

of the embargo. A removal of the embargo would render our property liable to capture, & give an opportunity to the British subjects to take from the country in the manner most advantageous to themselves, twenty millions of property which would otherwise be in the power of the U. S. in case of war, which was at least probable. It was a measure which would relieve our adversary without benefiting our own citizens in the slightest degree. Mr. Campbell expressed his astonishment how gentlemen whom he perceived supporting this bill, could reconcile it with consistency to do so, when no change of circumstances had taken place which could authorize a change in their opinions. Mr. C. also noticed the system of arming our merchant vessels, which he pronounced to be novel and futile. Mr. C. spoke about an hour. He did not state how he might vote on the bill when on its final passage.

Mr. Randolph replied to some of the observations of Mr. Campbell on the subject of the arming system, and in relation to consistency.

Mr. Rhea (T.) replied to some of the remarks of Mr. Campbell and defended himself, as one who voted on the report of the committee of foreign relations, from the charge of inconsistency. He was in favor of the present bill, and in voting for it should not change his ground. He thought that this bill was what the embargo ought to have been in the beginning. In commenting on Mr. Campbell's observations in relation to the property in this country he said that when we went to war for a moral right, he would not say that twenty millions of private property in this country should be taken possession of by us.

The question was then taken on Mr. Bibb's motion and negated by yeas and nays, as follows:

YEAS—Messrs. Bard, Bassett, Bibb, Blackledge, Blount, Boyle, Burrell, Butler, Calhoun, G. W. Campbell, Clay, Clifton, Deane, Deane, Franklin, G. W. G. Howard, J. G. Jackson, Johnson, Kenan, Kirkpatrick, Macon, Marion, J. Montgomery, Jer. Morrow, John Morrow, Newbold, Porter, Rea, (S.) Say, Smilie, Stanford, Taylor, Troup, Verplanck, Wharton, Whitehill, D. R. Williams—39.

NAYS—Messrs. Alexander, E. J. Alston, W. Alston, Barker, Blake, Boyd, Brown, Champion, Chittenden, Cook, Culpeper, Curtis, Dana, Davenport, Durell, Elliot, Ely, Eppes, Findley, Flak, Gardner, Garnett, Ghoidson, Goodwin, Green, Harris, Heister, Helms, Hoge, Humphreys, Isely, Jenkins, Jones, Kelly, Key, Lambert, Lewis, Livernore, Lloyd, Love, Lyon, Masters, McCreery, Milnor, D. Montgomery, N. H. Moore, Moseley, Mumford, Nichols, Pugh, Quincy, Randolph, Rea, (T.) M. Richards, Riker, Rowan, Russell, Sawyer, Sewer, Shaw, Sloan, J. K. Smith, J. Smith, S. Smith, Southard, Stedman, Storer, Sturges, Swart, Taggart, Tallmadge, Thompson, Trigg, Upham, Van Allen, Van Cortlandt, Van Dyke, Van Horne, Van Rensselaer, Wilbour, M. Williams, A. Wilson, N. Wilson, T. Moore—64.

Mr. Randolph moved to strike out of the 12th section the exceptions to the general repeal of the embargo.

Mr. Randolph supported the motion on the ground of the expediency, for general reasons, of a total repeal of the embargo. And in addition to the general reasons in favour of a repeal, he observed that although the embargo was to be but partially repealed, in point of practice no attention would be paid to the remaining part of it. He deprecated the fostering in the people of this country, the sentiment which existed in almost every other country than our's, that obedience was due to the laws so long as the whip of the executioner was flourished over the head, and no longer.

Mr. Bacon was in favour of the motion, because he wished, by so doing, to make way for the amendment of the gentleman from S. C. (Mr. D. R. Williams) for imposing additional discriminating duties, &c. If the non-intercourse system was to be adopted, Mr. B. was also in favour of repealing the provisions of the embargo laws, and enacting others, which should be more intelligible to the revenue officers than as it would be were it not repealed.

Mr. Quincy advocated the motion from the total impossibility of enforcing the embargo after the fourth of March, in some parts of the country, particularly in the district of Maine.

Mr. Macon said he cared but little about this question; for the die was cast when the House decided partially to repeal the embargo. He never had an idea however that the law could not be enforced; for if it had been repealed on that ground, any large State would hereafter have it in its power to procure the repeal of any law which it conceived to militate against its interests. He declared that notwithstanding all that had been said to the contrary, he would maintain that the embargo had never brought an evil on this country.

Mr. Randolph supported the motion on the ground that as the law now stood compounded with the five supplementary embargo laws, it would be almost unintelligible to the revenue officers. He expatiated at some length on this point. "If you will have a system of non-intercourse (said he) enact it; but let us, for God's sake, sing a requiem to the ashes of the embargo; let not our successors have to take up the doleful duty where we left off."

