made such decisions as to authorise the capture of every neutral vessel on the high seas, first, by deciding that touching at neutral ports did not legalize the voyage, but, that it ought to be considered as a direct voyage from the hostile colony to Europe. Upon this *construction*, the *Mercury*, with a cargo of sugars from the Havannah, having touched at Charleston, and bound to Europe, was condemned in 1802. Under this decision, unexpected as it was novel, much of our merchants property was captured and condemned.

Next, the British admiralty courts held it requisite to shew, that the cargo had been landed in the neutral port, and the duties on importation paid, and also that the first insurance had been made for a voyage to terminate in the neutral country. Then it was held, as in the case of the Essex, condemned in May, 1805, that the duties on importation should be actually paid in the neutral country; that to secure them by bond, and subject to a drawback on exportation, was not sufficient. These extraordinary decisions surprised many of your merchants, and subjected much more of their property to capture and condemnation. It was invading their rights from a quarter least expected, and in a manner they were utterly unprepared to meet. Under these various unfounded constructions of maritime law your merchants were extremely embarrassed—and what was their language upon the occasion? This House was filled with memorials and remonstrances, of merchants and others, from one end of the country to the other, protesting in the bold language of free and independent men against these aggressions—Congress found it necessary to have recourse to some measure which would, by affecting the interest of the aggressor, be likely to prevent future outrages of this kind. This non-importation act was with this view passed.

Although it had more advocates than opponents there were opponents to it, & the gentleman was one of them. He would not fight for the merchants, he would not contend with the periwinkles of the strand, I think was his expression then. It was also said, that the British government was that of a high-spirited nation and would never treat with you whilst this "*rod*" was held over her head. She did treat, or rather she did condescend to treat (to use language more consonant to the ideas of the opponents of these measures) notwithstanding this prediction. The treaty of Mr. Monroe was formed during the existence, I will not say operation, of this measure. It was continued. What said our ministers? And the gentleman from Virginia will consider their declaration, at least that of one of them, as good testimony. Messrs. Monroe and Pinkney said, and the British government did not appear to view it differently. (In speaking of the non-importation act.) "The ground which Congress have taken in this just and salutary measure, we are far from wishing to abandon; but to suspend and abandon are very different things. The last would wound deeply the honor of the nation, and prostrate the character of the government; but the first is in perfect conformity with the spirit and purpose of the law and while it would furnish a signal proof of the equity and moderation of our public councils, would preserve unimpaired that firm & dignified attitude which it becomes us at all times, but now more especially to maintain."

But there is one other argument, or perhaps, sir, I may more properly call it a remark, made by the gentleman in debate, one day last week, to shew his reasons for the aversion he feels to the late administration; and I was sorry to hear it. It was this: that if our government had accepted the treaty in 1806, we should have avoided all the evils we suffered under the embargo. I was sorry to hear this, but more so to hear the declaration which followed, and I do not believe the gentleman himself could on reflection entertain the opinion, "that this government would never get a better treaty." Are these declarations discreet and becoming an American, and intended to have a beneficial effect on that nation in the contemplated negociation? Will the declaration that we cannot obtain a better treaty made at this time, and in this place, answer any valuable purpose—that we cannot get a better treaty, than that which in fact, was no treaty at all, because it contained provision for violating it if the British government saw fit—a treaty repugnant to the feelings of every American; and the principal subject of dispute, the impressment of our seamen, a subject of real interest and anxiety was wholly omitted? What reason has this nation to believe that a better treaty will not be concluded? We shall have a better treaty sir. I am warranted in saying that such will be the result—I will not question the sincerity of either government on this occasion, because I believe it to be the interest of both to form a treaty that will be acceptable to each. I am authorised to say, from the correspondence between Mr. Erskine and Mr. Smith, that we shall have a treaty which will be satisfactory and different from that of 1806—and what authority have I for this? It is said by the British minister that his majesty will send a minister, not to *treat* but "*to conclude a treaty*" on all the points of the religious between the too countries. This is sufficient to justify me in saying that all the points in difference or at issue between the two countries will be settled

