

## CONGRESS.

House of Representatives.  
January 24.

In committee of the whole on Mr. Madison's resolutions.

[Mr. Tracy's Observations concluded.]

IF the proposed duties are low, Great Britain certainly will not suffer. If they are high, what will be the consequences? It does not admit of argument, that the people of this country must import many articles, from some foreign country; we certainly cannot at once, manufacture a sufficiency for our own consumption. It is equally certain, that at present, no country on earth can supply us but Great Britain: The consequence will be, that British goods will get here, and the duties being high, will produce smuggling.—Our merchants are now proverbial, for a combination not to defraud the revenue; but let your duties be high, and the practice of all other countries will be adopted, there will be associations to cheat your revenue; and this country by its numerous and safe harbours affords an unlimited opportunity to defraud the revenue, with impunity. A tribute of praise, is due to our merchants, for their exertions in the establishment and support of this government, and among their virtues, the punctual payment of duties, is not the least, but I feel the impolicy of straining them too hard; an alienation from the government, and hostility to the revenue, will be the probable consequence.

Our shipping, it is said, will be increased; this can happen only, by a failure of reducing Great Britain to terms; this is worthy of notice, Great Britain has gained in quantity of shipping, by her navigation act, and of course, say the gentlemen, it is proper for the United States to have a navigation act. Great Britain is an island, filled with inhabitants, and if not decreasing, has certainly not increased in numbers for many years.

The United States have a great extent of fertile territory, wholly unoccupied, and an increasing hardy yeomanry, to cultivate it to the best advantage; our shipping has rapidly increased, and has gained that point of equality and proportion with our agriculture, which a just equilibrium of things demands; this is proved by the advanced price of our seamen's wages. And besides there is no more capital to spare for navigation. Our farmers feel the benefit of a competition in the carrying trade, and it is at least questionable whether it is yet politic, to force foreigners out of this competition. We have already, by our discrimination of tonnage, in favor of our own vessels, and by the addition of ten per cent. on the cargoes of foreign vessels, nearly destroyed the competition, except to ports, where it is difficult, if not impossible, for our vessels to go.

With this view of the subject, I confess it is very doubtful in my mind, whether an attempt to force an increase either of our shipping or manufactures, would be politic. At present, Sir, I see no ground for revenging on Great Britain, and if there were, I can discern no probability of injuring her as much as ourselves, by the attempt, and a treaty has no flattering appearance to me. One thing had escaped my attention; our treaties are by the constitution, the supreme law of the land; this ties us unequally in case of treaty, as no nation is under equal obligations to fulfil a treaty.

But the gentlemen say, the Indian war does exist, the Algerines are abroad on the sea, committing piracy on our trade, &c. &c.

I promised to consider these matters, as in my mind they are very serious subjects, and one gentleman (Mr. Giles) has said, if these were removed out of sight, three quarters of his argument must be lost.

Is the treaty of peace, as it respects the western post, unexecuted?

Is the Indian war instigated and supplied by the British nation, and are the Algerines, through the agency of the same nation, destroying our trade and enslaving our citizens? These are serious charges, if true, they deserve the attention of all men, and particularly of this Committee.

For the purposes of the present argument, I will suppose, that all those charges are specifically and directly proved, and by proof here, will be understood,

that the facts are so far within our knowledge, that candor cannot hesitate in a conclusion.

If I thought the resolutions under consideration, were certain in the production of evil to ourselves, and very uncertain, as it respected either our own future benefits, or injury to Great Britain, what can I think of them, as a remedy applicable to so much injury? When considering the question in this point of view, I am led to ask the gentlemen, if they can be serious in supposing these resolutions are a proper consistent and adequate remedy, for evils of the nature and magnitude just recited? I acknowledge my own feelings are very different. If these statements are founded in fact, I cannot justify myself to my constituents, or my conscience, in saying the adoption of the regulations of commerce, a navigation act, or the whole parade of shutting ports, and freeing trade of its shackles, is in any degree calculated to meet, or remedy the evil.