Mr. Key followed on the same side of the question. He was happy to find that that doctrine which at the commencement of the session was almost heretical was now becoming orthodox. He was not without hopes, that, if he maintained his ground, he should soon be found in the right church, preaching sound and saving doctrine. Mr. Key said that the provision of the bill by which the commencement of the non-importation was fixed for the 20th of May was evidence that it could be still further postponed. "If we can rack our honour asleep till the 20th of May (said he)

could it not be studied a little longer for the public good?" Mr. Key appeared to be wholly opposed to the non-intercourse system.

Mr. W. Alston observed, in the course of some observations in reply to Mr. Key, that there were some gentlemen whom no system that ever was invented would suit. As to political doctrines (said Mr. A.) God forbid that I should ever see the day when the doctrines of that gentleman will become orthodox.

The question on Mr. Randolph's motion was then taken.—Yeas 47—Nays 75.

MARQUE AND REPRISAL.

And the House resolved itself into a committee of the whole, Ayes 60 Mr. BASSER in the chair, on the bill from the Senate for interdicting commercial intercourse, &c.

Mr. Masters moved to strike out of the 11th section the words "and to cause to be issued under suitable pledges and precautions, letters of marque and reprisal against the nation thereafter continuing in force its unlawful edicts against the commerce of the U. S."

Mr. Milnor supported the motion on the ground that the constitution of the U. States provided that Congress alone should have the power to declare war, & this bill by giving the President a discretion to judge when that war should commence, transferred the power to him. Could it be supposed that if it was not proper now to go to war, it would be proper before the next meeting of Congress? Certainly not. And if not, should the President of the U. S. have the power of declaring war before that time? It was giving a pledge to one nation that if she would withdraw her decrees, we would take part with her in the war against the other, without giving the other a chance to withdraw hers and thus prevent war; and he was therefore opposed to it, because it tended to promote war.

Mr. Livermore also contended that the part proposed to be struck out was unconstitutional. The power of Congress could not be delegated to the President or any other person. They might as well delegate to the President power to make or revoke all laws. The bill did not contemplate a legislative act for issuing letters of marque or reprisal against a particular enemy, but gave a power to the President to choose with which of the belligerents he would take sides and against which he would declare war. If the nation was in favor of war, this was not the proper way to make it. He conceived that if they passed this bill their constituents would tell them that they were traitors to the constitution; that they had betrayed the trust reposed in them. There was a time when he should have been astonished to see such a bill as this come from the Senate; but the age of miracles was not passed. He should scarcely now be surprised at any thing which could be proposed. Its passage would be a precedent which would redound to the everlasting disgrace of the Congress of the U. S. He said also that it was a clause which he conceived would shake the government of the U. S. to its foundation. He only considered it in a constitutional point of view; as to its expediency, that was a minor consideration when put in competition with its unconstitutionality.

Mr. Lyon followed on the same side and on the same grounds as Messrs. Milnor and Livermore. He believed that the people did not wish for war. No man wished for it but those who wished offices or some other benefit from it. He wished the nation to be permitted to grow. He knew of no mode by which this nation could more effectually be plunged into a war with G. Britain and alliance with France, than by this provision of the bill. Although Mr. Lyon did not like the embargo, because he considered it ruinous to the people, he would rather continue it for seven years than plunge into war.

Mr. Holland spoke in reply to the preceding gentleman. He was astonished that gentlemen should declare every proposition the worst that ever was made. A short time ago gentlemen would rather have war than the embargo. Now their tone was changed. But this bill neither was a declaration of war, nor a discretion to the President to make it. It authorized the President, at the moment of one of those powers withdrawing its orders or decrees, to issue letters of marque and reprisal. It conferred no legislative power on the Executive. The event was fixed on the happening of which being made known to the President, he should forthwith issue letters of marque and reprisal. The bill obviated the great objection which had been made to war, viz. that it must be war against two nations. Now this bill gave choice to those nations which would make herself our enemy; and it would be equally the interest of both to withdraw its decrees or orders, and place the U. S. at war with the other. He had no idea of consulting the interests of those nations more than our own; and if it was ascertained that those nations were determined to continue their orders and decrees, no gentleman in the House would say that this nation should not resist them, except perhaps the gentleman from N. York (Mr. Gardiner) or the gentleman from Kentucky (Mr. Lyon.)

