NINTH CONGRESS.

SENATE.

Thursday, February 13.

BRITISH AGGRESSIONS.

Debate on the second resolution reported by a select committee, as given in our last.

[CONTINUED.]

Dr. Mitchell said he hoped the resolution would be adopted in its full extent. On this subject he differed wholly from the honorable gentleman from Vermont, (Mr. Israel Smith.)

As the proposition recommended to the senate by the select committee was now before them in its most broad and extensive sense, he would apply his remarks to the principle rather than to the form of the resolution under debate.

Toward the end of 1803 more than half the articles of the treaty between our government and that of Great-Britain had ceased. Since that event commercial intercourse had been carried on by the two nations, under their respective laws, without any convention or pact between them. Inconveniences had been experienced in various ways from that time to the present. An attempt indeed had beed made two years ago to remove a considerable part of them by a repeal of the countervailing duties; but that effort not corresponding with the feelings of the nation, had been relinquished.

The war which was rekindled in Europe soon after the expiration of the temporary articles of the treaty had embarrassed the commerce of the great maritime powers, and thrown into the hands of neutrals an extraordinary proportion of the colonial & carrying trade. The citizens of the U. S. among others, had profited by the opportunity, and engaged entensively in this neutral commerce. But it had been the policy of Great-Britain, the strongest maritime nation among the belligerents, to interrupt this intercourse of neutrals, with the colonies of her enemies, as if they had been her own colonies. A series of outrageous proceedings had been the result; such as had excited the most lively indignation against them from Maine to Georgia, and roused the nation with one voice to resist and repel them.

Dr. M. said he would enumerate a few of these injurious principles and acts. The great and fundamental regulation, which served as a ground work for a principal part of the rest, was, that a commerce allowed to neutrals by belligerents, during and on account of the war, ought to be prohibited. The assumption of such a rule, in contradiction of all the practices, acknowledgments and treaties among civilized nations, was a dangerous innovation upon their public law. It was, however, followed by another declaration of theirs, equally unfounded in truth and reason, and this was that as the adherence to the principle was rightfully in them, they might relax from the observance of it when they pleased; and that such relaxations were always acts of favor and grace to neutrals.

Another of the extravagant consequences of this doctrine was, that the belligerent might inquire into the intention of the neutral as to colonial produce exported from his own country under drawback, and if he would not prove to the satisfaction of the prize court, that such produce was originally imported into the neutral country for consumption there, without the design of sending it abroad once more, the ship and cargo should be condemned: thus declaring that two distinct commercial operations, were one and the same continued voyage.

So it has been pretended & insisted on by them, that a vessel which has escaped their vigilance on a voyage from the neutral to the belligerent port, and has begun her return voyage loaded with the productions (not contraband) of the latter country, in exchange for the cargo carried thither, may be captured aud condemned under an allegation that such outward cargo was the produce of an enemy's colony. By this means the certificate of origin as to French produce was made the evidence on which the condemnation was grounded in a British court.

The catalogue of grievances he said, was long and odious: but he would mention the oppressive manner in which the British exercised the right of search, the unjustifiable impressment of seamen wherever they pleased to take them, and their arbitrary proceedings relative to blockaded ports, as tending to wound the feelings of individuals, to excite national irritation and to revive those sentiments of animosity and hatred which had been dying away ever since the revolutionary war, and but for these renewed acts of hostility, would have risen no more.

With all these difficulties in view, stated and reiterated from all the commercial cities of the nation, the proposition now under consideration, had been reported. It was in the nature of an admonition to the president, to make a further effort to accommodate these differences in a just and amicable way. The resolve which passed the senate unanimously yesterday, comprehended a total denial of the interpolated maxims, and the conduct which they authorised. The resolution now before the senate was a corollary from the other. It sprang from the former as a natural inference. The two were so intimately connected, that he considered the adoption of the former as a favorable prelude to the reception of this. And having declared that unprovoked aggressions had been made upon the persons and properties of our citizens, there was an evident propriety in endeavoring to negociate on the subject, & settle the differences by fair discussion.

But an objection had been made that the senate was about to proffer advice to the president of the United States. The resolution certainly was written for that purpose, and in this there was the strictest propriety.—For by the constitution, this body is the council of that high executive officer. In questions touching our foreign relations, the senators are declared by the supreme law of the land to be the president's counsellors. In urgent and arduous cases it was not only allowable for them to exercise this right, but it was their duty to do so. By such a measure, there was no reflection on the chief magistrate; for it was well known he had vigilantly and correctly done his duty. He had left nothing untried that was in his power. Now however, when another effort was to be made, he believed the president, tho' firm in the performance of the important trust reposed in him, would be comforted & strengthened by the approving voice of his constitutional advisers. With this resolution in his hand, he would speak to a foreign nation in a bolder tone, and employ the energetic language of his united fellow-citizens.

