In Senate of the United States.

FEBRUARY 24, 1803.

Mr. Ross's resolutions, relative to the infraction of our treaty with Spain, being under consideration,

Mr. Ross rose, and spoke in substance as follows:

He said that the propriety of introducing these resolutions became every day more apparent. Since they had been laid on the table, our national councils had taken a new direction, and had assumed a much more promising aspect. Until these resolutions were brought forward, there had been no military preparation—No proposal to detach militia—to build arsenals on the western waters—to provide armed boats for the protection of our trade on the Mississippi. He was happy in seeing gentlemen on the opposite side, pursuing a more vigorous course than they were at first inclined to adopt, and he hoped they would, before long, consent to take stronger and more effectual measures for the security of what was in hazard.

As he had, on a late occasion, stated at large his reasons for presenting the resolutions, he would not detain the senate with a repetition of them, except where they had been misrepresented or distorted during the debate. He could not suppose that any gentleman would intentionally misstate what had been said; but it was certain that sentiments and assertions had been ascribed to him, in the course of the discussion, not warranted by any thing he had advanced.

Every gentleman who has spoken in this debate, excepting the honorable gentleman from Maryland (Mr. Wright) admits that the United States have an indisputable right to the free navigation of the river Mississippi, and to a place of deposit in the island of N. Orleans. All agree that this right is of immense magnitude and importance to the western country. All agree that it has been grossly and wantonly violated—And all agree, that unless the right be restored and secured, we must and will go to war. Upon what then do we really differ? Upon nothing but the time of acting. Whether we shall take measures for immediate restoration and security, or whether we shall abstain from all military preparation, and wait the issue of negociation. There is no disagreement but upon this point; for if negociation fails, every man who has spoken has pledged himself to declare war.

A number of objections made against the adoption of measures we have proposed, deserve to be noticed.

The honorable gentleman from New-York, (Mr. Clinton) when composing his speech, had made an elaborate research into ancient and modern history, for the purpose of shewing what had been the practice of nations. He had collected all the objections together and classed them under three heads. Other gentlemen who had spoken in opposition had taken nearly the same ground, and made in substance the same objections: He would, therefore, follow the arrangement made by the honorable gentleman (Mr. Clinton) and he was persuaded that it would be easy to shew he had in many instances mistaken the most material features of the authorities he had adduced, and more than once misstated the positions which he undertook to refute.—He has, however, admitted the magnitude of the right, that it has been violated, and that if negociation should fail, we must go to war. He has made objections under three heads.

1. The infraction may be authorised.

2. Negociation ought, in all cases, to precede the employment of force.

3. Reasons of policy dissuade from using force at present, even supposing we have just cause of immediate war.

The first objection had already been amply refuted by the gentleman from New-Jersey, (Mr. Dayton) the gentleman from Massachusetts, (Mr. J. Mason) and the gentleman from Delaware, (Mr. White.) He would only further remark, that whether authorised or not, is not now very material. If authorised, the temper, the design must certainly be that of an enemy, and you should act accordingly. If unauthorised, seize the culprit and send him home to his master, who will punish him for a breach of duty—Let him answer with his head for embroiling two friendly nations who wish to live in peace. Why wait till you can send three thousand miles and enquire whether he had orders or not? He is visibly a wrong doer: remove him, and protect what he would wrest from you. No man when proceeding on the highway to market, and stopped by his neighbor's servant, would send out into the country to know whether his master had authorised the outrage. No, he would punish & remove the aggressor and proceed on his journey, leaving the circumstances of orders, or no orders, to be settled between himself and the master afterwards. Besides, in this instance, the person inflicting the injury declares he has no right to the country. If so, why make enquiry whether he has orders? No orders could give him authority to interfere with your unquestionable right, where his master pretends to no right himself.

Under this head of aggression and spoliation, the senator from New-York, (Mr. C.) in a tone and manner little decorous in debate, had declared it to be within his (Mr. R's.) knowledge, that indemnity had been provided by Spain for the spoliations, committed upon our trade, and yet the assertion had been made, that Spain had refused all redress for injuries of that kind; and the gentleman alluded to documents before the senate which were under the injunction of secrecy.