Mr. Dana objected to the clause for a variety of reasons, because it delegated to the President power which belonged to Congress only, by making him judge of what "pledges and precautions" were "suitable"; that it authorized the employment of private force in a case in which the public force was not to be employed, which is a novelty; it contemplated not actual war but invited individual enterprise; it was therefore a mere menace, going upon the principle that private vessels might be authorized to make reprisals when the public force was not presumed to be employed; it was therefore a measure unworthy of the government, and unknown in the history of nations. The construction of the section too was singular, and he was astonished that such a bill should come from the Senate. It made no regulation as to what disposition should be made of the property captured by these vessels, whether declared as prize or not, &c. It was a mere vague proposition, and unworthy of the government, as it proposed to be executed by individuals whilst the nation shrank from the contest. He objected also to the condition which letters of marque were to be issued—viz. on one nation's ceasing to wrong her; we should agree to fight another. He objected to it too, because it transferred to the President a legislative power, by making the issuing

of letters of marque dependent on the events which in the opinion of the President should render the commerce of the United States sufficiently safe, &c.

Mr. J. G. Jackson reserved his motion to strike out the whole section, except the enacting clause. He acknowledged the justice of the arguments of the gentleman from Connecticut; but as a session of Congress would intervene, the objection to the defect in detail would fall to the ground. The amendments which he intended to offer, would remove the remainder of the gentleman's objections.

Mr. Randolph called for a division of the motion at the same point as before. He said if the Senate had erred, the error was not to be remedied by the proposition submitted to the House. It was only putting a tortoise under the elephant; for the system would be liable to precisely the same objections as the clause proposed to be amended. Mr. R. went into an examination of the amendment which Mr. Jackson moved, to shew that this was the case. It was in fact the same point now which the House had under consideration a few days ago—a declaration of war in *future*, leaving it to chance as to whom and how war was to be declared; with a mental reservation at the same time, that all this was mere pen, ink and paper. It was complying with the object of those very belligerents whom it proposed to resist, viz. involving us in the war—setting the nation up to the highest bidder, the kindest keeper. Was this dignity? Was this the spirit of '76? He described this bill from the Senate as a new alternative, never discovered by the committee of foreign relations, who had some time ago presented three of them to the House. He spoke of the proceedings of the present session. "It has been said (observed Mr. R.) that this House has been acting under a panic; and allusion has been made to a particular quarter of the union as the cause of that panic. I trust, sir, that the members of this House will think it more honourable to themselves, if they are to be influenced by fear, and I hope they are not, to yield to the wishes of a great and respectable portion of the union, than, after having expressed a disposition to gratify that section, to be whipt in by an editorial paragraphist. It has been truly said that the government of France was destroyed by the parliaments putting the galleries in the place of the house, by legislating under the hisses or applause of the galleries. This was a terrible state of things. But if any body of men is to legislate under hisses, where is the difference, whether they come from the galleries, or from really the most worthless part of the community? Whether from an individual who arrogate to himself not merely the right, which as an individual and freeman he has of judging of the conduct of this House, but of prescribing what it should do? And when, sir, I indulge in these observations, I feel a repugnance at comparing such an audience as I see around me to persons of that description.

The foreign difficulties in which we are now involved, Mr. R. attributed to our own oversight; to the rejection of a treaty which might have been formed. The renewal of Mr. Jay's treaty or the acceptance of that negotiated by Mr. Monroe, would, he conceived, have placed the United States in a situation far preferable to that in which we now found itself. But instead of that our government had searched the volumes of Puffendorf, Martin, Vattel, &c. and produced whole volumes of diplomatic correspondence. He said he could almost wish that the Curran and Barber would come into the library and make a bonfire of all the rubbish which had led us to this wind-mill expedition. With regard to our domestic difficulties, Mr. R. conceived that they were all of our own creation; that they had been produced by ill-judged conduct. He compared the present and late situation of this country with that of Great Britain under the administration of Lord North. He said Congress were not now like Nebeth, in a situation where to go on was as easy as to retreat. He expatiated on their present difficulty, and condemned the policy which had prevented the House from agreeing the proposition of Mr. Chittenden to repeal the embargo at the commencement of the present session. If they now intended to modify the embargo at all, he begged of gentlemen for God's sake, for the love of country, taking warning by the past errors of their former masters (the ministry of Lord North) not to retain one iota of that obnoxious principle which had put the continent in an uproar. Rather than continue it he would join any man in war, however averse to it he might be. He was opposed to war; but, put the embargo in one scale and war in the other, he would take the latter—and why? because foreign war was better than domestic war. He said that this nation could not go to war with a formidable minority against it. The bill before the committee might bring on war, though it was not intended. "Yes, sir, (said he) it may bring us to fighting and to disgrace; it is something like dressing ourselves up in a dough face and winding-sheet to frighten others, who may blow our brains out at the moment we suppose them in the height of their terror." Mr. R. spoke about an hour and a half.

