

CONGRESS.

HOUSE OF REPRESENTATIVES

Friday Jan. 3, 1794.

IN committee of the whole on the report of the Secretary of State respecting foreign Commerce—Mr. Trumbull in the chair.

Mr. Madison after some general observations on the report, entered into a more particular consideration of the subject.

He remarked that the commerce of the United States is not at this day on that respectable footing, to which from its nature and importance it is entitled. He resorted to its situation previous to the adoption of the constitution, when conflicting systems prevailed in the different States—the then existing state of things gave rise to that convention of delegates from the different parts of the Union, who met to deliberate on some general principles for the regulation of commerce which might be conducive in their operation to the general welfare, and that such measures should be adopted as would conciliate the friendship and good faith of those countries who were disposed to enter into the nearest commercial connections with us. But what has been the result of the system which has been pursued ever since?—What is the present situation of our commerce? From the situation in which we find ourselves after four years experiment, he observed, that it appeared incumbent on the United States to see whether they could not now take measures promotive of those objects for which the government was in a great degree instituted. Measures of moderation, firmness, and decision, he was persuaded were now necessary to be adopted, in order to narrow the sphere of our commerce with those nations who see proper not to meet us on terms of reciprocity.

Mr. Madison then read the following Resolutions:

*Resolved*, as the opinion of this committee, that the interest of the United States would be promoted by further restrictions and higher duties, in certain cases, on the manufactures and navigation of foreign nations, employed in the commerce of the United State, than those now imposed.

1. *Resolved*, as the opinion of this committee, that an additional duty ought to be laid on the following articles, manufactured by European nations, having no commercial treaty with the United States.

On all articles of which leather is the material of chief value, an additional duty of per centum ad valorem.

On all manufactured iron, steel, tin, pewter, copper, brass, or articles of which either of these metals is the material of chief value, an additional duty of per centum ad valorem.

On all articles of which cotton is the material of chief value, an additional duty of per centum ad valorem.

On all cloths of which wool is the material of chief value, where the estimated value on which the duty is payable is above an additional duty of per centum ad valorem; where such value is below an additional duty of per centum ad valorem.

On all cloths of which hemp or flax is the material of chief value, and of which the estimated value on which the duty is payable is below , an additional duty of per centum ad valorem.

On all manufactures of which silk is the material of chief value, an additional duty of per centum ad valorem.

2. *Resolved*, as the opinion of this committee, that an additional duty of per ton, ought to be laid on the vessels belonging to the nations having no commercial treaty with the United States.

3. *Resolved*, as the opinion of this committee, that the duty on vessels belonging to the nations having commercial treaties with the United States ought to be reduced to per ton.

4. *Resolved*, as the opinion of this committee, that where any nation may refuse to consider as vessels of the United States, any vessels not built within the United States, the foreign built vessels of such nation ought to be subjected to a like refusal, unless built within the United States.

5. *Resolved*, as the opinion of this committee, that where any nation may refuse to admit the produce or manufactures of the United States, unless in vessels belonging to the United States, or to admit them in vessels of the United States, if last imported from any

place not within the United States, a like restriction ought, after the day of to be extended to the produce and manufactures of such nation, and that, in the mean time, a duty of per ton extraordinary ought to be imposed on vessels so importing any such produce or manufacture.

6. *Resolved*, as the opinion of this committee, that where any nation may refuse to the vessels of the United States a carriage of the produce or manufactures thereof, whilst such produce or manufactures are admitted by it in its own vessels, it would be just to make the restriction reciprocal: but inasmuch as such a measure, if suddenly adopted, might be particularly distressing in cases which merit the benevolent attention of the United States, it is expedient, for the present, that a tonnage extraordinary only of be imposed on the vessels so employed: and that all distilled spirits imported therein shall be subject to an additional duty of one part of the existing duty.

7. *Resolved*, as the opinion of this committee, that provision ought to be made for liquidating and ascertaining the losses sustained by citizens of the United States, from the operation of particular regulations of any country contravening the law of nations, and that such losses be reimbursed, in the first instance, out of the additional duties on the manufactures, productions and vessels of the nation establishing such unlawful regulations.

