CONGRESS.

IN SENATE.

Monday, November 21.

EMBARGO DEBATE—CONTINUED.

Mr. Hillhouse said he should have been much gratified if the gentleman from Kentucky had confined his remarks to argument without making a personal attack on him. Mr. H. said he had arraigned no party, charged none with party views or corruption. He could not see where the gentleman found ground for personality; for Mr. H. said he never did use it himself, nor ever would.

Mr. Lloyd said as this was an exceedingly interesting subject, and had been ten days before the House, and put off with as much civility as possible to accommodate gentlemen, he wished that the subject might progress in regular discussion, not expecting however that it would be decided to day or to morrow.

Mr. S. Smith said that if the hon. gentleman last up had a design to give a view of the subject such as it deserved, he should be glad to hear him. The gentleman was capable of giving a correct view of the subject, and perhaps had prepared his mind on it. Mr. S. confessed his own negligence in not being prepared; but if the gentleman from Massachusetts would give a commercial view of the subject, he hoped the gentleman from Vermont would withdraw his motion.

Mr. Lloyd said that this was so interesting a subject that he could not be silent on it. Whether he should give that chaste view of the subject of which the gentleman from Maryland was capable, he could not say. If the Senate would indulge him, however, he would express those ideas which immediately occurred to him on the subject.

Mr. Bradley withdrew his motion for postponement.

Mr. Lloyd said he considered the subject now under discussion as one of the most important which had occurred since the adoption of the constitution. He considered it as deeply implicating the commerce of our country—a commerce, which had afforded employment to nearly a million and a half of tonnage; which had afforded sustenance to many thousands of citizens; which had furnished to the government a great support; which disposed of an amount of exports equal to one hundred millions of dollars, an amount three times as great as was possessed by the greatest commercial nation in the world at the commencement of the present century, an amount of exports equal to that of G. Britain within 15 years of this day—a commerce not to be trifled with, not to be offered up as the victim of fruitless experiment. No doubt it has been much harrassed by the conduct of the two belligerents, but in a very different manner by each. Look at one contending as for universal dominion, the other as for her *natale solum*. One professes reluctance at measures which she takes in retaliation on her enemy; the other treats you cavalierly, undertakes to legislate for you, tells you she considers you at war with her enemy, arrests your property and retains it till she knows whether you servilely echo submission to her mandates. No doubt, Mr. L. said, the conduct of the belligerents had caused the embargo; but if it should be found that it was fraught with mischief to ourselves, and productive of no beneficial effects, it ought to be withdrawn.

Mr. L. said he considered the motion as a naked prohibition. Subsequent measures might be taken if this passed; and he trusted that gentlemen who advocated a repeal of the embargo might not be considered as opposed to measures tending to promote the independence of the nation.

He considered this measure in three points of view:

1. As affording protection to our commerce and navigation.

2. As a coercive measure on France and Great Britain.

3. As to its effects present and future on ourselves.

Mr. L. said as to the first point he should make but a few observations. He was not disposed to indulge in retrospections. If the embargo had been a wise and efficient measure, he was willing to leave to those who supported it all the credit to which it would entitle them. With regard to the security afforded our seamen, it had produced an effect precisely contrary to that calculated upon; because it was well known that the seamen were daily leaving the country in great numbers. And as to navigation, it was not very material whether our vessels should have been sunk in the ocean or should rot at our wharves. In the one case they suffered destruction by a *coup de grace*; in the other, by long protracted torments.

With regard to its effect on foreign nations, what had been its effect on France? The gentleman from Connecticut had told them truly that in his expose the French minister calls it a wise measure; and Mr. L. said he had reason to believe that, in a late conversation between Mr. Livingston and the Emperor at Bayonne, the latter had approved it and wished its continuance. So long as Great Britain possessed her extreme preponderance of naval force, she would enjoy commerce; and the Emperor would sacrifice his share of our commerce if he could effect the destruction of the much larger and more valuable portion of Great Britain.

With regard to its effects on Great Britain, what were they? For two months after its adoption it had been a subject of great alarm there. Engaged in an extensive commerce with this country, prosecuted on liberal terms, she had viewed it with alarm, whether considered as a measure of hostility or as a municipal regulation; and having been taught by her political writers that the West Indies depended on the United States for support, it had been for two months an object of solicitude. No doubt the ministry had partaken of this feeling. Indeed, so late as June, it had induced our minister to Great Britain to believe, and to make known his belief to this country, that all our differences would be settled. But the evil effects of this measure had been tested; and the British ministers had found that it was a measure which they need not fear. They had found that the West India merchants were able to raise supplies for themselves. They had also found an unexampled prosperity of their American colonies, Canada and Nova Scotia; that the usual order of things was reversed; that instead of the American merchant making his fortune by British commerce, the British merchant was making his fortune by American commerce. It was well known that immense quantities of produce had been exported in defiance of the laws, which the British merchants, from there being little competition, had bought at a low price; and this process enabled the British merchant, without capital but with extensive credit, to make an immense profit from this trade.