Mr. J. G. Jackson observed that it was his opinion that it would be more to the honour of the nation to persevere in the embargo till they went to war; but the majority of the House appeared to be of opinion that neither course was proper. That being the case, he was willing to make the ground as tenable as he could, so as to avoid down right submission. He replied to various observations made by gentlemen who had spoken on the subject. In relation to domestic difficulties, he should be as little influenced by attacks through Newspapers, as by popular meetings, enlisting the people with arms in their hands, in opposition to the government. In relation to the treaty negotiated by Messrs. Monroe and Pickney, he said that the rider attached to that treaty gave a licence to the British government to pursue the very course which now produced our difficulties, and Mr. Canning maintained

that to have been the construction of it. Jackson said that he was not yet prepared to burning the law of nations, and restraining force. As to violations of the embargo on the proposed system, he observed that all restraining the actions of men would be more or less evaded; this therefore could be no argument against any law proposed. The same objection would lie against a law for the punishment of murder. Mr. J. spoke about half an hour.

The question was then taken on striking out the first clause of the section, and negated, yeas 48.

The question recurring on Mr. Masters' motion for striking out the remainder of the section, relating to the letters of marque and reprisal.

Mr. Lyon spoke in favour of striking out the clause.

Mr. D. R. Williams viewing this section as a measure contemplating further negotiation, was wholly opposed to it. It said to Britain "we will dismiss every other cause of quarrel with you, if you will revoke your orders in council." It told our poor sailors incarcerated in their "floating hells" that we were ready to abandon them. The surrender to her of the right of impressment and of even other rights previously in contest was offered as the purchase money for the revocation of the orders in council; and he blushed for his country that such a proposition should be seriously entertained in this House. He would declare war to-morrow most heartily. He would vote for a section for immediately issuing letters of marque and reprisal, but he would not barter away our rights for the revocation of the orders in council. If we were to submit, he wished to do it in that way which would carry so much destruction into the families of those who cried out so loudly for the repeal of the embargo; that they would rally round the government in support of the country's rights.

Mr. Fisk was against striking out this clause. After some remarks in reply to Messrs. Randolph and Lyon, he said that he regretted exceedingly the situation in which the house was placed; that this clause should be stricken out—for it would be virtually saying that they meant to take no honorable ground, that they would submit. He believed that temporising would ruin the nation. As to the opposition of the people in the East to war on any terms, he said that, excepting a few who had been opposed to the revolution, and who still longed for British dominion, there were not many who would not join the government in a war against either Great Britain or France for the maintenance of our just rights.

The question was then taken on the striking out that part of the bill from the Senate relating to letters of marque and reprisal, and carried, yeas 72.

CONGRESSIONAL REGISTER.

SENATE, Feb. 22.  
Yeas & Nays on the passage of the bill to interdict the commercial intercourse between the U. S. and G. Britain and France, and their dependencies, and for other purposes.

YEAS—Messrs. Anderson, Condit, Franklin, Gaillard, Giles, Gregg, Howland, Kitchell, Leitch, Mathewson, Meigs, Milledge, Mitchell, Moore, Pope, Robinson, Smith of Md. Smith of New York, Smith of Tennessee, Thurston and Tiffin—21.

NAYS—Messrs. Bayard, Crawford, Gilman, Goodrich, Hillhouse, Lloyd, Parker, Pickering, Reed, Sumner, Turner, and White—12.

The bill freeing from postage all letters and packets to Thomas Jefferson was read a third time and passed [This bill has passed the House.]

February 23.  
The act, from the House of Representatives, for imposing additional duties upon all goods, wares and merchandize, imported from any foreign port or place passed with amendments, to a third reading, Yeas 20; Nays 5.

HOUSE OF REPRESENTATIVES.

Messrs. Sargeant, Payson and Fay, were appointed a committee to enquire whether any improper attempts have recently been made in Congress to restrain the freedom of debate; and whether a free investigation of the measures of government by any representative of the people of Massachusetts, has been made the ground of public and personal insult by other members, with the apparent view to intimidate him in the discharge of his duty, or to force him to the alternative of hazarding his life in defence of his honour, or of losing his influence and usefulness in the public councils, to the injury of his constituents; and to enquire whether it be expedient that this legislature should express any opinion, or take any resolve thereon.

By a statement lately exhibited to congress it appears that 594 vessels have sailed for foreign ports, by permission, since the imposition of the embargo; of these, 413 have returned safe, with valuable cargoes; 51 returned in ballast; and 13 were prevented from proceeding. 137 had not returned when the statement was made, but are daily arriving. Of the 13 vessels, 7 were captured by our own cruisers; 2 lost at sea; 4 captured and sent in by British cruisers—1 only is known to have been condemned—the tonnage of the whole number was 87,414 tons.

MRS. WAINE.

WILL take 2 Boys, Students of the Academy as Boarders, at the usual price. They will be accommodated with an excellent and convenient Room, and every requisite attention shall be paid to them. Mrs. W.'s family is small and select, having only one merchant with his clerk as boarders.

Raleigh, January 26, 1808.