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Congress.

SENATE UNITED STATES.

FRIDAY, December 20.

Debate on the Motion of Dr. Logan for
leave to bring in a bill to suspend the
commercial intercourse between the United
States and St. Domingo.

(CONTINUED.)

Gen. S. SMITH.

Mr. President. Had the honorable mover produced any new document or given us any new information, I certainly should have given my vote that he should have the leave required. Or had the Senate been composed of the same members as those of the last year, I should have contented myself with giving a silent vote on the question. An addition being made to the Senate of several new members, it may not be improper to state, that the subject was at the last session presented to the view of Congress by the President. A bill was predicated thereon, and after a great consideration and lengthy discussion, it passed into a law. Has the mover produced to the Senate any document to show that France is not satisfied with what has been done? Does the gentleman know that any new complaint has been made? I know of none, and I therefore think it fair to presume that France has been fully satisfied with the law already passed. The gentleman has said that both the French and British ministers have considered the Trade to St. Domingo as contrary to the Law of Nations. I see nothing of the kind in the Note from the British Minister. I have no doubt of the British being disposed to interfere that branch of Trade as they have done almost all our other most lucrative commerce. Had the gentleman brought forward a bill to interfere all trade with Great-Britain, he might have produced many more reasons in his support than he has been pleased to offer in support of the bill proposed. But what is this Law of Nations? Is it the written law, or the law assumed by the nations who have the most power? If the gentlemen mean the written law, I must believe they are mistaken. I have somewhere read, that when a part of a state separates itself, and is capable of supporting that separation, forms for itself a government, and fully conducts its own affairs—that other nations do not interfere with this law by trading or coming into a friendly intercourse with such part.

We are told that a celebrated French general since here has said, that had Gen. Le Clerc succeeded, he meant to have landed all the blacks of St. Domingo on our southern shores. This may be—but, sir, it is not probable. If such however had been his intention, they could not have arisen from resentment on account of our commerce, for we had been of the greatest utility to him and his army, and had then carried on no commerce that was not fully sanctioned by France. Nay, I might say, that owing to the supplies from the U. S. the colony of St. Domingo had been preserved to the mother country until the arrival of Gen. Le Clerc. Unless, Mr. President, the honorable mover shall produce some new information, I shall be a moderate necessity of voting against the leave to bring in this bill.

Dr. MITCHELL, in a speech of considerable length and detail stated his objections to giving leave.

He complimented his friend from Pennsylvania for the purity of his motives in bringing forward the present motion. But he could not refrain from an expression of his surprise, and even regret, that the subject had been moved again in the Senate.

During the last session of Congress, the whole of the intercourse with St. Domingo had undergone a full investigation. While the bill regulating the clearance of armed merchant vessels was under discussion, that part of our foreign commerce had been minutely examined. It would be remembered that the bill had been committed, recommended, amended, and modified with the utmost labor and skill. Besides the talents which the Senate afforded, all the sources of executive information had been drained, to aid their researches. And the letters of the British and French ministers, complaining of the conduct of our merchants in forcing this trade, were opened to our view. The crude material of the bill had been hammered at and worked upon so elaborately, as to have at last received the complete finish of a law. With all the knowledge that could be derived from so many quarters, the bill was at length passed to check the violence of our navigators, and to restrain the adventurous zeal of our merchants. The provisions of this law were such as it was deemed just and proper that a neutral nation should take: And

this was a liberal condescension to the wishes of the two great maritime and belligerent powers, without forgetting the respect that we owed to our own. With both these he wished to cultivate peace and good understanding; but to neither of them would he consent to yield any portion of our neutral and national rights.

The difficulties exhibited in the ministerial correspondence, Dr. M. said were thus removed. With a promptitude that deserved to be admired, Congress interposed its authority, for the purpose at once of doing justice to our neighbors, regulating our commerce, and tranquillizing the Mexican seas. With these salutary provisions, he believed the two complaining nations, had been satisfied. At least we had done so much that they ought in all reason to be content. Congress had already manifested a due regard to all that France and Great-Britain had offered upon the branch of West-Indian commerce, and in the true spirit of good neighborhood, and correct principles, had modified and restricted the intercourse with Hayti. And so fully did the Europeans seem to acquiesce in our conduct, that he had not heard any further remonstrances made by either of them about it. He thought the observations of a gentleman from Massachusetts (Mr. Adams) very much in point. Under a conviction that we had done as much as public duty and national honor required, he had given his vote against the introduction of a similar bill during the last session. Nothing had occurred from that time to this day, to alter the circumstances of the case, or to make it necessary for him to change his conduct. He thought now, as he did then, that there was danger of overruling our part and of doing too much of being good to our neighbors, to such a degree, and in such a manner as to be very cruel to ourselves.