About this time had taken place the revolution in Spain. The British ministry had been too clear sighted not to see their own advantage, and therefore without any sordid stipulations, had made common cause with her, that, if the Spaniards succeeded, they might get commercial footing in Europe; and, whether they succeeded or not, their American colonies would become independent, and rely for protection on the navy of Great Britain. 'Twas then that the embargo had ceased to be a matter of regret. The ministry had conceived correctly that it would not be advantageous to them to have competition, for they knew that the capital and spirit of America would enable her to carry on as extensive a commerce as the British could with Spain and her colonies. Instead of dreading the embargo, they now wished to keep it on. If, instead of having competition in the market, they could keep it to themselves, they certainly would reap a grant of exclusive commercial privileges. This measure would be worth more to them, if kept on for two or three years, than their whole system of navigation laws.

Some gentlemen might argue that Great Britain could be coerced by difficulties among her manufacturers or by a scarcity of harvest. Ever since he had first heard of Great Britain, he had heard of commotions among her manufacturers; but time had dissipated all apprehensions from the cause. Suppose, however, for the sake of argument, that we should be enabled to bankrupt her principal manufacturers. Why, in less time than we could make bankrupts of five hundred of her principal manufacturers, we should break at least as many principal merchants in our commercial cities. Suppose by these bankruptcies 50,000 workmen should be thrown out of employment. These people would not starve, nor would they instantly become nonentities. No; they would be absorbed in the army and navy; and thus, by putting under their complete control 50,000 of the most turbulent citizens, said Mr. L. you add in reality to the strength of that nation, and give her the means of extending and supporting her naval dominion.

As to calculations on the harvest, all calculations of this sort must be idle in the extreme. Gentlemen must be very little acquainted with the situation of that country to entertain them for a moment. Mr. L. said that he found by advices from Great Britain that American flour, after nine months embargo, was selling in Great Britain at 47 shillings per barrel. By the prohibiting of trade to the continent sugar and molasses had become a mere drug in G. Britain. The colonial interest, alarmed at this, had applied to Parliament for a bill to substitute sugar and molasses in the place of grain for distilleries, and thus insure a double benefit. This had been opposed by the landed interest on the ground that the introduction into the market of so great a quantity of grain as had formerly been used in manufactures, would reduce its price so much that it would not compensate the farmer for his labor. It had obtained however. Thus it might be seen that they would not starve Great-Britain.

It might possibly be suggested that the raising of the embargo would operate no advantage to the United States as respected Spain and Portugal; that this commerce might be considered inconsiderable, and as a trade that would be unjustly prosecuted as respected the different portions of the union. Spain and Portugal were not grain countries, but produced wines, fruits, &c. depending on other countries, amongst which were the United States, for grain. In their present situation they could get it better from the United States than elsewhere. In Spain and Portugal, as in other Catholic countries, at certain seasons of the year, their religious creed bade them abstain from the use of flesh, for which they in general substituted fish. This would come from the Northern country and the flour from the middle and Southern portion of the union. It was therefore apparent that no commerce could be prosecuted which would benefit the people of the United States so equally. And the commerce to those countries consumed about twenty millions of our exports.

The effects of this measure on ourselves gentlemen could best state, as they occurred within the immediate circle of their own knowledge. So far as he had seen, Mr. L. said it was a measure fraught with mischief, breaking down the spirit of the people instead of preserving it; inviting foreign aggression instead of repelling it; bearing hard on the commercial and navigating interest, and exciting opposition which might be attended with disastrous consequences. The human mind was such, that without an absolute conviction of good to result from an oppressive measure, the people would not bear it. You will perceive their disaffection in memorials first, said Mr. L. in public meetings next; in legislative resolutions next, until the spark of disaffection is fanned into a flame which may spread wide devastation around, and overturn the liberties of the country. It had not yet come to this pitch and he hoped it would not. He believed there was one mode of preventing it, and that was by a removal of the embargo. For this as well as many other reasons he felt anxious that the resolution on the table should prevail, and this oppressive measure be removed.

A motion was now made for adjournment, and negatived.

