

# CONGRESS.

## HOUSE OF REPRESENTATIVES.

FRIDAY, MARCH 20.

Mr. Sergeant submitted the following motion:

Resolved, That the President of the United States be and he is hereby requested to lay before this House, if not inconsistent with the public interest, any communications made to the Department of State, relating to the occupation of Amelia Island, not heretofore communicated.

After an unsuccessful motion to lay the resolution on the table, and a good deal of discussion on the propriety of making this additional call on the Executive, the resolution was agreed to.

A message in writing was received from the President of the U. States, relative to late communications and our relations with the Netherlands.

To the Senate and House of Representatives of the United States.

In the course of the last summer a negotiation was commenced with the government of the Netherlands with a view to the revision and modification of the commercial treaty existing between the two countries, adapted to their present circumstances.

The report from the Secretary of State, which I now lay before Congress, will shew the obstacles which arose, in the progress of the conference between the respective plenipotentiaries, and which resulted in the agreement between them to refer the subject to the consideration of their respective governments. As the difficulties appear to be of a nature which may perhaps for the present be more easily removed by reciprocal legislative regulations, formed in the spirit of amity & conciliation, than by conventional stipulations, Congress may think it advisable to leave the subsisting treaty in its present state, and to meet the liberal exemption from discriminating tonnage duties which has been conceded in the Netherlands to the vessels of the United States, by a similar exemption to the vessels of the Netherlands which have arrived or may hereafter arrive in our ports; commencing from the time when the exemption was granted to the vessels of the United States. I would further recommend to the consideration of Congress the expediency of extending the benefit of the same regulation to commerce from the passage of the law, to the vessels of Prussia, Hamburg and Bremen; and of making it prospectively general in favor of every nation in whose ports the vessels of the United States are admitted on the same footing as their own.

JAMES MONROE.

March 19th, 1815.

DEPARTMENT OF STATE.  
17th March, 1815.

The Secretary of State has the honor of submitting to the consideration of the President the correspondence herewith enclosed between the Envoys Extraordinary of the U. States at the Court of the Netherlands, and the Plenipotentiaries appointed by that government for the purpose of renewing and extending the Commercial Treaty already existing between the two countries. The failure of this negotiation is to be attributed principally to two obstacles which arose in the progress of the discussions between the respective Plenipotentiaries; one proceeding from an essential principle in the commercial regulations of this country, and the other from a principle of the like character in the kingdom of the Netherlands.

The law of the 3rd March, 1815, authorizing a partial repeal of the discriminating duties which operate against foreign shipping, and the merchandise imported in them, required, as a condition of that repeal, the abolition of all discriminating or countervailing duties of any foreign nation to whose advantage it should enure, so far as they operate to the disadvantage of the U. States, and on this condition, the acts of the U. States imposing discriminating duties, were declared to be repealed only so far as respects the produce or manufacture of the nation to which the foreign ship or vessel might belong. The law, therefore, required a total abolition of discriminating or countervailing duties in the foreign nation, operating against the United States, and offering only a partial repeal of our discriminating duties, which operated against them, in return. From an imperfect view of the provisions of this a which can be fully understood only collating it with the general system and the particular provisions of the acts imposing discriminating duties, part of which only it proposed to repeal, the government of the Netherlands, and others, appear to have understood it as offering a total repeal of all discriminating duties, as well of tonnage as upon merchandise of every description, without distinction of origin. The power of the President was, however, restricted by the terms of the law. The laws of the Netherlands imposed discriminating duties of tonnage, and on merchandise imported in foreign vessels, but without any distinction with regard to the origin of the merchandise. When, therefore, they revoked their discriminating duties so far as respected the United States, they considered themselves, by the act of Congress of 3rd March 1815, entitled to a total repeal of the discriminating duties in the United States, operating against them not only the tonnage duties, but those upon merchandise, whether of the produce or manufacture of the Netherlands, or of any other country. This was, however, not warranted by the act of 3rd March, 1815, nor could it be stipulated by treaty, without involving consequences affecting the commercial relations between the United States and other countries. The revocation of the discriminating duties upon merchandise imported in vessels of the Netherlands, would be of little avail if limited to articles the produce or manufacture of that country,

the principal part of whose exportations consist of the produce and manufacture of others. But, on the other hand, if that distinction in our navigation and revenue laws should be broken down with respect to one nation, it could be with difficulty, if at all, maintained with regard to any other.