Sir, said Mr. R. I have seen those documents, and I now repeat and re-assert, that I know nothing to warrant the opinion or belief that Spain will make compensation for all spoliations of our merchants, or for the greater part or mass of them. I certainly never did say that Spain had refused all redress; for it will be recollected by all present, that I expresly stated, the other day, the injuries done to us by the Spaniards themselves in every place they had found our flag—*and that our vessels were carried into their ports by French cruizers, condemned without the semblance of a trial, and our citizens thrown into prison.*—That if we took possession of the country on the Mississippi should have an ample fund in our hands to compensate all our merchants who had suffered from the conduct of the Spaniards: That the merchants would willingly accept such an advantageous offer: and that otherwise there was no reason to hope that they would *all be indemnified:* and I now return to that gentleman his own words, that he does know, and must be sensible, from the very documents he has alluded to, that there is little if any hope that the great body of injuries and losses sustained by our merchants from the Spaniards in different quarters of the world, and the conduct of the French in Spanish ports will ever be compensated or paid by Spain, unless in the mode I have suggested.

The same gentleman had said, that we have no facts respecting Spanish spoliation authenticated and reported to us, and offers this as a further reason for delay and negociation. The facts of spoliation and vexations, oppressive conduct towards our merchants and seamen, as well on the sea within the jurisdiction of the Spanish government, both in Europe and America, were so notorious and of such extent and continuance, that no man could doubt, or deny the aggravated series of outrage and oppression which we had experienced.—Although the executive, or other officers of government may not have collected and reported these complaints to this house, yet this forms no excuse for the aggressors, much less a reason why we should abstain from giving attention to them while considering indignities of another description. But, that the gentleman might never again be able to say that he had met with no authenticated case of spoliation by the Spaniards, he would now produce and read one to the senate, which had been delivered to him for the purpose of obtaining the aid of our government to get reparation. The men who had been robbed were industrious inhabitants of the western country, who lived near Pittsburgh. They descended the Mississippi with a cargo of flour, and finding but a low market at New-Orleans, shipped their flour on board of an American vessel, and after being two or three days at sea, were taken by Spanish vessels, carried into Campeachy, their flour sold, their captain cast into prison, themselves restrained of their liberty; several died in this captivity, and those who returned home had no allowance made to them by the Spaniards for their property thus unjustly captured, and of course they only returned to witness the ruin of their families by a loss of property which they had not the means of paying for, having purchased on credit. There could be no excuse for the capture; these men lived in the interior country, they were cleared out from a Spanish port, in an American vessel: yet all these circumstances could not save them from the rapacity of the Spaniards.

[Here Mr. R. read the protest of several American citizens before Mr. Morton the American consul at Havanna, stating the capture of their vessel, their captivity at Campeachy, the loss of all their property, and that they lived in the western country, from which they had gone down the Ohio with this flour to New-Orleans.]

Mr. R. said here was a case of a prodigious hardship and oppression arising out of the very trade and intercourse which the Spaniards had at last undertaken to obstruct and destroy; and therefore he thought it proper to be brought forward during this discussion to shew the temper and the conduct of these people towards us before they had proceeded to the last extremities.

The second objection taken by the gentleman from New-York (Mr. C.) and indeed by all who had spoken against the resolutions, amounted to this: That every nation was bound to demand satisfaction for an injury before it employed force for redress; and that a refusal of satisfaction must precede the use of force.

However humane or salutary the general principle might be, certainly it did not hold universally, or to the extent that gentleman contended. No book, no writer of authority, had ever contended that this principle should operate when the essential rights, the well-being or the peace of the country were exposed to danger, and the rule had no application but to inferior or minor rights of the society, where delay and negociation might be safely resorted to. No man could say that this rule would hold where an army was marched to your frontier or landed upon your territory; or a fleet blockaded your harbors, or demanded contribution from your seaports. Such cases admitted not of negociation: the intention of the assailant was manifest, the danger imminent, and immediate use of force and hostility unavoidable by the most peaceable nation. It would be said that these were extreme cases and formed exceptions to the general rule. They certainly demonstrated that the rule was not so general as gentlemen contended for, and when the case at present under consideration is carefully examined it will be found among those essential and all-important rights of the nation, which, when attacked, immediate force should be employed to repel the assailant. In cases of invasion, the mere possession of a small portion of your soil is not the primary consideration; you are impressed with the approach of further and more serious injury. The hostile intention is manifest, the act such as to leave no doubt, and your right such as can never be abandoned. So here, though there be no actual aggression within the limits of yonr territory, yet you have a territorial right attached to your soil constituting its only value, which is directly attacked and destroyed. Of what value is the territory when stripped of this right? Where is your independence, where is your sovereignty in that country without the unrestrained exercise of this right? Without it the mere soil is of no value. It is an attribute inseparable from the substance. To attack it, is to attack your very existence, for it is the great artery of the western country, the circulation through which, when stopped, endangers convulsion and political death. The destruction of this right is a greater calamity, than a blockade of a seaport, or even a landing on the Atlantic coast. The mischief is incurable. Can it then be said when this vital part of the nation is assailed, you will wait for information of the intent?—You will enquire into the motives? You will not employ force to resist the attack, although you may be undone before you can receive an answer? You will hazard convulsion and dissolution, because possibly the aggressor has reasons for the outrage that you do not yet know! This cannot be wise, it cannot be the course which national honor safely calls upon us to pursue; because you never can abandon the right now denied and wrested out of your hands; you can no more abandon it, than any other portion of country within your territorial limits, when invaded by an enemy.