But there was one other remark, and the gentleman urged it as though he was really serious. Although among the last he made, it was not the least extraordinary. I had heard it made before I came to this House, but thought it was intended merely to answer electioneering purposes, and not believed by those who made it. It was to this effect: that the present prospect, so fair, was the result of the exertions of the MINORITY in this country and particularly in Congress. I never did believe that gentlemen who claimed this as due to the exertions of the minority were or could be serious; and when I heard it thrown out on this floor since, it could not but remind me of the fly placed on the chariot wheel, exclaiming, "*Lo! what a dust we flies make!*" It is really surprizing to me, and I am willing to confess it, though it may not be novel to those (and there are many) who have more experience in legislation than I have, how a minority can control the majority. It is the first time that ever I heard a minority in a representative government claim the merit of a system which that minority, call them federalists, "*ultra* or *citra*," "federalists" protestors or what not, opposed, to the extent of their ability. It is repugnant to the very meaning of the town (*minority*) in the English language. For a moment let me ask you, sir, what system did they advise? Even the last measure adopted on the subject of our foreign relations, viz. the non-intercourse law, was opposed by them; and really, among the comparisons with which the gentleman from Virginia enlightens the members of this House, I recollect one in relation to that bill, in which he said that it reminded him of the man who had invented a mode of "letting off his gun by degrees." He not only disapproved the measure but ridiculed it. Who adopted the measure, sir? Who, had it proved disastrous, would have been called to account for it? The minority? No, sir; the majority. In all popular governments and assemblies there will be minorities. There were minorities in our revolution; but after our independence was atchieved, we did not hear them claim the honor of it. There was a minority in the convention which framed the constitution of the United States; but we have not heard this minority say that it was owing to their exertions that this charter of our liberties was adopted. Really, sir, as it strikes my mind, an argument of this kind scarcely merits an attempt at serious refutation. Let me ask, sir, did the minority elect Mr. Jefferson? Did they or the protesters elect Mr. Madison? The gentleman said, I recollect, that he does not consider the President as the administration—Do the minority constitute it then? With whom are treaties formed? With the majority or minority? With the administration or with individuals? It really appears to me that the gentleman cannot urge this claim again; and I should not have made these remarks, if it had not been one of the most extraordinary assertions which I ever recollect to have been made on the floor of this House.

Another reason assigned by the gentleman for his opposition, was, that the present state of things was owing to a change of measures. And quoting one of Moliere's best comedies "*nous avons changee tout cela.*"—[Mr. Randolph said that the gentleman's French was neither his French nor Moliere's French.] What I understood the gentleman to mean (said Mr. Fisk) was "We have changed all that." Now, sir, were he to say that *they* (the British government) have changed the state of things, I should not object to it, be it whose French it may. And as an evidence that there was no change of disposition on our part, I refer to the message of the President, if his opinion be deserving of any weight in the estimation of the gentleman from Virginia. He says that "he cannot do less than refer to the proposal heretofore made on the part of the United States, embracing a like restoration of the suspended commerce, as a proof of the spirit of accommodation which has at no time been intermitted, and to the result which now calls for our congratulations as corroborating the principles by which the public councils have been guided during a period of the most trying embarrassments."

Lord Grenville in corroboration acknowledges that the same offer was made in August last. But, says the gentleman, the state of things is not now the same as when that offer was made, and Great Britain has better terms. I will not attempt to examine at length the propriety of the gentleman's reasoning—but if she *has* better terms, is it owing to us? Is it because the aggressions of France required us to place that nation on the same footing with Great Britain in relation to us, or that we have changed to accommodate England? At the time the embargo was laid, French depredations had not gone to that length to which they afterwards extended; at that time she had not burnt our ships or imprisoned our citizens as she afterwards did. And shall it be stated as matter of complaint against us, that we found it necessary to adopt this measure with respect to France, and place her on an equal footing with Great Britain—and that Great Britain, in consequence of this, altered her system towards us? Shall it be said that we placed her on a better footing, and that the change in our relations is attributable to a change of sentiment in this government? The argument is not correct. If she stands on a better footing now, it is not owing to a change which we have made, but to a change in the French system, and an alteration in her own—and shall we not resist the French government because, if Great Britain should see fit to accept the terms she has once refused, it would place her in a better situation. Yet this seems to be the principal reason assigned for opposing the resolution as amended. This argument of the gentleman then does not operate with sufficient force to induce me to reject the proposed amendment, or to adopt his motion.

