

Congress.

HOUSE OF REPRESENTATIVES.

THURSDAY, MARCH 6.

DEBATE

On Mr. GREGG'S resolution.

(Mr. RANDOLPH'S Speech concluded)

A gentleman from Pennsylvania has told us that Great Britain is our commercial rival. But does not the gentleman know that the very term implies a correlative? That if she is your commercial rival, you are her commercial rival also. This is the very view that I have been endeavoring to take of the subject to impress on the committee; to warn the nation against being drawn into a war of commercial rivalry. Sir, when men fall out about women, they are not apt to call in some learned doctor to decide the dispute; they yield to feeling or instinct; just so with nations, commercial nations especially differing on interest, which is their instinct. And would gentlemen wish to excite this young nation as yet in the gristle, to a foreign contest with Great Britain, in the full strength of manhood? I speak of foreign war. The will and ability to defend ourselves is one thing, to act 3,000 miles off another. They may rely as much as they please upon the French emperor's making a separate peace with the continent, to the exclusion of Great Britain. If she puts out her strength you will feel it. This proposition will subject her to all the evils of an American war, without any of the concomitant advantages. And can you expect a tame acquiescence on her part? If her minister be not a bastard; if he has one drop of blood of Chatham in his veins, he will die contending for the liberties of his country, sooner than surrender her independence. He will do it. No, sir, whatever I think of the vices and corruptions of the government of that country, I must applaud her intelligence and spirit, must admire her ability, wisdom and strength.

But another gentleman from Pennsylvania, Mr. Smilie, asks if it is not astonishing that a man whom he allows to possess common sense, whom he represents as trembling at the power of G. Britain, should be making calculations of the future power of France, instead of guarding against the immediate danger; Sir, France may become a naval power, Great Britain never can be a military one. I ask any practical man, if the day can ever arrive when Great Britain will be able to threaten the safety of the continent of Europe or America, or dictate to either of them. It is my fault that the gentleman cannot, or will not see this, because, as he tells you, fools and madmen can never be brought to believe, that the spirit of God hath passed them by, and enlightened the understandings of other men. But to shew that this is not just cause of war, we are referred to the time of the stamp act and the non-importation agreement of 1774, which did not, it seems, produce immediate war. Is there any analogy between the two cases? We then formed one nation. A man may make a great sacrifice to preserve his friend, but when he has lost him, he will, as has been seen to day, be denounced as the bitterest enemy. The other instances are equally defective and inapplicable. You may as well go back to the flood. The same gentleman enquires, are you indeed so peaceable towards England, who has trampled upon you, and hostile to France who has offered you no injury? Wherefore? On this occasion I must repeat the old proverb, 'tis the still hog that drinks the swill. She finds it convenient to make a miserable stalking horse, a scare-crow of Spain—The gentleman enquires how long Great Britain has acted upon these philanthropic principles; this generous benevolent policy ascribed to her. But is any man so weak, or so wicked as to pretend that there is, any principle of action between nations, except interest? Give Great Britain the power, and she will to-morrow play the same part. Sir, we are not theophilanthropists, but politicians; not dreamers and soothsayers, but men of flesh and blood. 'Tis idle to talk of a sense of justice in any nation. Each pursues its sense of interest, and if you calculate on their acting upon any other principle, you may be very amiable, but you will prove a cully. We are asked what Great Britain can do to annoy us. We answer at this moment more than any other nation of the world, because she commands the ocean, she sole medium of communication between us. But draw her off from that element, and France is not less omnipotent upon it. She is a great military power, and it is because Britain is not, cannot, become such a power, that it is impolitic to break her down. Go to war when you will, you must become the ally of France you will only put off by enhancing it, the

danger you would guard against. You will but clap a tortoise under your elephant.

The same gentleman tells you that the gigantic power of France hangs on the brittle life of an individual. But do you believe it? Are you such drivellers in politics as to believe that the fate of such a military despotism hangs on the life of one man. If Mahomet II. had been killed under the walls of Constantinople, would the destiny of the Greek empire have been changed? Would not the power have passed into the hands of some Solyman or Selim, the terror of the civilized world? Shall we abandon practice for theory.

