

the majority being voted in darkness, for supposing (what was very improbable) an abuse of the rule, the press was open to every man and could not be restrained; that the idea of the unconstitutionality of such a rule was absurd, for the same mode of argument would prove that the House had no right to prevent any member from speaking more than twice to the same question, although the constitution declares that each House may determine the rules of its proceedings; that experience had shown that such a rule was necessary to prevent the consumption of the time of the House by a member's speaking four, five, six or eight hours merely for the purpose of spinning out time, and moving to adjourn, calling Yeas and Nays on the motion to give himself time to take breath, and then making frivolous motions for the purpose of speaking still longer on them; that, in order to do the public business, if no such rule was adopted, it would be necessary for the people to select their representatives, not for the strength of their intellect, but for the robustness of their constitutions and their capacity of enduring fatigue; that the abuse of the freedom of debate had become so flagrant as to impede all public business, unless those desirous of doing it would sacrifice their health and perhaps their lives, in sessions of nineteen or twenty hours in length, and these too after a subject had been debated ten or twelve days. It was also said that this was no new rule; that it had existed in this body, with various modifications, since the commencement of the government until within two years, when the decision of the House had done it away in practice, though it still remained in the rules; that it had existed in the British Parliament for two centuries; that arguments against a rule or law drawn from the possible abuse of it, would go to the destruction of all law and government; that this rule had never yet been arbitrarily enforced, and probably never would, as its object was more to remind members of the propriety of conceding a little to their fellow-members and treating them with decorum, than for the purpose of actually putting an end to debate; that no majority would improperly use the rule, because, if they did, they were responsible to the people for it, who would not fail to redress the evil. The novelty in this case was said to be, not that such a rule should have been proposed, but that, after having existed under every administration, it should now be moved to reject it.

The opponents of the rule replied, that this rule was wholly different from the former rules on the subject, as it excluded debate on the previous as well as on the main question. It was also said that the doctrine laid down that the majority should govern was an arbitrary doctrine. It was natural for majorities to seek to increase their power. It was true that the people might apply the corrective to abuses of power by the majority; but it might as well be said, after a violation of the right of habeas corpus had deprived the citizen of his liberty, or after an *ex post facto* law had swept him off, that some twenty years hence the people would apply the corrective. A majority might set out with the best views, but might do acts to produce the most disastrous consequences. The majority always did wrong when it took means to silence opposition and to humble those who opposed them. This had been the doctrine ten years ago of those who advocated this rule, and it was the correct doctrine still. It was said that the argument, that the licentiousness of debate had destroyed the government of France, as used in support of this rule, might remind the House of the Hibernian who cut his throat to save his life. The House were called upon to destroy the principles of freedom in order to prevent slavery. If the majority had a right to prevent the minority from expressing their opinions, they had the same right to send them home, to banish them from the capitol.

This debate was continued in a warm yet desultory manner till 4 o'clock; when on motion of Mr. Tallmadge, the committee rose, 65 to 27, reported progress and obtained leave to sit again.

January 6.

Mr. EPPES from the committee of Ways and Means, asked and obtained leave to present a bill to revive and continue in force the first section of an act entitled "An act further to protect the commerce and seamen of the United States against the Barbary powers."— [This law laying the duty commonly called the Mediterranean fund, expired on the 1st inst.—The bill now reported, proposes to continue it till the 4th March, 1811.] The bill was twice read and committed.

Mr. REEA presented a petition from a number of the inhabitants of the territory of Louisiana, praying to be admitted into the second grade of government.—Referred to a select committee.

Mr. HOLLAND moved the following resolution, which was negatived:

"Resolved, That the committee of Commerce and Manufactures be instructed to enquire into the expediency of encouraging the manufacturing of iron by making a donation of a certain portion of land to such persons as may erect iron works within the territories of the United States."

Mr. BASSA made the following report: "The committee appointed on that part of the President's message relating to the naval

establishment, report, in part, that they found that the frigates now in ordinary was the only part of the subject requiring attention. Besides the motives presented in the Secretary's letter for an immediate reparation of those frigates, the eventual situation of our country furnishes a strong inducement to placing those valuable ships in a state to aid in the protection not of our ports only, but of those numerous exposed situations on the water with which our country abounds. The committee therefore recommend the following resolution: Resolved that the hulls of the frigates now in ordinary ought to be immediately repaired, and that dollars out of any money in the Treasury is appropriated for the same."

