

### MR. CLAY'S SPEECH, ON THE DIRECT TAX BILL.

The following Speech contains so much valuable matter in relation to the late War, the Treaty of Peace, and our future prospects, and coming from one also who has had so good an opportunity of being well informed on these important subjects, that we lay it before our readers with pleasure.

Mr. CLAY (Speaker) said the course had been pursued, ever since he had had the honor of a seat on this floor, to select some subject during the early part of the session, on which, by a general understanding, gentlemen were allowed to indulge themselves in remarks on the existing state of public affairs. The practice was a very good one, he said, and there could be no occasion more proper than that of a proposition to lay a Direct Tax.

Those who have for fifteen years past administered the affairs of this government, have conducted this nation to an honorable point of elevation, at which they may justly pause, challenge a retrospect, and invite attention to the bright field of prosperity which lies before us.

The great objects of the committee of finance, in the report, under consideration, are, in the first place, to provide for the payment of the public debts, and in the second, to provide for the support of the government, and the payment of such expenses as should be authorized by Congress. The greater part of the debt, Mr. C. admitted, had grown out of the late war; yet a considerable portion of it consisted of that contracted in the former war for independence, and a portion of it perhaps of that which arose out of the wars with Tripoli and Algiers. Gentlemen had on this occasion, therefore, fairly a right to examine into the course of administration heretofore, to demonstrate the impolicy of those wars, and injudiciousness of the public expenditures generally. In the cursory view which he should take of this subject, he must be allowed to say, he should pay no particular attention to what had passed before in debate. An honorable colleague (Mr. Hardin) who spoke the other day, like another gentleman who preceded him in debate, has taken occasion to refer to his (Mr. C's.) late absence from this country on public business; but, Mr. C. said, he trusted, among the fruits of that absence was a greater respect for the Institutions which distinguish this happy country, a greater confidence in them, and an increased disposition to cling to them. Yes, sir, said Mr. C. I was in the neighborhood of the battle of Waterloo, and some lessons I did derive from it; but they were lessons which satisfied me that national independence was only to be maintained by national resistance against foreign encroachments; by cherishing the interests of the people, and giving to the whole physical power of the country, an interest in the preservation of the nation. I have been taught this lesson, that we should never lose sight of the possibility, that a combination of despots, of men unfriendly to liberty, propagating what in their opinion constitutes the principle of legitimacy, might reach our happy land, and subject us to that tyranny and degradation which seems to be one of their objects in another country. The result of my reflections is, the determination to aid with my vote in providing my country with all the means to protect its liberties, and guard them even from serious menace. Motives of delicacy, which the committee would be able to understand and appreciate, prevented him from noticing some of his colleague's (Mr. Hardin's) remarks; but he would take the occasion to give him one admonition, that when he next favored the house with an exhibition of his talent for wit—with a display of those elegant implements, for his possession of which, the gentleman from Virginia had so handsomely complimented him, that he would recollect that it is bought and not borrowed wit, which the sage recommends as best. With regard to the late war with Great Britain, history, in deciding upon the justice and policy of that war, will determine the question according to the state of things which existed when that war was declared. I gave a vote for the declaration of war, said Mr. C.—I exerted all the little influence and talents I could command to make the war. The war

