

tion of those who drew the bill. Mr. C. proposed an amendment which threw the liability on those stockholders who might possess the shares at the expiration, forfeiture, or other dissolution of the charter.

Mr. Blackledge at first thought this amendment would be a proper one, but a little reflection, and from having in recollection an instance of fraud committed in another State, convinced him of the impropriety of making those only liable who should hold the shares when the charter expired. It might happen, if any great fraud were to be contemplated, that the authors of it might transfer the shares, before the dissolution, to men not worth a cent, & thus escape all responsibility, and the public be cheated of their property.—He was therefore for keeping the section as it stood.

After a few other observations, Mr. Gaston's motion was negatived, and the bill passed its second reading.

Congress.

HOUSE OF REPRESENTATIVES.

Friday, January 5.

The House resolved itself into a committee of the whole on the report of the committee appointed to report rules and orders for the government of the House.

This report contains the following, amongst other rules:

"The previous question shall be put in this form: 'Shall the main question now be put?' It shall only be admitted when demanded by one-fifth of the members present, and if decided in the affirmative, shall be instantly put, without amendment or further debate, but if decided in the negative, the business shall progress the same as if the previous question had not been called."

"On a previous question there shall be no debate."

Mr. Livermore moved to strike out the first of these rules.

This motion was supported by Messrs. Gardener, Quincy, Shelby, Ely, Pickman, Wheaton, Dana and Enott, and opposed by Messrs. Rhea, Basset, Ross, Smilie, Southard, Boyd, Findley, Willis, Alston, Root and Johnson.

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

Saturday, January 6.

Mr. Epes, 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 to protect the commerce and seamen of the U. 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 March 4, 1811.] The bill was twice read and committed.

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

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 manufacture of iron, by making a donation of a certain portion of land to such persons as may erect iron works within the territory of the United States.

Mr. Basset made the following report: "The committee appointed on the part of the President's Message relating to the naval establishment, report, &c., that they have found that the frigates now in ordinary were the only part of the subject requiring immediate attention. Beside the motives presented in the Secretary's letter for an immediate reparation of those frigates, the eventual situation of the country furnish a strong inducement to placing these 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 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 our Treasury be 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 50 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 other contingent expenses,	75,000
For the repair of frigates now lying in ordinary, and keeping the gunboats that are no in service in a state of preservation, &c.	450,000
For freight and other contingent expenses,	100,000

This report was referred to a committee of the whole.

The House again resolved itself into a committee of the whole on the rules & orders.

Mr. Livermore's motion still under consideration.—Messrs. Blaisdell, Gardener & Bacon supported, and Messrs. Ross and McKee opposed it.

On the question being taken, it was negatived, 56 to 47.

Mr. Quincy moved to amend the rule by striking out some words and inserting others, so as to make the rule similar to that which has heretofore existed on this subject.—Negatived, 59 to 36.

Mr. Bacon moved to amend the rule by adding at the end of it the words "on the main question," so as to allow the previous question to be debated.—Negatived, Ayes 22.

Mr. Quincy moved to amend it, by adding the words "But the previous question shall never be put until every member who chuses to speak, shall have spoken once on the main question."

Messrs. Quincy and Tallmadge supported this motion, and Messrs. Rhea & W. Alston opposed it.

Before the question was taken, the committee rose, reported progress and obtained leave to sit again.

Monday, January 8

Mr. Morrow reported a bill to prescribe the mode in which applications shall be made for the purchase of land at the several land offices in the United States, and for the relief of Joab Garret. Twice read and referred.

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 U. S. relative to refusing clearance to any private armed vessels of the United States.

Mr. Epes 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. Agreed to.

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 U. States of the 30th inst., 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 embodied and held to serve for the term of six months from the time of their being in actual service."

The report was referred to a committee of the whole.

The bill for continuing the Mediterranean fund was gone through, reported to the House, and, without debate, ordered to be engrossed for a third reading.

AMERICAN NAVIGATION ACT.

