels were captured, although returning with innocent cargoes, which were not liable to seizure, upon the pretext that they previously had been employed in a trade with contraband articles. British outrages have been committed not only on the high seas, but in our own harbors. The case of Pierce in the harbor of N. York is not forgotten by you, sir, or by the U. States. An American citizen, pursuing his lawful commerce within our own waters and exclusive jurisdiction, had his vessel fired upon, and he was killed. The case of the Cambrian was one of the same character; there the commanding officer declared that he claimed jurisdiction in our waters within the length of his buoys, & there impressed our seamen, in defiance of the laws of hospitality and the laws of nations. We find the exercise of similar pretensions in the case of the Impeteaux, a vessel belonging to a belligerent, stranded on the coast of N. Carolina, which, though by the law of nations exempt from attack, because within the jurisdiction of a third and neutral party, was destroyed by British vessels. By the order of January, 1807, restraining the trade of the U. S. from one port to another port of the same or another belligerent enemy, a profitable branch of our trade was annihilated. In addition to these the orders of November 11, 1807, amount to a declaration, in effect, that we shall not sail on the ocean without carrying our produce first to G. Britain, there paying a duty and receiving a licence, to carry it to its place of final destination. The attack on the Chesapeake was, at the time of the commission of the outrage, deemed by all parties if not disavowed a just cause of war, by many as an act of war in itself, and one whereat the public indignation could scarcely be appeased without a resort to war. The invitation to violate our embargo laws, touched upon by my colleague (Mr. Burwell) yesterday, connected with all those acts which I have recited, manifests a determination on the part of G. Britain, that our people shall be humbled, the commerce which we have enjoyed shall be destroyed; that we shall bow to the supremacy of her thousand ships, and that we shall not sail on the ocean without her permission.

How is it when we cross over the water and look at France? We find by the proclamation of Gen. Ferrand, an attempt made to regulate our trade to St. Domingo, inconsistent with our rights. The Berlin decree declaring the British islands in a state of blockade, although ineffectual because she had not the power of executing it was not less outrageous than many of the acts to which I have referred of the British government. The Milan decree, which may be considered as a supplement to the British orders, has endeavored to extend the principle and to render more efficient the measures of destruction which are aimed by the belligerents against our commerce. A decree is also said to have passed at Bayonne, by which France attempts to execute our embargo laws by seizing those American vessels which have not returned home, and is of the same character with the others. The burning our vessels is among the most flagitious of the whole, for which no apology can be offered consistent with reason and justice, and for which no apology has been attempted but the impracticability of keeping them in possession from the superior naval force of G. Britain.

But we were told the other day that a recapitulation of the injuries which we have received served but to blazon the dishonor of the country. It is proper that they should be recurred to, because they are the ground work of our proceedings; and it impossible to keep them out of view, although the recital of them may tend to irritate and wound the feelings. But the reproach comes illy from those who say that our own government is chargeable with all these misfortunes, and are not attributable to the acts of our enemies, for so we may call them (although not *declared* enemies) who trample on our rights, add confiscation to insult and murder to both. And how is this assertion proven? Why, we are told (by Mr. Randolph) that in 1805, when the Kempers were taken from our territory by American citizens, we had submitted to the hostile tread of a foreign nation; that our character has declined abroad ever since; and that we ought to have gone to war at that time. What was the case of the Kempers? As well as I recollect it was this. These persons had committed an outrage within the Spanish territories. They were either Spanish subjects or American citizens; they took refuge within the American territory, and were seized by American citizens and negroes, carried out of our limits, and delivered up to the Spaniards. And was this cause of war? Is it from such cases as this that attacks from Europe have been encouraged? Should this nation have gone to war for this act? No, sir; for the nation or individual who is alive to the insults of the weak and pusillanimous, always have, and my life on it, always will shrink from a contest with the powerful and the brave, and expose themselves to the imputation of cowardice. The act was disavowed; Governor Grand Pre denied that it had been done with his cognizance. I recollect seeing an account in the public papers during the last summer, that some officer of the U. S. had pursued deserters from one of the gun boats in the Mississippi within the Spanish lines, there seized upon the individuals himself, and brought them within our jurisdiction and retained them in custody. Is there not a wide difference between this act committed in a foreign territory by our own officers, and the one committed in our territory by individuals instigated by foreigners? And if there were no difference, would this be considered by the Spanish government as cause of war against us? Would our government hesitate to disavow the act? Certainly not, as we do not claim the right of invading a foreign territory for the purpose of seizing deserters; and would the unauthorised act of one of our officers be cause of war against us? No, sir. Then as certainly it would not be cause of war by us, unless indeed we act upon the principle that where the enemy is weak and pusillanimous we must take upon ourselves airs of resistance; and when he is great and powerful we must shrink from the conflict. I therefore do not admit that a failure to make war for this individual offence was a submission or a cause of the declension of our character abroad. If it has declined at all, it is in consequence of the unjust attacks made on this government and on the majority of this House and the nation, by enemies in our own country. The nation which goes to war for an *ignis fatuus* offence will not be followed in it by the people. They will understand the causes of the contest; and when they find their government right and their adversary wrong, then they will rally around the public functionaries; and I believe that all honest and virtuous citizens of the country who understand the causes of our present difficulty, though many are deluded and imposed on, will rally round their government at this time.