Mr. Madison, took a general view of the probable effects which the adoption of something like the resolutions he had proposed, would produce. They would produce, respecting many articles imported, a competition which would enable countries who do not now supply us with those articles to do it and would encrease the encouragement on such as we can produce within ourselves. We should also obtain an equitable share in carrying our own produce; we should enter into the field of competition on equal terms, and enjoy the actual benefit of advantages which nature and the spirit of our people entitle us to.

He adverted to the advantageous situation this country is entitled to stand in, considering the nature of our exports and returns.—Our exports are bulky, and therefore must employ much shipping, which might be nearly all our own; our exports are chiefly necessities of life, or raw materials, the food for the manufacturers of other nations. On the contrary chief of what we receive from other countries we can either do without, or produce substitutes.

It is in the power of the United States he conceived, by exerting her natural rights, without violating the rights or even the equitable pretensions of other nations; by doing no more than most nations do for the protection of their interests, and much less than some, to make her interests respected; for what we receive from other nations are but luxuries to us, which if we chose to throw aside we could deprive part of the manufacturers of those luxuries of even bread, if we are forced to contest of self denial; this being the case, our country may make her enemies feel the extent of her power.

We stand with respect to the nation exporting those luxuries in the relation of an opulent individual to the labourer in producing the superfluities for his accommodation; the former can do without those luxuries, the consumption of which gives bread to the latter.

He did not propose, or wish that the United States should, at present, go so far in the line which his resolutions point to as they might go. The extent to which the principles involved in those resolutions, should be carried will depend upon filling up the blanks. To go to the very extent of the principle immediately might be inconvenient: He wished only that the legislature should mark out the ground on which we think we can stand, perhaps it may produce the effect wished for, without unnecessary irritation: we need not at first go every length.

Another consideration would induce him, he said, to be moderate in filling up the blanks:—not to wound public credit. He did not wish to risk any sensible diminution of the public revenue. He believed, that if the blanks were filled with judgment, the diminution of the revenue from a diminution in the quantity of imports would be counterbalanced by the increase in the duties.

The last resolution he had proposed, he said, is in a manner distinct from the rest. The nation is bound by the most sacred obligation, he conceived, to protect the rights of its citizens against a violation of them from any quarter; or, if they cannot protect, they are bound to repay the damage.

It is a fact authenticated to this house by communications from the executive, that there are regulations established by some European nations, contrary to the law of nations, by which our property is seized and disposed of in such a way that damages have accrued. We are bound either to obtain reparation for the injustice, or compensate the damage. It is only in the first instance, no doubt, that the burden is to be thrown upon the United States; the proper department of government will no doubt take proper steps to obtain redress.

The justice of foreign nations will certainly not permit them to deny reparation when the breach of the law of nations appear evidently; at any rate it is just that the individual should not suffer.

He believed the amount of the damages that would come within the meaning of this resolution, would not be very considerable.

Mr. Madison's Resolutions being seconded, were presented and read by the clerk.

Mr. W. Smith rose to make some remarks on the observations of Mr. Madison—when a motion was made by Mr. Fitzsimons that the committee should rise and report progress, and that the house should give order for printing the Resolutions.

After some further remarks by two or three members, Mr. Madison said he had no wish to precipitate the discussion; he was content that the committee should now rise, and that a future early day should be assigned.

The motion for the committee's rising, being put, was agreed to—the committee rose accordingly, and reported progress.

A question then occurred as to the day on which the business should be taken into consideration—next Monday was mentioned.

Mr. Ames proposed next Monday week—he observed that the resolutions involved the greatest interests of this country—that for himself he could not possibly be prepared to discuss the business by Monday next; the report of the secretary was incomplete, a supplementary report had been received from that officer, which had not yet been printed, and he believed that the members were not possessed of a knowledge of its contents; he could speak for himself at least. He further remarked, that the subject required the most mature deliberation of the house—sudden and hasty decisions might be followed with the most serious effects; they might involve the sacrifice of the essential interests, or the honor of the United States.