The other difficulty which occurred in the negotiation, related to the admission of vessels from the United States into the colonies of the Netherlands, if not upon the same footing as into the ports of the Netherlands in Europe, at least upon that of the most favored nation. To this it was objected by the Plenipotentiaries of the Netherlands, that certain favors were granted by them to other nations themselves possessing colonies, for the equivalent of similar favors conceded in return, which could not be conceded to a nation possessing no colonies, and therefore not enabled to concede the equivalent. The same objection having been made by the British government to the admission of vessels of the United States into their colonies, it appears to deserve attention how far the principle itself is justifiable, and how far the United States ought to acquiesce in it. There are various grounds upon which it appears objectionable. 1. Because all the other maritime states, possessing colonies more or less significant, a classification, however general in terms, which applies, by way of exclusion, to the United States alone, is manifestly a measure savouring of hostility to them, as much as if it was applied to them by name. 2. Because the United States not only, by the constant and unparalleled rapid increase of their own population, but by the great enlargement of their territory, and the admission of new states, producing almost all the articles of European colonies in this hemisphere, afford to all the commercial nations of Europe an equivalent similar in principle, and infinitely more valuable than the mere admission to two or three small islands of the West Indies, which is all that some of the European states can grant for access to the colonies of the others. 3. The United States have a just claim to a free trade with most of the colonies of the West India Islands, founded in the occasional indispensable necessities of the latter. If the United States should exercise their unquestionable right of meeting prohibition with prohibition, the very existence of these Islands would be in jeopardy whenever they should be visited by those hurricanes which so frequently happen among them. It would be ungenerous, and scarcely reconcilable to the principles of humanity, should the United States avail themselves of those calamitous occurrences to stop, on their part, the intercourse which at all other times is interdicted to them. By the laws of nature, no society can be justifiable in adopting measures towards another state, which may compel the latter to retaliate, in self-defence, by measures incompatible with humanity; yet such is the character of the intercourse permitted by several of the European nations between their colonies in the West Indies and the United States. Thus we have seen, within the last half year, the exclusion of our vessels from the ports of several West India Islands, and their readmission, announced almost in the same gazettes. That readmission, however, is limited to the time indispensable for saving the colony from famine and utter desolation. There is something so glaringly unequal and selfish in these alternatives of arbitrary interdiction, and of compulsory intercourse, that it is believed the nations of Europe, possessing colonies, cannot fail of being ultimately made sensible of it, and of consenting to establish an intercourse upon principles more permanent and more favourably marked with reciprocity.

In the mean time, as the government of the Netherlands have placed the vessels of the United States, arriving in their ports, in regard to tonnage duties, on the same footing with their own, it is believed to be consistent with sound policy to extend the same principle to the vessels of the Netherlands arriving in the ports of the United States. The same liberality may be extended to the vessels of Prussia, Hamburg and Bremen, who, by virtue of the like regulations in their respective ports, have claimed the benefit of the proffer made in the law of 3d March, 1815. As an act of Congress is necessary for the purpose, perhaps the most expedient course would be to make it general, and, limiting its operation to the tonnage duties, or charges upon vessels, to declare that no other or higher duties of that description than are paid by vessels of the United States, shall be paid in the ports of the United States by the vessels of any European nation, in whose ports no other or higher duties of the same kind are paid by vessels of the United States, than by the vessels of such European nation itself. The measure in respect to the Netherlands, is of immediate urgency; the regulation in favor of the vessels of the United States there having already been more than a year in force, in the confidence that the corresponding measure on the part of the U. States would have been adopted of course, by virtue of the act of 3d March, 1815.