Not content however with saying that the affair of the Kempers has been a cause of disgrace to the nation, the same gentleman has told us that the non-importation law produced our difficulties; that he prophesied the consequences of it and his prophesy has become history. I shall refer to documents which come in such a shape and from such a source as with the gentleman will be unquestionable; and I will attempt to prove from them that he is mistaken. Mr. Monroe, in his letter of March 31, 1806, says—

"From what I can discern, I think that there is much cause to believe that Mr. Fox has the best disposition to settle our differences on just principles, but it must be recollected that some other of the members of the cabinet have not always thought with him on such topics. On the most deliberate reflection, I am convinced that too much reliance ought not to be placed on these favorable appearances, and that there is cause to fear that if the Congress should separate without adopting a system of coercive policy calculated to meet the most unfavorable result, their forbearance may contribute to the disappointment of our reasonable expectations. By this, however, I do not wish to imply that measures of the kind alluded to should be carried into prompt execution. I mean only that the attitude should be taken, but its operation be suspended by suitable powers to the President, till he shall be duly notified that the negociation has failed. Such a suspension will be deemed a sufficient mark of respect to those in the ministry who are disposed to a fair accommodation, and the attitude will, in my opinion, tend to aid their councils in producing that effect."

I suppose therefore, sir, that the non-importation law is not, in whole or in part, the cause to which any of our embarrassments are to be ascribed, because the then minister of the U. S. who with the gentleman making the charge is high authority, residing on the spot, witnessing the career of the administration even of Mr. Fox, advised the adoption of the measure; and it was precisely pursuant to such advice that some measure ought to be adopted, that the non-importation law was passed. Then with regard to the dispositions manifested by the British government in relation to it, we have the evidence of the same gentleman in his letter of May 17, 1806,

"That on the whole the measure is considered by the government papers, on account of the distant period at which it does commence, rather as a pacific than as a hostile one. I persuade myself that the present ministry will see in the circumstance of delay, a strong proof of the disposition of the U. S. not only to preserve the relations of peace with G. Britain, but of their confidence, that the ministry is animated with the same desire. I cannot help remarking likewise the fact, that this paper was sent me immediately after the passage of the bill was known. It furnishes a strong presumption, that the government papers judge correctly of the sentiments of the government on that point. It may be inferred, that a knowlege of the passage of the bill hastened the communication to me."

Here we not only find it a measure which the minister deems correct, but we find that it is not deemed improper or hostile, is considered as a proof of a pacific disposition. I will not admit for a moment that this measure is the Pandora's box from which have flowed the evils which beset this country; but rather that there is a fixed disposition in the government of G. Britain to cramp the commercial spirit of this people, and to make them bow to the mistress of the ocean. In Mr. Monroe's letter of the 9th of June, 1806, we have further evidence of this. In a conversation which took place between him and Mr. Fox,

"In speaking of the non-importation act, he expressed his regret that it had passed. He said that it had the air of a menace, and that it was not agreeable to do things by compulsion. I reminded him how long we had complained of injuries which his government had not attempted to justify; injuries which were not imaginary or perspective, but real and severe, which affected equally the honor and the interest of the U. States. I added that under such circumstances his government had no right to complain of the act referred to. I assured him, however, that I was of opinion, if the ministry had not changed, that a bill of a very different import would have been adopted; that I had reason to believe that the tone of our government, and of the Congress, had been essentially moderated by the information which I had given of his assurances that our differences should be settled amicably, and on just principles; that the act which had passed in consequence of that information was little more than a declaration to the citizens of the U. S. that the object would be duly attended to."