Although, sir, I am opposed to voting on this resolution in any other manner than for indefinite postponement, it is not from any objection to the conduct of the present or last administration. I do believe that passing the resolution would establish a precedent which would be productive of the most injurious consequences—and I think that we ought to look with a single eye to our constitutional duties, and as seldom as possible to go out of the plain path pointed out by the constitution. And for these considerations I am opposed to it. I believe it a measure altogether unnecessary in the present situation of the nation, not required by our political relations at home or abroad, and out of the line of our duty as legislators; and unless compelled by necessity, I will not vote on this or any similar resolution in any other manner than that it shall be indefinitely postponed.

Thursday June 1.

MR. RHEA (of Ten.) said he was gratified to perceive how desirous the gentleman who moved the resolution was to approbate the President of the United States, for his late conduct respecting the relations of the United States with Great Britain.—He was disposed as much as any gentleman to approbate the conduct of the President in this case, and with the mover of the resolution, to manifest the confidence he had in the first officer of this nation; that although he might agree substantially with the gentleman who introduced the resolution so far as related to approbating the President only, he did not agree with him in the manner. It did not appear to be his duty as a Representative of the sovereign people to be employed offering the sacrifice of adulation in this manner—and more so as it is said the President has only done his duty. It is urged that if the resolution be adopted, it will be a support to the President in his present conduct, and a guide for him in his future conduct. If this is any thing, it is a reason that the resolution shall not be adopted. The Executive of the United States is a distinct department of the government and in this case doth not require a resolution of this nature for his support. The House of Representatives by the constitution is not authorised to interfere with the treaty making power; that power vested in the President and Senate by the constitution, is to be where it is unbiased, unprejudiced, and not in opinion foreclosed by any resolution, or vote of this House. An attempt to influence that power in the manner virtually contemplated by this resolution, is derogatory to the dignity of this House, if adopted will be an incroachment on the treaty making power, and eventually may be injurious to the best interests of this nations. Hence (he observed) it will appear that he was in favor of postponing the resolution.

The conduct of the late administration and of the present did not to him appear different. The act for doing whereof the resolution is proposed is an effect or consequence of the measures adopted in the time of the late administration. The authority to issue the proclamation for renewal of commercial intercoure given by the non-intercourse law, and that law was enacted in the time of the late President, if he had continued to be President he, no doubt, would have acted in a similar manner; there is the more reason so to believe, because the propositions now offered by Great Britain are, so far as they go, the same which the late President insisted on. It might have been as well if the resolution had not been introduced, the discussion arising therefrom might as well not have been made necessary, because it leads to a recapitulation of things, the recollection whereof may not be attended with any good; better and more conducive to the interest of this nation would it have been, to have adopted the sentiment so candidly and honorably expressed by the British minister in his letter of the seventeenth of April last, in the beginning of the correspondence between him and the Secretary of State, and thereby at this time not have afforded cause to recapitulate any existing differences of any kind relative to the relations of the United States with Great Britain, and to have confided the discussion of all differences to the department authorised by the constitution to act thereon.

In examining the merits of the resolution, it certainly is not necessary to enquire to what cause the partial old non-importation law, the proclamation of the President interdicting British armed ships and vessels from the ports, waters and hospitality of the United States, the embargo laws, and non-intercourse law, are to be ascribed. No patriot citizen of the U. S. will assert, that all or any of the same laws and proclamation were or was the effect of, or originated from a cause or causes altogether intrinsic and limited within the United States, and entirely distinct from the conduct of foreign powers. If there be any citizen who so thinks let him speak out. It is unpleasant to mention, but it is an indisputable fact, that long previous to the existence of the old non-importation law, the aggressions of Great Britain, by impressing citizen seamen, and by capturing and condemning the ships and property of citizens, by violating the neutral rights and soverignty of the U. States, had been frequent & many. The continued remonstrating of the American minister against the same aggressions of the British government had no effect—the impressed citizen seamen were not restored, the captured property was not indemnified for. These things being so the partial non-importation law was enacted. That law was the first operative movement of the United States against the many aggressions of Great Britain. It was the only law acting exclusively against Great Britain at the time the unprovoked, outrageous, hostile attack on the unsuspecting frigate Chesapeake was made—that ship was not only in time of peace attacked but obliged to strike the flag of the United States. A neutral nation hath a right to exclude from its waters, ports, harbors and hospitality, the armed ships and vessels of all the belligerent powers. If the neutral power confiding in the honor of the belligerents does not exercise that right, but permits the armed ships and vessels of all the belligerents to enter, it may do so. Previous to the time of the attack on the Chesapeake frigate, the waters, ports, harbors and hospitality of the United States were open to the armed ships and vessels of Great Britain and France. They continued open to those of Great Britain even after the murder of innocent Peirce, after the destruction of the French ship of war Impeteux within the jurisdiction of the United States, and until the attack on the Chesapeake. Then and not till then, were the British armed ships and vessels excluded by the proclamation of the President. A similar proclamation was not extended to French armed ships or vessels, the reason was, that no innocent Peirce was murdered, no British ship of war was destroyed within the jurisdiction of the U. S. no Chesapeake frigate was attacked, subdued and robbed of her seamen, by any armed ship or vessel of France; and will any patriot citizen assert that the proclamation alluded to was a wanton, unprovoked effusion of power on the part of the President of the U. S. or that it was without just cause, if there be one who say so let him speak out plain.

