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CONGRESS.

HOUSE OF REPRESENTATIVES, JUNE 22.

DEBATE ON FOREIGN RELATIONS.

(Continued.)

Mr. J. G. Jackson said that the situation in which he was placed was extremely unpleasant, because, in the course of his remarks the other day, he had stated explicitly his opinion that it would be more consistent with honor, interest and duties of this nation to exclude all armed ships except such as could be admitted in particular numbers, by treaty. But it was supposed by some that a measure might have a hostile aspect towards Great Britain, with whom a negotiation is pending, which it is hoped to bring to a happy conclusion. And, having avowed the sentiments as my own, I am now called on to combat the arguments of gentlemen expressing the same sentiments. I am related to the unpleasant dilemma either of maintaining an amendment which I do not wish to withdraw, and thereby exposing myself to the imputation of inconsistency, or unnecessarily wasting the time of the House on this point. But unpleasant as it is, I am willing to meet it; and I am willing, if the House as it came from the Senate have that opinion, to exclude the armed vessels of both nations, that those who oppose the amendment may take upon themselves the responsibility of producing such a situation. If the gentleman from Massachusetts (Mr. Whittemore) had adverted to the language of the amendment and to the explanations of it which I gave when I first addressed you, sir, he would have found that the course proposed in this bill is perfectly consistent with the course pursued last session. I recollect heard it observed, in the course of debate, that we were desirous to involve the nation in war with the little parties who aided the federal government, as it is called, in voting us down. In my opinion, I state that it was not proposed to war with either belligerent until after we had made and a refusal to respect our rights had been communicated to this government; that at that time and not until then the President should issue letters of marque and reprisal; and I stated moreover that we had no information from France enabling us to determine what course would be taken consequent on the acts of last session; that it was consistent with good faith, at the time we sent a messenger bearing the olive branch to France, to commit an act of hostility, which was admitted on all hands the exclusion of armed vessels of one nation and admission of those of the other is. It has been contended by the friends of the gentleman from Massachusetts and admitted by mine, that it was a hostile act to exclude the armed vessels of one nation and admit those of the other. It is not my fault that gentlemen cannot discriminate between admitting all armed vessels and excluding them at the last session. It will be recollected that France and Great Britain have been contending which nation is violating the unjust acts of the other; each contended that the other commenced the attack; and we had assurances from France that the decree of Milan, that as soon as Great Britain respected the rights of neutrals, France would imitate the example. More particularly I contend against the discrimination between French and English vessels, when we sent a messenger to France and received no answer. What should we say of a man who sent to another to request him to do him justice for an injury, and whilst the messenger was there and the other in security, should strike a blow and do him an injury in return? He should at least say that it was inconsistent with the conduct which one man ought to pursue to another; and a fortiori the argument applies to nations, particularly a nation like this, which does not make power the criterion of right—a character dear to us at home and respectable abroad. Sir, I am willing to pass the sections which I proposed last winter; to declare, that after due notice and refusal of France to withdraw her decrees, the President of the United States should be authorized to issue letters of marque and reprisal; and the same in regard to Great Britain. But as my amendment has proved the source of fruitless debate, and there is a doubt whether or not it be necessary, I withdraw it from consideration.

Mr. Sheffey moved to amend the bill by adding at the end of the proviso in the first section the following: "And provided also, that nothing herein contained shall be construed to prevent any public vessel from entering the waters and harbors of the United States belonging to any nation with whom commercial intercourse shall have been permitted."

Mr. S. proceeded to submit to the consideration of the committee a few ideas on the subject. He believed that the bill, as it now stood, was intended to admit the vessels of all nations. Probably from inattention in the passage of the bill, the generality of the words employed in the third section at least was a doubt, whether the interdiction did

not extend to public as well as private armed vessels. The question appeared to him to be, whether it was proper to place the public vessels of Great Britain and France upon the same footing? And Mr. S. said he would very briefly attempt to shew that it was not. Why, he asked, depart from that policy which last year had been considered a proper policy? Why abandon a system without any thing interposing which shall render it necessary? At that time this House adopted a measure to exclude from the waters of the United States all public vessels belonging to either nation; and then interdicted all commercial intercourse, until either nation should completely satisfy the President of the United States that they were about to abandon their injurious regulations. Great Britain has made assurances which, however to be relied on, have been considered as sufficient by the President of the United States, the proper authority. As to that nation the terms of the non-intercourse act have been complied with. What are you going to do in relation to the other? That which no nation ever has done. I challenge any one to place his hands on history, and shew me a case in which any country has interdicted commercial intercourse with another nation, and at the same time afforded the rights of hospitality to the public vessels of that nation. Gentlemen cannot find such a thing in the history of nations. The course of all governments has been first to deny the rights of hospitality. The exclusion of the public ships of a nation is merely a denial of the rights of hospitality, which a slight fence might authorize. To interdict commercial intercourse has been considered an act of hostility. Has it ever before been considered proper to permit the rights of hospitality and at the same time interdict commercial intercourse? I believe not, sir. In 1798, commercial intercourse was interdicted between this country and France; but before that was done, the public vessels of France were excluded from the waters of the United States. How, then, is this plan, so opposite to the principles of propriety, and so totally hostile to all former professions, to be justified? Stability in adhering to a system commenced, is not one of the least virtues which a public man ought to possess. He ought to deliberate slowly, but, when he comes to a decision, he ought not immediately to depart from it. What is intended by measures in relation to foreign nations? To produce an effect upon them. But before they can operate, it is proposed to repeal them; and the consequence of such a conduct must be to procure contempt for them hereafter. What can be thought of a nation which cannot adhere to a measure for a year together? Nothing; and especially when it cannot be shewn that a departure from the principles of the last session can be of any advantage to the nation. There is to be sure some interest in having vessels of foreign nations in our waters, because it creates a certain consumption; but this is no reason to operate in a national measure. Neither reason nor interest demands the adoption of the measure. Then why adopt it, when its only effect must be merely to shew your inconsistency? On that ground I shall be opposed to placing France and England on an equality.