was made; it is terminated; and I declare, with perfect sincerity, if it had been permitted me to lift the veil of futurity, and to have foreseen the precise series of events which has occurred, my vote would have been unchanged. The policy of the war as it regarded our state of preparation, must be determined with reference to the state of things at the time that war was declared. Mr. C. said, he need not take up the time of the house in demonstrating that we had cause sufficient for war. We had been insulted, and outraged, and spoliated upon by almost all Europe, by Great Britain, by France, Spain, Denmark, Naples, and to cap the climax, by the little contemptible power of Algiers. We had submitted too long and too much. We had become the scorn of foreign powers, and the contempt of our own citizens. The question of the policy of declaring war at the particular time when it was commenced, is best determined, Mr. C. remarked, by applying to the enemy himself; and what said he? that of all the circumstances attending its declaration, none was so aggravating, as that we should have selected the moment which of all others was most inconvenient to him; when he was struggling for self-existence in a last effort against the gigantic power of France. The question of the state of preparation for war at any time is a relative question—relative to our own means, the condition of the other power, and the state of the world at the time of declaring it. We could not expect, for instance, that a war against Algiers would require the same means or extent of preparation as a war against Great Britain; and, if it was to be waged against one of the primary powers of Europe, at peace with all the rest of the world, and therefore all her force at command, it would not be commenced with so little preparation as if her whole force were employed in another quarter. It is not necessary again to repeat, said Mr. C. the stale, ridiculous, false story of French influence, originating in Great Britain, and echoed here. I now contend, as I have always done, that we had a right to take advantage of the condition of the world at the time war was declared. If G. Britain were engaged in War, we had a right to act on the knowledge of the fact, that her means of annoyance, as to us, were diminished; and we had a right to obtain all the collateral aid we could from the operations of other powers against her, without entering into those connections which are forbidden by the genius of our government. But Mr. C. said, it was rather like disturbing the ashes of the dead now to discuss the questions of the justice or expediency of the war. They were questions long since settled, and on which the public opinion was decisively made up in favor of the administration.

He proceeded to examine the conditions of the peace and the fruits of the war; questions of more recent date, and more immediately applicable to the present discussion. The terms of the peace, Mr. C. said, must be determined by the same rule that was applicable to the declaration of war—that rule which was furnished by the state of the world at the time the peace was made; and, even if it were true, that all the sanguine expectations which might have been formed at the time of the declaration of war were not realized by the terms of the subsequent peace, it did not follow that the war was improperly declared, or the peace dishonorable, unless the conditions of the parties in relation to other powers remained substantially the same throughout the struggle, and at the time of the termination, as they were at the commencement of it. At the termination of the war, France was annihilated, blotted out of the map of Europe; the vast power wielded by Bonaparte existed no longer. Let it be admitted that statesmen, in laying their course, are to look at probable events, that their conduct is to be examined with reference to the course of events which in all human probability might have been anticipated—and is there a man in this house, in existence, who can say, that on the 13th day of June, 1812, when the war was declared, it could have been anticipated that Great Britain would, by the circumstance of a general peace, resulting from the overthrow of a pow-

er whose basements were supposed to be deeper laid, more ramified and more extended than those of any other power ever was before—be placed in the attitude in which she stood in December, 1814? Would any one say that this government could have anticipated such a state of things, and ought to have been governed in its conduct accordingly? Great Britain, Russia, Germany did not expect—not a power in Europe believed, as late even as January, 1814, that in the ensuing March, Bonaparte would abdicate and the restoration of the Bourbons would follow. What then was the actual condition of Europe when peace was concluded? A perfect tranquillity reigned throughout; for, as late as the 1st of March, the idea of Napoleon reappearing in France, was as little entertained, as that of a man's coming from the moon to take upon himself the government of the country. In December, 1814, a profound, and apparently a permanent peace existed; Great Britain was left to dispose of the vast force, the accumulation of 25 years, the work of an immense system of finance and protracted war—she was at liberty to employ that individual force against this country. Under such circumstances, it did not follow, Mr. C. said, according to the rules laid down, either that the war ought not to have been declared, or that peace on such terms ought not to have been concluded.

What then, Mr. C. asked, were the terms of the peace? The regular opposition in this country—the gentlemen on the other side of the house, had not come out to challenge an investigation of the terms of the peace, although they had several times given a side-wipe at the treaty on occasions with which it had no necessary connection. It had been some times said that we had gained nothing by the war, that the fisheries were lost, &c. How, he asked, did this question of the fisheries really stand? By the first part of the third article of the treaty of 1783, the right was recognized in the people of the United States, to take fish of every kind on the Grand Bank and on all the other banks of Newfoundland; also in the gulf of St. Lawrence, and at all other places in the sea, where the inhabitants of both countries used at any time to fish. This right was a necessary incident to our sovereignty, although it is denied to some of the powers in Europe. It was not contested at Ghent; it has never been drawn in question by Great Britain.

