

Tar and Pitch: Britain used formerly to derive her supply of these articles also from the Baltic, principally from Sweden, and the same might be done hereafter. **Indigo:** This can be had from the East-Indies, from all parts of the West-Indies, including the colonies of the Spaniards, Portuguese and Dutch on this continent: Great quantities of it, and of good quality, are produced in St. Domingo and Guatimala. **Tobacco:** This article is raised in the Ukraine and other southern parts of Europe; in the Floridas, parts of South America, and in the West-India Islands. It was true the tobacco of this country was fitter for certain purposes than that of other countries; these particular kinds might find their way to a market, otherwise sufficiently supplied, or even having a surplus. **Rice** was formerly carried to Great Britain in great quantities from the Levant and the East-Indies; some is raised in Spain and Italy; All the Spanish and Portuguese Colonies are fitted for it: A considerable quantity is raised in the Brazils. **Pot and Pearl Ash:** Less than thirty years ago Great Britain was supplied with this article from other countries, viz. Russia, Germany, Sweden, Denmark, and Spain. The *Barbilla* of Spain is said to be a substitute for it.

The gentleman, as well as others, had mentioned the baneful effects of the credit given by the British merchants. Credit, like other good things, was liable to abuse. Dr. Franklin who well knew the circumstances of this country, bequeathed a part of his estate to be loaned out to young tradesmen and mechanics; he thought well of credit, and his testimony of its utility ought to remove some of the prejudices against it. If credit had produced pernicious effects in Virginia, as the member from that state had represented, it was certain that it had produced wholesome effects in other states: Why the same cause should produce such different effects in different parts, he should not inquire.

As to its supposed influence on the borrowers, in creating an undue dependence, that remark had been well answered already: In truth the borrower was, under certain circumstances, more apt to become the enemy, than the dependant of the lender.

An apprehension had been entertained by the gentleman, that the existing commercial connexion with Britain would promote monarchical principles in this country, and yet the professed object of the resolutions was to compel Great Britain to enter into a commercial treaty with us, and thereby strengthen and extend the commercial ties which already existed: The resolutions were, moreover, designed to induce the emigration to this country of thousands of British manufacturers who would naturally bring their monarchical principles along with them. But if a commercial intercourse with the dominions of a monarch were pregnant with such evils, we ought to abandon our trade with Spain, Portugal and Russia, as well as Britain, and confine it to the Swiss Cantons and other Republics. Such apprehensions, however, he could not but consider as a poor compliment to the dispositions and character of the American people. They were too much attached to Republican government and to their liberties to be exposed to the danger of losing either: the one or the other by their intercourse with any foreign nation whatever.

After some further remarks Mr. Smith concluded with saying, much apology is due to the committee for having so greatly abused their patience; but when I consider that the proposed measures, unlike common legislative acts which can be repealed at pleasure, when found injurious, must be deemed the corner stone of a new commercial Constitution which being once laid we must at all hazards build upon or be disgraced, I am prompted by the strongest injunctions of duty to suggest every consideration which may induce the committee to ponder seriously before they adopt them. My opposition is stimulated by a further consideration: Respecting a district which includes an important commercial city and a territory producing a staple valuable and bulky, many of whose proprietors have not yet emerged from the debts incurred by a ravaging war, and whose welfare depends on a ready vent for their productions as well as a cheap supply of the indispensable articles of foreign manufacture, I feel a weighty responsibility on my mind on this occasion and a peculi-

ar solicitude to protect them against those embarrassments and distresses which appear to my judgment inseparable from the propositions, and which will operate against my constituents like a two-edged sword, by obstructing the export of their produce and rendering more unattainable their necessary supplies.

In Committee of the whole on Mr. Dayton's Resolutions.

(CONTINUED.)

Friday, March 27.

Mr. Dayton first rose in support of his propositions. When he brought them forward he did not accompany them with many observations, because he was then laboring under indisposition. The same cause would render him very concise now.

The injuries and insults we have suffered from Great Britain, he conceived, need not be dwelt upon—they are well known and it is universally acknowledged, that we ought to adopt such measures as would screen us from a repetition of them and secure to us reparation. The resolutions he had brought forward he intended as part of that system of defence and preservation, other portions of which had already received the sanction of the house. These resolutions, he conceived, would not be the least efficient part of that system.

