

CAROLINA CENTINEL.

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CONGRESS.

REPORT ON NAVIGATION LAWS.

In Senate of the U. S. March 15, 1822.
Mr. KING of New York, from the
Committee on Foreign Relations, pre-
sented the following
REPORT:

The Committee on Foreign Relations, to whom were referred the Memorial of R. Appleby and others, of the Colleton District, South Carolina, and the resolutions of the Chamber of Commerce of the City of Baltimore, praying for the repeal of the laws closing the ports of the United States against British vessels employed in the trade between the United States and the British Colonies in the West Indies, Report.

That, referring to the period between the completion of the Revolution and the adoption of the Constitution, it cannot be doubted that the embarrassments of the agriculture, trade and navigation of the several states were fully ascribed to the want of power in Congress to make adequate laws for their encouragement and protection; and no motive in favor of the Constitution, was more strongly or more generally felt than the opinion, that the vesting of power in Congress to regulate trade, would serve to promote the welfare and prosperity of the Union.

The new government under the Constitution, very soon experienced the influence created by the extraordinary changes that were taking place in France, and which in the sequel, engaged all Europe in arms.

War between the great maritime powers invariably produces temporary relaxations of their laws respecting the trade and navigation of foreign nations with their respective territories. The suspension of these laws, and especially of such of them as related to colonial trade, had the effect of giving to the agriculture, trade, and navigation, of the United States the advantages, which would have been given to them by a system of free trade, that should have for its basis the equal and reciprocal benefits of all nations.

The conditions of neutrality that was adopted by the United States during the wars of the French Revolution, secured to every commercial nation benefits which a peaceable and industrious people are able to afford during the periods of great public calamity; and our example during these wars had served to prove, that justice is the more profitable, as well as wisest, policy of nations.

Since the establishment of the general peace, some of the maritime nations, notwithstanding the doubts that have been raised in regard to the truth of the former theories of trade, have returned to, and resumed, their ancient commercial policy; and, in consequence thereof, the U. States have, in their own defence, been obligated to resort to the exercise of the powers to regulate trade vested in Congress, for the purpose of protecting and cherishing the industry and navigation of the states.

Great moderation has been observed by the United States on this subject, and persevering endeavors have been made to adjust, by treaty, their commercial intercourse with foreign nations and especially with England.

So far as respects the English territories in Europe, and to Asia, the intercourse is arranged by the treaty of 1815; but that treaty contains no provision concerning the navigation and trade between the United States and the English colonies, in the West Indies and North America. The value of this branch of trade, and the importance of the navigation employed in the same have been long understood by both parties, and the actual embarrassments thereof, which now exist, cannot be ascribed to the want of disposition on the part of the U. States to have placed the same on a friendly footing; but it continues to be insisted on by England, that not only the colonial trade, but the trade between the U. States and these colonies, ought to be considered and regulated as a monopoly, that foreign nations are bound to respect, and which they may not interfere.

The act commonly called the navigation act of England, while it reserves the colonial navigation exclusively to the vessels of England and her colonies, opens the trade between England and foreign nations to the vessels of both, subject to equal and the same regulations.

The colonial, like the coasting trade has been treated as a monopoly, so long as the same was confined to the navigation between territories of the same nation; but whenever it may suit the convenience of a nation to open a trade between her colonies and a foreign nation, the claim to treat this claim as a monopoly is without just authority, being contrary to the rights of such foreign nations, which, within its own dominions, must possess authority to make such regulations as may be deemed expedient.

It is an unwarrantable extension of national monopolies, by *ex parte* laws, to attempt to include the navigation of a foreign nation within the rules by which the navigation between portions of the same nation is governed. If this may be done between the colonies and a foreign nation, it may also be done in respect to the navigation between any other portion of the whole of the territories of such nation and foreign nations.

England allows the importation of lumber and bread-stuffs from the U. States into the colony of Jamaica, but forbids the same, unless the importation be made in English vessels; she also allows the importation of cotton and tobacco from the United States into England, but with equal right she may forbid the same, unless the importations be made in English vessels. This has not been done in the latter case, and there would be but one sentiment in the United States, should it be attempted—yet, in the former case this is, and has been the law ever since the date of our independence, and it may, with equal right be applied to Liverpool as to Jamaica.

Her long endurance and fruitless efforts to adjust this question by treaty, Congress, with great unanimity, have passed laws to counterveil the restrictions imposed by England upon the intercourse between the United States and her colonies in the West Indies.

England having forbidden the importation of supplies from the United States into her West India colonies in American vessels, the United States in their own have forbidden the exportation of these supplies in British vessels; the two restrictions have put an end to the direct intercourse, and the trade is carried on indirectly; the supplies for these colonies being carried in American vessels from the U. States to the Swedish and Danish Islands, and the produce of the English West Indies being brought in English vessels to the same Islands, and there exchanged for the provisions and lumber of the United States. American supplies are also sent in American vessels to the free port of Bermuda, and there sold for cash, and flour in like manner is sent from the United States to the Island of Cuba, as well as to the port of Liverpool, and from these places carried in English vessels to Jamaica and other colonies in the West Indies. In this condition of our navigation and trade, our tonnage continues annually to increase, and the value of our exports exceeds that of our imports.