But by the same third article, it was further stipulated, that the inhabitants of the United States shall have liberty to take fish of every kind on such part of the coast of Newfoundland as British fishermen shall use (but not to dry or cure the same on that Island,) and also on the coasts, bays, & creeks of all other of his Britannic majesty's dominions in America; and that the American fishermen shall have liberty to dry and cure fish in any of the unsettled bays, harbors and creeks of Nova Scotia, Magdalen islands and Labrador, so long as the same shall remain unsettled; but so soon as the same or either of them shall be settled, it shall not be lawful for the said fishermen to dry or cure fish at such settlement, without a previous agreement for that purpose with the inhabitants, proprietors or possessors of the ground. The British commissioners, assuming that these liberties had expired by the war between the two countries, at an early period of the negotiation declared that they would not be revived without an equivalent. Whether the treaty of 1783 does not form an exception to the general rule, according to which treaties are vacated by a war breaking out between the parties, is a question on which he did not mean to express an opinion. The first article of that treaty, by which the King of Great Britain acknowledged the sovereignty of the United States, certainly was not abrogated by the war; that all the other parts of the same instrument, which define the limits, privileges & liberties attaching to that sovereignty were equally unaffected by the war, might be contended for with at least as much plausibility. If we determined to offer them the equivalent required, the question was, what should it be? When the British commissioners demanded, in their project, a renewal to Great Britain of the right to the naviga-

tion of the Mississippi, secured by the treaty of 1783, a bare majority of the American commissioners offered to renew it, upon the condition that the liberties in question were renewed to us. He was not one of that majority. He would not trouble the committee with his reasons for being opposed to the offer. A majority of his colleagues, actuated, he believed, by the best motives, made, however, the offer, and it was refused by the British commissioners.

If the British interpretation of the treaty of 1783 be correct, we have lost the liberties in question. What the value of them really is, he had not been able to meet with any two gentlemen who agreed. The great value of the whole mass of our fishery interests connected with our navigation and trade, was sufficiently demonstrated by the tonnage employed; but what was the relative importance of these liberties, there was a great contrariety of statements. They were liberties to be exercised within a foreign jurisdiction, and some of them were liable to be destroyed by the contingency of settlement. He did not believe that much interest attached to such liberties. And supposing them to be lost, we are perhaps sufficiently indemnified by the redemption of the British mortgage upon the navigation of the Mississippi. This great stream, on that supposition, is placed where it ought to be, in the same independent condition with the Hudson, or any other river in the United States.

If, on the contrary, the opposite construction of the treaty of 1783 be the true one, these liberties remain to us, and the right to the navigation of the Mississippi, as secured to Great Britain by that instrument, continues with her.

But, Mr. C. said, he was surprised to hear a gentleman from the western country (Mr. Hardin) exclaim that we had gained nothing by the war.—Great Britain acquired by the treaty negotiated by Mr. Jay, the right to trade with the Indians within our territories. It was a right upon which she placed great value, and from the pursuit of which she did not desist without great reluctance. It had been exercised by her agents in a manner to excite the greatest sensibility in the western country. This right was clearly lost by the war; for whatever may be the true opinion as to the treaty of 1783, there can be no doubt that the stipulations of that of 1794 no longer exist.