He believed that when the conduct of Great Britain is reviewed, it would be found, that it is treating their subjects with great lenity to speak of sequestration only, we should be warranted in confiscating, for they have subjected our property to condemnation, without an appearance of an intention to indemnify.

As to restitution of the property of which we have been plundered on the high seas it is impossible. It is condemned, sold and scattered, and no hope can be entertained that they intend to indemnify our suffering citizens. If it had been their intention to indemnify, their court, in explanation of the instructions of the 6th of November, would not have given orders to condemn vessels detained in suspension in the West Indies until the elucidation was received.

Since then restitution is impossible, and not a shadow of hope exists that indemnification will be granted, we have only to determine whether we shall give up the property of which we have been plundered or claim it with effect; claim it and enforce the claim, by shewing that we have the means of retaliation within our power.

After the proceedings of the British towards us, he believed we should have been warranted in confiscating the property now proposed to be sequestered, without negotiation. This would have been meting to them as they meted to us.

If sequestration is hostility, (as he had heard it called) what, he asked, is condemnation? Besides they have impressed American citizens into their service. We have reason to believe, he concluded by remarking from the negociation of our Minister with Lord Grenville, from private information on the table of Congress and from the conduct of some of their officers, high in command, that to make war on us, is part of their system.

Mr. Smith (Maryland) said he always had wished for peace, as the first desideratum. With this view, agreeable to the wise recommendation of the President he agreed to those measures calculated to put the country in a posture of defence. This was the best mode of securing peace. With the same view he proposed an embargo to be laid, which would have drawn to our ports the remainder of our maritime possessions, and have left them no longer within the grasp of a nation, whose only rule of right is the measure of her power.

He still wished, as long as a shadow of hope exists, to secure the blessings of peace. With the resolutions now offered, he was of opinion that we might yet have peace; but without them we shall certainly have war. They will arrest 20 millions of dollars in our hands, as a fund to reimburse the 3 or 4 millions which we have been stripped of by that piratical nation Great Britain, according to the instruction of that king of sea-robbers, the Leviathan which aims at swallowing all that floats on the ocean, that monster whose only law is power, and who neither respects the rights of nations nor the property of individuals.

This character the nation he had mentioned, had long deserved—many proofs might be cited in support of the assertion—he would only refer to their conduct at St. Eustatia, when they robbed their allies the Dutch, & their generals & admirals turned vendue-masters and conducted the plundering, to collect rewards for their exploits.

Is it from such a nation, he asked, that we are to hope for justice? They know not what justice is. It is said, that they shewed their love of justice, when they so liberally compensated the Tories after their war with us. Tho' they despise traitors, yet self-interest will lead them to reward the treachery, to encourage a principle which may again be useful to them; self-interest, then and not justice actuated them on that as on every other occasion.

Let us pass the resolutions, then send an envoy to Great Britain and we shall have peace. We shall then be able to speak to them of their interest. But if war should be the inevitable issue, Americans, he was sure, would meet it like men, rather than submit to insult and suffer the honor of the country to be profaned.

If we were able while in infancy as a nation to assert our rights, will it be said, that now we have arrived at a state of manhood, we shall fear them?—No!—Our young men burn for an opportunity to defend the Liberty, Rights and Property of their Country! They, will step as one, and meet the event, like men.

He read a quotation from Vattel to shew that a nation has a right to pay her citizens for losses inflicted by another nation contrary to right, by confiscating the property belonging to the citizens of that nation. The tie of interest, he concluded by remarking, is the strongest tie we have upon Great Britain. Let us pass the resolution, and that nation will never again give us cause to pass a similar one. The people out of doors will say that we have done right. The nations of Europe will rejoice to see this power which is committing depredations on all nations humbled. The resolutions, he observed, do not regard the property in the funds, to touch this is not one of the means of retaliation warranted by the law of nations, public contracts should be sacred.

Mr. Boudinot said he had not intended to take part in the debate at this early stage of it; but what had fallen from the member last up convinced him that the house should not go into a consideration of the subject at this time. It should be considered with coolness and all passions put out of the question.

No doubt we have a right to make reprisals, as the legislature has a right to declare war, but he doubted whether the United States in their present situation would find it their interest to go into such measures. The authority read from Vattel by the member last up, he observed, made against that member's opinion. Vattel expressly says, that reprisals should not be made on property entrusted to public faith. The debts of British subjects here are in that predicament. He had heard that gentleman not long since with pleasure, expatiate with warmth on the advantages of credit, especially to this country, should that credit be destroyed, he asked, by destroying the confidence of foreigners in our faith? But even if this retaliation is lawful will it be the interest of the citizens, or rather the government to take such a step at the present time? We have no doubt been cruelly treated; but have we made proper application for redress, and received an answer? We should first send a special envoy and insist on an immediate answer, this would be the mode of securing peace, at least it offers the best chance of securing it.