Although I deprecate war, as the worst of calamities for my country, yet I would enquire seriously whether we had fulfilled the treaty on our part, with Great Britain; do we complete justice to them first: I would negotiate as long and as far as patience ought to go, and if I found an obstinate denial of justice, I would then lay the hand of force upon the western ports, and teach the world, that the United States were no less prompt in commanding justice to be done them, than they had been patient and industrious in attempting to obtain it, by fair and peaceable means. In this view of the subject, I should be led to say, away with your milk-and-water regulations, they are too trifling to affect objects of such importance. Are the Algerines to be frightened with paper resolves, or the Indians to be subdued, or the western ports taken, by commercial regulations? When we consider the subject merely as a commercial one, it goes too far, and attempts too much; but when considered, as a war establishment, it falls infinitely short of the mark and does too little.

Mr. Boudinot lamented the want of practical commercial knowledge, when called upon to give an opinion on subjects of so great magnitude and essential importance to this country: But it was with pleasure he took an opportunity of acknowledging the obligation he was under, to the gentlemen who had gone before him, for their collection of facts, their calculations and strong reasoning on the subject, by which his misfortune was greatly alleviated. The calm and dispassionate discussion of so great and interesting a question, must be productive of great public advantage, as well as do great honor to this committee. It was with the greatest attention that he had heard the various reasonings throughout this long debate. He had examined the facts; he had compared and applied the calculations; he had weighed every argument, and had endeavored to draw some final conclusions, to direct his judgment. That which had made the most forcible impression on his mind, and was equally deducible from the arguments used by either side of the house, was, "That every wise nation under the consideration of all circumstances, endeavored to make their own individual interest, the pole-star, by which to direct their conduct, whether of a political or commercial nature."

He observed, that it appeared to him as clear as any mathematical proposition, that in all the commercial regulations of the nations of Europe, this one object influenced every action. This was plainly seen in all the favourable circumstances, attending the arrests of France in our favour. This, and this alone, had penned every commercial restriction against us, by Great Britain.

From the whole then of the debate, without going into comparison of one nation and her conduct towards us, with another, which sometimes led into invidious distinctions. Mr. Boudinot said, he had drawn this obvious and determinate conclusion, from the acknowledged attention of old and wise nations to their own particular interests, and which he should make the rule of his conduct, on this great question, "to go and do likewise."

But before he proceeded to the resolutions on the table, he thought proper to premise, the propriety of laying out of the debate, the charge of the enmity of Great Britain and the friendship of France, as far as either respected the former government. Politicians and Legislators should

not indulge passion; the circumstances of the present government were those that demanded their attention, and by going so far back, they would be exposed to greater mistakes. He said he had already found it very easy to mistake or misapprehend facts of an important nature, when relative to subjects that engage the passions as well as the judgment.

Mr. Boudinot said he was not desirous of becoming the panegyrist of Great Britain; he had known too much; he had felt too much, to execute such an office with propriety. He should not overvalue the friendship of France, in the aid we had received from her, because he knew that it was not from the nation but the monarch, that the whole of it was brought about. He knew that his sole motive was the best interests of his crown, and that when he fought with us side by side, he had fought his own battles in our country, instead of our own. It was interest that led America to ask, it was interest that led him to comply.

But notwithstanding circumstances of this nature, he was desirous that the whole truth should prevail. He did not approve of half truths, he wished the whole to be known. Great Britain had been repeatedly charged with originating the Indian war.

She had been (it was said) *always* averse to entering into a commercial treaty with us. These facts, Mr. Boudinot disputed, nay he did not believe them. Gentlemen had founded many strong arguments upon them, but it would have been best, first to have produced the evidence, to prove their existence.

As to the *originating* the Indian war, so far from its being *originated* by Great Britain, that he knew that it had originated in the false policy of Congress, in 1783. This was no new idea; he had then foreseen it; he had then foretold it, with its consequences; he did not deny that the offices and agents of Great Britain had since encouraged and increased it: That they had not done what they ought to have done, to prevent it. They had claimed the right of aiding the Indians, by presents. We also as a nation, had claimed the right of aiding the French Republic, in every way consistent with our neutrality.

As to her being *always* averse to a commercial treaty; this also should be taken with some restriction. The facts should be truly stated. In September, 1779, Congress thought it prudent to authorize and instruct their Commissioners to enter into a commercial treaty, with Great Britain, in case of a peace. In July, 1781, when a negotiation for peace was likely to take place, Congress on the principle that our true commercial advantages were not well understood, thought it best, to avoid all unnecessary European connections; and therefore, in the month of July, 1781, repealed the Commissioners' authority, to enter into a commercial treaty and withdrew their instructions. At this critical moment, when Great Britain had acceded to our independence, and was impressed with the danger of losing our commerce, she came forward, and (if his information was right) proposed a commercial treaty, on rational and generous terms, which for want of authority, was refused by our Commissioners. To this source, was the proclamation of the King of Great Britain, owing, by which we were cut off from the West-India trade. Before this mistake could be rectified, our disunion as to commercial regulations, and weakness as to national objects, were fully known to Great Britain; since which he believed, she had wholly omitted to enter into further treaty with us.