After all his condescension on our part, after inquiring into the alleged misconduct of our people and taking immediate measures to prevent the repetition, and after having done all that we politically could or that we honorably ought, the subject is once more introduced to the Senate. It comes now not from the executive department, nor from the cabinets of the nations concerned, nor from the recommendation of a senatorial committee, but from the suggestions of an individual member of our own body.

The commerce of the United States, he said, was an astonishing spectacle. It reached from Arctic to Antarctic; and was co-extensive with the circumference of the globe. Most of the inhabited countries of the earth were visited by our navigators, and the striped flag of the union fluttered in the remotest harbors. Our countrymen have made material additions to the science of Geography. They have found markets unknown to commercial men before. They have derived cargoes from the depths of the ocean, and laid the cod, the seal and the whale under contribution. They have exported the productions of their own happy country, so fertile in the articles which sustain and cherish life, to all places where they were wanted, and brought home the crude materials or the manufactures of those regions in return. By an energy and enterprise unexampled in the history of the human species, they have excited the jealousy of foreigners, who are not only behind them in mercantile exertion, but who cannot weigh an anchor or reef a top-sail equal to them.

Such was our situation, peaceful, industrious, and desirous of measuring out liberal justice to all our neighbors. But it was no protection against commercial rivalry. Emulation and competition existed in all callings and professions. Mercantile jealousy had been alarmed by it. Experience had shewn to the most active of them that they were unsuccessful competitors. What was the consequence? They had endeavored to interrupt by force or stratagem, that predominant trade which they could not outdo or equal by fair means. In the havens of Britain the port-chargers were of the most exorbitant kind. The money paid by us for passing their light-houses was excessive. The fees or performance of quarantine, were out of all proportion to the good expected or service done. Convoy duties were also frequently exacted. And the custom houses collected a higher rate of charge upon merchandize exported to the United States than to any part of Europe. In addition to all this the cruises of that nation had made the most ungenerous abuse of the power of searching our vessels. They had taken out and impressed into their service, emigrants coming to our country. They had violently drawn into their service, our seamen, natives of our land. Naturalized foreigners had not been spared. Our neutrality had been violated by their forcing our impressed citizens to fight against the political friends of their country. Our ships had been frequently detained and spoiled on the high seas; and their officers and crews grossly insulted. Vessels bearing the variegated stripes and constellated stars of our union had been sent to distant British ports for adjudication. Cargoes had been condemned under the most arbitrary pretences, and our merchants and underwriters by the process of an *ex parte* trial stripped of their property. Our ports had been blockaded. The public authority in our very harbors had been defied, and the armed vessels of the nation had

been fired at. And to crown the whole, the same nation, instigated by the like jealous and invidious considerations seem bent upon prohibiting our carrying-trade in colonial produce, and resolved to reduce us once more to the dependence of provinces.

Are we, sir, already come to this? You (the Vice President Mr. Clinton was in the chair) well remember the effects wrought by the injurious proceedings of the British Parliament in 1774. You bore a noble and manly part in the struggles of freemen against oppression at that day. Thirty years ago, you and your patriotic associates could form a general non-importation agreement, and despising the luxuries of the mother country and superior to her prowess, you, spirits of freedom, achieved our glorious revolution. If the case requires it, may we not do this again? If we must curtail our commerce by our own statutes, is it certainly a better policy to retaliate upon an adversary in that way, than to abandon to her, as the proposed bill contemplates, a lucrative portion of our trade. Surely, laboring as we do, under all these embarrassments, a proposition for lessening our navigation and forbidding our ships to frequent the open ocean, would hardly have been expected from one of our own body.