[Accompanying this report was a letter of the Secretary of the Navy stating his opinion that the frigates in ordinary do require material repairs; that the increasing injury which will result from their remaining in their present situation may be estimated at 30 per cent. for the first year. The following estimate of the expenses of repairs is also submitted:

For repairs of vessels now in commission 150,000. For freight, store rent and all contingent expenses 75,000. For the repair of frigates now lying in ordinary and keeping the gunboats that are not in service in a state of preservation, etc. 450,000. For freight and other contingent expenses 100,000]

This report was referred to a committee of the whole.

Monday, Jan. 6.

ARMED MERCHANTMEN.

Mr. Livermore offered the following resolution:

Resolved, That the Secretary of the Treasury be directed to cause to be laid before the House a copy of any instructions issued to the collectors of the several districts of the United States relative to refusing clearance to any private armed vessels of the U. S.

Mr. EPPES moved to amend the motion by adding to the end of it the words during the present or any former administration."

Mr. Livermore accepted the amendment as a part of his motion.

The motion was agreed to, fifty one to twenty one.

Mr. Nelson made the following report:

"The committee on the military establishment of the United States, to whom was referred so much of the message of the President of the United States of the 3d instant, as relates to raising a volunteer force, report in part, that they have taken the same into consideration, and are of opinion that it is highly expedient to place forthwith the country in a more complete state of defence and recommend the following resolution:

Resolved, That provision be made by law for raising and embodying a volunteer force of twenty thousand men, exclusive of officers, to be enlisted and held to serve for the term of from the time of their being in actual service."

The report was referred to a committee of the whole.

Mr. DESHA presented the petition of Col. Daniel Boone, stating that he had performed at different times services for the United States, for which he asks compensation. Referred to a select committee.

AMERICAN NAVIGATION ACT.

On motion of Mr. MASON, the House resolved itself into a committee of the whole, MR. DESHA in the chair, on the bill "respecting the commercial intercourse between the United States and Great Britain and France, and for other purposes."

After the chairman had read through the third section (which interdicts the entrance into the United States of all vessels sailing under the flags of Great Britain and France.)—

Mr. LIVERMORE thought it worthy of enquiry how far, if this bill were passed, Great Britain might countervail the restrictions imposed by the United States. In the present form, he conceived the bill might operate very injuriously. The committee ought to consider what articles were to be exported from the United States and what to be brought back in return. Every article exported was bulky as cotton, tobacco, &c. whilst the manufactures imported in return did not occupy much space. If this bill as it stood, were to be passed, would not the consequence be a law to prevent the entrance of our vessels into the waters of Great Britain? If it were in the power of Congress to confine the carriage of the products of the United States absolutely to their own registered vessels, some benefit might result to the shipping interest of the United States from such a measure; but it was not in the power of Congress to tie up the hands of Great Britain and France. If the United States were to enter into a warfare of this nature, it would be playing a game which would operate to their own disadvantage, and not to that of foreign nations. He believed it would be found that the duties on tonnage and the discriminating duties on imports had carried this system as far as was expedient; and he could not see any benefit to result from prohibiting foreign vessels from entering our waters.

Mr. SAWYER said that he too was opposed to this section and to the whole bill altogether, because it was not strong enough; it was evaporating the spirit of the nation in mere commercial regulations. After every insult for so many years past, our wrongs were now to be expiated by restrictions on our own commerce! We invite aggression by continuing the same system. If this was the *plus ultra* of resistance, he said he could not consent to give it his vote. It would not satisfy the people, and it ought not; they were tired of this mockery of resistance, of these commercial restrictions and resolutions of approbation. The least that could have been expected from the committee of foreign relations would have been a bill authorising the issuing of letters of marque and reprisal. We had, he said, tried this system for several years; it had done no good, and it was time to try some other—

Genet were now persevering contrary to the evidence of their senses, to the impulse of their feelings, and, he believed, to the wishes of the nation. Whilst no French ships and scarcely any English ships now came into our waters, the formal prohibition of their entrance would but give a pretence for the indiscriminate capture of all our commerce, without producing any benefit whatever to the U. States. Mr. Sawyer concluded by moving that the committee rise, with a view to postpone the subject till the 3d Monday in February.

