



Anchor Club

GREAT political agitations not uncommonly have the effect to throw the minds of men into a state of torpor...

OUR vessel of state is under a lee-shore; and the only anchor that can hold her is soul—A dangerous mutiny on board encourages the obscene harpies who are watching for the wreck...

Decree of the Convention for executing all our fellow-citizens who fall into their hands...

FOR SALE, Eighteen Acres and twenty-six Perches of LAND. In a fine healthy situation, with a small stone house upon it...

Caution. ALL persons are desired to take notice, that the real estate of Thomas Britton and William Masley...

ANDREW SUMMERS, junr. Feb. 19. d3c

WATER LOAN. THE Commissioners for receiving subscriptions to a Loan for supplying the City of Philadelphia with wholesome water...

NOTICE. That they will call on the citizens for their subscriptions in the following districts: William Jones will receive from Vine to South side of Pine-street...

For Charleston, THE SHIP JOHN BULKLEY, WILL in about ten days, for freight or passage apply to JESSE & ROBERT WALN.

THE CREDITORS. OF the late General WALTER STEWART, are requested to meet at the City Tavern, on Wednesday evening next, at 7 o'clock...

CONGRESS, HOUSE OF REPRESENTATIVES.

Suspension of Intercourse with France.

Tuesday, January 22. Being in committee of the whole on the bill further to suspend the commercial intercourse between the United States and France...

"That if at any time after the passing of this act, the government of France, or any persons claiming and exercising command and authority, in any island, port or place, belonging to the French republic, shall clearly disavow, and shall be found to refrain from the aggressions, depredations and hostilities which have been, and are by them encouraged and maintained against the vessels and other property of the citizens of the United States...

Mr. Nicholas said, there are some words in this section which he did not understand, and if he could not get an explanation of them in any other way, he would move to strike them out. They are not in the former law; and they are very extensive. They go to this, that a man in authority in one of these islands, be his authority as limited as it may, may make an agreement on the subject of intercourse different from what he is authorized to do by the Republic of France...

Mr. S. Smith understood, that the reason why these words had been introduced into the bill was, in order to meet the case of Hispaniola. It was well known that a new agent had succeeded Hedouville there; that he has published a proclamation stating, that notwithstanding the decree of the French republic, which directs the seizure of all American vessels and their cargoes, whenever there shall be found on board an article of British manufacture, he was authorized to suspend that decree so far as relates to vessels coming to that island. And, Mr. S. said, if any agent in the West-Indies could give assurance that no capture should take place from the island of which he is Governor, then the President shall be authorized to open our commerce with that island. It was on this ground that he had given his consent to this clause of the bill.

Mr. Nicholas said, if the clause were intended to meet the case to which the gentleman had alluded, the agent had his powers from the French government, and whatever he did must be considered as done by that government, until his power should be revoked; but, as the clause stood, it would authorize the President to treat with usurpers; not merely with persons in power, but with any person having momentary possession of a place, and he could not agree to such a principle. Why, asked Mr. N., was this law originally passed? Was it not in order to bring France to terms by distressing her islands? Suppose France should say to one of her agents in the West Indies "you shall be authorized to make a stipulation with the United States to take off the suspension of intercourse with respect to your island." Would not this be to acknowledge that our regulation pinched her? And would not the opening of intercourse with such a place, by relieving the distress of France, defeat the original intention of the law? [Mr. Harper asked if there was any question before the committee?] Mr. N. said he would make one, by moving to strike out this section. A clause of this kind, Mr. N. said, held out an invitation to agents to abandon their country, and to set up governments of their own. If it were to operate only in a partial manner for the relief of such of the French islands as are so far distressed, as that the government should be willing to refrain her depredations so far as related to those particular places, where will be the efficiency of the law afterwards? It will only prove a burden upon our own citizens, without injuring France. If we are to have a free trade with the West Indies, why deprive tobacco planters of going immediately to the country where the article is consumed, instead of going through Spain, and by other circuitous routes? But the other aspect of the bill, Mr. N. said, was the most extraordinary and exceptional he ever saw. It authorized the President to treat with persons "claiming authority." This provision may produce consequences the most fatal. Suppose any of these islands make a separate negotiation with this country. What will be the effect of our having thus enticed them to disobey their government? Will this government not be chargeable with having assisted in detaching such a colony from its government? And if so, could any thing afford a more lasting cause for war than an act of this kind? If there be any disposition in the French government to treat (which however the Secretary of State denies) a conduct of this kind would effectually root it out, and there could be no treaty, no peace between the two countries, for years to come. If gentlemen, therefore, can give no better explanation of this clause than has already been given, he hoped it would be struck out.