But it is said that impartiality in our conduct towards foreign nations is proper. I most cordially subscribe to the doctrine. I wish we could always be influenced in our conduct by this consideration. Our country has been injured by both belligerents, I will not enquire by whom most lawlessly. I believe that we have felt more the injuries of Great Britain, but it is only because the tyrant of Europe has not the power to execute his wishes. The two nations were placed on an equality at the last session, because both nations adhered to their injustice, notwithstanding repeated efforts to obtain redress. The case is now different, very different indeed—and I need only observe in proof of it, that gentlemen have agreed on all hands that the proclamation of the President was a correct measure. On what ground was it issued? That we had assurances from Great Britain which authorized a departure from the principle established at the last session.

With respect to England, then, you are placed in precisely the same situation as you were in before you adopted this measure, as relates to her public vessels and to commercial intercourse. It would be proper, I contend, to place her precisely on the ground on which we offered to place her before that time. It was offered in the negotiation between the Secretary of State and Mr. Rose, that whenever assurances should be made of an intention to make satisfactory reparation for the attack on the Chesapeake, British public vessels should be admitted.—If now we were to admit or exclude the public vessels of both belligerents, she might say, and with some propriety, that you had changed your ground; and, under these circumstances, the least favorable change in the aspect of affairs on the continent of Europe would perhaps induce England to recede from her overtures. With

respect to her then, it is perfectly right that her vessels should be admitted.

But now with respect to France—Has she done any thing? No—And are you not as much authorized to depart from your whole commercial interdiction in relation to her as from a part of it? This country is much interested in the commerce of the continent of Europe, over which the Emperor of France has strong control.—There would have been stronger reasons in favor of renewing commercial intercourse than in favor of the proposed alteration. I ask gentlemen on what principle has Great Britain made overtures to you? On the principle, surely, that you are to leave the relations between France and this country precisely as they were. You had taken measures which affected both nations alike; you had manifested complete impartiality; and Great Britain enters into a negotiation with you and tells you in so many words, that the equality on which both belligerents are placed is the reason why she has departed from her course. The moment she has told you this, you are about giving her evidence of partiality. This is a new way of effecting an adjustment between the two countries. I ask gentlemen, on that principle, will they repeal all that part of the non-intercourse law which interdicts commercial intercourse with France? Certainly not. If that argument applies to the commercial non-intercourse, will it not equally apply to all the provisions of the non-intercourse law? It surely will.

But, if I understand the argument we are to rely on the Milan decree for the intentions of France. I have heard it repeated again and again that there is no reliance to be placed on the declarations of Great Britain: it has even been hinted that you are premature in your reliance on the late convention. The orders in council were issued in consequence of the French decrees; and Great Britain declared that whenever things were placed in such a situation that they could not affect her, she would rescind her orders. Well, sir, our government took such a station; and they were rescinded. The declaration of Britain was fulfilled. But I have no faith in the declarations of the Emperor of France. The history of his life, of Germany, of Holland, Italy, Switzerland and Spain falsify any assertions he may make. I am not disposed to bottom this change on the Milan decree. I wish to see acts, overtures, which shall place us precisely in the same situation in relation to her as we have been placed in relation to Great Britain.

It will be observed that the amendment which I proposed will have this effect. It will admit the public vessels of Great Britain, and as soon as assurances are received by the government of the United States from the government of France similar to those from Great Britain, then with commercial intercourse the permission to enter our waters will be renewed.

It was understood, sir, that if satisfactory overtures of reparation for the attack on the Chesapeake had been made by Mr. Rose, the proclamation interdicting British public vessels from entering our waters would have been rescinded. At the time the late overtures were made by England, I presume it was understood that the situation of the two countries should not be changed by permanently excluding British armed vessels from our waters. For another reason the measure would be improper. This country perhaps ought not to set the example of denying the right of hospitality. We have heretofore been involved in war with the Barbary powers, and may again when a friendly port is of infinite advantage. And this consideration aside, is it proper, when we have such cause of complaint against France, when she has made no overtures towards a restoration of intercourse, that she should be placed on this ground? No, sir; when she acts differently from what she has done, and meets us as England has, I shall be ready and willing to meet her in the same spirit, but not till then.

