

CONGRESS.

HOUSE OF REPRESENTATIVES.

SUBSTANCE OF THE SPEECH OF MR. YANCY OF N. C. ON THE LOAN BILL.

Mr. Chairman—I am aware of the great anxiety that exists for a speedy passage of the bill under consideration. I must, however, ask the indulgence of the committee, whilst I exercise that privilege, which, upon this occasion, seems to be conceded to all. In the view, however, which I shall take of the several topics, which have been introduced into this debate, I shall not follow the example set by the gentleman from Mass. (Mr. Bigelow) who commenced it by travelling over the continent of Europe, for the purpose of ascertaining the love of the Emperor of France, for the United States. Upon that subject I am perfectly satisfied, and I believe, between that gentleman and myself, there is no difference of opinion. The love of the emperor for this government is equal to the love of the gentleman from Massachusetts for the present administration.

I shall cheerfully vote for the bill under consideration, because, I believe to withhold the aid sought for by it, would be to subvert the dearest rights and best interest of this country. That the country has the ability to afford the loan, I have no doubt; and that the capitalists of the country will find it their interest to loan, experience has evinced. I shall also give the bill my support, with a full expectation that the money to be procured is intended to assist the government in the further prosecution of a war, I believe just and necessary in its origin—and one which, I must confess, I have strong hopes of seeing speedily terminated, to the honor and interest of my country. Nor, sir, shall I be deterred from supporting the bill, because gentlemen have imagined that in the further prosecution of the war, Canada will be invaded. My colleague (Mr. Gaston) has said, that he would vote for a loan sufficient for defensive purposes.— Permit me to reply, that in my opinion, it is not necessary upon this occasion to inquire whether the war is defensive or offensive. Nor is it material that we should look to the circumstances under which it commenced. The true question is, what is the cause for which you propose to continue the war, and if you do continue it, is the money proposed to be borrowed necessary for that purpose.

But believing, as I do, that the war in which we are engaged is, in its nature and character, a defensive war, I propose concisely to examine that question. Gentlemen have said that the simple and single fact of first declaring war made it offensive, and that to wage a war of that character was immoral and unjust. If, sir, the opinion which I have formed be correct, it is the intention with which a war is waged and the circumstances under which it is commenced, that gives its character. If the war be intended for conquest, or if it be intended to gratify ambitious motives, without having received any sufficient and just cause from the nation against which it is waged, it is an offensive war. But if it be essential and necessary to the independence and sovereignty of a nation be violated—if you have endeavored by negotiation to obtain from the violator of these rights indemnity for the injury, and security against future wrongs, all of which are refused—a war waged to redress such injuries and prevent such grievances, is in its character a defensive war. To illustrate my idea, I will put a case: In England the king can declare war; it is not necessary that this intention should be known till the fact of waging the war. Suppose, then, that a British squadron in time of peace, should appear on our coast with a military force, and it should actually invade our country, do it much injury, and immediately before the collection of a

military force, embark on board this squadron and disappear. Gentlemen would surely think an act of that sort sufficient cause of war; yet according to this doctrine, if our government were then to declare war and invade Canada, though a part of the British dominions, the war would be offensive. It is not the operations of the war that gives it character; nor is it the simple fact of first declaring war—it is the cause that produces it, and the intention with which it is commenced. The causes which produced the present war are of the same nature, and must depend upon the same principle as the case which I have related. Millions of our property had been plundered on the ocean, under the excuse of retaliation on France, while the real object was to destroy neutral commerce. The enemy had also impressed from our merchant vessels at sea thousands of American seamen, under what they called the right of Great Britain to search for and impress their own seamen. Indemnity for the one and security for the other, had been sought for and refused.

It is said that impressment is the only remaining cause for a prosecution of the war. In discussing the expediency of a continuation of the war, without a satisfactory adjustment of that subject, I am willing upon this occasion to consider impressment as the only existing cause, because I believe if that can be satisfactorily arranged, the balance of our differences may be adjusted. But, sir, it is important in the consideration of this subject, that we view it as the controversy exists between the two nations, and as the pretensions of both are practised towards each other. That "free ships should make free goods," however just it may be in itself, does not remain a question between the two governments. The doctrine of our government, so far as I understand our foreign relations, is, that the vessel and flag being American, shall protect all on board, except articles contraband of war and persons in the military employment of the enemy of Great Britain. The doctrine and practice of the British government is, that their ships of war have a right to search for and impress from our merchant vessels, seamen; which in the opinion of their officers of press-gang, belong to the British navy. I admit that the professions of that government are that they claim the right of impressing only their own seamen. But, sir, if you wish to ascertain the extent of their claim, you must look to their practice; I subscribe to the good old rule, that "the tree is to be known by its fruit." The opinion of a nation cannot be better ascertained than by judging of its acts. The practice of the British government is, not only to impress her own seamen, but likewise American seamen. And why, sir, permit me to ask, should she be permitted to impress? If a vessel have on board articles contraband of war, or if any act be done by which she may be made lawful prize to the captors, the rule is, that she must be carried into port and undergo a regular course of adjudication before condemnation.