On motion of Mr. Macon, the House resolved itself into a committee of the whole. Mr. Desha in the chair, on the bill respecting the commercial intercourse between the U. 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 U. S. of all vessels sailing under the flags of G. Britain or France,)

Mr. Livermore said he thought it proper to examine how this interdiction of the entrance of all private vessels would operate. He had waited for some gentleman of the committee to explain what would be the operation of the bill; but none had come forward. He 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; & 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 or 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 *modus vivendi* 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. No reparation had been obtained for the affair of the Chesapeake, nor release of our impressed seamen, nor any revocation or modification of the orders in council; and

yet, for the mere pittance, the slight vestige of our former trade which the orders left to us, the House was called upon to continue to carry on commerce with Great-Britain and France. If the conduct of the nation were not more energetic, he said we should forfeit the little character we had acquired, and call down on us the contempt of every nation on earth; we should become contemptible even in our own eyes, for it was impossible for any man to contemplate the state in which we are, and the measures which had been and were proposed to be taken, without feeling absolutely debased. We had, he said, tried this system for several years; it had done no good, and it was time to try some other. Gentlemen 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. Macon 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 run 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 United States 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 shown a disposition for further negotiation, Congress would lend him their aid in it. Suppose G. Britain 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. Britain would, and the advantage would be greatly on our side.

The bill had been reported in such a form, Mr. M. said, as that such parts as should not be agreeable to the House could be struck out. His colleague had thought the bill too weak. If Congress were to adopt the bill, did it prevent them from adopting more energetic measures? Certainly not.—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 the 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 as they do now, the question had been tried in this House with perhaps as 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, 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.

Mr. M. said it was evident from the whole tenor of the bill that its object was to take the restrictions from our own nation and lay them on G. Britain and France; and it was an object worthy of consideration in the passage of this bill, that it was such a one as the nation could stand to for any length of time. If the committee were to strike out every clause in the bill but that which repealed the non-intercourse law, he should be opposed to rising till they agreed to that one. At every place in the nation where even a boat could come, the people were satisfied that the non-intercourse law could not be enforced. If it was a mere dead letter, it should be repealed, and they should thus out every man in the nation on the same footing.

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 like 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. It was best to take such measures now as the nation could stand to, and as would enable the President to settle our disputes with one or both belligerents; and this bill was calculated for that purpose. Whether the bill would satisfy the people or not he was totally ignorant. He himself could never tell here what would satisfy those whom he represented, and all that he could do was to act as he thought right and depend on such conduct for their approbation. Last winter the measures which his colleague now called paper measures were too strong for him, for he wanted to open a gate to the West-India islands. This bill was different from the non-intercourse law as it open-

ed the world to the commerce of the United States, and shut their ports to the vessels of Great Britain and France. Mr. M. said he had hardly expected a complaint against the bill from gentlemen from the East, though he had thought from another part of the nation there might be a complaint. He cared very little what was done, so that there was not too much energy in it. 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 it changed the state of affairs one iota.

Mr. Taylor said, if indeed this bill was as nerveless as 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 is 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 coasting 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 offices are hermetically sealed; that although 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 to foreign nations the entire benefit of our commerce, and depriving our honest citizens of the advantages which this bill will offer to them. If it is of importance that our flag should be unfurled on the ocean as a commercial nation, it is necessary that we should now act. Every commercial town, port and harbor knows the course the thing is taking.—The American vessel takes its departure with a cargo of produce, and returns 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.

I am decidedly against the committee's rising. Some parts of the bill may be good, some bad; but there certainly is a clause in the bill which will keep pirates and plunderers from our ports and harbors—and as to energy, I can tell those who talk of it that here is a clause in this bill which may prevent us from being *Copenhagened*; that a port may be so well fortified by nature and art combined as to oppose an armed force approaching, and yet which may not be competent to repel it after it has been received in peace and friendship within our ports and harbors.