In some respects we are situated as the successors of Alexander were placed in relation to Rome and Carthage. Here is an iron republic, or at least what you will, that threatens the liberties of mankind: The government above all others in Europe, to which our own is most hateful and obnoxious. This is beyond dispute. Does it become us to facilitate its designs? I do not enquire as to motives, nor will that government care about them. If you give it facilities to effect its purposes, those purposes are obtainable, so far as depends on you. Is this wise, is it proper, is it right? Am I asked for my plan? If I meant to act efficiently, I would have begun with an embargo—I would now do what was done before—I would treat with Great Britain, and for the very reason that I would not have treated with her in the year 1794; for the same reason that the gentlemen, whose resolution is now under discussion, then treated with her, I would not; now he is for war, I am for negotiation and peace. And why? Because the state of nations has since undergone a momentous change; disastrous changes indeed have been effected in the face of things. We often hear of the abuses and corruptions of the British government; whilst the continental despotisms pass unnoticed and unguarded. Let us beware of introducing such abuses into our own—We have no farther concern with them. Do gentlemen think worse of the character and motives of William Pitt than of Robespierre, and yet, monitor as he was, Robespierre—that cannibal of his own countrymen, was in his day the sole bulwark of the human race. And whatever be her motives or professions, Great Britain now stands exactly in the place of France twelve years ago. Take her navy out of the way to-morrow, and where are you? The secretary of the navy has indeed reported that the Chesapeake is fit for service, and that the Constitution is in a state of thorough repair, but would the real Chesapeake, the bay, be fit for use in that case, and what would be the operation on the actual constitution of the United States? Sir, I am opposed to a French war, as well as to a war with England. I would treat with England for another reason. I wish we had not a commercial treaty with any nation whatever. I am opposed to them on principle, but the principle is already settled. We have them. By your treaties with her enemies your hands are tied up from taking, against them, any such measures as the one proposed: they are to be admitted on the terms of the most favored nation. This is probably one of the principal causes of disgust to England—Again, she made an offer to repeal her discriminating duties, if you would do so too; to trade with us on even terms—By mercantile clamor you were deterred from meeting her half way; moreover, you have refused to ratify treaties with her, after they had been signed by your own minister. No doubt you had the right to do so. But can you be surprized under such circumstances that a haughty commercial rival has been irritated. After your obligations to France, who cannot receive a single pound of sugar or coffee, but under cover of your flag, who is dependent upon you for services which she cannot render herself, who is not your rival in commerce, what can you expect from a jealous competitor in trade, who stands not in need of your navigation—whose every advance towards a good understanding has received a mortifying repulse? Sir, you have at this moment a negotiation pending with Great Britain. You have no cause to despair of its success: far otherwise. The plain question is, will you await its issue, or will you, *pendente lite*, precipitate yourself into a measure, which must eventuate in war. If you want war, there is no doubt that you may have it. Great Britain will not submit to all the hardships and mischiefs of war, because you choose to call it peace. She will prefer open war to war in disguise: and I, sir, have no hesitation in saying, that I am for no half measures. Begin that system when you will, war or disgrace must grow out of it. I am for neither.—The gentleman indeed says that this, which has been denounced as a war measure, is a measure of peace. Let us have no more quasi wars, I beseech you, sir—no half measures, no intermediate stage, but open war, or peace. I abhor this political quackery. Give us war or negotiation; if you resort to the one, let us abandon the other. But we are asked if American virtue will so far degrade and debase itself as to treat with the old and corrupt government of England? There is a plain answer to this. You have a treaty with her now, with every government, I believe, that would make one with you.—But whilst we boast our virtue, let us beware that our own sins are not cast into our teeth. Let us see how far these punctilios are warranted by the conduct of our own agents;