Mr. Hayes said that he felt great reluctance in bringing into discussion at the present time the foreign relations of the United States. With Great Britain we have every reason to expect an amicable adjustment of our differences on terms honorable to the United States. With France we have also a negotiation depending, which will probably terminate in a withdrawal of the decrees which have violated our rights, as every reason heretofore urged for their continuance will be removed by an adjustment with Great Britain. I feel anxious (said Mr. H.) to secure to the nation the full and complete benefit arising from the favorable change in our prospects.—I have no wish at the present moment to pass in review the wrongs inflicted on us by either of the belligerent nations.—Peace with both on honorable terms must be the wish of every honest man, and I rejoice that on the present occasion no attempt has been made to rouse into action feelings calculated to prevent our examining with temper the course which ought in the present situation of our country

to be pursued. At the last session of Congress a general system of non-intercourse was adopted with both the belligerents.—The measure consisted of two separate and distinct provisions: 1st. The exclusion of public armed vessels. 2dly. The suspension of commercial intercourse. This law expires at the end of the present session of Congress. No control was given to the Executive over the interdiction of armed vessels. Under the section of the act the Executive was authorized to restore commercial intercourse with either of the belligerents on a withdrawal of their decrees and orders. A promise of the British government to withdraw its decrees and orders on the 10th of June has been accepted by the Executive as an actual withdrawal, and the commerce suspended restored. The liberal construction given by the Executive to this section of the law meets my entire approbation. Whilst I considered the independence of this country, assailed by Great Britain, I expressed my indignation with the warmth of an American. With the causes which produced that feeling, the feelings will cease, and no man more sincerely rejoice at the prospect and honorable adjustment than myself. Notwithstanding the recent orders and the declarations made on the floor of Parliament, I believe that the British government will comply with its engagements. I cannot for a moment suppose that any nation can stain its character by an act of so much perfidy, as publicly to offer through its accredited agent the withdrawal of decrees and orders destructive to our rights for the purpose of substituting others. No power was given to the Executive to take off the interdiction from the public armed vessels of Great Britain or France. The interdiction expires at the end of the present session of Congress. Shall we renew it in relation to Great Britain? Or shall we pursue the liberal course adopted by the Executive as to the withdrawal of the decrees and orders? This interdiction grew partly out of the injuries in our ports and waters, but principally out of the outrage on the Chesapeake. After captain Bradley in 1804 insulted the port officers of N. York and claimed jurisdiction to the length of his bonny—a law passed authorising the Executive to prohibit by proclamation the entrance into the waters within our jurisdiction of public vessels. In 1805, on the murder of Pearce the power was exercised and the squadron commanded by Whitby interdicted; and after the outrage on the Chesapeake the interdiction was extended to all the public armed vessels of Great Britain. The British government has now promised honorable reparation for this last outrage. It has gone further and promised to send here a minister for the purpose of adjusting the differences between the two countries. Believing this promise will be complied with, I am willing to adopt the same liberal construction which was given by the Executive to the promise to withdraw the decrees and orders. I am willing to accept the promise as a pledge for reparation and to suffer the interdiction of the armed vessels of Great Britain to expire at the end of this session of Congress. It is an act of liberality and not a strict right extended to that nation. The admission of armed vessels except in cases of distress is a matter of favor and not of right. As a measure of precaution and safety I believe it would be our interest to exclude them even after reparation shall be made and an adjustment of all our differences takes place. As this interdiction of the armed vessels of Great Britain however was adopted as a measure of retaliation for injuries, it will manifest a spirit of liberality to accept the promise of reparation and suffer it to expire. If reparation shall be made, no inconvenience or injury will attach to the nation before the next meeting of Congress, when general regulations on this subject may be adopted extending to the public armed vessels of all nations.—If reparation shall not be made we shall by our conduct have afforded irresistible evidence that every branch of the American government has manifested a disposition to meet in a spirit of liberality and conciliation the reparation proffered by the British government.

While thus disposed to meet in a spirit of liberality the offer of Great Britain, let us not take any course calculated to prevent a favorable termination of our differences with France. To continue the attitude taken by the Executive towards this nation appears to be the plain and obvious course.—While a negotiation is pending, no measure ought to be adopted calculated to impede its progress. What is the footing on which our affairs are placed with France, under the non-intercourse law and the power exercised by the Executive under the 11th section of that act? The restoration of commercial intercourse with the one nation founded on the withdrawal of his decrees and orders imposes on us an implied obligation to continue the commercial interdiction as to the other. No such implied obligation is imposed as to the interdiction of public armed vessels. No power was given to the Executive on the subject. No pledge there-