JOHN QUINCY ADAMS.

The House (having refused to take up the neutrality bill) again went into committee of the whole, on the report of the committee of elections respecting the right of Mr. Herrick, a member from Ohio, to a seat in this House—Mr. Adams's motion to reverse the report, and thus vacate the seat, being under consideration—

After some debate, the question was taken on reversing the report of the committee of elections, and carried 67 to 66.

The committee then rose and reported their decision to the House.

After a good deal of desultory conversation on various motions, touching the right of certain members to

vote on the question, whose seats were supposed to be held under circumstances similar to that of Mr. Herrick, and therefore personally interested in the decision—and after refusing to excuse Mr. Barber, of Ohio, & Mr. Hubbard, of New York, from voting—the question on concurring with the committee of the whole in reversing the report of the committee of elections, was decided in the negative 77 to 74.

After an unsuccessful motion by Mr. Forsyth, to recommit the subject to the committee of elections, with instructions to report the case of Mr. Herrick distinct from other cases now embraced in the report; and a motion also unsuccessful, by Mr. Allen, of Massachusetts, to postpone the report indefinitely, the question was taken, by the yeas and nays, on agreeing with the committee of elections, that Mr. Herrick is entitled to a seat, and decided in the affirmative—yeas 77, noes 70; and the House adjourned.

SATURDAY, MARCH 21.

On motion of Mr. Taylor, Resolved, That a committee be appointed to enquire into the expediency of providing for an earlier commencement of the next session of Congress than the stated period, with leave to report by bill or otherwise.

The House resolved itself into a committee of the whole, on the report of the committee of elections respecting the right of Elias Earle, a Representative from South Carolina, and of George Mumford, a Representative from North Carolina, to seats in this House.

The committee of the whole, without debate, agreed to the report, and rose and reported their agreement to the House, and the House concurred with the committee of the whole in their agreement to the resolutions, that Mr. Earle and Mr. Mumford are entitled to their seats, in which they are of course confirmed.

Several bills of minor consequence were perfected, and the House adjourned.

MONDAY, MARCH 23.

The House then proceeded to the consideration of the amendments reported by the committee of the whole, to the bill in addition to the act "to punish certain crimes against the U. States," and to repeal the acts therein mentioned.

The amendments were successively agreed to, with the exception of the following, which was reported by the committee as a 14th section to the bill, to wit:

"Sec. 14. And be it further enacted, That in prosecutions either against persons or property, sailing under the flag of any colony, district or people which shall be admitted into the ports of the U. States, it shall not be deemed ground for the punishment or condemnation of such person or property, that the sovereignty of such colony, district or people has not been acknowledged by the government of the United States. Provided, That the colony, district or people, aforesaid, have organized an existing government, claiming to be independent, at the time of the commission of the fact of which the persons are charged.

This amendment, Mr. Lowndes moved to amend by striking out the words "which shall be admitted into the port of the United States," and to insert in lieu thereof "if such flag shall be directed to be admitted into the ports of the United States by instructions from the President of the United States to the several collectors of the customs, which instructions he is hereby authorized to issue."

This motion was negatived, after considerable discussion; when

Mr. Tucker moved to amend the section by striking out the words "which shall be admitted," and to insert, after "United States," the words "under the instructions of the President of the United States, to the several collectors of the customs."

Mr. Lowndes then rose and moved that the bill and amendments be indefinitely postponed; which motion was decided in the negative, 79 to 72.

Mr. Tucker's motion to amend the section, was then agreed to; and

On motion of Mr. Smith, of Md. the following proviso was added to the section: Provided, that nothing herein contained shall be construed to affect the rights of citizens of the United States, who may prosecute in the courts of the United States for property taken from them on the high seas;" after which,

The section, as amended, was agreed to.

Mr. Tucker, of Va. moved to strike out the 10th and 11th sections of the bill, the first of which requires bonds to be given before clearing out that the vessel shall not commit hostilities, &c. the other authorizes collectors, on suspecting vessels to be of a hostile character, to detain them. The questions being taken separately, both were rejected.