But in whose favor is this delay asked? With whom are you going to negociate for reparation of the injury? Why, with those, who, by their own confession, have no right in the country from which they exclude you. When you enquire of the court of Spain what has led them to this outrage, they may reply, we know and care nothing about it; that country is no longer ours; we have abandoned all claim to it, and ordered our officers to withdraw. The title is now in another. Will this satisfy you? Will it redress the injury? Where will you go next; or how long will you wait for an answer to the question of who turned us out of doors and keeps us out? You have the same reasons for a second as for the first delay; and in the meanwhile you are out of actual possession---the wrongdoer is in.

But, sir, we are triumphantly told, that it has been the practice of all civilized nations to negociate before they go to war. Round assertions, like general rules, are to be received with exceptions and great allowance. I dispute the fact; although my argument does not need this kind of aid: for I am persuaded there is no precedent of an independent nation relying on negociation alone, in such circumstances. If you go to books, or to the example of other countries, you will find no dictum of a writer, nor instance of a state, that will justify the course now held by gentlemen on the other side. For wherever the nation has been invaded, its vital interests attacked, its existence drawn into hazard, its essential rights exposed to immediate destruction, every writer and every state will bear you out in resorting without delay, to the strongest means in your power for repelling the aggressor.

The conduct of the Romans has been more than once mentioned—Their history is handed down to us by themselves, and even in that we shall too often find, that while their ministers of peace were affecting to demand reparation, the consul had advanced with his eagles to the frontier, and was ready to enter the country where the negociation was pending; we shall find that they negociated often and long, when it did not suit them to commence an immediate attack; and the negociations, especially when at a distance, were protracted, until their armies had been recruited; wars nearer home ended; and every thing ready to strike a decisive blow. But you have no instance of negociation without military preparation, where the Roman territory was invaded, or a Roman treaty violated.

Leaving antiquity, the honorable gentleman (Mr. C.) has adduced and extolled the example of England in modern times, and traced her through many scenes both of negociation and war. But he did not dwell upon her conduct in the beginning of the war of 1756, when all the commerce of France was destroyed by a general sweep, without a previous declaration of war; and yet this was so certainly the case, that the gentleman must well remember it formed a subject of complaint, and was used to protract the negociation for a general peace in 1763. He has also forgotten their conduct towards the Dutch during our late revolutionary war; and their late armament against the Danes. His comments also upon the conduct of their ministry in 1762, were peculiarly unfortunate, because we know that the nation was afterwards actually oblige to declare war against Spain, when she had full notice of their intention, and time to prepare for the attack; whereas had war been waged when the hostility of Spain and her secret alliance with France, were first ascertained, they would have possessed prodigious advantages which were lost by ineffectual negociation and delay.

I will not follow the gentleman to Nootka sound, to the bay of Honduras, or the Musquito shore; but I will at once admit, that in cases of minor rights, of spoliations upon commerce in time of war, nay in all cases that do not involve the well being or national independence, negociating and amicable adjustment should be resorted to; and demand if reparation should precede actual hostility. I will even say, that were the Spaniards to cross the Mississippi at the Falls of St. Anthony, and build a fort on our side the river, place a garrison in it, and thus actually invade our territory; in my opinion, we ought to negociate and demand explanations before we sent troops to demolish the fort. Although the act would justify the immediate use of force, yet the station is so remote, and of so little importance in the use of it, that friendly means might be safely and wisely resorted to in the first instance.