Look to the management of the convention of Paris of the 30th April, 1803! You have all seen the case of the New-Jersey, Nicklin and Griffith's ship. It has created a general sensation. And what is the fact? Compared with others, they have all most nothing to complain of. Bad as that case is, it is amongst the least exceptionable instances of misconduct in your ministry at Paris. It is true, Nicklin and Griffith's claim was cut down, I believe one half, because the sum appropriated would not otherwise (it was feared) be sufficient to answer all the drafts of chicanery upon it. These men were therefore mulcted fifty per cent. They are rich merchants—able to make their case known. It has been heard, and has rung through the continent. There are hundreds of cases even worse than this. The claims intended to be provided for are set aside. Why? Because government has been represented abroad by unfaithful dishonest agents. Have they been called to account for their conduct? Three millions seven hundred and fifty thousand dollars stipulated to be paid, to bona fide American citizens—where have they gone? Into the pockets of renegades and the bureaus of Paris. Yes, the traders in neutral character have divided the spoil with the harpies of the French bureaus—These are they, in whose favor the bills have been drawn on the treasury of the United States by their own minister—Take the case of the Pigou—There was no question, indeed as to her being American property—but she was captured *flagrante bello*—(when we were taking the Inurgente and Berceau)—she was therefore good prize, and condemned accordingly. Yet the decision of the inferior court was reversed by the council of prizes, and this case brought within the convention—to the exclusion, no doubt, of bona fide claims for neutral American property captured and condemned, and for which the convention was intended to provide. This is a specimen of the mode of doing business at Paris. If gentlemen doubt upon the subject, let them call on the secretary of state for the correspondence of the commissioners. Let them call for John Mercer, one of those commissioners, a man inferior to few in point of talents; in point of character to none. Put him to the bar and examine him.

Painful as it is to me, I must defend my principles and those of my friends. Open your statute book—what does it say? that the shores and waters of the bay and river Mobile shall form a district—I brought in the bill myself. The executive had informed us, that we had purchased from France as far as the Perdido, to the east. We legislated upon it. Whence have arisen your disputes with Spain? from Pensacola or St. Augustine? no—from the very country which the statute book says is yours—in your own collection district are Spanish duties exacted and paid, from this very quarter, incursions have been made into the old United States. Do gentlemen believe that this fact will be lost on Great Britain? but we are asked by (Mr. Smilie) what has she to do with differences between us and Spain? what right has she to interfere, to enquire or even to know, to seem conscientious of what has passed in that quarter? is this intended as a serious question? because you have clapped a padlock upon your own mouths and wilfully shut your eyes, do you expect to hoodwink an eagle-eyed adversary? 'tis in vain to expect that any nation in her intercourse with you, will be blind to your conduct towards others. G. Britain must shut her eyes and ears too, to understand the state of things here—at least negatively speaking. She must know that you have taken no imposing attitude towards Spain, done nothing to strengthen your southern frontiers, made no addition to your naval or military force, left even the militia in *status quo ante*. Because the doors have been shut, can people be brought to believe that we have raised armies and equipped fleets in conclave? I never heard, sir, of but one army incog, and that was levied by the facetious Mr. Bayes for the service of the stage not of the state—and from some dramatic specimens which I have lately seen, I should not be surprized to hear of a similar project being started on this floor. G. Britain will see, then, what has not been your proceeding towards Spain. She will say, shall I suffer myself to be browbeaten by a nation, clamoring for the right of highway, that has not spirit enough to defend her own domicile? If A. acts like a poltroon towards B. who has committed a gross outrage upon him, and shall have a subsequent controversy with C. shall he pretend to bully him, and expect C. not to call to mind his cowardly behavior with B. and treat him accordingly? one foreign nation will be influenced, will be governed in her concerns with you by your concessions to another, and it is the idlest thing in the world to expect that your treatment by one government will not have an effect on the deportment of others towards you.

One word more, sir, before I conclude. Gentlemen miscalculate if they suppose that mere *authority* (much less at second hand) will do for us. They must shew us something better before we can swallow their resolution. 'Tis an infirmity, sir, of my nature that I cannot yield to imposing sound of great names; they never shall put me to silence, or drive me from my purpose. I am apprised of the secret denunciations which are on foot and I despise them.—They shall never affect me; I came into public life

with these principles, and I will leave it with them, leave it when I may.

SATURDAY, March 29.

Mr. Dawson reported a bill authorizing the proprietors of squares and lots in the City of Washington to have the same subdivided and admitted to record, which was referred to a committee of the whole.