The question was then taken on ordering the bill to be engrossed as amended and read a third time, and carried, by yeas and nays, 95 to 51.

The Members from this state voted thus, Messrs, Edwards, Forney, Hall, Mumford, Owen, Sawyer, Settle,

Walker, for it; and Messrs. Stocumb, Stewart, and Williams, against it.—Messrs. Bryan and Smith were absent.

Five engrossed bills, heretofore ordered to a third reading, were read a third time and passed.

The House then adjourned.

TUESDAY, MARCH 24.

The House, after some business of a private nature, resolved itself into a committee of the whole, on the bill to alter the flag of the United States, [providing that from and after the fourth day of July next, the flag of the United States be thirteen horizontal stripes, alternate red and white; that the Union be twenty stars, white in a blue field; and that, on the admission of every new state into the Union, one star be added to the union of the flag, and that such addition shall take effect on the fourth day of July then next succeeding such admission.]

After some debate the bill was ordered to be engrossed for a third reading.

The House then resolved itself into a committee of the whole, making appropriations for the support of government for the year 1818.

After going through the details of this bill, Mr. Clay rose and moved to insert in the bill a provision to appropriate the sum of eighteen thousand dollars, as the outfit and one year's salary of a minister to be deputed from the United States to the independent provinces of the river Plate, in South America—This proposition Mr. Clay followed up by entering into a discussion of the question involved in his motion, of a formal recognition of the independence of the South American states mentioned. He had spoken something more than an hour, when, having given way for a motion to that effect,—the committee rose,—and the House adjourned.

WEDNESDAY, MARCH 25.

The engrossed bill "in addition to the act for the punishment of certain crimes against the United States, and to repeal the acts therein mentioned," was read the third time, passed and sent to the Senate for concurrence; as also was the engrossed bill to establish the flag of the United States.

The House having again resolved itself into a committee of the whole, on the annual general appropriation bill; and Mr. Clay's proposition to amend the bill yet pending—

Mr. Clay concluded, in a speech of three hours in length, the observations he yesterday commenced in support of his proposition.

Mr. Forsyth then took the floor in opposition to the motion, and in reply to Mr. Clay.

When Mr. Forsyth concluded his speech, which occupied two hours in the delivery, the committee rose, reported progress and obtained leave to sit again, on the intimation of Mr. Lowndes, that he proposed to deliver his views on the subject.

The following Message was received from the President of the United States:

To the Senate and House of Representatives.

I now lay before Congress all the information in the possession of the Executive respecting the war with the Seminoles, and the measures, which it has been thought proper to adopt, for the safety of our fellow-citizens, on the frontier exposed to their ravages. The enclosed documents shew that the hostilities of this tribe were unprovoked, the offspring of a spirit, long cherished and often manifested towards the United States, and that, in the present instance, it was extending itself to other tribes, and daily assuming a more serious aspect. As soon as the nature and object of this combination were perceived, the Major General commanding the Southern division of the troops of the United States, was ordered to the theatre of action, charged with the management of the war, and vested with the powers necessary to give it effect. The season of the year being unfavorable to active operations, and the recesses of the country affording shelter to these savages, in case of retreat, may prevent a prompt termination of the war; but it may be fairly presumed, that it will not be long before this tribe and its associates receive the punishment which they have provoked and justly merited.

As almost the whole of this tribe inhabits the country within the limits of Florida, Spain was bound, by the treaty of 1795, to restrain them from committing hostilities against the United States. We have seen, with regret, that her government has altogether failed to fulfil this obligation, nor are we aware that it made any effort to that effect. When we consider her utter inability to check, even in the slightest degree, the movements of this tribe, by her very small and incompetent force, in Florida, we are not disposed to ascribe the failure to any other cause. The inability, however, of Spain, to maintain her authority over the territory and Indians, within her limits, and in consequence to fulfil the treaty, ought not to expose the United States to other and greater injuries. Where the authority of Spain ceases to exist, there the United States have a right to pursue their enemy on a principle of self-defence. In this instance, the right is more complete and obvious, because we shall perform only what Spain was bound to have performed herself. To the high obligations and privileges of this great and sacred