Quitting Europe, the gentleman exultingly appeals to the usages of our country, in cases which he alleges were either similar to or stronger than the present. The name of Washington is introduced to silence all further dispute on this question!!!—Sir, I reverence the authority of that great man's official conduct. He was the father of his country, the terror of his enemies, and the ornament to human nature. He is now gone to mix with the heroes and sages of other times and nations in a happier world; but it was easily foreseen that those who seldom agreed with him in his life, would be the first after his death, to fly for shelter to his examples, when overtaken by calamity or misfortune! That man led the armies of his country to victory, to independence. He knew better than any man the interests, the feelings, the dispositions of the people.—He witnessed the origin and progress of complaints on both sides, respecting the inexecution of the treaty of peace between us and Great-Britain. We justly reproached them with detention of the western posts, and their refusal to deliver our slaves as stipulated by treaty: They replied that we did not pay them our old debts. These disputes became the subject of negociation, under the old confederacy, and we had a minister in that country who attempted an amicable adjustment. When general Washington came to the head of our present government, he sent another minister to that country, and while he was endeavoring a peaceable accommodation, a storm broke out in France which soon spread beyond its own boundaries, and involved the neighboring nations in war. The rulers of France, wishing to engage us in their quarrel, sent a minister to this country to embroil us, if possible, in this desolating war. Unfortunately that minister possess'd abilities and disposition well adapted to such a mission. He landed in a part of our country remote from the seat of government, and instantly began to issue his commissions to our citizens, not only to equip privateers and plunder the commerce of nations with whom we were at peace, but to enlist men and raise a military force within the United States, for the purpose of attacking the possessions of Spain in Florida. He travelled onward from Charleston towards the seat of government, making proselytes as he advanced, and gaining new adherents at every step of his journey. He was received with acclamations of the liveliest joy in the capital of this country, and after employing all the soothing arts of fraternization, civic feasts and public spectacles, he proceeded as before with his commissions, and actually insisted upon, and exercised the right of bringing into our ports and selling prizes taken from nations with whom we were at peace. This minister had the address to seduce many of our citizens to enlist under his banner; and but too many, even of our respectable men in high employment, applauded his conduct & gave his measures a countenance they did not deserve. All ranks seemed pleased with the zeal and the boldness of the minister's mind, and an union of this country with France in the war, seemed inevitable, as no effectual steps had been taken to restrain this wild, extravagant condition of things among us. I mention not these events with a wish to hurt the sensibility of any one, for I know that this country was then without experience; we had never before been in the relation of neutrality towards powers at war, and we entertained a lively affection for France, because she had aided us in the revolutionary war, and was then, as we thought, contending for liberty herself. The respectable men who, led away by their feelings, joined the phrenzy of that time, would not now display such opinions, or enter upon any public act to commit or endanger the peace and honest neutrality of their country.

Very unfortunately, however, we had then here a minister from Great-Britain, who was but little inclined to promote good understanding, and who probably transmitted discolored accounts of all that passed from day to day. Things were sufficiently wrong without any exaggeration of their enormity. When these accounts reached England, was it wonderful that they considered the war as begun? Was it strange that they should count upon acts of hostility, when the acts of the people assumed but one complexion; when the government had not taken means to do justice and prevent injustice; where their ships were sold by their enemies, and every indignity put upon their subjects? Hence we may trace the orders for spoliations; Hence the talk of lord Dorchester to the Indians, and the other aggressions on the western frontier, which however unjustifiable, were not altogether without provocation.

[*Speech to be continued.*]

ATTENTION!

A special meeting of the members of the Union Fire Company is requested at their engine house, on Thursday next, *at 3 o'clock in the afternoon, for the purpose of trying the engines, &c. Punctual attendance is expected.*

By order of the President,

JOHN W. WILSON, Sec'y.

April 5. d3t

PHILADELPHIA, April 4.

Captain Hutchison informs that the following vessels had arrived at Lisbon from this port:

Ship Belvidere, Micheal
Rose, Erickson
Nancy, Thompson
Brig Hero, Moggridge

The ship Fame, of and for Providence, and brig Union, for Alexandria, failed from Lisbon in company with the Maria Elizabeth.