The aggressions on our commerce made by Great Britain, are no doubt enough to rouse any American's feelings, but the legislature ought not to be swayed by passions, they should discuss the subject calmly and deliberately. He hoped the committee would rise, and allow time, at least to take the necessary measures of defence; for could the legislature justify to their constituents this step of retaliation, should immediate hostilities, warlike hostilities, be the consequence? To justify a measure of this kind, time should be given for the defensive system adopted, to be carried into operation.

Mr. Mercer next spoke. He owned the measures proposed, appeared to him great and momentous, and had he any powers of declamation, he should think it

improper to give loose to them on a question of this kind. We should weigh well our interest, examine carefully the situation in which we stand, and determine calmly where we shall place our next step. The proposition is to arrest, not confiscate the debts due to British subjects. From his recollection of the positions established by the best jurisprudential writers, no doubt remained in his mind that we have a clear right to secure to ourselves reparation in that way; and in our predicament, confiscation, even, would be warranted, and by a point as firmly established as any principle which has the general practice of nations for a basis. One of the latest, Binkershoek, is of opinion that debts are property as well as any thing else, and sees no reason why they should not as well as other kinds of property be seized to secure indemnity for injuries. This is the opinion of Wolfius, of Vattel, Grotius and of his commentator. He could go on, he said, with a long list of authorities, and refer to actual treaties to shew that it has been the practice of nations. Having established the right, he proceeded to consider the expediency of the propositions. Gentlemen, he hoped, did not wish that we should make a solemn declaration of war before we acted. This is no longer the custom among nations; it would be a pompous display of candor which no longer exists. Has any nation in the present European war premised their operations by a declaration? No, their first step was to do all the injury in their power to their enemies. Then we having taken what steps will best tend to our security, and give us the best hold of our enemy, let us not, however, loose sight of a settlement by negotiation; let us shew mankind that peace is our first wish.

When we are thus prepared let us step forward to an amicable negociation; let us call on the executive to send forward some proper person to the court of Great Britain, to assure them that we have a high sense of the injury done us, that we have it in our power to resent it, but wish to see the difference settled by receiving an indemnification. We shall then make it their interest as well as duty to allow it.

This he conceived to be the line of conduct we should adopt if we wished to preserve the western hemisphere from the scourges that desolate the old world. By some such measure as that proposed we should make their motives for peace more weighty, and we should give assurances of our amicable disposition, by shewing that all we wish is a just compensation.

In a business of this kind he was sensible of the danger of precipitation; the best mode of arresting the property proposed should be calmly weighed. He believed that something like the proposition made by Mr. Smith (S. C.) before the house resolved itself into a committee—a stop to all transfers of British property, would be proper as a preliminary step.

He concluded with some observations on the respect which nations however weak will command from their superiors in strength by shewing that they will not suffer imposition; by joining heart and hand in defence of their rights. This spirit, he was sure, animates Americans, and now their power is better able to keep pace with that spirit than when we humbled that nation. At that time we were in our infancy, an infancy by no means thriving under the trammels of the mother country, and when they turned us adrift and began their hostile spoliations they carried with them all our means of defence; but now, thank providence, we have spirit and power to defend ourselves.—If the gentleman from South Carolina, he said, would modify his proposition and make the term 30 days, it should have his assent in preference to that now before the committee. (Gen. Ad.)

Mr. Smith S. C. said that he had suggested the proposition alluded to by the gentleman from Maryland, in order to afford sufficient leisure for mature deliberation on the subject of sequestration. It was in the nature of an embargo, to arrest all transfers until the question of sequestration should be decided. As the proposition seemed to be more agreeable to some members than the other, he should lay it on the table when the committee rose.

The question now before the committee is whether British debts ought to be sequestered, as a pledge for indemnification to the sufferers by unlawful captures. He regretted that the two subjects were connected; each ought to be decided on its own merits; the latter might give a weight to the former, which, on consideration, it might be found not intrinsically to deserve.

Mr. Smith said, if ever there was a time when the crisis of affairs required