It was such a declaration, sir, as was produced by the exigency of the times, when our tables were covered with petitions from the mercantile interest, demanding redress. Mr. Monroe continues,

"I observed that he must be sensible, after the subject had been taken up by Congress, as it was before the change of the ministry was known, that it was impossible for that body to dismiss it without some expression of the rights of the U. S. in the question in dispute, without exposing itself to the charge of having abandoned them. He seemed finally to admit that the Congress could not well have avoided doing something in the business and that the measure which had been adopted ought to be considered as a moderate one."

When we have such testimony as this, why will gentlemen persist in saying that our embarrassments are attributable to the passage of the non-importation act?

But it is said that our negociations in Europe have been paralized by extraordinary missions; that when our affairs might have been well settled, we had hung our disputes up in chancery by them; that the negociation in Spain particularly was paralized by the mission of Mr. Bowdoin. This is a new charge; notwithstanding the number which we have had from the same quarter heretofore, this was not one of the catalogue of offences. But this declaration comes with an ill grace from gentlemen who have declared that there was no Spain; that there were no longer Pyrenees, France had swallowed up all, and if so, an extraordinary mission to Spain could be of no importance, she being under the influence of the tyrant of the continent. But the old worn out story has been touched upon, that Mr. Monroe might have settled our differences with the ministry of Mr Fox, but for the extraordinary mission. Sir, if Mr. Fox or the British ministry had been disposed to settle the difficulties with this country on amicable terms, there was time enough for it; and if those difficulties had been settled, inasmuch as the law of nations has been trampled under foot by Great Britain, and the treaty of 1800 by France, it does not follow that an hundred treaties would have restrained their licentious invasions of right. But let us recur to facts. The documents before me will prove the reverse of the assertion; and from the same source whence I have proved that the non-importation act was not the cause of our present difficulties, I will prove that Mr. Fox, with the best intentions, was incapable of entering into any stipulations with our minister, being overruled by his colleagues in the ministry. Let us recollect under what circumstances he came into office. His great talents had been arrayed against Mr. Pitt, who was the favorite of the king, and whom Mr. Fox and his party drove from power. He was brought in, in opposition to the will of the monarch, being forced upon him by the nation; and if he were not, he was prevented from acting according to the disposition which he felt. On a reference to the documents it will be found that he came into office on the 12th of February, from which time to the 31st of May, when information of the extraordinary mission arrived in England, was a period of near four months; and was a longer time than was necessary for settling differences with our minister and entering into a treaty which could have been discussed and concluded in a few weeks. If it was not, it might well be said that our national affairs were hung up in a court of chancery, where discussion might be protracted *ad infinitum*, and a decision postponed to the end of time.

We are informed by the letter of Mr. Monroe, of the 12th of February, that "as soon as Mr. Fox took possession of his office, he requested an interview with the foreign ministers which took place yesterday." After detailing a part of their conversation, Mr. Monroe says:

"I could not avoid intimating to him that the friendly disposition which our government had shewn, had been most ungenerously requited by his; that it seemed as if it had pursued a just and friendly conduct towards the United States, till the moment that the new coalition was formed, and gave the present blow, when the prospect was favorable to success, and kept the business in suspence to see the result of affairs on the continent and in the United States. He heard me with much attention and apparent interest, intimated that he had been accused of being too friendly to America, and when I spoke of the treaty with Russia, he observed that he had tho't that the arrangement made by it was a good one, though I did not understand him as pledging himself by the remark to its conditions. I requested that he would make himself master, as soon as in his power, of the correspondence between lord Mulgrave and myself, and give me an interview, which he promised. I am happy to add, on a view of all circumstances, that I think the prospect of arranging our affairs with this government, especially that one which respects the trade with the colonies of its enemies, on satisfactory terms is every favorable one. It is certain that nothing more favorable to such a result was, or could reasonably have been expected from the first interview with the present minister."

Here we find that the disposition which characterised him whilst in the opposition had not deserted Mr. Fox when in power, and he even [illegible]

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