Mr. Smith (Md.) said he was not prepared to go as largely into this subject as it merited, having neither documents nor papers before him. He would therefore only take a short view of it in his way, and endeavor to rebut a part of the argument of the gentleman from Massachusetts, and perhaps to notice some of the observations of the gentleman from Connecticut. He perfectly agreed with the latter gentleman that this subject ought to be taken up with coolness, and with temper, and he could have wished that the gentleman from Connecticut would have been candid enough to pursue that course which he had laid down for others. Had he done it? No. In the course of the discussion, the gentleman had charged it upon some one, he knew not whom, that there was a disposition to break down commerce for the purpose of erecting manufactures on its ruins. If this was the disposition of those who had advocated the embargo, Mr. S. said, he was not one to go with them, and perfectly corresponded with the gentleman in saying that such a plan would be extremely injurious; that possibly it could not be enforced in the U. States; and that, if it could, merchants would conceive themselves highly aggrieved by it. But the gentleman's idea had no foundation. Mr. S. said he had before seen it in newspapers, but had considered it a mere electioneering trick; that nothing like common sense or reason was meant by it, and no body believed it. The gentleman surely did not throw out this suggestion by way of harmonizing; for nothing could be more calculated to create heat.

The gentleman last up, throughout his argument had gone upon the ground that it is the embargo which has prevented all our commerce; that, if the embargo were removed, we might pursue it in the same manner as if the commerce of the whole world was open to us. If the gentleman could have shewn this he would have gone with him heart and hand; but it did not appear to him that, were the embargo taken off to-morrow, any commerce of moment could be pursued. Mr. S. said he was not certain that it might not be a wise measure to take off the embargo; but he was certain that some other measure should be taken before they thought of taking that. And he had hoped that gentlemen would have told them what measure should have been taken before they removed the embargo. Not so, however. A naked proposition was before them to take off the embargo; and were that agreed to, and the property of America subject to depredations by both the belligerents, they would be foreclosed from taking any measure at all for its defence. For this reason this resolution should properly have gone originally to the committee on the resolution of the gentleman from Virginia (Mr. Giles.)

Mr. S. said as he was not prepared for a long discussion, he should take but a short view. He would not go back to see which nation had been the first offender. It was sufficient for him that both were offenders. He was not the apologist of any nation, but, he trusted, a fervent defender of the rights, honor and interest of his own country. By the decrees of France every vessel bound to or from Great Britain, was declared good prize. And still further; if spoken alone by any British vessel, they were condemned in the French prize courts. When a vessel arrived in the ports of France, Mr. S. said, bribery and corruption were made use of in order to effect her condemnation. Every sailor on board was separately examined as to what had happened in the course of the voyage; they were told, you will have one third of the vessel and cargo as your portion of the prize-money, if you will say that your vessel has touched at a British port or has been visited by a British cruizer. Of course then by the decrees of France all American property that floats is subject to condemnation by the French, if it had come in contact with British hands. Were gentlemen willing to submit to this, to raise the embargo and subject our trade to this depredation? Yes, said the gentleman from Connecticut, who was willing however, that our ships should arm and defend themselves. Mr. S. said that he had hoped the honorable gentleman would have gone further and said not only that he would in this case permit our vessels to defend themselves, but to make good prize of any vessel which should impede the trade admitted by the laws of nations. But the gentleman had stopped short of this.

By the orders in council, now made law, (said Mr. S.) all neutrals,—*all neutrals*, this is a mere word *ad captandum*, as it is well known there is no neutral commerce but American—all American vessels, then, bound to France or countries in alliance with her, are made good prize in the British courts. When bound to *any part of the continent of Europe*, or any possessions in Turkey or Asia, they are good prize, *Sweden alone excepted*. We are then permitted to trade—for it is a *permission* to trade, since we must acknowledge ourselves indebted to her for any she permits—we are graciously permitted to go to Sweden, to which country our whole exports amount to 55,157 dollars! This petty trade is generously permitted us as a boon, and this boon will be struck off the list of permission the moment any difference arises between Great Britain and Sweden. I am aware, sir, that gentlemen will say this may require explanation. I will give it to them. Great Britain says you shall not trade to any of the countries I have interdicted till you have my leave; pay me a duty and then you may go to any port; pay me a tribute and then you shall have my licence to trade to any ports you chuse. What is this tribute? Not having the documents before me, I may make an error of a fraction, but in the principle I am correct. On the article of flour, they tell us, you may bring flour to Great Britain from America, land it, and if you re-export it, pay into our Treasury two dollars on every barrel. For every barrel of flour which we send to Spain, Portugal or Italy, where the gentleman from Massachusetts has correctly told us much of it is consumed, little of it being used in Great Britain or France, you must pay two dollars besides your freight and insurance. And this tribute is to be paid for a permission to trade. Are gentlemen willing to submit to this?

On the article of wheat exported you must pay in Great Britain a duty of, I believe, two shillings sterling a bushel, before it can be re-exported. On the important article of cotton they have charged a duty on its exportation of nine-pence sterling per lb. equal to the whole value of the article itself in Georgia or South Carolina. This is in addition to the usual import duty of two pence in the pound. Thus if we wish to go to the continent, we may go on condition of paying a tribute equal to the value of the cotton, in addition to risk or insurance. It is generally understood that two thirds of the cotton exported by us may be consumed in England when all her manufactures are in good work. On the remaining third the people of the Southern country are subject to a tribute—on twenty millions of pounds, at the rate of 17 cents per pound. Let this be calculated and it will be seen what tax we must pay for leave to sell that article.