He said he had carefully examined the journals of Congress, as to the granting and repeal of the power of the commissioners, but as to the offering and refusing the commercial treaty, he depended on a confidential letter he had received in 1783, and which was read in Congress the 1st of October of that year; and as he would not vouch for the authenticity of those facts, but chose that the committee should have all the evidence he had—he would trouble them with reading the substance of it.

Mr. Boudinot then read some parts of a letter dated Sept. 28, 1783, which in substance was, "I left Paris the 15th of June, the day before which, Mr. Hartley had communicated to the American Plenipotentiary and to me, a dispatch which he had received from Mr. Secretary Fox, authorizing Mr. Hartley to agree to a treaty of commerce, allowing a free

trade to the West-Indies, to the vessels and subjects of the United States, under the single restriction of not carrying the produce of those islands to Great Britain.—That Congress would best know the reasons that induced the commissioners to object to that restriction, and which had eventually frustrated the expectation of a commercial treaty with Great Britain; and you will undoubtedly have seen the proclamation, which in consequence thereof had been issued by his Britannic Majesty, whereby the vessels of the United States, are in effect, precluded from all access to the British West Indies. But as the ultimate intentions of the British minister on that subject, appeared doubtful and as it seemed highly important that they should be known to Congress as soon as possible, and as I had occasion on Friday the 8th of August, to see my lord North, respecting a matter of private property, I availed myself of that opportunity of conversing thereon with his lordship, who with great apparent candor told me, that the proclamation and the principles of it, would undoubtedly be adhered to during the continuance of the act of Parliament; that Parliament must then determine, respecting future measures; that the navigation act had been the source and support of the British naval power and must not be infringed without urgent necessity; that he was desirous of promoting a good understanding with the United States, by all means compatible with the interest of Great Britain, but that the Americans after making themselves independent, were unreasonable, desiring privileges which never had been granted to any independent people, especially as they appeared to have neither the inclination nor the ability to give any adequate advantages to Great Britain in return. I intimated the probability, that the United States would retaliate and prevent their produce being carried to the West Indies in British vessels: To which his lordship replied, that the United States had doubtless the right to adopt such a measure, but in so doing they would necessarily deprive themselves of the best and indeed the only sufficient market for their produce, obstruct the growth, agriculture and prosperity of their own country and injure themselves much more than they could possibly injure Great Britain. That in war Great Britain exposed to much expence and difficulty in defending her West India colonies and all times giving them exclusively the benefit of her market, depriving herself in their favor, of the advantage of purchasing the sugar, &c. of other countries and thereby enabling British West India planters to obtain higher prices for their produce than the planters of any other nation, and that unless Great Britain in return for these favors could exclusively enjoy the benefits of their navigation, it would in his private opinion, be much better to let them become independent like the United States. His Lordship did not request and I presume he did not expect, I would keep this conversation a secret, and you are at liberty to communicate it to Congress, though as I do not wish to be cited on political subjects, I beg it may be confined to that honorable body. I indeed thought it expedient before I left London, to write an account of it to the American Plenipotentiary in Paris, &c. &c."

Mr. B. then proceeded, and said "that these facts had convinced him that the charge was too general; especially as by the late communications we are informed that a negotiation was now again in train on the same subject. That in his opinion Great Britain had enough to answer for that was justly chargeable to her account without relying on bare suggestions without proof. Her breach of the treaty by carrying away our negroes contrary to the express words, and withholding the ports without a shadow of excuse, are sufficient evidence of her want of public faith; but let us not found our acts on those facts, which if enquired into we cannot support.—Mr. B. observed that he had made these observations to remind gentlemen that tho' this nation had at times done us wrong, yet that we had not been without fault.—Therefore he added, let us dispassionately consider the resolution on the table, on the principle of our present situation among the nations or as it has been since our present government. It cannot be denied, that our trade has been in a flourishing condition ever since the year 1790. Let any gentleman who doubts this, cast his eye on the reports from the treasury office for