In countries of great extent, and whose productions are various, though the people are generally employed in similar occupations, new regulations may, for a time, affect some portions of the country more than others; but every portion soon accommodates itself to the new regulations and the advantages and disadvantages are in a short time, certain to be equalized by the entire freedom with which every branch of industry is prosecuted.

It was on account of this diversity of products, and of the different manner of doing business in the several states, that jealousies formerly existed between them, which defeated every attempt to establish any common regulation of trade under the confederation—the want of American tonnage sufficient to create the requisite competition in the exports of the country, added to the difficulties of the period.

But as the national tonnage is now fully sufficient for the national exports, and as Congress have offered to all nations a system of entire equality and freedom in the commercial intercourse between them and the United States, the time has come in which it has been thought to be due to the welfare

and character of the United States to counterveil the regulations which so long and so much to our disadvantage, have been imposed by England on the trade and navigation between the United States and her West India colonies.

This national measure, so long called for to protect the ships and seamen of the United States, was calculated to awaken the remnant of local jealousy that may still exist among us, against the influence of which we may with confidence appeal to the character and necessity of the law.

By the exclusion of English vessels American vessels are employed in their place, and whatever is lost to the former is gained by the latter. By revoking the countervailing laws, we take away the profits now enjoyed by American vessels, and give them back again to the vessels of England, and, in doing so, grant a bounty to foreign ships at the expense of our own.

Navigation and maritime industry, for a particular reason, call for national protection: for the art of navigation is an expedient for war, as well as of commerce; and, in this respect, differs from every other branch of industry. Though it was doubted, doubt no longer exists, that a navy is the best defence of the United States—and this maxim is not more true than that a naval power never has existed, and can never exist, without a commercial marine; hence the policy of encouraging and protecting the ships and seamen of the United States.

In the commercial differences which arise between nations, the various branches of industry are differently affected, and calculations founded on the supposed interest of either party, being often fallacious may prove to be uncertain guides of the policy of nations, while by referring every question of disagreement to the honor of the nation, in the purity and preservation of which every one is alike concerned, a standard is provided that can never mislead.

In the least as well as the most difficult disputes, national honor is the safest counsellor, and it should not be forgotten that public injuries long endured invite further aggression, and, in the end, degrade and destroy the pride and safety of nations.

In respect to the commercial difference which has so long existed, between the United States and England, the claim of the latter exclusively to regulate the intercourse and navigation between the United States and her West India Colonies, has affected the reputation and rights of the United States, and the public honor justifies the countervailing measures adopted on this subject; to recede from the same would be equivalent to their final relinquishment, and would not fail to encourage the belief that a wrong so long endured would no longer be opposed, and that further aggression might be made without resistance.

It must be always remembered, that the countervailing measures which have been adopted by Congress, are entirely defensive; and, as we desire to concur in the establishment of a free trade with every nation, we are ready to abandon the restriction on the English navigation, as soon as England manifests a disposition to give up the restrictions which she was the first to impose on navigation, and does public policy require, or will the national honor permit, that we should do so sooner? With these views the Committee submit the following resolution:

Resolved, That the Committee on Foreign Relations be discharged from the further consideration of the petition of R. Appleby and others, of Colleton District, South Carolina, and of the Chamber of Commerce of Baltimore, praying for a repeal of the laws imposing restrictions on English vessels employed in the trade between the United States and the English Colonies in the West Indies.

IN THE SENATE.

MONDAY, MARCH 18.

Mr. Johnson, of Ky. reported the following bill: A Bill to prevent war among the Indian Tribes within the territorial limits of the U. S.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the President of the United States be, and he is hereby authorized to take such measures as he may deem expedient and proper to

prevent war among the various Indian tribes within the limits of the United States, by employing the military force, or otherwise.

HOUSE OF REPRESENTATIVES.

MONDAY, MARCH 18.

Mr. Bateman, from the Committee on the Post Office and Post Roads, to whom was referred a resolution directing an inquiry into the practicability of detecting thefts and punishing the frauds and robberies of the mail, &c. reported, in part recommending the introduction, by way of trial, of Richard Inlay's plan of inclosing the mail in copper cases, secured in iron chests with inside locks and sliding bars, which report, on motion of Mr. B. was ordered to lie on the table.

Mr. Cocke laid on the table the following resolution:

Resolved, That the act of the 2d March, 1821, to reduce and fix the military peace establishment of the United States, was not intended to authorize the President of the U. States to dismiss officers then in service, and introduce others of the same grade into the army.

Resolved, That the dismissal of Brevet Brigadier General Daniel Bissell, Colonel of the 1st Regiment of Infantry, and of Joseph L. Smith, Colonel of the 3d Regiment of Infantry, as supernumeraries, and the creation of the three new Colonels, to wit: Towson, Fenwick, and Butler, on the 1st of June, 1821, was not authorized by the terms or by the spirit of the act of the 2d of March, 1821.