For my own part, said Dr. M. I think the St. Domingo commerce is no great thing in itself. We might do exceedingly well without it; and I am very far from approving the means by which it has been carried on. I dislike the idea of forbidding it at the mandate of a foreign power. Live our revolutionary patriots, let us put our foot here, and hence refuse to budge. It is not for us to legislate at the nod or bidding of any nation. I hope we understand our business better than to register edicts for them—while we pay due respect to others, it becomes us also to respect ourselves. The precedent is a dangerous one. If we agree to interdict this intercourse, we may at the next session be importuned that we ought to withdraw from some other important port or region. When we are found to be so complying to one nation, we shall be subjected to a like request or menace from another, until, sir, our flag shall be furled in one foreign port after another, and nothing be left us but the coasting trade at home. The sad consequences have been ably portrayed by the gentleman from Maryland (Mr. S. Smith).

There was another reason evincing the unseasonableness of the proposition at the present time. This was a disastrous and eventful era of our commerce. The merchants in every seaport of the nation were assembling to consider their losses from the rapacity of the belligerent powers, and submit them to the consideration of Congress. It would be better to wait for the statements that such a practical class of men should make. Our judgments would be aided by the facts which their memorials would contain.

Dr. M. then considered the prohibition in the constitution on Congress as to the laying of export duties; and said that the exportation of our domestic productions so necessary to our country, and so cautiously guarded, ought not to be interrupted by any spontaneous regulations of our own. He wished a wide and open market for the beef, pork, fish, flour, rice and cotton of the country.

He then adverted to the operation which a restrained commerce would have upon agriculture. With the ceasing of exports, this great spring to the planters and graziers' industry is at once taken away; the plough would stop; and it would be melancholy to see the fair and enchanting face of our country, degenerate to the savage state, and yield nought but the unthrifty crop of weeds and brambles.

Turning then to ship-building and its cluster of attendant trades and arts, he feared that it would fall into neglect. That employment, which gives perhaps, the grandest idea of the skill of man, would be discontinued, and the inhabitants of our seaports be forced back to the country to keep them from starving.

Nor was the revenue to be omitted in this enumeration. As far as the imports from Hayti are consumed by our citizens, so far the revenue is aided; and, if exported under drawback, the carrying trade is helped by the transportation, and the return cargo, whether of brandy, wines, hardware or dry goods, may be expected to afford an *ad valorem* or specific contribution to the treasury.

A war, or two concerning the situation of France in this affair, he should beg leave to offer. The coffee and sugar of that productive island had reached the ports of that empire in American bottoms. And in return the productions and manufactures of France had been carried by the same conveyance to the revolted colony of black freemen. It was presumable such an intercourse would give to France several of the benefits of a direct commerce. And as our act of the last session had yielded to her the sovereignty, he did not think that in the existing intermediate state between rebellion and revolution among the Haytiens France had any just cause of displeasure against us. If she had, the numberless captures and depredations done under her flag, must have given her the most ample satisfaction. Under these impressions he judged it neither politic nor necessary to legislate further on the subject; and should consequently say No to the motion.

Mr. HILLIARD said he hoped the question would be taken by yeas and nays because he confidently expected there would be a great majority of the Senate opposed to giving leave to bring in the bill, for he considered the measure not only as improper, but as ill-timed.

We are informed by the message of the President of the U. S. and the documents before us, that depredations are made on our commerce on all quarters, and our citizens not only robbed of their property, but in some instances subjected to personal insult and injury; it is also well known that Congress have received confidential communications from the President, and are deliberating with closed doors—The general expectation is that something energetic and spirited will be done in defence of our neutral rights and national honor. How great will be the surprise if the first step taken by the Senate of the U. S. is found to be a further restriction, or a total prohibition of a lawful and lucrative branch of our commerce? As to restricting or prohibiting this trade to St. Domingo (which no gentleman has produced a single authority from the law of nations to prove to be unlawful) for the purpose of securing our citizens from the personal insults and injuries to which they are exposed in the West Indies, he could not approve it; a more proper and dignified course he thought would be to send armed ships into those seas, to capture or demolish those bucaniers and pirates, who rob us of our property, and insult and murder our citizens. They are a banditti whom no nation will own, or admit to be acting under their authority, though sailing under their flag, and whom it is not in the power of such nation to restrain.