Mr. Otis did not believe that a more unjustifiable jealousy ever entered the heated imagination of the gentleman from Virginia than that which occupies it at this moment. He seems to think that this section of the bill is intended only to encourage usurpation and rebellion, whereas a slight attention should convince him, that when any of the French islands or dependencies revolt and declare for independence, neither the law passed the last session, nor this bill will apply to such a case. In such an event there is nothing in the existing laws to prevent our carrying on a free trade with a revolted island. If attention be paid to the first section of the bill, it will be seen to apply only to such places as are under the acknowledged government of France; and the moment a place is no longer under her government, both the existing law and this section become null with respect to that place; and a new relation would be created, which would be regulated under the law of nations. If a rebellion of this kind should break out, it would become a question to what extent we ought to carry on commerce with the rebellious place; and we should then be governed by existing circumstances. If we should be at war with France, we should doubtless, said Mr. O. avail ourselves of the trade to its full extent without respect to her wishes; but if an accommodation of differences should be effected, and the mother country should prohibit all trade with the revolters, it is not presumable that this government would sanction any commerce that would provoke a war or protect adventurers from the seizure and confiscation of their property.

But it is not enough, observed Mr. O. to say, that this section does not relate to rebellious colonies; it is merely a provision to meet such conditions as the agents of the Executive Directory are entitled to make, consistently with their allegiance to their own country, such as at least as they constantly undertake to propose. Without assuming to define the powers of these agents, it was very clear, that they have undertaken to dispense with the decrees and laws of the Republic, whenever the exigencies of their governments have, in their opinion, made it necessary or convenient.

At St. Domingo and at Guadeloupe, the agents seem to exercise an unlimited control over the trade and maritime concerns of those islands. He presumed they had a discretionary right given to them to relax or suspend many of the decrees of the mother country, with respect to the territory they are appointed to govern. The uniform conduct of Santhonax and Pélverel, and of all the commissioners at St. Domingo, shew this to be the case; and at Guadeloupe, Victor Hughes has proved himself to be nothing less than a despot: If this bill passed, these commissioners may open the commerce with this country, even though an open war should exist between this nation and France. Nay, Mr. O. said he had a proclamation of Hedouville, the late agent at Cape Francois, in his hand, which shews that he had determined to adopt this line of conduct. (Mr. O. read the proclamation, which states that neutral ships and cargoes, that provisions and dry goods shall be admitted into St. Domingo in American bottoms, that they shall not be seized when declined to French ports, but pass unmolested by French cruisers even if war should break out between the mother country and the United States.) Now, said Mr. O. the interest of this country, and of our mercantile citizens in particular, require us to place ourselves in a situation to meet these advances. Can there be any difficulty in giving to the President a power with respect to the trade with a part of the French dominions, which he at present possesses over the whole? Gentlemen have said that an agent is arrived from an usurper in St. Domingo. Mr. O. said he did not know the fact. He did not know of any usurper in St. Domingo. He believed general Toussaint had succeeded Hedouville in the government of that island; that he had, in imitation of his superiors, sent him off in the same way as in the mother country are sent of those who may be obnoxious to the designs of the reigning and the strongest party. But it does not follow, that these measures of general Toussaint will not be ratified by the French government. The same general had heretofore sent off the commissioner Santhonax. He was not, however, for this cause, declared to have forfeited his allegiance, but pains were taken to appease and reconcile him, and Santhonax came back. He was afterwards succeeded by Hedouville, who is, in his turn, sent on a voyage to France. But, said Mr. O. shall we now begin to examine into the legality of the powers of persons in authority, either in France or in her West-India possessions? Have we not uniformly adhered to the principle, that those who exercise power de facto are the only persons that we are bound to recognize? From the first dawn of the revolution, we have, said he, never questioned the legitimacy of the power exercised in France; to us it seemed indifferent whether Jacobins or Girondists were at the helm of affairs; whether it was a reign of terror or of moderation. We have constantly sung hosannas, and offered adorations to the great Republic, one and indivisible, without considering by whose hands the power was exercised. It is now too late to change this system. We have no way of knowing, said Mr. O. whether the agents of the Directory act in conformity to the will of their masters or not, until the government declares them out of their allegiance. It will then be soon enough for us to determine the posture which good faith and policy require us to take.