Dr. M. Did not think with the gentleman who preceded him, that the adoption of the proposition would be productive of discord; but on the contrary would have a happy tendency to promote harmony, by a candid and patriotic communication of sentiments between these two important organs of the government.

Of the three resolutions reported by the select committee, the second, which was the one under consideration, was solely of an executive nature. The two others, to wit: the first which had passed without a dissenting voice, and the third which remained to be acted upon, were of a legislative complexion. Together they constituted a series of measures adapted to the present exigencies of the nation. The first declared the wrongs done us; the second proposed to settle the dispute to which these wrongs gave rise, by equitable arrangement or treaty; and the third proposed in case no settlement could be obtained upon just and honorable terms, to diminish our intercourse with a nation whose administration was so unjust and inflexible. There was another step which might have been the subject of a fourth resolution, and that was war. For his part, he believes the acts of the cruizers and courts of his Britannic majesty were directly and openly hostile; and it was only necessary for us to consider them so, to make ourselves a party in the strife among the nations. Although the provocation was sufficient to justify us in a declaration of war, Dr. M. said he would at present prefer a different policy. He would in the first place make another overture of civility; and if that did not succeed, our connection could be discontinued. If after that, it should be necessary to put ourselves in hostile array, he knew there was courage enough in the nation to make an enemy now, as heretofore, tremble on approaching our shores.

Viewing the subject in this manner, and conceiving the proposition as one of a catenation of measures on a subject of great national importance and uncommon public solicitude, he was earnest in his hope that it would be carried, like the preceding one, not by a mere majority, but by an unanimous vote.

Mr. Bayard—Mr. President, if there be any objection to the resolution now before us, it is that it shelters the executive government from that responsibility as to its measures which properly ought to attach to it. The duty prescribed by the resolution is of an executive nature, and the president is charged with the care of those interests for which the resolution provides. By prescribing a course of conduct to the executive we release that branch of government from responsibility as to the event, and take it upon ourselves. But, sir, though I feel this objection, yet at the present moment it is outweighed by other considerations. The state of our public affairs is critical, and at such a time I think it becomes every branch and member of the government to co-operate with cordialty and zeal in support of each other, and to strive to do more rather than less than their respective duty.

The design of this resolution, sir, presents itself to my mind in a very different point of view from that in which it appears to the gentleman from Vermont (Mr. Smith). That honorable member is opposed to it because he thinks it gives just cause of offence to the president. That we prescribe to the president a duty which he ought certainly to preform without our injunction, and of consequence we betray doubts that he will do what belongs to his office without our interference. For my part, sir, I do not consider the resolution as intended in any degree for the president, but as designed for the British government. I suppose without the resolution the president would take the course which it marks out. But we intend to manifest by it, that it is not simply the opinion of the president that specific redress should be granted for the wrongs we have suffered, but that it is the concurrent sense of this branch of the government, that such redress should be insisted on. I do not mean that we should be considered as offering an empty menace to the British cabinet, but a demonstration of the union of different branches of our government in demanding satisfaction for the wrongs done us. Foreign governments calculate much on our divisions, our union will disappoint those calculations.

It has been objected by the gentleman from Vermont that it is improper to pass the resolution, because it is not the ground of any legislative proceeding, The gentleman is too late in making this objection. He has voted for the first resolution which less than the present is the basis of a legislative act. At present it is designed only as the declaration of our opinion as to the conduct of a foreign nation. But I am not disposed to admit that these resolutions may not become the ground of a legislative act. It belongs to congress to declare war, & when I give my assent to these resolutions, I consider myself as pledged to vote for war; if redress is not granted us. In adopting the first resolution, we have gone too far to recede. We have declared that unprovoked aggressions have been committed on the property of our citizens—that our neutral rights have been violated and our national independence trenched upon. This unanimous declaration is recorded in your journals; and can we hesitate whether we will bear the wrongs and affronts put upon us, or hazard the peril of a war? Can we, sir, after the declaration which we have made, sit quietly down and console ourselves with the meek virtue of suffering with forbearance? For what purpose have gentlemen agreed to the first resolution? To shew the world we know the extent of our injuries, yet from indolence or dread we meant they should pass unredressed and unavenged.