The ship Canton, Wills, from Rio de la Plate, received a pilot on Friday, forty miles south of Cape Henlopen.

Arrived ship Active, M'Dougal from London. Captain M'D. sailed from the Downs on the 1st and the land on the 8th of March, in company with the ships Washington, Fame, Fair American, and Oneida Chief, Kemp, all of and for New-York.

Snow William, Quandrill, from hence, has arrived at Madeira.

Captain Calvert, of the ship Maria, in 35 days from Gibraltar, left there the brig Louisa, Maffet, of Philadelphia, just arrived.

Hind, Fairfield, of Salem, for New-York, to sail in 24 hours.

And at Algesiras,

The Amphitrite, Sherman, for Philadelphia, shortly.

The following vessels sailed four days before captain C.

Ship Columbia, Wallowell, of Providence for New York.

Brig Eliza, Eels, of and for Philadelphia
Dolphin, Tyler, for Boston
Nancies, ——, New-York

Ship Hannah, Yeardsley, of this port was at Marseilles when the Java left that port.

Ship Tom, Pierman, of and for this port was lost on the Goodwin Sands on the 13th February last, captain and crew saved.

Ship Martha, Henderson, was at London the 1st ult. taking in.

Brig Jane, Callender, of and for this port, was also there ready for sea.

Ship Margaret, Lewis, of and for this port, has arrived at London via Falmouth.

Ship Stafford, Kennedey, from hence has arrived at Londonderry.

Brig Hero, Warner, from hence, at Havre.

Yesterday arrived ship Java, captain Bullock, of Salem, 40 days from Cette, in France, with Brandy. Left there, ship Hannah, ——, of this port.

Same day, brig Molly, Davidson, 23 days from St. Thomas. Left there, schr. Hope, Jones, and John, Wallace, of this port, with several other American vessels. On the 30th ult. in lat. 37, 5, spoke a schooner from New Haven, for Havanna, with horses, out 2 days, all well.

Same day, British ship Henry, captain Afflick, 57 days from Liverpool. February 27, in lat. 41, 27, long. 39, spoke the ship Hare, from New-York. March 2, in lat. 40, 36, long. 44, ship Eliza, of Boston; 7th, lat. 40, 40, long. 53, 30, spoke the ship Mercury, of Baltimore; and the brig Aristides, from this port, for Bordeaux; 17th, schooner Mary, of Marblehead, from Charleston; the 20th, in lat. 39, 65, spoke the brig Joseph, Hardy, of Philadelphia; 24th, in lat. 38, long. 65, 30, spoke brig Saunders, of Philadelphia; 26th, lat. 38, 27, long. 65, 5, spoke schooner Republican, of Portsmouth, and on the 31st, in lat. 33, 57, long. 73, 20, spoke schooner Wealthy, from Curracoa, out 25 days, for New-York, under a fore-mast and jury main-mast.

Captain Morse, of the Caliope, 30 days from Dartmouth, England, on the 26th of March, in lat. 35, 10, long. 66, spoke schooner Swan, Turner, from New-London, out 5 days, all well.

Arrived, the ship Camilla, Rosseter, 120 days from Calcutta. Left the Sand Head, on the 2d December, 1802. December 24, spoke the ship Ann, Rutter, of and for Baltimore, which left Calcutta, after the Camilla, & parted company on the 29th Dec. Captain Rosseter touched at Mauritius, and sailed from thence on the 11th January. Left there, ship Mount Hope, Bolt, of Rhode-Island, and four French ships and one corvette. From the 22d to the 25th January, in lat. 83, long. 32, E. captain R. experienced very strong weather. Jan. 30, in lat. 35, 30, S. long. 24, E. off Cape Anguillus, spoke the ship Arthur, Jenks, of and for Rhode-Island, 62 days from Canton. Capt. Jenks informed that he sailed from thence in company with the ship Woodrop Sims, captain Hodgson, of and for Philadelphia. March 30, off Chincoteague, on soundings, spoke the brig New-York, Penlon, of and for New-York, 11 days from Savannah, who politely offered captain R. a supply of provisions.

Captain Reynolds, of the schr. Alexander, arrived on Saturday from Cape-Francois, in 16 days, informs that reinforcements had arrived at the Cape from Havre-de-Grace and Havanna, a few days before he sailed; and that no political occurrence of importance had taken place there since the battle of the 19th February.

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4th mo. 6. taw7t