

Friday, February 14.

BRITISH AGGRESSIONS.

Debate on the second resolution reported by a select committee, as already given.

[CONTINUED.]

Mr. Kitchell observed that he was sorry to intrude upon the patience of the senate at that late hour; but the observations of the gentlemen who had just sat down induced him to beg their indulgence for a few moments—the gentlemen in the course of his observations seems to have made two propositions as the ground of his objection, viz. that the resolution now under consideration contains a censure upon the president as not having done his duty in negotiating; and that by passing it we are going to sacrifice the honor and interest of the United States and its citizens.

Mr. president I would ask in what manner we shall do either. How shall we censure the president? He has negotiated until there appears no prospect of obtaining that justice to which we are entitled; and he has now submitted the matter to congress to pursue such measures as shall appear to them prudent.

And what are we about to do? Sir, we have already unanimously passed one resolution, in which we say that the capture and condemnation of the vessels and cargoes of our citizens is an unprovoked violation of our independence, and an aggression upon the property of our citizens. And if that declaration is correct what are we to do further? Are we upon the strength of that declaration to sit down and fold our hands together, and expect Britain to do us justice? Or are we to declare war—Sir, are we prepared at this moment to declare war? Will it be wise? Will it be prudent, without one effort to avoid it, with all its horrors of blood and destruction? Are the people now prepared to meet it without our making one more attempt to negotiate? Will they say we have acted wisely? I believe not—Sir, we are one component part of congress, who have the sole power of declaring war; and by this resolution we are going to say to Britain; not by ourselves, for we are not by the constitution authorized to speak to foreign nations in this way; but we are about to request the president in our behalf, & in our name, & in the name of the whole people of the U. S. to say to Britain, you have injured us by your unprovoked aggressions, and we demand satisfaction. We can bear these insults no longer; therefore make us compensation for past injuries, and do us justice in future; and we are willing still to be friends. Wherein does this censure the president? He has pursued negotiation until he finds it unavailing. We now ask of him to make one last effort in our behalf before we appeal to the last resort of war, and I trust we shall arm him with power that will give energy to this last negotiation. And wherein are we going to sacrifice the honor of the United States or the interest of the citizens? Does it sacrifice our honor to endeavor to settle our differences in an amicable way, rather than to fly to arms and deluge the earth with blood? Will it fix a stigma upon us in the eyes of any rational men or nations? I believe not. And how are we going to sacrifice the interest of our citizens? Do we do it by demanding justice for them of Britain? I believe that they themselves will not view it in that light, when they see it followed by the third resolution which I hope will be passed. And indeed had it not been for the expectation of that resolution being carried into effect, in such a manner as to give energy to this, I should have withheld my vote from the first. But under the full expectation that the third resolution will pass, and as I do not believe it contains any censure upon the president, and as I believe it will do honor to the U. S. and will have a tendency to secure reparation to our citizens, I shall cheerfully give it my vote.

Mr. Smith (of Ohio).—Mr. President, although the resolution on your table cannot impose a new obligation on the chief magistrate of this country in its present form, yet from its coincidence with the letter and spirit of his message at the opening of the present session, from its presumptive influence at home, and its probable effect abroad, I am induced to believe that its unanimous adoption is important.

The resolution ought not to be construed into an improper interference with executive prerogative, for it will not sustain that interpretation. It is the constitutional right and the daily practice of the senate to advise the executive to adopt specific measures, as well as to call for information on diplomatic and legislative subjects. What is the object of the resolution? It is, that this branch of the legislature shall share in the responsibility of employing means to execute the measure proposed. This is magnanimous, as it is voluntary on the part of the senate; for in adopting the resolution we attach a high degree of responsibility to ourselves in the effect to be produced.

The object of the resolution seems to be further illustrated on two grounds. 1. That the president demand the restoration of the property of their citizens, captured and condemned on the pretext of its being employed in a trade with the enemies of Great-Britain prohibited in time of peace; and upon the indemnification of such American citizens for their losses and damages sustained by these captures and condemnations. What is there in this part of the resolution so objectionable to honorable gentlemen? Is it the