I hope, sir, it will not be thought that I wish for war, or would, without adequate cause, plunge the nation into it. I am contending only that we must learn to insist upon our national rights, or by and by none will belong to us. We must learn to defend our honor as a people or soon we shall be without national character. We are best protected against war when it is known that we are ready to meet it.—Let the nations of Europe know that a love of ease, a dread of disasters, or an apprehension of privations, chain you to a state of peace, and they will drain your treasury of its last cent, and make you drink the dregs of humiliation.

I hope the government will never go to war without a just and sufficient cause.—But when that cause does exist, I hope they will not be appalled by the dangers or calamities of war. The resolution before us is not, however, a declaration of war. We have stated in the first resolution the wrongs we have suffered, we here state the redress we expect. I do not consider that the resolution enjoins on the president any particular mode of negociation, or to demand any specific satisfaction. But it requires something substantial, direct satisfaction or equivalent indemnity, and some assurance of future security.

I am in favor of the resolution because I think it will facilitate the negociations of the president. When it is seen that we are united in insisting upon our rights, that rather than abandon them we are resolved to encounter any alternative; it must create impression and serious reflection abroad. The resolutions justify the president in speaking in a manly tone to the British government, in holding a language worthy of a great and free people, and I therefore give them my cordial support.

[*To be continued.*]

The following report has been made to the senate by the secretary of state.

"The secretary of state, in compliance with the resolution of the senate of the 2d March last, directing him to lay before the senate at their present meeting, "such laws of Great-Britain, as impose any higher or greater duties on the exportation of goods, wares and merchandize to the United States, than are imposed on similar goods, wares and merchandize, when exported to the nations of Europe, and also to report the amount in sterling money, of the exports to the United States from Great-Britain and Ireland, for the years 1802, 1803 and 1804, on which such duties are charged," has the honor to transmit herewith a copy of an act of the British parliament, passed on the 7th of May, 1802, entitled, "An act for granting to his majesty, certain duties on goods imported into and exported from Great-Britain, and on the tonnage of ships and vessels, entering outwards or inwards in any port of Great-Britain, to or from foreign ports;" whereby on every hundred pounds of the value of goods, wares and merchandize, of the growth, produce or manufacture of Great-Britain, (except in special cases) when exported to any port in Europe, or to any port or place within the Straights of Gibraltar, a duty of ten shillings is imposed; but on the same goods, when exported elsewhere (except to countries within the limits of the charters of the East-Indeia company) the duty is doubled.

"Another act of parliament, dated on the 4th July, 1803, a copy of which is also herewith transmitted, entitled, "An act for granting to his majesty, during the present war, and until the ratification of a definitive treaty of peace, additional duties on the importation and exportation of certain goods, wares and merchandize, and on the tonnage of ships and vessels in Great-Britain," impose 1 per cent. duty on goods, wares and merchandize, the growth, produce or manufacture of Great-Britain (with certain exceptions) exported to Europe or the Mediterranean and 3 per cent. upon such goods, wares and merchandize, when exported elsewhere, except to countries within the charters of the East-India company.

"A table exhibiting the amount in sterling money, of the exports from G. Britain to the United States, in the respective years 1802, 1303 and 1804, on which duties under the abovementioned acts of parliament were payable, and the amount of duties so paid, is annexed hereto.

"It must be observed, that as from the mode of collecting ad valorem duties in G. Britain, the merchants generally deem themselves secure in undervaluing their exports, to the amount of about one fifth, the real value of these exports to the United States, exceeds that given in the table by an equal proportion.

"It may also be remarked, that the table does not give the full annual amount of the respective duties of 1 and 3 percent. in any year except that of 1804; the first mentioned duty not having commenced until the month of May, 1802, nor the other until the month of July, 1803.

"The measures taken for complying with the resolution of the senate, as far as respects the exports to the United States from Ireland, not having been successful, the secretary of state takes the liberty of annexing a table, shewing the value of goods exported in the years 1802, 1803, and 1804, respectively, from that country, and distinguishing the amount subject to duty; which amount being inconsiderable, a statement of the unfavorable discriminations, if any, against the U. States, becomes of lest importance.

All which is respectfully submitted.

JAMES MADISON.

Department of State, Jan. 27, 1806.

Annexed to this report are the two acts of the British parliament refered to.

A table of the new and additional duties payable on goods imported into G. Britain, not imported by the East India company.

A table of like goods imported into G. Britain by the East India company.

A table of new and additional duties payable on the exportation of goods from G. Britain.