Mr. MASON adverted to the very opposite reasons for which the two gentlemen who preceded him had opposed the bill. The gentleman from Massachusetts thought it was so strong that it would ruin us by drawing upon us countervailing acts; and his colleague thought its weakness would only warrant further aggression on us. The committee of foreign relations he said, had been well aware of the situation in which they were placed. The message of the 29th of November had been understood to be a pacific one. It had been acknowledged on all hands, that the non-intercourse was totally useless. It was necessary that something should be done; and the committee had agreed to report this bill. The gentleman from Massachusetts had told the House that if they adopted this bill, and Great Britain and France should countervail its provisions, the U. S. would suffer. At present, Mr. M. said, they captured and condemned our vessels, and they could not injure us much more in that way. The real question was, whether as the President in his message had shewn a disposition for further negotiation, Congress would lend him their aid in it. Suppose G. B. did countervail and say that our ships should not go to her dominions, then the bill had provided that neither Amelia Island, Halifax, or any other intermediate port shall be a place of deposit. But as our exports were the most bulky, if it were to be agreed that each nation should carry its own products, we should carry fifteen or twenty times as much as G. B. would, and the advantage would be greatly on our side.

This bill differed wholly in its nature from the non-intercourse law, because it took off the restrictions from ourselves and put them on our assailants. It appeared to him, under the present situation of our country, that the committee must have been unfortunate indeed if it had reported a bill for issuing letters of marque and reprisal; for, last winter, when matters stood much the same they did now, the question had been tried in this House with perhaps a few votes as any thing ever received which had been talked so much about. When the question had been stated on issuing letters of marque and reprisal forthwith, instead of at a distant day, where then had been the energy called for? A reference to the Yeas and Nays on that vote would shew how few had voted in the affirmative.

As he did not with his colleague think this a very weak bill, neither did he with the other gentleman think it a very energetic bill. He said he should have liked to have heard this talk of energy when the Chesapeake was attacked, and when the celebrated orders in council were issued; but the time for it had passed. They could not all, it seemed, get warm at the same time. Last winter the measures which his colleague now called paper measures were too strong for him, for he wanted to open a gate to go to the West India Islands. He was not for a declaration of war just now, and he took this opportunity of saying so. The nation was not as much prepared now for war as it had been last winter, or as it had been when the Chesapeake was attacked. As to the petty quarrel between Mr. Smith and Mr. Jackson, he did not think that it changed the state of affairs one iota.

Mr. TAYLOR said if indeed this bill was as nevertheless it had been represented by the gentleman from North Carolina (Mr. Sawyer) and from other quarters, he believed it would be easy to demonstrate that the course which the gentleman himself had proposed to give this subject was infinitely more nerveless and destitute even of infantine strength. [Mr. Sawyer said he had made, no proposition.] Mr. Taylor said he alluded to the proposition for postponing the consideration of the subject till February. "Are we said Mr. T. on a bed of roses? Will the House recollect the situation in which we are? It is true that I was not an admirer of the present project—I did not give it my support in the committee; but nevertheless, when I reflect on the situation in which we shall be if this bill be postponed, I conceive it necessary to vary our situation. The non-intercourse law has produced the effects foretold. You have given up the carrying trade, the bone of contention, the very object which the gentleman from Pennsylvania (Mr. Milnor) very truly told you excited the envy of Great Britain, to your rival. Where are we now, sir? A gentleman, upon whose information I can rely as correct, has slipped upon my table a paper containing the information that there are now at Amelia Island one hundred British merchant vessels, ready to take the bread from our merchants, who in fact have only the alternative of costing along to Amelia Island, whence our produce will be immediately shipped across the Atlantic. Now would it not be nerveless indeed to arrest the consideration of this subject for two or three months when this is the state of things?"

I understand that our custom house officers are hermetically sealed; that altho' British goods are found on the shelves of our merchants, yet, as the non-intercourse law has said that they cannot be imported, they get into the country without the custom house officers receiving a single cent to pay the public burthens. This is precisely the situation in which the gentleman from North Carolina wishes us to continue for six or eight weeks longer. Let this bill be adopted or not, I do not like gentlemen to condemn it in the lump, unless they will be kind enough to make some specified proposition to substitute in the place of the clauses of it, which shall better our situation. We must act on it. We are, as the country now stands, the enemies of the commercial interest; for we are giving foreign nations the entire benefit of our commerce, and depriving our honest citizens of the advantages which this bill will offer to them. Every commercial town, port and harbour knows the course the thing is taking. The American vessel takes its departure with a cargo of produce, and returns to this country no more unless it has cast away its character of American and become a foreign vessel. It is probable, sir, that among those vessels at Amelia Island are many that were American but are now changed to English.