But the gentleman from Virginia says, we ought not to treat with individuals under any circumstances; but it appears probable that the French Republic may permit her agents to carry on this commerce, and to give us satisfactory assurances of safety and protection without a treaty; and such an arrangement would be advantageous to that republic. We find, indeed, said Mr. O. from the papers on the table, that one of the complaints from that government is founded on this suspension of intercourse,

and therefore to restore the trade in part is to diminish the cause of complaint. With respect to the remark of the gentleman from Virginia, that it was the object of the original act by distressing France to bring her to terms, he differed in opinion from him. It was merely a defensive measure. Our trade became so insecure, that it was necessary to do—what? conquer France? No; but to prevent the ruin which threatened our citizens, by prohibiting all intercourse with that country, and its dependencies; and whenever an end is put to those aggressions and depredations, the suspension may be removed.

This, said Mr. O. is not a novel practice. At the commencement of the late war, the citizens of the Bahama islands were exempted from the general regulations and orders prescribed to our privateers. It is very possible, said he, to be at war with a nation, and yet at peace with a certain portion of its territory. We find, by the papers upon our table, that France says her privateers have transgressed their authority, and that they have now determined that no commissions shall be issued, except by their agents. Let us be prepared to meet them if they will act accordingly; and if their agents in the colonies refrain from privateering and depredations within their respective jurisdictions, let us avail ourselves of their good dispositions without any nice enquiries.

Mr. O. had said, that this law has no allusion to any country in rebellion; but he could conceive it proper that St. Domingo may declare itself independent, and become so, in spite of the opposition of France, or the wishes of this country. Far be it from me, continued Mr. O. to contend that it is desirable for the interest of the United States, that such an event should happen: such a doctrine at this moment would be unseemly and improper; but if it does take place, he might say without offence, it would be good policy to be upon the best terms with the persons in authority there; if not, the inhabitants of that island may become pirates upon our trade, and do us more mischief than we formerly suffered from the Barbary powers. To prevent which let us feed and clothe them, and deprive them of inducements to quit their island.

Mr. O. hoped, therefore, this section would be retained, and that we should not, by refusing to listen to these people, throw them into the hands of another power. This island, said he, may prove a very formidable enemy, or a very useful friend. If we recollect, said he, what was done by a handful of Maroons of Jamaica, we shall form no contemptible idea of a population of 500,000 souls, of which 30 or 40,000 are disciplined troops, and who have in their possession one of the richest islands in the West-Indies, and if driven to despair, would have it in their power to inflict deep wounds upon our commerce.

While, therefore, we carefully abstain from inciting them to revolt, and are silent upon the result of their independence, in reference to this country, we should not omit any fair occasion to teach them the advantages to be derived from an amicable intercourse with us; and to cultivate those good dispositions which others will improve if we unwisely repel them.

Mr. Harper did not know that he could give an explanation of this section which would be satisfactory to the gentleman from Virginia; but he would state what was the intention of the bill, and what he thought would be its effects. He conceived that the section now under consideration is in strict conformity with the bill heretofore passed. The object of that bill was twofold: first, to save our commerce from that speculative and hazardous enterprise, which the high profits made by successful voyages enticed the merchant to go into; which was a species of gambling, by which some made large fortunes and others sustained heavy losses. This trade was something of the nature of Faro Banks, or Lotteries, which all good governments have thought proper to prohibit. The government of this country thought it wise to interfere, and say to the merchants, "You shall not run these great risks; for though a few of you make great gain by the trade, the loss upon the whole, is much greater than the gain." This was one object. The other was, to deter the French nation, and those exercising authority under it, from committing depredations upon our commerce, and thus procure protection to our trade. By what means was this to be accomplished? By withholding from the French those articles of prime necessity, which they were accustomed to receive through the medium of our commerce to produce an effect which they should feel.

Let us examine, said Mr. H. whether this section is in conformity to these two objects. There could be no doubt with respect to the first; because if you can prevail upon those who heretofore encouraged privateering to forbear to make further depredations, our commerce will unquestionably be rendered safe. The reason, therefore, for laying the restriction, is thus removed; and he saw no reason why it should be continued.

But gentlemen say, that this clause will hold out an incitement to rebellion, as it proposes to negotiate with unauthorized agents, it says to the colonies, "rise and shake off your allegiance." How? Is it throwing off allegiance to the French republic, to say they will not fit out privateers against us? Mr. H. asked whether the colonies are obliged to fit out privateers? No such thing; they may, in case of war, privateer; but it is a privilege, and not a duty. Is the advantage held out to the colonies by this bill, on condition that they revolt? We say expressly the contrary, viz. "Whilst you continue under your alliance to the French republic, and shall nevertheless cease to exercise against us the right of privateering against our ships, we will trade with you as usual." This cannot surely be construed into an exciting of rebellion. We know, said Mr. H. that these colonies have privateered against us. Whether they have done what they were not authorized to do, is not for me to enquire. If they will not give up

the privilege of privateering, they cannot have the benefit of our trade. If they have not the authority to do it, he supposed they would not do it; but if general Toussaint prohibits privateering, we shall suppose he has the right to do it.