Mr. Newton alluded to the fate experienced yesterday by the resolution declaring the tenure of a seat in the House incompatible with the holding a contract under the government of the United States. From the fate experienced by this resolution, he said he was induced to offer an amendment to the constitution, which he considered as of great importance. He said he would wish to see an American Congress composed of very different materials from a British Parliament. He did not wish to see contractors on that floor. When the members of that House came to perform the duties of the people, they should pass themselves into oblivion. No suspicion ought to attach to them. To preserve the character of the representative body from reproach, he had prepared an amendment to the constitution, which he would submit to the House.

The amendment was as follows: That no person holding a contract under the government of the United States, or who shall directly or indirectly participate in the emoluments of such contract, shall be capable of holding a seat in the Senate or House of Representatives of the United States.

Ordered to lie on the table. Mr. Thomas said, he wished to submit a resolution also, to amend the constitution—It was for the purpose of districting the several states for the choice of electors of President and Vice-President, by the people.

He said, he had had the resolution for some time in his drawer, waiting for a favorable opportunity to bring the subject forward. He would not say that the present was the auspicious moment to call the attention of Congress and the nation to alter that sacred instrument; for he believed it ought not to be approached with innovations, but for strong and cogent reasons, nor, then, only when the public mind was free from collision, and unembarrassed with other questions of great national policy—However, as several propositions for amendments were before them, if they were to be called upon at this time, to consider any, he wished to draw the attention of the House to one which experience had proven to be really necessary and proper.

The object of districting the states and vesting the choice of electors of President and Vice-President in the people, was one which he had frequently urged and advocated in the legislature of the state which he had the honor in part to represent, under the constitution as it now stands, which left it optional with the state legislature, either to appoint the electors themselves, or to vest their election with the people at large. Indeed, he said, he always did think, and still thought, that the mode of choosing electors, for the chief magistrate of this country, ought to be by the people, and that too in an uniform mode throughout the United States. This he considered the only proper way to obtain a fair expression of the public will in the choice of this highly responsible officer; and in order to have this subject before the House, he would submit the following resolution:

That the state legislatures shall, from time to time, divide each state into districts, equal to the whole number of senators and representatives from each state, in the Congress of the United States; and shall direct the mode of choosing an elector of President and Vice-President, in each of the said districts, who shall be chosen by citizens having the qualifications requisite for electors of the most numerous branch of the state legislature, and that the districts so be constituted, shall consist, as nearly as may be, of contiguous territory and of proportion of population, except where there may be any detached portion of territory, not of itself sufficient to form a district, which then shall be annexed to some other portion nearest thereto; which districts, when so divided, shall remain unalterable until a new census of the United States shall be taken.

Mr. Jackson submitted two bills, the one supplementary to an act to extend jurisdiction in certain cases to the territorial courts; and the other, to amend the act to divide the Indiana territory into two separate governments, and for other purposes, which were referred to a committee of the whole on Monday.

Mr. Dana, after various preliminary remarks on the alarming state of our affairs with foreign nations, offered the following resolution, which was adopted without a division:

Resolved, That the committee to whom was referred so much of the message of the President as relates to aggressions on our coasts, to the defence of our ports and harbors, &c. be instructed to enquire into the expediency of providing by law for the further safeguard of merchant vessels within the vicinity of the U. S. and to report by bill or otherwise.

In the course of his remarks, Mr. Dana explained his object to be, not an augmentation of the naval force, or any measure which would incur expense; but the amendment of the existing laws of the U. S. relative to the extent to which protection ought to be granted to our vessels on our coasts. Under the existing laws, he observed that a construction had prevailed which went to deny the protection beyond a marine league from shore. He believed protection ought to be extended to a greater distance, that it ought likewise to apply to roads in the vicinity of our ports, and to a

line drawn from head land to head land of the coast.

The Yeas and Nays on the passage of the bill relating to the YAZOO CLAIMS in the Senate, were as follow:

YEAS.—Messrs. Adair, Adams, Bayard, Bradley, Condit, Gilman, Hillhouse, Howland, Pickering, Smith of Md. Smith of N. Y. Smith of Ohio, Smith of Vt. Stone, Sumner, Thruston, Tracy, White, and Wright—19.

NAYS.—Messrs. Baldwin, Gaillard, Kitchel, Logan, Maclay, Mitchell, Moore, Plumer, Smith of Ten. Turner, and Worthington—11.