It hath conclusively been made to appear that the substance of the orders in council of the British government, was known in the United States, previous to the day that the law laying the embargo was enacted. It is scarcely necessary now to take any further notice of that subject. The undisputed fact is, that the same orders in council were actually issued on the day they were expected and believed to have issued—that they ought to have been officially known to the government of the United States before the law laying the embargo was enacted, will not prove that that law ought not to have been enacted. The faculty of acquiring a knowledge of passing events, otherwise than officially is with every civilized nation, and more particularly with the government. If no embargo had been laid, and a number of the merchant vessels of the United States with their cargoes had been captured by the cruizers of Great Britain, and sent into port for adjudication; ignorance of the orders in council would not have been admitted an excuse to prevent condemnation. If no law laying an embargo had been enacted until the orders in council had been officially known, the commerce of the United States, widely spread on the ocean, would have become a prey to British capture; and in that case there would have been a loud criminating cry against the President of the U. States, because he did not advise laying an embargo, although he did not officially know that the orders in council were issued, or about to be issued. In that case every proof and reason would have been adduced to make appear, that he not only knew what the substance of the orders in council was, but also that they actually were or would have been issued on the day appointed. Why then so much disputation in endeavoring to discriminate between official and inofficial knowledge. If the chief magistrate of a nation is informed in a manner he can confide in, it is sufficient—and if he do not act on that information he is blameable. The causes which induced the embargo are now well known to the people of the United States, and although that embargo was attended with many privations, it was and is approved by a great majority of the citizens. If the embargo had been rigidly adhered to, its merits, great as they are, would have been greater. It frequently happens, and it is to be lamented, that for certain reasons there may be a voluntary occlusion of light.

As parties existed in every nation, the measures of the government will be approved and disapproved—hence it is that there may be approbation & disapprobation of the late proclamation of the President, declaring the renewal of commercial intercourse with G. Britain—this is the less to be surprised at, because the non-intercourse law, which authorized the issuing that proclamation, was not well spoken of by many holding different political opinions in the United States. The patriot citizen whose bosom is warmed with the love of his country, approves the proclamation—he hails it as the harbinger of peace, and rejoices in the destinies of the nation he belongs to.

An opinion, that the President of the United States would by the adoption of this resolution be the more influenced to do his duty, and that the non-adoption of this resolution would prevent him from doing his duty—is unworthy of him, and not to be for a moment entertained. The President of the United States will perform his constitutional duties, he has been elected for that purpose—and they who elected him have full and entire confidence in him that he will not omit any thing which he may judge best for the happiness and prosperity of this nation, although the House of Representatives may not think fit to adopt this resolution. Whether the law called the non intercourse law, has any merit, or was about to have, or would have had, any merit, considered merely in a commercial view and actually operating in fact on commerce in its relation to Great Britain, cannot now be ascertained, the British government having, previous to the day on which commercial intercourse between the U. States and Great Britain and its dependencies, was by that law interdicted, offerd proposals to the United States, for renewal of commerce so interdicted, and the proposals so offered have been received by the President, and his proclamation is issued accordingly. Some cause hath operated inducing Great Britain to change her measures respecting the United States. Great Britain by her minister hath offered specified reparation for the attack on the Chesapeake frigate, if the United States would accept it. That power by her minister hath stipulated and promised, that on a day certain the obnoxious orders in council, so far as respects the U. States, will have been repealed, if the United States will renew commercial intercourse with her. So far hath Great Britain returned to the practice of the principles of justice, which also are the principles of honor, towards the United States, desirous to remain neutral and at peace with all the world, and thereby hath done honorably. For this conduct, so far exhibited, Great Britain (said Mr. Rhea) hath, on behalf of my country and on behalf of