A table of tonnage duties payable on ships entering outwards or inwards in any port of Great Britain to or from any foreign ports, by which one shilling a ton is imposed on vessels entering outwards or inwards to or from any port in the United States.

A table of new and additional duties payable on importations into and exportations from Great-Britain, and on goods carried coastwise from port to port within G. Britain.

By this table the *following duties are imposed on articles imported.*

	l.	*s.*	*d.*
Copper unwrought per cwt.	0	4	6
Cotton wool of growth of the United States or British colonies per 100 lbs.	0	8	4
—— of growth of other countries,	0	12	6
Sugar for every 100 l. of duties,	20	0	0
All other goods, except tea, wine, and particular descriptions of wood for every 100 l. of duties,	12	10	0

On articles exported the following duties:

	l.	*s.*
Goods, wares and merchandize, not being of the growth, produce, or manufacture of Great-Britain for ever 100 l. of the produce & amount of the duties and customs due and payable on the exportation thereof, an additional duty of	12	10
Goods, wares and merchandize, of the growth, produce or manufacture of Great-Britain (except as hereafter mentioned) exported to any part of Europe, or to any port or place within the Straits of Gibraltar, for every 100 l. of the true and real value thereof, an additional duty of	1	
Goods, wares and merchandize, of the growth, produce or manufacture of Great-Britain (except as hereinafter mentioned) exported to any port or place whatever, not being in Europe or within the Straits of Gibraltar, or within the limits of the charters granted to the united company of merchants of England, trading to the East Indies, for every 100 l. of the true and real value thereof, an additional duty of	3		
Goods, wares & merchandize, of the growth, produce or manufacture of Great-Britain (except as hereinafter mentioned) exported to any port or place whatever, being within the limits of the charters granted to the united company of merchants of England, trading to the East-Indies, for every 100 l. of the true and real value thereof	4		

Except,

——Bullion,

——Cotton yarn, or other cotton manufactures, being of the manufacture of Great-Britain.

——Sugar refined, in loaf, complete and whole, on lump duly refined, and all refined sugar called bastard, and ground or powdered sugar, and refined loaf sugar broke in pieces, and all sugar called candy and molasses.

——Any sort of craft food, victuals, cloathing or implements, or materials fit and necessary for the British fisheries, established in the Island of Newfoundland, or in any of his majesty's colonies, islands or plantations in N. America, exported from G. Britain to the said colonies, islands or plantations.

——Goods, wares or merchandize exported from Great-Britain to the Isle of Man, by virtue and under the authority of any licence which the commissioners of his majesty's customs in England or Scotland, or any three or more of them respectively, are or may be by law authorised and empowered to grant.

——Military stores exported by the united company of merchants of England trading to the East-Indies.

A table of new and additional duties payable on goods imported by the East-India company.

A table of new and additional tonnage duties, payable on ships entering inwards or outwards in any port of Great-Britain from or to foreign ports; by which it appears that one shilling sterling is imposed upon every ton of ships from the U. States.

An account of the value, estimated at the current market price, of goods, the growth or manufacture of Ireland exported to the United States of America, in the last three years in Irish currency.

By this account it appears that the amount of goods thus exported was for the

year 1803,	£124,713
for 1804,	221,446
for 1805,	239,953

An account of the exports from Great-Britain to the United States, subject to the one per cent. duty of the 42nd of Geo. III. and to the 3 per cent. duty of the 43rd of Geo. III. in the years 1802, 1803 and 1804, with the amount of duty so paid.

	Value of goods.	*Duties.*
In 1802,	£2,026,000	20,166
1803,	3,350,800	73,504
1804,	3,121,900	124,365

BY THIS DAY's MAILS.

NEW-YORK, February 24.

Capt. Hillard, from Porto-Rico, informs, that on the evening of the 4th of February, he passed a British fleet of 9 ships of war and a brig. The three headmost vessels were ships of the line; the force of the others he could not discern.

The editors of the New-York Gazette received last evening a Barbados paper of the 1st instant, which contains a confirmation of the defeat of the French army by the allies, brought there by the Lubec packet, from Cuxhaven, which place she left on the 14th of December, sent in by the Ethalion, capt. Spears.