restoration of the captured property of our citizens? No! Is it the indemnification of our citizens for their losses & damages sustained by the captures of which we complain? It cannot be. To what then are exceptions taken? To honor, gentlemen have given the answer. "The resolution, if adopted, will be an encroachment upon the executive branch of the government." This I shall deny until convinced of the impropriety of entering into any resolution which expresses to one branch of the government the views and desires of another. The freedom of communication, between the legislative and executive branches of government, is sanctioned by the law and usage of all nations that are free. The resolution does not assume the boldness of a mandate, but the delicate form of a request. Having obviated this objection, I contend that the seas are the high road of the world, and that all nations have a right to use it. That we as a neutral nation have a right to trade with all, who are free to trade with us, except with a blockaded port and in articles contraband of war. England has imposed a new restriction beyond the cases of contraband and blockade. In her courts of admiralty she has taken a less distinction between a trade in war and a trade in peace; and that a trade not permitted in peace is unlawful in war. I pronounce it an injurious regulation upon our commerce, and what I trust our government will not submit to, as it is repugnant to the law of nations, and a gross violation of neutral rights.

Of this new and odious principle, the president of the United States has justly complained, and I wish the senate to unite in bearing testimony against it. While we do this, let us resort to the means of remunerating our injured citizens. They have been robbed and plundered on the high seas, while sailing under the American flag and engaged in a lawful trade. I feel indignant at this outrage, and cannot silently and deliberately see our flag insulted, our seamen impressed, our citizens ruined, and our trade destroyed. But, it has been said if we adopt the resolution it will restrict the president to the strong attitude of demanding the restitution of our property taken by British cruisers, and condemnations. He it so; he will surely not treat with them but on the ground of restitution. We have treated England as the most favored nation, in all our commercial and diplomatic regulations, she has requited us with the imposition of insidious duties, with predatory spoiliations at sea, and illegal condemnations on land. Our nation will be avenged—and the greatest objection which I feel to the resolutions is, that they do not go far enough. I would make a provisional declaration of war, to be carried into effect with vigor, not only against England but against Spain, and any other power who under circumstances so aggravated, refuse to redress our wrongs. Sir, I must honestly confess, that I deprecate the flames and ravages of war, that I should lament the necessity of involving the nation as much as any man; but, sir, I wish it avoided on honorable terms; for rather than see the honor and the rights of my country violated, I would wade through rivers of blood and fight till doomsday in their defence. The second ground of illustration appears in the latter part of the resolution, and in the following words, "to enter in such arrangements with the British government on this and all other differences subsisting between the two nations, (and particularly respecting the impressment of American seamen) as may be consistent with the honor and interests of the United States, and manifest their earnest desire to obtain for themselves and their citizens, by amicable negotiation, that justice to which they are entitled." Until this resolution came into debate, I flattered myself that the senate would have adopted it unanimously. The object of the resolution is so very important that I could not imagine that one honorable member of the senate would be found refusing to support it.

Sir, permit me to ask, can a true American be indifferent to the depredations committed on our neutral rights, and does not the impressment of our seamen deserve the attention of the senate? Every member must avow it. In what then do we differ? Merely in the phraseology of the resolution. I did hope for unanimity in the senate as well upon the form as the substance of this resolution. In this, however, I am disappointed, and as I cannot prevent it, I will sit down and regret it.

Mr. Worthington. On further consideration of the resolution now before the senate I confess I feel more opposed to it, and do believe, on the whole, it will be best not to pass it in its present form. The resolution must mean something, or it must mean nothing. It must intend to convey to the president, the opinions and advice of this body, or not to convey it. Now, sir, if it is intended to convey to the president the opinion and advice of the senate, which is certainly my understanding of it, I beg gentlemen to reflect a little before they adopt it. The advice of this senate I trust will never be given to the president without having the desired effect, and let me add, sir, that from the intimate connection which exists between this and the executive branch of the government, I must believe that the president would not feel himself justified, nor would he be willing to take so much responsibility on himself as entirely to reject it. Sir, I could not justify him if he did. We are equally responsible with him in our executive capacity, and can we for a moment believe that he would act contrary to the decided opinion of the senate, who can at all times control or defeat him by rejecting a treaty made contrary to their advice and opinions? What, sir, is the object of the resolution?

Resolved, That the president of the U. S. be requested, that he demand and insist upon the restoration of the property of their citizens, captured and condemned on the pretext of its being employed in a trade with the enemies of Great-Britain, prohibited in time of peace; and upon the indemnification of such American citizens, for their losses and damages sustained by these captures and condemnations; and to enter into such arrangements with the British government, on this and all other differences subsisting between the two nations, (and particularly respecting the impressment of American seamen,) as may be consistent with the

honor and interests of the United States, and manifest their earnest desire to obtain for themselves and their citizens by amicable negotiation, that justice to which they are entitled.