Mr. SAWYER said if he had as much confidence in the efficacy of the bill as the gentleman from N. C. (Mr. Mason) he should make no opposition to it; but he expected nothing from it. It was Mr. M.'s to take upon ourselves a warlike attitude and a disposition to be independent, we shall produce an embarrassment that the present ministry of Great Britain will have to treat with us or retire from power. But if we do no more than pass such a bill as this, we shall encourage them to go on all we are stripped, by orders in council, one after another, every vestige of commercial rights. What are we afraid of? Can any change be for the worse? We are afraid of going to war! Shall we not borrow money to pay the current expenses of the year? We should only have to do the same in 1810. Never was there a more favourable moment for us. By the treaty of Vienna England is left without a chance of gaining a footing on the continent. If we take a manly and independent ground, we shall compel her ministry to respect our rights. Are we to wait for her to declare war first? If we do, we may wait for ever. She will never declare it as long as she can carry it on as she does now without declaring it. Although I am opposed to a navy, yet I am desirous, when we have one, that its powers should be exerted. If we were to send it to sea and make a bold irruption into Canada, we might produce some effect, but never by such measures as these.

Mr. SHEFFEY. What, sir, is the energy of which gentlemen talk? If they want war, why do they not come forward and lay a declaration of war on the table? What are energetic measures if this be not what is meant? Let us, if it be deemed expedient, give a right to our merchants to defend themselves against England and France—but do not let us be diverted from the bill. It does not appear to me to be the sentiment of a majority of the House that we ought at this time to change the attitude of the country; it does not appear to be the sentiment of the Chief Magistrate. Prepare for the worst—but go no farther. This is the energy I would recommend. Make preparation, but take no steps of hostility.

Let us consider this question on the objection from the other side of the House. If gentlemen are not willing to go to war, what will they do? Or will they do any thing beyond a preparation for defence? Will they suffer the non-intercourse to remain in force? I see no disposition on any side to do this. We see that the prosperity of agriculture requires commerce. Nothing but the most impetuous circumstances operating on a nation can prevent the exportation of certain products of agriculture. The non-intercourse on this account is not enforced or is evaded. Thus situated, what is its tendency? To corrupt the people. As a measure of coercion, it is certainly a phantom—for, what effect does it produce? Are not the manufacturers of England now furnished with the raw materials necessary for their fabrics and with every thing you could give them? You make the farmer and planter pay the circuitous price for European goods, whilst his produce is reduced, by the want of competition in the market, to the lowest possible price. Under these circumstances the non-intercourse, I presume, is not to be continued.

He said he would ask gentlemen to turn over the page of history and see what had tended more to promote the prosperity of England than her navigation act—an act which gave a decided preference to British navigation? The object of this bill was not only to give preference in our ports to American vessels, but it went to the entire exclusion of the vessels of Great Britain and France so long as their injurious edicts should remain in force. Mr. S. said he would state his ideas on an objection which he had understood to be made to this plan, viz. that it would operate injuriously on the farming interest because there would be a redundancy of produce in the market, to the carriage of which the tonnage of the United States would not be equal, and that therefore there would be a depression in the price of produce. He presumed that a contrary effect would follow. There were already, he said, a number of American vessels, trading not with the United States but between foreign ports, or engaged in circuitous voyages. Now, the direct trade would certainly be most advantageous; all the vessels thus employed would immediately return home to engage in the direct trade.

Mr. BURWELL. It will not be denied that I have always been favorable to the system of commercial restriction, and that I have given my approbation to it so long as there was the smallest probability of its operating advantageously, and so long as the people of the United States expected good effects from this course. But I am of opinion that it has been fairly abandoned, and that any further attempt to coerce by commercial restrictions would be futile and ridiculous. I believe the present situation of the world is favorable to the assertion of our rights against one of the belligerents, viz. Great Britain. But, sir, I think that the spirit of the nation is evaporated, and we have been so long tricked by her artifices, that I despair of taking any measure of the kind at this time which would not meet with such opposition as to make it useless in effect. A single fact will suffice to awake the attention of the House to our present situation. The effect of the non-intercourse law is to sink to the lowest price the value of our produce and to raise still higher that of articles of foreign growth or manufacture. It is a fact perfectly notorious that the country is as full of foreign articles as it has been for years past, and that the products of the southern country have been reduced to the lowest state of depression—and when it is obvious that, so far from producing an effect abroad, the non-intercourse is not regarded at all, I ask why persevere in it, when against your own interest?

If the powers in the north of Europe are willing to receive our productions and exchange theirs, although the British by their orders in council and the French by their blockading decrees may interdict our entrance, I think every American here and elsewhere would force a commerce under those circumstances, whatever may be the consequence. For my own part, as respects France and England, I confess that I think the honor of this country receives a salvo from the conduct of these nations; for such at the present is the unsettled state of commerce, although we might compel them to a temporary relaxation, the same system would again be resorted to when opportunity offered. And until there shall be a reasonable prospect that justice of

there shall be a reasonable prospect that justice of