The personal rights of sailors, however, must form an exception to this rule; their fate and their personal security must depend upon another sort of tribunal. According to British practice, they are to be tried by the officer or his press-gang. And why, permit me to ask, should this principle and practice be tolerated? Is it because the rights of property are more sacred than the rights of personal security?

But, sir, it would seem that the minority differ among themselves as to the right of Great Britain to impress. My colleague (Mr. Gaston) has said that he perfectly agrees in opinion with the two first administrations of this government upon the subject of impressment. And, sir, I understand him further to say, that if the British government would not yield their pretensions so as to prevent the

impressment of American seamen, he would go to war for it. If so, my colleague and myself do not materially differ in opinion. The principal difference is, that in my opinion the government having declared war, and enumerated impressment as one of its most prominent causes, ought not to treat for peace without having that subject secured or arranged as to prevent it; the opinion of my colleague is, that he would not continue the present war to secure it, but would after farther unsuccessful trial, fight for it. We have tried negotiation many years—it has failed, and it always will fail, if the nation with whom you are contending discovers that you will not fight for a right that you are endeavoring to settle by negotiation. If, sir, you were to suspend hostilities immediately without having the subject of impressment settled, could you ever afterwards expect it settled to your satisfaction?

I have said, if I understood the opinion of my colleague, we do not materially differ. With the two first administrations of this government I think my opinion does not differ in substance. What was the opinion of Gen. Washington's administration upon this new and before unheard of practice of impressment? It is to be found in a letter from the Secretary of State to Mr. Thomas Pinckney, our minister in England. It is dated July, 1792, speaking on the subject of impressment, and the necessary means to prevent it, he says, "The simplest rule will be that the vessel being American shall be evidence that the seamen on board her, are such."

But the succeeding administration of Mr. Adams was still more sensitive on the subject of impressment; the reason, perhaps, was the cases had become more numerous, and therefore excited more sensibility and indignation. In June, 1798, Mr. Pickens, then secretary of state, writes to Mr. Rufus King, our minister in England: He says, "Among the articles remaining unadjusted, one of the most interesting nature regards the impressing of American seamen. The simplest rule, as remarked to Mr. Pinckney, would be, that the vessel being American, should be evidence that the seamen on board her are such. But it will be an important point gained, if on the high seas, our flag can protect those of whatever nation that shall sail under it."

The same gentleman, in a letter he addresses to the President, speaking of a project of Mr. Liston's (the British minister) on the subject of impressment, says, "It appears to the secretary utterly inadmissible, unless it would put an end to impressment, which Mr. Liston seemed to imagine, while the 7th paragraph of his project expressly recognizes the right of impressing British, and consequently American citizens, as at present."

The present Chief Justice of the U. States, while secretary of state under Mr. Adams, writing to Mr. King, says, "the impressment of our seamen is an injury of very serious magnitude, which deeply affects the feelings and honor of the nation. No right has been asserted to impress natives of America, yet they are impressed. The right to impress those of British subjects has been asserted, and the right to impress those of every other nation has not been disclaimed. Neither the one practice, nor the other can be justified. The case of British subjects, whether naturalized or not, is more questionable than other foreigners; but the right even to impress them is denied."

Now, sir, if my colleague agrees with the chief justice, of whose ability and information to form a correct opinion, neither of us will question—and who, as secretary of state, expressed the opinion of the federal administration, then I cannot see why he differs with the present administration and the majority of this house. No member of the administration has ever gone farther, than I am aware of, than he has done in this letter.

It is an opinion in which I perfectly accord, and it is for that reason that I would prosecute the war to establish it.

The conduct of Great Britain towards us is novel and unwarranted.— It was such as she had prosecuted to no other nation previous to the American revolution. She may have claimed the right of impressing her own seamen anterior to that date; but no instance I believe can be found where she had impressed foreigners, found on board of neutral vessels, or native subjects of a foreign power, sailing under the flag of their own country. Her excuse for impressing American Seamen is, that she cannot distinguish them from her own, yet she often impresses foreigners found on board of our vessels, who from their language & appearance are clearly distinguishable from her own subjects. As a farther proof of her disposition to impress indiscriminately, she often impresses from our vessels persons of colour, whom she could not mistake for her own subjects.

Impressment therefore is a subject in the language of the federal administration, "which deeply affects the feelings and honor of the nation;" & permit me to add, sir, one which no administration of this country ever dare concede to a foreign power.