We request the president "to demand and insist upon the restoration of the property of their citizens, captured and condemned on the pretext of its being employed in a trade with the enemies of G. Britain prohibited in time of peace; and upon the indemnification of such American citizens, for their losses and damages sustained by these captures and condemnations;" and afterward "to enter into such arrangements with the British government, on this and all other differences subsisting between the two nations, (and particularly respecting the impressment of American seamen,) as may be consistent with the honor and interests of the United States, and manifest their earnest desire to obtain for themselves and their citizens by amicable negotiation, that justice to which they are entitled."

To my mind, sir, the resolution seems to be at war with itself. It is not Mr. president, the bold ground taken by the first part of the resolution to which I object. It is not, sir, that I am opposed to demanding or insisting on our rights; but it is because I fear the resolution taken together, will embarrass the executive in negotiating a treaty to settle our differences. A gentleman from Maryland has told us, and we know the fact is so, that there are several subjects on which negotiation is necessary. At present we know we have no commercial treaty with Great-Britain. If, sir, this subject is intended to be embraced, (and I so understand it) by the resolution, and if it is the opinion of the senate it should, let us be more explicit. We have such a treaty with Holland, Spain and France, and I confess I can see no good reason why we should not have one with G. Britain, if it can be made on terms which will promote the mutual interest of the two nations. Indeed, I cannot imagine how we are to get along without continual jarings, and probably, ultimately war, with all its concomitant evils, unless we know the ground on which we are placed. Whilst I should deplore an event of this kind, yet, if under all the circumstances, the honor and interest of my country made it necessary, I hope I shall be found among those who would firmly resent the insults and vindicate the injuries of any nation on earth. With so wide a field for negotiation, with so many important objects to accomplish, I submit it to the good sense of the senate whether it will be proper to tie up the hands of the executive in the manner contemplated by the resolution. If the resolution passes, the president must in every event, demand and insist upon the restoration of the property of our citizens, captured and condemned on the pretext of its being employed in a trade with the enemies of Great-Britain, prohibited in time of peace; and upon the indemnification of such American citizens, for their losses and damages sustained by these captures & condemnations." This must be made the basis on which all further proceedings are to be founded. I do not wish to be understood as being willing to give up the property which has been unjustly taken from our citizens without an equivalent. An equivalent may be obtained in many ways. If the resolution is adhered to by the executive, a restitution of the property must be insisted on. Request the president to demand & insist, and he must take this ground, and this only, if we pass this resolution. Although in my opinion, this resolution was not intended to censure the executive, yet it would seem to bear that construction. But on this ground I will not object to it. It is notorious to every gentleman of the senate that the president has been, and is now prosecuting a negotiation on the subjects which seem to be the particular objects of this resolution, viz. the condemnation of our vessels & the impressment of American seamen. It would therefore seem improper on this ground to pass the resolution in its present form. I know, sir, that what has been so often and so properly repeated is all important to the present subject, that is, that we should be united in what we do. With this view and with a hope that the same committee can offer to the senate a resolution varied in its form from the one before us, and embracing the wishes of at least a great majority, and I hope the whole senate, I move that the resolution be recommitted.

Mr. Adair.—Mr. President, the motion before the senate is to recommit the resolution to a special committee. Gentlemen in favor of the resolution as it stands have called upon us to point out the alterations we wish to make in it as a cause of recommitment: I will do so, by stating my objections to it in its present shape. The first resolution on the paper which I hold in my hand, and which met with an unanimous vote of the senate two days past, contains a mere declaration of their opinion on an abstract principle; to this resolution I fully and freely assent, although I did not vote for it, being that day unwell & absent. But this 2d resolution, if it is to have any effect at all, is meant to convey an instruction to the president of the United States. It contains a request to him, not only that he will endeavor to obtain an adjustment of our differences by treaty, but that prior to this he will demand and insist upon the restoration of the property of our citizens captured and condemned on the pretext of its being employed in a trade with the enemies of Great-Britain, prohibited in time of peace; and upon the indemnification of such American citizens for their losses and damages sustained by these captures and condemnations; that he will enter into arrangements, &c. This, Mr. President, is the part of the resolution I object to. It is going too far. It is circumscribing the powers of the president, and tying him down to a particular point. It is making that the *sine qua non*, the basis on which alone he is to treat; at least it is doing this so far as an opinion of the senate, expressed in this way, can do it. It really looks to me, as if on this particular point of restitution we were afraid to trust our chief magistrate. I presume there is not a member who hears me, who does not fully believe the captures and condemnations alluded to in the resolutions were unjust, that they are an infringement of our rights; and that we are entitled to restitution. But