right of self-defence, will the movement of our troops be strictly confined. Orders have been given to the General in command not to enter Florida, unless it be in pursuit of the enemy, and in that case to respect the Spanish authority wherever it is maintained; and he will be instructed to withdraw his forces from the province, as soon as he shall have routed that tribe to order, and secured a satisfactory arrangement, against its unprovoked and savage hostilities in future.

JAMES MONROE.

Washington, March 25.

Another Message was received from the President of the United States, in compliance with the resolution of this House of the 10th Dec. last, transmitting a copy of the Documents which it is thought proper to communicate relating to the independence and condition of the Spanish provinces of South America.

Another Message was also received from the President, in conformity to a resolution of the House of Representatives, transmitting a statement of the items of expenditure by the commissioners under certain articles of the Treaty of Ghent.

These several Messages, with the accompanying Documents, were ordered to lie on the table, and be printed.

THURSDAY, MARCH 26.

On motion of Mr. J. S. Smith, the committee on the public lands were instructed to inquire into the expediency of authorizing some other person than the President of the United States to sign patents for soldiers' bounty lands.

The following message was received from the President

To the House of Representatives of the U. States.

I transmit to the House of Representatives, in compliance with their resolution, of March the 20th, such information not heretofore communicated, as is in the possession of the Executive, relating to the occupation of Amelia Island. If any doubt had before existed of the improper conduct of the persons who authorized, and of those who were engaged in the invasion, & previous occupancy of that island; of the unfriendly spirit towards the United States, with which it was commenced and prosecuted, and of its injurious effect on their highest interests, particularly by its tendency to compromise them with foreign powers in all the unwarrantable acts of the adventurers, it is presumed that these documents would remove it. It appears by the letter of M. Pagan, agent of Commodore Aury, that the project of seizing the Floridas was formed and executed at a time when it was understood that Spain had resolved to cede them to the United States, and to prevent such cession from taking effect. The whole proceeding, in every stage and in all its circumstances was unlawful. The commission to General McGregor was granted, at Philadelphia, in direct violation of a positive law, and all the measures pursued under it, by him, in collecting his force, and directing its movements, were equally unlawful. With the conduct of these persons, I have always been unwilling to connect any of the colonial governments; because I never could believe that they had given the sanction either to their project in its origin, or to the measures which were pursued in the execution of it. These documents confirm the opinion which I have invariably entertained and expressed in their favor.

JAMES MONROE.

Washington, March 26, 1815.

(Then follows a list of papers transmitted.)

The order of the day on the unfinished business having been announced—

Mr. Poindexter moved to postpone the further consideration of the bill, in order to afford time for the documents expressly bearing on the question, yesterday communicated, to be printed and laid before the House—negatived.

The House having again resolved itself into a committee of the whole, on the general appropriation bill; and Mr. Clay's motion to insert an appropriation for a Minister to Buenos Ayres, being yet under consideration—

Several members delivered speeches, and the committee rose without taking the question; and the House adjourned.

FRIDAY, MARCH 27.

Mr. Smith, of North-Carolina, submitted a joint resolution, directing the printing and distribution of an act for the relief of certain surviving officers of the revolution, and the instructions issued relative thereto, from the Department of War among the clerks of the several courts of record within the United States; which was twice read and ordered to be engrossed for a third reading.

The Bill supplementary to the act "to authorize the state of Tennessee to issue grants and perfect titles to certain lands therein described, and to settle the claims to the vacant and unappropriated land within the same," passed the 18th day of April, 1815, was received from the Senate, and having been twice read, the question was stated on its being ordered to a second reading—

Mr. Edwards rose, not, he said, for the purpose of opposing the bill, for that would be unavailing; nor had he any wish to commit it. It was well known that an unpleasant difference had long existed between the states