If the effect which the gentleman from Virginia mentions, could be produced upon the French government by continuing the restrictions, it would be well to continue them; but, said he, we have seen how little France cares for the welfare of her colonies, and therefore cannot reckon upon such an effect. To persevere with a view of obtaining an uncertain good would be bad policy, when by making the proposed change we can obtain a certain good. Scarcely can any good man hesitate about the choice, when certain and precarious advantages are set before him.

Mr. Gallatin said, one of the objects of this bill, when it passed at the last session, was to prevent depredations upon our commerce; but a majority of the house who voted for it, did so with a view of compelling France, by the loss of our trade to her islands, to come to reasonable terms of settlement with the United States. It was then said by some gentlemen, that it was not improbable that the trade to the West-Indies was even more advantageous to the United States than to France, valuable as it was to her; and that therefore, it would not produce the effect predicted. This was his opinion, and he therefore voted against the bill. But, though he voted against this measure, and some others, which he thought at the time premature, yet a majority of Congress having, by adopting them, placed the nation in its present situation, whatever his opinion might then have been, and whatever it might now be, as to the probability of an end being put to our differences with France, he should think it bad policy, under present circumstances, to recede from the ground then taken, since such a conduct could betray nothing but weakness, and tend to defeat the object which all doubtless have in view, whatever might be the different opinions of obtaining it, as honorable peace. Though this law, therefore, was limited to the present session, he was ready to vote for a continuance of it; but the section now under consideration, goes entirely upon a new ground, and entirely different to any either taken or avowed at the last session.

The law now in existence has a section (something similar to this, though widely different in substance. It is to this effect; that if before the next session of Congress, the government of France, and all persons under its authority, shall disavow and be found to refrain from depredations upon our commerce, then it shall be lawful for the President to suspend the operation of this law! Not to any part, but with the whole. By that law, we said, "We are not yet at war with you, we will adopt such measures as we think necessary for our present situation. We will suspend commerce with you as a nation; but if you, as a nation, shall disavow and refrain from depredations, we have given the President power to renew our commercial intercourse with you."

But what, said Mr. G. is the language of this section? It is this. [He read the section as above.] It is, that if any part of the nation, or any commanding officer, or person claiming authority, in any one port, or island, shall take those steps which we consider necessary for that nation to take, it shall be lawful for the President, to remit and discontinue the restraints, prohibitions, &c. Instead of taking a general national ground, it provides for the negotiation of an individual, on his private account, who may either exercise, or claim to exercise authority in any island, &c.

We are not, said Mr. G. at war, and an act of this kind, is an act, which, if it can be justified at all, can only be made use of in a state of war. It is only in such a state that we are authorized to declare, that we will act a different part with certain parts of a country at war, from what we meant to act with the whole; that we will negotiate, treat, make specific regulations, with private individuals, provided they shall do—what? Disavow what the French republic does not disavow. The present act makes it necessary for the disavowal to come from the government; but this section says, "that although the French government shall not disavow or restrain her depredations, &c. yet if an individual shall do it, we will open a trade with this individual. This, said Mr. G. would be to encourage insurrections; it is establishing a doctrine which is reprobated almost every day on this floor, that it is right to divide a people from their government."

Before he examined what would be the consequence of such a conduct, it might be proper, Mr. G. said, to notice what had fallen from the gentleman from Massachusetts and South Carolina.

The gentleman from Massachusetts told the house that this section could not apply to any place in rebellion, because no part of this bill does apply to any such case; and therefore that it is wrong to suppose that this section holds out any encouragement to rebellion. In proof of his assertion, he refers to the first section of the bill to shew that it relates only to places under the acknowledged government of France. By adverting to the words, Mr. G. said it would be found; the bill prohibits intercourse "to any port or place within the territory of the French Republic, or the dependencies thereof, or to any place in the West-Indies, or elsewhere, under the acknowledged government of France." This description relates, said Mr. G. to two different states of things; 1st. commerce with any port or place within the territory of France, or its dependencies, (and here is included St. Domingo, for so long as France has not renounced her colonies, they are her dependencies) or to any place in the West-Indies, under the acknowledged government of France. These words relate to places which they may take in the course of the war, which, though under the acknowledged government of France, do not make part of her dependencies. Therefore,