let it be remembered that these condemnations are the solemn decisions of a court of very high authority in Great-Britain; a court that, it is well known, acts under the councils (if not the control) of the cabinet. May we not then reasonably suppose, that the British government are as fully assured (in their own minds) that these condemnations are just and warranted, under the law of nations as we are that they are unjust and unwarranted; and that they will be as unwilling to acknowledge, in the face of the whole world, that they have been wantonly robbing us of our property, as we will be to acknowledge that we have paid so much without a cause. It has been well observed by an honorable member from Tennessee, that in forming commercial treaties of this kind, there will be various points to consider; and it may not be necessary to contend for strict justice in every punctilio—arrangements or treaties, when there are existing differences to settle, must always be a bargain of compromise and forbearance; in one point we may give a little, that we may obtain an equivalent in another. So it may turn out in settling our disputes with Great-Britain. Why then are we not satisfied with expressing our opinion in the great principle of right; and leave it altogether with our chief magistrate, to enter into and point out the details.

It is asserted by the advocates of the resolution as it now stands that the part objected to has been virtually agreed to in the first resolution; and that the latter part of the second resolution qualifies the first as to prevent it from operating as an instruction to or restriction on the president. To this I answer that the same principle, so far as it relates to the United States or to the British government, is certainly contained in the first resolution, and therefore unnecessary to be thus expressed in the second; and if it is not intended to operate as an instruction to the president, why is it so anxiously retained in the resolution? I can see no other reason for this, unless it is intended as a declaration of the senate, a solemn pledge to be used on some future occasion, by the merchants, whose property has been thus condemned, to show that we are bound to obtain restitution for them from the British government, or to compensate them ourselves. How far this may be right it is not now for me to say. It is a subject not now before the senate, and I think it too soon to make the declaration. Nor do I like to see such a measure obtain in our resolutions by stealth as it were; unnoticed, because obscured by the brighter blaze of more important objects. In support of the words "demand and insist;" an extract has been read from a letter of the president himself to his minister abroad, in which he uses the same words. But is there no difference between the president's acting officially giving instructions to his minister where it is necessary and proper he should enter into the details; and our merely expressing an abstract opinion upon a great principle before it officially comes before us? The president in using these words does it with the strictest propriety; and I trust when he instructs a minister agreeably to the request contained in this resolution, that he will make use of language equally strong. He shall meet with my hearty approbation, nor is there any length in my power that I will not cheerfully go to support him. Yet still I am unwilling to tie him down to a particular point, or to express an opinion in detail upon the subject of a treaty, which if made must finally be laid before the senate for their approbation. Let it be remembered that in the first resolution we have solemnly pledged ourselves to a principle of right; we are so far bound as the representatives of the nation to defend this right to our citizens; or to obtain an equivalent. This ought to satisfy all. In this second resolution we request of the president to obtain for us the free exercise of this right by treaty. Let us then confide to him the broad field of negotiation; let us not cramp him. Our rights are secure in the hands of the constituted authorities; should he fail of success we all know the consequence; the next and last alternative is war; to this we all stand solemnly pledged, and when it comes to this, I trust there will be no difference of opinion. Peace is the first wish of our hearts; it is the soul of our government. But the man who would not prefer war to oppression, to dishonor and infamy is not an American. One word more, Mr. President, and I have done—it has been conceded that a unanimity of sentiment and vote is desirable on this subject. If then gentlemen are in earnest when they say those exceptionable words, mean no more than what is contained in the first resolution, and convey no special instruction to the president, can they not change them for others equally strong as to the principle, and that will meet the approbation of all—why not strike them out, and in lieu of them request the President to enter into arrangements agreeably to or in conformity to the first resolution; some such alteration as this would certainly retain the whole idea avowed by the advocates of the present resolution, and as the special direction and restriction would be left out, it would meet with my concurrence.—To obtain some such alteration in words that will be agreeable to all is the object I have in voting for the commitment, and as one day cannot materially affect us, I hope we will be indulged.

The motion to commit the resolution was lost by a small majority.

HOUSE OF REPRESENTATIVES.