Mr. Livermore declared himself also opposed to the committee's rising. He wished to know what was the extent of trade now carried on with our ports in British bottoms, and what its amount? He said he knew that there was a small trade carried on in small vessels from Nova Scotia to the United States, and which was very beneficial to the citizens of the U. States; the stoppage of which, as proposed, would operate very unequally. It was a trade that could not so well be carried on by vessels of the U. States. If Congress commenced this business, they might shew Great Britain now she also might lay additional restrictions. Some of the sections of this bill Mr. L. said he thought it would be proper to retain; but there were some that he entirely disapproved. As to the non-intercourse, there was no occasion

for repealing it in relation to G. Britain, because it was not in force against her, and this he thought he could demonstrate at a proper time.

Mr. Sawyer said if he had as much confidence in the efficacy of the bill as the gentleman from N. Carolina (Mr. Macon) he should make no opposition to it; but he expected nothing from it. If, said Mr. S. we take upon ourselves a warlike attitude and evince a disposition to be independent, we shall produce such an embarrassment that the present ministry of G. Britain will have to try 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 till we shall be stupped, by orders in council, one after another, of every vestige of commercial rights. What are we afraid of? Can any change be for the worse? Why are we afraid of going to war? Shall we not have to borrow money to pay the current expenses of the year? We should only have to do the same in war. Never was there a more favorable moment for it. 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 war, yet I am desirous, when we have one, that its powers shall 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 said, it had been observed by gentlemen apparently opposed to this bill, that it was not sufficiently energetic, on the one hand, and on the other, that it would embarrass commerce. Taking it for granted, said Mr. S. that we ought to adopt a stronger measure, is that any reason why this bill should not be passed, and remain in force until our present peaceful attitude is changed? If a strong measure were to be bro't forward, it would probably supercede this bill. But what is the energy of which gentlemen talk? If they want war, why do they not lay a declaration of war upon the table? What are energetic measures, if this be what are meant? Let us, if it be deemed expedient, give a right to our merchants to defend themselves against Britain and France—but don't 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? Is there no disposition on any side to do this? We see that the prosperity of agriculture requires commerce. Nothing but the most precarious circumstances operating on a nation can prevent the exportation of some products of agriculture. The non-intercourse, on this account, is not enforced, nor 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 manufactures of England now furnished with the raw materials necessary for their fabrics, and with them every thing you could give them? You make the farmer & planter pay the circuitous price for European goods, whilst his produce is reduced to the lowest possible price. Under these circumstances, the non-intercourse, presume, is not to be continued.

France & England, Mr. S. said, had granted us no commercial rights; and there was therefore, no call for liberality to us. The United States ought to carry on commerce, because necessary to the support of agriculture, and they ought to carry on the greatest advantage to their own citizens. And what then should be the course pursued? Not to destroy it by non-intercourse and other importation acts, but to carry it on so that it should be beneficial to the government, point of revenue, and to those who carried it on. What should Congress do to make it so? They ought to foster the rights of navigation. 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—was it which gave a decided preference to British navigation? The object of this bill was not only to give preference to the entire exclusion of the vessels of G. Britain and France, but long as their injurious edicts should remain in force.

If the gentleman from North Carolina (Mr. Sawyer) means raising an army and invading Canada, as he intimated, I most cordially approve it. I would not alter the course we have at present taken.

Mr. Burwell spoke in favor of the bill, and Mr. Sawyer's motion was then negatived without a division.

The bill was proceeded with, until the committee came to the 5th section, which Mr. Pickman moved to strike out, and which prohibits French and British manufactures and products, except in manufactures where they are manufactured or grown. The committee rose without taking any further action.

The House took up the report of the committee of Elections on the petition of Randolph, praying that the seat of Joseph Jennings, the sitting Delegate from the territory, may be vacated—but did not come to a decision upon it.

Tuesday, January 9.

A letter was received from the Secretary of the Navy containing a schedule of the contracts entered into by that department during the last year; and also a letter containing a list of the clerks, &c. in the Navy department.—Ordered to be printed.

The engrossed bill to revive and continue in force for a further time the first section of an act entitled "An act further to protect the commerce and seamen of the U. States against the Barbary powers," was read a third time and PASSED without objection.