The gentleman from Georgia has told us that the conflict in St. Domingo is that of masters attempting to reclaim their slaves, and that if the United States suffer the trade to be carried on, we shall be considered as aiding and upholding those slaves, and give offence to France. And that when peace shall take place in Europe, the French will transport those negroes by thousands to the shores of South Carolina and Georgia, to the endangering the lives of the citizens of those states. This Mr. H. considered as a bugbear with which we ought not to be frightened, for, as to the warfare in St. Domingo being a mere conflict between master and slaves, it will be well remembered that the French Republic long ago liberated all the slaves in that island, and declared them free. As to the citizens of the United States carrying arms and military stores to the enemies of France, the law of nations has declared the penalty, which is a forfeiture of the property, and the United States can in no way be implicated thereby. And as to France landing those negroes on our shores, he said there was power, and he believed there would be found a disposition in the people of the United States to repel such an insult—for if we cannot prevent France or any other power from invading our territory and insulting our national honor, by landing their outcasts upon our shores, we shall no longer deserve the name of an Independent Nation.

Gen. JACKSON in reply to Gen. Smith and Dr. Mitchell confessed he had seen no official document, other than what the honorable mover had read, but he had seen at Newcastle on Delaware, a warlike fleet bound to St. Domingo, to force a trade which even captains of vessels, true Americans, cried shame on. That the honorable gentleman had called out, why had not the mover brought forward a resolution against Britain or some other power who had committed depredations on our commerce. The General said he wished to begin here by preventing our own merchants from doing injury to other nations, and then to strike at those who insulted us. He for himself was prepared and willing to attack the first power who had insulted us with far more superior weapons than our ships. He was an agricultural man, and would suffer with the flour makers; but he would call on the honorable gentleman either from Maryland, from New York, from Massachusetts or Connecticut, to strike at Great Britain or any other nation who had injured us, by a resolution of prohibition of trade or intercourse, and he was the man who would second it and keep it on till the injuring nation should cry *peace*—keep it on one to eleven minus, and you would see them all at your feet. Look at the Legislature of Jamaica petitioning their governor from time to time for American intercourse. Look at Trinidad, the same in a state of famine. Sir, we have no favors to ask the nations of the earth, they must ask them of us, or their West India colonies must starve.

That however, with respect to documents, he would inform the gentleman from Maryland, that he had seen, tho' not official, a letter from Gen. Ferrand, governor of St. Domingo, and which was published in all the principal newspapers of the United States, complaining to the French government on this subject, and laying all the blame to the American government, if not in direct, in the most severe indirect terms. That as to the total separation of the self-created empire and nation of Hayti, and its independence on the parent country, and under which gentlemen declared our rights of trade founded on the laws of nations—the late attack on that general by the emperor proved, it did not exist—he was defeated, his army scattered and driven to the mountains—that Ferrand held the island as a French governor for the French nation, and the separation was not such as to warrant the arguments used for a right to trade—it would be a fatal argument used against us as respected our southern states by other powers. On the same grounds, a parcel of runaway and outcasts from South Carolina and Georgia, to the amount of some hundreds now collected on or near the Okatanucau swamp in Georgia, might be termed an independent society or if an insurrection took place in those states, the rebellious horde on creating an emperor, be supplied with arms and ammunition as a separate and independent nation—this, as the honorable gentleman from Connecticut had been pleased to term his fears, bugbears, might be no bugbear to him, safe and remote from the scene of action near New-Haven; but it was a serious bugbear to him, and would be to the

whole southern country, where the scenes of that island would be repeated, their property destroyed, and their families massacred. The honorable gentleman from New-York too had been pleased to term them bugbears, but had raised up a number of his own to prevent the passing of the bill—he had drawn a most lamentable picture of the state of this country: if this dishonorable trade to this small part of the commercial world was interdicted—Commerce was to languish and agriculture to be annihilated—our fields were to grow up in briars and thorns, and even verdure to disappear. Gen. J. said he did not believe this—the United States, if all the powers on earth were opposed to us, had within herself enough to eat, to drink, and to clothe her citizens; this was not the case with other powers. Not a nation existed, which had West India colonies, but was more or less dependent on us, and could not do without us—they must come to our terms or starve—on with your embargo and in nine months they must lay at your feet. It was certain that we should suffer for that time, but he was willing, and he knew the Southern country willing to submit to it, and at the end of it, our fields would resume their usual verdure, and the thorns and briars be rooted out.