Wednesday, February 26.

The house resolved itself into a committee of the whole on the bill, received from

the senate, to regulate the laying out and making a road from Cumberland, in the state of Maryland to the state of Ohio.

After a considerable debate the committee rose and reported the bill without amendment, when the house, with out coming to a decision on the report, adjourned.

In addition to those gentlemen, represented in our last paper as having spoken in favor of the St. Domingo bill, Mr. Rhea of Ten. spoke in support of it.

Thursday, February 20.

The bill imposing a tax of ten dollars on every slave imported into the U. S. after a considerable debate, was recommitted to a select committee.

BOSTON Feb. 20.

COMMUNICATION.

It is wonderful to observe how justly the great Washington thought and wrote—even upon subjects, which one would think he could hardly have been acquainted with; considering that his boyish days were passed in a savage warfare, and his riper years devoted to his country in the tented field.—The following judicious, temperate and striking remarks were made by that illustrious character in a letter to president Reed, of Pennsylvania, written in the year 1780.

"Every vic of our circumstances ought to determine us to the most vigorous efforts; but there are considerations of another kind that should have equal weight.—The combined fleets of France and Spain last year were greatly superior to those of the enemy; the enemy nevertheless sustained no material damage, and at the close of the campaign gave a very important blow to our allies. This campaign, the difference between the fleets, from every account I have been able to collect, will be inconsiderable; indeed it is far from clear, that there will be an equality. What are we to expect will be the case if there should be another campaign? In all probability, the advantage would be on the side of the English and then what would become of America? We ought not to deceive ourselves. The maritime resources of Great-Britain are more substantial and real than those of France and Spain united. Her commerce is more extensive than that of both her rivals; and it is an axiom that the nation which has the most extensive commerce will always have the most powerful marine. Were this argument less convincing, the fact speaks for itself; her progress in the course of the last year is an incontestible proof.

"It is true, France in a manner created a fleet in a very short space; and this may mislead us in the judgment we form of her naval abilities. But if we bore any comparison with those of Great-Britain, how comes it to pass, that with all the force of Spain added, she has lost so much ground in so short a time as now to have scarcely a superiority? We should consider what was done by France as a violent and unnatural effort of the government; which, for want of sufficient foundation, cannot continue to operate proportional effects.

"In modern wars, the longest purse must chiefly determine the event. I fear that of the enemy will be found to be so. Tho' the government is deeply in debt, and of course poor, the nation is rich, and their riches afford a fund which will not be easily exhausted. Besides, their system of public credit is such, that it is capable of greater exertions than that of any other nation. Speculators have been a long time foretelling its downfall; but we see no symptoms of the catastrophe being very near. I am persuaded it will at least last out the war.

"France is in a very different position.—The abilities of the present financier have done wonders, by a wise administration of the resources, aided by advantageous loans, he has avoided the necessity of additional taxes. But I am well informed, if the war continues another campaign, he will be obliged to have recourse to the taxes usual in time of war, which are very heavy, and which the people of France are not in a condition to endure for any length of time. When this necessity commences, France makes war on ruinous terms, and England from her individual wealth will find much greater facility in supplying her exigencies.

"Spain derives great wealth from her mines, but not so great as is generally imagined. Of late years the profit to government is essentially diminished. Commerce and industry are the best mines of a nation, both which are wanted by her. I am told her treasury is far from being so well filled as we have flattered ourselves. She is also much divided on the propriety of the war. There is a strong party against it. The temper of the nation is too sluggish to admit of great exertion; and though the courts of the two kingdoms are closely linked together, there never has been in any of their wars, a perfect harmony of measures; nor has it been the case in this; which has been no small detriment to the common cause."

LEXINGTON (Kent.) Jan. 30.

In the afternoon of Tuesday last, a quarrel took place between two Indians who have been for some days in this place, one a Chickasaw, the other a Chactaw, which terminated in the Chactaw stabbing the other in several places with a knife.—He immediately ran off, but returned again yesterday; when the quarrel was made up, and the whole attributed to whiskey. The wounds were dressed by Dr. Fishback, in the usual method, in the presence of the father of the wounded man, who shewed great impatience until it was completed;—when he immediately took off the dressing, and sucking out the blood with his mouth, plastered them up with his mud. It is yet doubtful whether or not he will recover.

Muscatel Raisins,

100 boxes just received from Philadelphia, for sale by

GEO. & JOHN S. YEATES.

February 26, 1806.