But, says the gentleman from Massachusetts, we may now trade to Spain and Portugal—because Great Britain permits us. [Mr. Lloyd observed that he had not said we could trade there because Great Britain permitted it.] I know the gentleman did not say that (said Mr. S.) it is my inference. He said we might trade there. I deny it. I beg the gentleman to recollect what passed some time ago between Lord Hawkesbury and Mr. King, and see what reliance can be placed on the promises of British ministers. On a representation made by Mr. King on the subject of the colonial trade, Lord Hawkesbury agreed that provided the vessel carrying produce from the colonies should go to the United States and reland her cargo that she should not be liable to capture. What was the consequence? One year afterwards private instructions were given to the British cruizers to take such vessels, and every atom of this produce was swept from the ocean. If this is the manner in which ministerial promises have heretofore been fulfilled, what reliance can be placed on them now? By letters from my correspondents I learn that three merchants engaged in the American trade had waited on Mr. Canning to see whether American vessels might trade to Spain and Portugal? Yes, Mr. Canning answered, they might trade in the produce of their own country. But the king is authorised to vary these laws and give permission to trade with any country when he pleases. Has he given any such permission to trade with Spain? No. Is then the mere conversation of Mr. Canning a sufficient security? No. Is it any thing like as binding as that formerly officially given to Mr. King, and which was violated? Certainly not. Can this then be a safe trade? No, sir; my informant, who was one of the merchants who waited upon Mr. Canning, says that should France, now warring with Spain, over-run any part of the country, and our vessels afterwards attempt to enter, not having heard of it, they would be good prize. I am not learned in the law, but I will ask this question of those who are. Would not a British judge in this case be obliged to abide by the law instead of the conversation of Mr. Canning. He certainly would, and would give our minister in this case precisely the answer which the French council of prizes gave General Armstrong, that the opinion of an individual could not contravene the express stipulations of a positive law.

The gentleman last up told us that American flour was selling at 47 shillings a barrel in England. The gentleman knows that flour carried there and not entered for re-exportation, cannot be removed. Flour in that situation has been lying ten or twelve months in London, could not be exported, and is somewhat injured by age, having been locked up in the stores of England, without a possibility of exporting it; and it is this that sells at that price.

The hon. gentleman last up has said that the exports of the U. S. to Spain and Portugal were 20 millions of dollars. The gentleman's arguments were applied to Spain and Portugal. The exports to Spain and Portugal and all their possessions, including the immense exports to La Vera Cruz, amounted to something near this sum. But let us take the gentleman on his own ground and see what we could carry on of this trade in our *domestic product*, if the embargo were removed. The whole exports of the U. S. in the produce of the land the year ending in October 1807, were 48,699,592 dollars; of which the proportion to Spain was 1,181,231 dollars; to Portugal 829,813 dollars. I agree with the gentleman that if the embargo was off, we might carry on a very lucrative trade with the Spanish colonies and the Brazils, if we had the materials to carry it on. They do not want our flour, but articles which can now no longer be got, goods imported from Germany, and nankeens and cotton goods from India. But these are not the produce of our country, to which the gentleman alluded; and I say that the exports of our domestic produce to the colonies and islands of Spain, Cuba alone excepted, are very small. G. Britain will not let us go to Germany to get German goods, and therefore we cannot carry them as we were accustomed to do. But perhaps we shall be told we may carry British goods. What does the gentleman say as a merchant, to paying double freight, duty and insurance and then competing with England in the sale of her own manufactures. We have done it heretofore, because G. Britain was excluded from that trade. Confine the trade then to Spain and Portugal, *supposing* it to be free, and it will not amount to two and a half millions altogether. We are to say to G. Britain, if you will give us the boon of going to Spain and Portugal, (and perhaps this is but an *ignus fatuus* to lead us to her prize courts) we will submit to your tribute elsewhere.

The English orders had told us we might trade as usual with the West India islands; but now, believing, no doubt, that this government has not strength or energy in itself to maintain any system long, what has she done? Proclaimed a blockade on the remaining islands of France, so that we are now confined to British islands alone. We are restricted from trading there by blockade, and what security have we that if the embargo be taken off—for I wish it off; no man suffers more from it in proportion to his capital than I do; but I stand here the representative of the people, and must endeavor to act in such a manner as will best secure their interests; and I pledge myself to join heart and hand with gentlemen to take it off whenever we can have a fair and honorable trade—that from our submitting to these interdictions as a right of G. Britain she may not chuse to interdict all trade, she being omnipotent, and sole mistress of the ocean as we were told by the gentleman from Connecticut. I have seen a late En-