It is urged as a reason why we should not further prosecute the war, that we are contending for a right the British government never will acknowledge—or rather that we are contending against the exercise of a right on the part of G. Britain, which she never will yield. I have as yet been able to see no satisfactory evidence of this alternative on her part. Indeed, sir, if the declaration of the British government on this subject is to be taken as evidence, or if the communications of Mr. King, while minister in England, are to be believed, then I say they have directly given up the right to impress. Mr. King, in writing to the secretary of state in July, 1803, says, that Lord St. Vincent and himself came to the following agreement: "No seaman nor seafaring person shall upon the high seas and without the jurisdiction of either party, be demanded or taken out of any ship or vessel belonging to the citizens or subjects of one of the parties by the public or private armed ships or men of war, belonging to or in the service of the other." Mr. King further states to his government, that after this article had been agreed on, and actually drawn up, Lord St. Vincent insisted that "the narrow seas," must be excepted, "because they had always been considered within the dominions of Great Britain." Mr. King refused even to admit this exception of "the narrow seas." And why was it that she wished to except the "narrow seas?" The reason is assigned—it is because over these she claims jurisdiction. Thus, sir, if evidence of this sort is to be received, and I suppose gentlemen will give credit to the official communications of a man who stands so high in the ranks of their party, G. Britain has relinquished the right.

The gentleman from North Carolina (Mr. Pearson) who addressed the chair the other day, has said, "that the administration have stinked about the right to impress, and refused previous to the declaration of war to regulate the subject, so as to prevent it." If, sir, my colleague means to make a charge against the administration for an omission or refusal to regulate the subject of impressment, then I join issue with him. I will not even throw the burden of proof upon him, but will take it on myself. I say, long previous to the declaration of war, we offered to regulate the subject in such way as to supersede all necessity for impressment. It is true that every administration has denied the right of Great Britain to impress; but it is equally true, that the object of all of them has been to prevent the impressment of American seamen.— The facts of which I speak are to be seen in the following extracts of state

papers.—In the letter of the 11th Nov. 1806, from Messrs. Monroe and Pinckney to the secretary of state, they say, "they (meaning the British commissioners) were therefore desirous that we should stipulate that a law should be passed by the Congress (to be of course reciprocal) which would make it penal for the commanders of American vessels to take deserters from those of Great Britain under such circumstances, they being British subjects. And likewise to make it the duty of our government to restore them on their arrival in the United States, on suitable application and due proof being made of their persons. We agreed to apply a remedy for this presumptive evil.— They then observed that the term deserters was too limited, according to their law, to comprehend those that might leave their merchant vessels—that it would apply only to such as left their ships of war. They therefore proposed that we should enlarge its import, by adding the following terms, *seafaring people quitting their service*—to which we also agreed.

Here then is a proposition made by the British government itself, apparently with a view to prevent the impressment of American seamen; to this our ministers accede. But what is the consequence? Why, the British commissioners, after taking time to consider of it and conferring with the cabinet, report to our ministers in their own language, that it was not in their power to adopt any article in the spirit of our project, that the board of admiralty had been consulted on the subject, as had also been the crown officers, in doctor's commons, who united all without exception, in opinion, that the right of their government in the case in question, was well founded, and ought not to be relinquished. They added that under such circumstances, the relinquishment of it was a measure which the government could not adopt, without taking on itself a responsibility, which no ministry could be willing to meet, however pressing the emergency might be." The fact of a disposition on the part of this government to regulate the practice, so as to prevent the impressment of our seamen, is also to be seen in a letter of instructions from the Secretary of State to our ministers dated 20th May, 1807. [Here that part of the letter was read.] I show then here that the administration have not neglected to prevent impressment, but on the contrary that the British government have refused to ratify a regulation which they themselves had proposed, & which they ought to have adopted, if they did not wish to have an excuse for the impressment of American seamen.

The same gentleman has also discovered, that the treaty negotiated by Monroe and Pinckney sufficiently guards American seamen from impressment. If that treaty was sufficient to prevent impressment, then there was no cause of complaint before, because there is nothing secured in it which did not exist before. In that celebrated treaty upon which the minority harp so much, the British government expressly claim the right to impress, but promise, that they will instruct their naval officers not to abuse the right. This promise had often been made and as often violated; and the treaty if ratified, would have been an acknowledgement of the right. This I think is a fair construction of the note, which was given our ministers. It was, however, if I am not mistaken, considered no part of the treaty; this will appear from a letter from the British commissioners who signed that treaty to Mr. Canning dated 10th August, 1807. It is in the following words: "We certainly did not then understand, nor do we now understand, that by that note we pledged our government to abstain in future from impressing British seamen from American merchant vessels. We certainly, however, did not mean to pledge the Bri-