Arrived,

The brig Prudence, Bunker, in 21 days from New Orleans, and 16 days from the Balize. Left ship Rover, Colin, of New-York, for Antwerp, in 10 days; Ophelia, Bennett, of do. for Liverpool in 15 days; ship George Washington, of Newport, in 2 weeks for ditto; ship Joseph, Gibbs, repairing, for New York; brig Friendship, Don, for New-York, in 10 days; sch'r *William Wright, Spence, of Baltimore, for Vera Cruz, in 3 days; ship Fair American, Davis, of Baltimore*; ship Boerhave, Bennet, of Newport, for Liverpool; brig George, Pratt, of New-York. Met at the mouth of the river, the brig Robert Barclay, of New-York, and a New York ship from Hamburg, which had been plundered off St. Domingo, by a French privateer. Feb. 19, in lat. 37, 30 long. 75, spoke schooner Sarah, from Wilmington, for Boston.

The brig Amazon, Bourn in 17 days from Guadaloupe. The brig Ann-Maria, Speck, sailed for New-York 3 days before the Amazon; and schr. John, Ripley, for Boston the day before. Left schr. Lucy, Parker, to sail in 10 days; schr. Seaman, Cropsey, arrived in 14 days from and to sail in 14 days for New-York; brig Paragon, Howland, in 8 or 10 days for New-York; sloop Maria Antoinette, Tiffany; and the brig John, both just arrived from New-York; and 2 brigs just going in; brig Alexander, Reynolds; and schr. ——, Hanley, of Philadelphia; brig Seaflower, Wickham; schr. Brutus, Travis; and brig Eliza-Ann, Thompson, all for Baltimore, the latter to sail soon; schr. Hiland, Yeaton, of Alexandria; three-masted schr. John, Lavender, from Washington, loading, and many others. Nothing of the fleets. Feb. 15, in lat. 32, long. 69, spoke the ship Amazon Bennett, 50 days from Africa for Charleston, with slaves.

The brig Sussex, Hilliard, in 18 days from Porto-Rico. Left at St. Johns, *schr. Adeline, Domeron for Baltimore in 4 days*; brig Polly, Tripp, of Tiverton; and schr's Mary-Ann Anthony, Boston, detained 5 months by a felucca, and discharging the last of her cargo, which it was supposed would be condemned; an American brig and schr. had just arrived. At Aquadelia, brig Catharine, Seaward, of Portsmouth, vessel & cargo restored after 5 months detention. At Muyagnes, two Philadelphia schooners, one just arrived; and schooner Iris, of Norfolk, vessel and cargo restored as they stand. Feb. 4, off Porto-Rico, passed a British fleet of 9 ships of war and 1 brig.

The pilot-boat schr. Mary-Ann, Rowland, in 23 days from the bay of Honduras. Sailed in co. with a British fleet, under convoy of the sloop of war Swift, among which was the British brig Betsey, Sproull, for New-York. The brig Sally had arrived there in a long passage from New-York, with the loss of some of her masts. Left the ship Merry Quaker, and schr. Friendship, Burr, for New-York; brig Nancy, Smith, of Providence. Spoke in lat. 32, 47, long. 77, 30, the schr. Harriet, Chase, 21 days from Jamaica for N. Carolina. In lat. 24 11, long. 82, the schr. Elizabeth, Fox, 17 days from Jacquemel for Philadelphia.

The ship Holland, Nickols, in 20 days from Lucea, Jamaica.

The brig Edward, Connell, in 23 days from Trinidad, Cuba. Left brig Danube, for New York in 20 days; *ship Bristol, a prize, bought by H. Childs, of Baltimore, to sail in 12 days*; the prize ships Bostwick, for New-York in 20; Chesterfield, do. do. bought by C. Ramsey; Sally, bought by H. Childs, waiting for a vessel to take out her cargo; Lucy, West, of Boston; and the brig Lion, Barker of do. loading at Azagaua, to sail in 20 days; *brig Potomac, of Baltimore, just arrived.* Passed the Florida reefs Feb. 24, and saw four square-rigged vessels supposed to be ashore inside the reef—and passed several small schooners supposed to be bound to N. Providence.

The three-masted schooner Urania, Backus, from Barbadoes, via St. Lucia. Left at Barbados, Feb. 4, brig ——, Hughes, of Philadelphia, for Savannah in 7 days; ship Passenger, Dagget, of Boston, for the leeward; the ship Merchant, Wyer, of N. York, sent in from Bourbon, was condemned vessel and cargo, except the captain's adventure; ship Angeronia, of Newport, from Africa, condemned. At St. Lucia, brig Stranger, Perkins, for Kennebunk next day; a ship and schooner from Charleston, and a brig with lumber from Bristol.

Below last night, a brig. Wind W.

Cleared, ship Sterling, Johnson. Amsterdam; brigs Union, Briggs, Nantz; Patty, Dolliver, Madeira; Ann, Mason, Trinidad, (Cuba); Margaret, Cunning-