The following are the Yeas and Nays in the House of Representatives on the question, "shall the bill be rejected?"

YEAS.—Messrs. Anderson, Bard, Bassett, Bedinger, Blackledge, Blake, Blount, Brown, Butler, Casey, Claiborne, Clark, J. Clay, M. Clay, Clopton, Conrad, Dawson, Earle, Eppes, Garnett, Goodwyn, Gray, Gregg, Halsey, Hamilton, Holmes, Jones, Kenan, Leib, Mac Farland, Marion, Masters, N. R. Moore, T. Moore, John Morrow, Mumford, R. Nelson, Newton, Olin, Pugh, J. Randolph, T. M. Randolph, Rhea of Penn. Richards, Sammons, Sandford, Seaver, Sloan, Smilie, J. Smith, S. Smith, Southard, Spalding, Standford, P. R. Thompson, Trigg, J. Whitehill, R. Whitehill, D. R. Williams, Wilson, Winn, and Winston—62.

NAYS.—Messrs. Alston, Baker, Betton, Bidwell, J. Campbell, Candler, Chittenden, Cook, Crowninshield, Cutts, Dana, Darby, Davenport, Dickson, Elliot, Ellis, Elmer, Ely, Findley, Fisk, Fowler, Green, Hastings, Helms, Hough, Jackson, Kelley, Lewis, Lyon, McCree, Jer. Morrow, Mosley, J. Nelson, Pitken, Quincy, Russell, Sully, Schuneman, J. C. Smith, Stanton, Stedman, Sturges, Taggart, Talmadge, Tenney, Thomas, T. W. Thompson, Tracy, Van Rensselaer, Varnum, Wadsworth, Wickes, M. Williams, and N. Williams—54.

WEDNESDAY, April 2.

Mr. J. Randolph stated that an understanding had taken place between the minister of the U. S. at Paris, and the French minister of the public treasury, as to the payment of claims of American citizens, generally called Bordeaux embargo claims (the payment of which had hitherto been suspended) by which it was agreed that payment should be made at the treasury of the U. S. Under the existing provisions, this authority did not attach to the treasury. He had therefore been instructed by the committee of Ways and Means, to present a bill to give this power. He accordingly offered additional supplementary to the act making provision for the payment of claims of certain citizens of the U. S. on the government of France which was referred to a committee of the whole.

Mr. Varnum reported from the committee appointed to enquire into such measures as it is expedient to adopt for the complete arming of the militia of the U. S. giving a very interesting detail of the extent to which the militia are at present armed, by which it appears that there are in the hands of the militia 250,000 fire arms, and 120,000 in the public magazines of the U. S. The report recommends an additional appropriation of 61,000 dollars toward the manufacture of arms which was subsequently introduced in the military appropriation bill.

Mr. Gregg made an unfavorable report on the petition of John Bond, in which the House concurred.

Mr. Crowninshield, from the committee of Commerce and Manufactures, made a favorable report on the petition of Francis Barretty which was referred to a committee of the whole House.

The House considered the report of a committee of conference on the disagreeing votes of the two Houses to the bill fixing the compensations of the officers of the two Houses, disagreed to the same, and adhered to their amendments.

An engrossed bill supplementary to the act to extend jurisdiction in certain cases, to the territorial courts of the U. S. was read a third time and passed.

An engrossed bill to provide for the adjustment of titles to land in the territory of Michigan and for other purposes, was read a third time and passed—Yeas 62.

The House took up the unfinished business of yesterday, being the report of the committee of the whole, agreeing to the following resolution, offered by Mr. J. Randolph.

3d. Resolved, That provision ought to be made, by law, to render any officer, in the army or navy of the U. S. incapable of holding any civil office under the U. S.

Mr. Fisk moved to postpone this resolution indefinitely.

This motion was supported by Messrs. Fisk, Elmer, and Cook; and opposed by Messrs. J. Clay, J. Randolph, and J. C. Smith.

When the question was taken by yeas and nays, and the motion disagreed to—Yeas 43—Nays 72.

The question was then taken by yeas and nays, on concurring with the committee of the whole in their agreement to the resolution, and passed in the affirmative—Yeas 94—Nays 21.

The resolution was referred to a select committee to report a bill.