Resolved, That the appointment of Colonels Gadsden to the office of Adjutant General of the United States' Army, and the dismissal of Colonels Butler and Jones from that office was not justified by the act of the 2d March, 1821.

Resolved, That the transfer Lieutenant Colonel William Lindsay from the 7th Regiment of Infantry, to the 3d Regiment of Artillery, after the 1st of June, 1821, was contrary to the regulations for the government of the Army of the U. S. and not authorized by the terms and spirit of the act of the 2d of March, 1821.

Resolved, That it is the duty of Congress, upon national principles and considerations, to protect each officer and soldier of the army, in the enjoyment of legal and constitutional rights.

Mr. Cocke thought that the subject embraced by the resolutions was one which involved the interest of the country, and he therefore moved, that they be laid on the table and printed.—*Carried.*

Mr. MERCER called for the consideration of a resolution laid by him on the table on Friday last, proposing to alter the standing rules of the house, with a view to limiting the length of debates in the house. On the question being taken thereon, the house refused to consider the same—ayes 47, noes 55.

ORDERS OF THE DAY.

The House then went into a committee of the whole on the unfinished business of Friday last, (the contested election of Mr. Reed and Mr. Cosden)—Mr. BUTLER in the chair.

Mr. REED resumed his remarks in support of his memorial and his claim to a seat in the House, and occupied the floor about an hour; when Mr. COSDEN made a reply at considerable length.

At 4 o'clock, the question was taken upon the first resolution "that Jeremiah Cosden is not entitled to a seat in the house," and decided in affirmative of the same. Ayes 92.

Mr. F. JOHNSON, of Kentucky, inquired, whether this decision would involve a determination of the 2d resolution, or whether it would not again send the election back to the people? Before a distinct reply was made to the question—

Mr. TAYLOR moved to amend to the 2d resolution as reported by the Committee, (in relation to the right of Gen. Reed to a seat) by inserting the word "not" between the word "is" and the word "entitled," thereby negating the title of either to a seat.

The question was taken thereon, and carried—ayes 72, noes 63.

On motion of Mr. TAYLOR, the Committee then rose and reported the resolution as amended.

In the House, the question was up-

on a concurrence with the report of the committee of the whole; when

Mr. WATSON, in a speech of some length, contended that it was not competent for the house to send the election back to the people, without a simultaneous declaration that they found the votes to be equal in favor of the respective candidates. Further remarks were made on the subject by Messrs. Archer, Neale, Mallory, F. Johnson, Walker, Buchanan, F. Jones, and Cannon; when the question was taken upon concurrence with the committee of the whole in their amendment of the second resolution, denying the right of Gen. Reed to the seat he claims; and the votes were yeas 75, noes, 71.

Mr. TAYLOR observed, that the vote being so nearly equal, and so many members absent, he thought it but justice that the ultimate question should be taken in a more full house—and on his motion at half past 5 o'clock,

The House adjourned.

TUESDAY, MARCH 19.

Mr. NEWTON from the Committee on Commerce, reported a bill granting certain privileges to steam ships and vessels owned by incorporated companies, (the same as now belong to such vessels belonging to individuals) which was twice read and ordered to be engrossed for a third reading.

Mr. RUSSELL from the Committee on Foreign Affairs, to whom was referred the President's message on the subject of recognizing the independence of the South American governments, made a long, lucid and able report, approbatory of the recommendation of the Executive, which concluded with the following resolutions:

Resolved, That the House of Representatives concur in the opinion expressed by the President, in his message of the 8th March, 1822, that the American Provinces of Spain, which have declared their independence, and are in the enjoyment of it, ought to be recognized, by the United States, as independent nations.

Resolved, That the committee of ways and means be instructed to report a bill appropriating a sum, not exceeding one hundred thousand dollars, to enable the President of the U. States to give due effect to such recognition.

[The report will appear in our next.]

The report was referred to a committee of the whole house on the State of the Union, and 5000 copies extra were ordered to be printed.

On motion of Mr. HALL, of North Carolina, it was

Resolved, That the committee on the Judiciary be instructed to inquire into the propriety of repealing the act of 1813, to encourage Vaccination, and if, on inquiry, it shall seem proper that they report a bill to that effect.

Mr. TUCKER, of South Carolina, called for the consideration of the joint resolution from the Senate fixing a time for the adjournment of Congress; but the house refused to consider the same—ayes 47, noes 67.

Mr. MERCER called for the consideration of a resolution laid on the table by him, on Friday last, proposing an alteration of the standing rules of the house intended to limit the extent of debate; but the house refused to consider the same by a large majority.

The Speaker presented a communication from the Treasury Department on the subject of drawbacks and duties, which was ordered to be laid on the table.

NOTICE

THE Public are hereby warned from trading for six certain Notes, for One Hundred Dollars each, given by the Subscriber, to JOHN ROBERTS, of Carteret County—as they were fraudulently obtained.
BENJ. CLINTON SIMMONS.
March 20th, 1822.—'91f

House and Lot for Sale.

THE HOUSE and LOT adjoining the Collector's Office opposite to JOHN BRYAN'S and will be sold on accommodation.—Apply to

JOHN W. GUION.

March 16, 1822.—'81f