It had been said, that the great object, in the continuation of the war, had been to secure our mariners against impressment, and that peace was made without accomplishing it.—With regard to the opposition, he presumed, that they would not urge any such argument. For if their opinion was to be inferred (though he hoped in this case it was not) from that of an influential and distinguished member of the opposition, we had reason to believe that they did not think the British doctrines wrong on this subject. He alluded to a letter said to be written by a gentleman of great consideration residing in an adjoining state, to a member of this house, in which the writer states that he conceives the British claim to be right, and expresses his hope that the President, however he might kick at it, would be compelled to swallow the bitter pill. If the peace had really given up the American doctrine, it would have been, according to that opinion, merely yielding to the force of British right. In that view of the subject, the error of the administration would have been in contending for too much in behalf of this country; for he presumed there was no doubt that, whether right or wrong, it would be an important principle gained to secure our seamen against British impressment. And he trusted in God that all future administrations would rather err on the side of contending for too much than too little for America.

But, Mr. C. was willing to admit that the conduct of the administration ought to be tried by their own opinions, and not those of the opposition. One of the great causes of the war, and of its continuance, was the practice of impressment exercised by Great Britain; and if this claim has been admitted, by necessary implication or express stipulation, the administration has abandoned the rights of our sea-

men. It was with utter astonishment that he heard that it had been contended in this country, that because our right of exemption from the practice had not been expressly secured in the treaty, it was therefore given up! It was impossible that such an argument could be advanced on that floor.—No member who regarded his reputation would, dared, advance such an argument here.

Had the war terminated, the practice continuing, he admitted that such might be a fair inference; and on some former occasion he had laid down the principle, which he thought correct, that if the United States did then make peace with Great Britain, the war in Europe continuing, and therefore she continuing the exercise of the practice, without any stipulation to secure us against its effects, the plain inference would be, that we had surrendered the right. But what was the fact? At the time of the conclusion of the treaty of peace, Great Britain had ceased the practice of impressment; she was not only at peace with all the powers of Europe, but there was every prospect of a permanent and durable peace. The treaty being silent on the subject of impressment, the only plain rational result was, that neither party had conceded its rights, but they were left totally unaffected by it. Mr. C. said he recollected to have heard, in the British House of Commons, while he was in Europe, the very reverse of the doctrine advanced here on this subject. The British ministry were charged by a member of the opposition with having surrendered their right of impressment; and the same course of reasoning was employed to prove it as he understood was employed in this country to prove our acquiescence in that practice. The argument was this: The war was made on the professed ground of resistance of the practice of impressment: The peace having been made without a recognition of the right by America, the treaty being silent on the subject, the inference was, that the British authorities had surrendered the right—that they had failed to secure it, and therefore, in effect, yielded it. The member of the opposition in England was just as wrong as any member of this house would be, who should contend that the right of impressment is surrendered to the British Government. The fact was, Mr. C. said, neither party had surrendered its rights; things remain as though the war had never been made—both parties are in possession of all the rights they had anterior to the war. Let it be deduced that his sentiments on the subject of impressment had undergone a change, he took the opportunity to say, that altho' he desired to preserve peace between G. Britain & the U. States, and to maintain between them that good understanding calculated to promote the interest of each, yet, whenever G. Britain shall give satisfactory evidence of her design to apply her doctrine of impressment as heretofore, he was, for one, ready to take up arms again to oppose her. The fact was, that the two nations had been placed in a state of hostility as to a practice growing out of the war in Europe. The war ceasing between G. Britain and the rest of Europe, left England & America engaged in a contest on an aggression which had also practically ceased. The question had then presented itself, whether the U. States should be kept in war, to gain an abandonment of what had become a mere abstract principle; or looking at the results, and relying on the good sense and sound discretion of both countries, we should not recommend the termination of the war. When no practical evil could result from the suspension of hostilities, and there was no more than a possibility of the removal of the practice of impressment, as one of the mission, consented with sincere pleasure to the peace, satisfied that we gave up no right, sacrificed no honor, compromised no important principle. He said, then, applying the rule of the actual state of things, as that by which to judge of the peace, there was nothing in the conditions or terms of the peace, that was dishonorable, nothing for reproach, nothing for regret.

[To be concluded in our next.]