The honorable gentleman from Maryland, had told us of the blockade of Cadiz, and that Hispaniola was the only vent now for our flour; but he believed even the blockade of Cadiz was not so strict in that respect, as the honorable gentleman had mentioned; he would read a line from Lord Mulgrave to Mr. Monroe on that head. (Here the general read part of it, but found it more strict than he had thought, and gave that point up.) But, Mr. President, said the General, is Cadiz the only market in Europe for our flour, from the Texel to the Baltic and Mediterranean, there are hundreds of ports at which our flour is sent. The General made a number of other remarks, and concluded that he thought the passage of the bill absolutely necessary, for the honor and safety of the country, and as to the information he had received from a late celebrated French general, it was corroborated by the acts of Le Clerc and Rochambeau themselves. That the most daring brigands were forced by those officers on board American vessels, the captains of which were compelled to bring them to the U. States, contrary to the laws of their own country—this had been a matter of serious alarm, not only to the Southern states, but to the middle and Northern states. At any rate, he hoped the bill would be received, if it was only to inform our merchants trading to Hispaniola, of the sense of Congress, that this trade must cease; this was the point on which the slave bill had been received. That he wished to begin with this trade first, and he believed sinking at that was striking at the British, for he had been informed at New Castle that the Domingo fleet there, was owned by British merchants and supplied from British capital under the protection of our flag, which had to bear all the disgrace of this illicit traffic.

(To be Continued.)

FROM THE AURORA. EUROPEAN ADVICES.

It appears from a perusal of some German papers, that Massena, had opened the campaign in Italy, by three movements at the same period; while he made an attack on Verona on the 12th of October with the division of the Italian army, stationed for some time between Roverello and Peschiera, an attack was made on the next day on Porto Legnano, lower down on the Adige, one of the strongest positions on the river; the action was sharp at Verona, but from the nature of the attack, confined to a very small force on either side. Legnano was abandoned on the 14th in consequence of advices that Massena had crossed the Etash, and that a new division composed of the reinforcements from France, Piedmont and Lombardy had passed the defiles of Chiasso, menacing to turn the archduke's flank; these manoeuvres induced the archduke to fall back to his second line of defence; and to reinforce his third line on the Taghamento, with the like view to keep open the communication by the Tyrolese and Styria with Austria. The French had taken several small detachments with their artillery.

There are further particulars of the movements in the neighbourhood of the Inn.—The Russians posted at Brennu, appear to have been only an advance guard, as well from the circumstance of their hasty and distant retreat as of the small French force which attacked them, consisting of no more than the cavalry under the brig Gen. Kellerman. This Russian corps appears to have been the connecting body of the Russian and Austrian chain of camps.

The Austrians fell back upon Leintz, where the Russians fled to Wells. This retreat however may have been as much the effect of orders received as of panic; for Bernadotte's movements after crossing the Salza and Salzach, indicated a design to *Marengo* the Russians and Austrians in lower Austria, by a movement on their left flank and rear; the retreats to Leintz and Wells, may have been to obviate this manoeuvre; the allied powers must in this case have totally changed their front by a full fourth of a circle; the lines of operation of the French were not more than 20 miles apart near the Danube, and 35 on the Inn, and towards Salzberg; this new movement places the left wing of the combined powers near 50 miles from the right of the French. Their centre about thirty from that of the French; and their right from the French left about 25 miles; but their respective positions could not long remain in this relation; for the Russians must either have advanced, or the Austrians retreated, to prevent their right wing being cut off. There are very few places of military strength, in the whole interval between the Inn and the Traun and Danube. Bernadotte's head quarters were at Wasserbourg.

The four Prussian armies are stated to be thus posted and commanded.

Grand army, Fraulconia—prince Hoh-

enloe.

Army of observation—Heidelberg,

near Hanover, duke of Brunswick.

Army of the Rhine—on the Main,

elector of Hesse.