Mr. Madison said, he saw no necessity for a very distant day; the subject was not a new one—it existed previous to the present government, it had been repeatedly before the legislature of the United States, it had been amply dilated on in reports and public dissertations; he did not conceive there was a single proposition contained in the resolutions which had not been repeatedly revolved in the minds of every member of the house. He supposed an early discussion would be the most eligible, as the members would as it proceeded, naturally throw light upon it.

Mr. W. Smith was in favor of Monday week—he supposed that many documents would be wanted by the members which were not now in the possession of the house—besides he observed that as soon as the present question was got rid of, he should lay before the house sundry resolutions, respecting foreign tonnage, which would naturally connect themselves with the resolutions brought forward by the member from Virginia.

Mr. Nicholas was in favor of Wednesday—he wished for an early discussion.—He thought the subject would receive more light from the public deliberations of the members themselves, than it would derive from their studies in their chambers—the discussion will be interesting, it cannot be hurried, and no sudden decision need be anticipated from as early a day as Wednesday.

Mr. Murray was in favor of Monday week—he differed from the gentleman last up that a public collision on this or any other subject was the most probable way to strike out truth. The calm and dispassionate consideration of propositions at lei-

sure, appeared to him more likely to be succeeded by a just and found decision.—He wished for more time than some gentlemen appeared willing to allow.

Mr. S. Smith was in favor of Monday week—he enumerated a number of documents which he thought would be found necessary to enable the members to judge with precision. He considered the subject as highly important to his constituents, on which too much deliberation could scarcely be bestowed, it refers to taxes and new impositions on trade, the expediency of which ought to be maturely considered. The object of the propositions are evidently a commercial warfare—this is commonly introductive of another species of contest—a very serious consideration! The gentleman who brought forward the resolutions had probably matured his ideas on the subject, for his part he had not, he required more time.

Several other members spoke on the occasion—the motion for Monday week being put, was carried by a large majority.

INSTRUCTIONS

From the Constituted Authorities of France, To CITIZEN GENET, Minister of the French Republic, to the United States of North-America.

Philadelphia, 20th Dec. 1793; second year of the French Republic, one and indivisible.

Citizen Genet, Minister Plenipotentiary of the French Republic to the United States, to M. Jefferson, Secretary of State.

SIR,

The politics of regenerated France, having candor, frankness and publicity for their only basis, the mysterious secrecy of courts being entirely rejected from her councils, and the only art of her public agents being that of using none, I have informed you, that I would publish my correspondence with the federal government, and likewise the instructions that have been given to me by the Executive Council of the French Republic. The sheets which contain my correspondence are not yet printed off; but those which contain the translation of my instructions being finished, I hasten to enclose to you copies of them. I beg that they may be distributed among the members of Congress, and that you will request the President of the United States to lay them officially before both houses of that legislative body. This first part of the collection, which I announce to you, and which I shall transmit to you in due succession, will enable the representatives of the American people to determine whether my political conduct since I have resided in the United States, has been conformable to the intentions of the French people. This step is a duty which I conceive I owe to my country, and thus leaving it to your sage Legislators to take such measures respecting the points that are in negotiation between us as the interest of the United States shall appear to require, nothing will remain for me to do but to prosecute in your courts of Judicature, the authors and abettors of the odious and vile machinations that have been plotted against me by means of a series of impostures which for a while have fascinated the minds of the public, and misled even your first magistrate, with a view to shake at least, if not to break off entirely, the alliance between two nations which every consideration calls upon to unite and rivet still faster the bonds which tie them to each other, at a period when the most imminent danger equally threatens them both.

Accept my respects.

GENET.

INSTRUCTIONS.

Memorial to serve as instructions to Citizen Genet, adjutant-general and colonel, going to America in quality of Minister Plenipotentiary of the French Republic to the Congress of the United States.

THE patriotism which Citizen Genet has shewn in the different employments entrusted to him, and his known attachment for the cause of liberty and equality, have determined the executive council to nominate him Minister Plenipotentiary of the French Republic to the Congress of the United States of North-America. This proof of confidence is the more flattering for citizen Genet, as the French nation set a high value upon the ties which unite them to the American people, ties which the national assembly has, on the 2d June, 1791, shewn the desire to draw still closer, and the legislature has, moreover, expres-