National Intelligencer.

& WASHINGTON ADVERTISER.

VOL. IX. WASHINGTON CITY, PRINTED BY SAMUEL HARRISON SMITH, PENNSYLVANIA AVENUE. NO. 1317.

FIVE DOLLARS PER ANNUM, MONDAY, MARCH 20, 1809. PAID IN ADVANCE

THE *National Intelligencer* will henceforth be conducted by SAMUEL H. SMITH, and JOSEPH GALES, Jun. and printed at the Office of the *former*, to whom subscribers and correspondents are requested still to address themselves.

The annual price, payable in advance, is *Five* dollars. The punctual compliance with this term is at this time of the greatest importance, and is earnestly requested.

ADVERTISEMENTS, not exceeding one square in breadth, are inserted the first time at *fifty cents*, and for every subsequent insertion *twenty-five cents*. If inserted less than three times a *Dollar* is charged. If inserted but once a week, an addition of one fourth part is made. Other advertisements charged in the same ratio.

CONGRESS.

HOUSE OF REPRESENTATIVES.

FEBRUARY 6.

Debate on raising the Embargo, and authorising Letters of Marque and Reprisal—Continued.

(Mr. Jackson's speech continued.)

The 26th provides, that in case of war, the merchants may remain as long *as they please* amongst us, to carry on *trade*. Sir, to this there are two strong objections, 1st; they are a curse to us in time of peace, and they would be far worse in a period of war—spies upon us—and monied spies too; their whole wealth and power, would be brought to bear upon our people for the purpose of corrupting them. 2d; I will ever maintain the position, that private property is no more *justly* liable to seizure at sea, than on land; and unless they would refrain from taking ours at sea, I would retaliate by sequestering theirs on land.

The 27th requires that fugitives shall be delivered up. Under this article Jonathan Robbins was offered up, and sacrificed.

The 28th relates to the limitation of the articles; the first ten to be permanent, the other to be in force until two years after the signature of preliminary articles of peace. This being the import of the treaty, and the effect of all the articles which I have separately considered, lest it might be supposed that those omitted contained something favorable, I ask any candid man if it ought again to be renewed? And if it were, wherein is to be "*indemnity or security?*" The good, if any were contained in the first ten articles, and they were executed; except so far as relates to their permanency. They indeed contained much good; and one article relating to the Western posts, swallowed up all that were obnoxious. You must recollect Mr. Chairman, with what eloquence and effect, that consideration was pressed upon Congress—gentlemen who never saw an Indian, all at once felt uncommon sympathy for us Western people; they painted in vivid colors, the relentless barbarity of the savages, who waged a war of extermination against us; no age, no sex, no condition exempting any, from the indiscriminate murder of all; led on by British officers, fighting in their ranks and commanding their expeditions—deriving supplies and protection from these posts, and stimulated there, to lay our country to waste, and cut off its scattered population. It contained a *lottery* provision too, for indemnity: five commissioners were to be appointed; two by G. Britain, and two by the President, and if they could not agree upon the fifth, *lots* were to be cast—well, sir, the British commissioners decided against our merchants, the American ones in their favor; they could not agree upon the fifth, and accordingly drew *lots*, "and the lot fell upon Jonah;" we got the commissioner, and our merchants were paid for *unlawful spoliations*. We had to be sure a hard bargain for this favor, as we engaged to pay the old British debts, due from individuals, to an enormous amount; but through the provident management of the present administration, we commuted them for a gross sum of 600,000l. sterling.

Let it be recollected, sir, that we were then in the gristle; now we are hardened into the bone of manhood; and what might have been a good treaty then, while our resources and industry were merely unfolding themselves, would be a bad one now, that we are a great, free, and powerful nation. Such as I have rapidly reviewed them, are some of the inherent objections to the treaty of 1794. It had many sins of omission to answer for. It contained no provision concerning impressments. The West Indies were shut to us. There was no regulation about the colonial trade—and nothing concerning blockades.

Well, sir, the administration have been accused of error in refusing to accept the treaty of 1806. It is worse than the former; and proceeding with my first design to make this a matter of fact argument, I will take a review of that treaty also.

1st. The first article, like that of the treaty of '94, stipulates that there shall be a firm *inviolable peace, and a true* and *sincere friendship*. As the article in the treaty of '94 was still in force, this was superfluous, unless indeed that G. Britain having often violated it, was willing to give a new proof of *friendly dispositions* which her conduct rendered necessary.

Art. 2d renews the ten permanent articles of the treaty of '94 by way of brightening the chain of our recollection.

Art. 3d regulates our trade to the East Indies, and is materially worse than that of '94: by it we are confined to a *direct trade* from the U. S. to them, and *directly* from them to the U S. The great value of that trade, as regulated by the treaty of 1794, consisted in carrying the produce of the U. S. to a market in Europe, receiving specie and other articles of traffic there, and going thence to the East Indies; thereby deriving all the benefits accruing from double freights and double profits. The same benefits resulted from the traffic on the return voyages. Under this article the trade would drain the country of specie, as with specie *principally* is it carried on. It, like the treaty of '94, prohibits our citizens from settling or residing there, and from going into the interior.

Art. 4th relates to the trade with the U. S. and Europe—all our states and territories are thrown open for *Europe* alone: it is precisely similar to the 14th article of the treaty of '94 and the objections urged to that, apply to it.

Art. 5th is like the 15th of the treaty of '94. It repeals our non-importation act, and prohibits all other restrictive measures, which it may be politic to enact hereafter. There is no reciprocity in it; we are not a manufacturing people, and through restrictions upon manufactures we wield a potent engine—and the power of discriminating ought not to be relinquished.

Art. 6th declares that the subject of intercourse with the West Indies shall be postponed. Sir, they cannot subsist without the supplies received from us; and yet they will not allow us to trade thither, at a time when every port we own is thrown open to them.

Art. 7th relates to consuls, and is similar to the 16th in the treaty of '94—the same objections apply to it—their consuls are at liberty to reside at any of our ports—ours are confined to Europe, and excluded from the East and West Indies and all other places.

Art. 8th concerns captures on just suspicion of being enemy's property—It is similar to the 17th of the treaty of '94, and liable to all the objections urged in relation to it.

Art. 9th is on the subject of contraband, and includes timber, hemp, plank, &c. which should have been exempted, after the example of the Russian treaty: and being the growth and produce of our country, such exemption was the more important to us.

Art. 10th relates to the *notification* of blockades: the *definition* of them, which we are so much interested in, and had pressed so strenuously, being totally omitted. A provision on this subject acquired fresh importance every day: we had witnessed the most alarming innovations upon the established definitions in the laws of nations—insomuch that paper blockades were substituted for real ones, and whole islands, kingdoms and continents, were *declared* blockaded when the combined fleets of Europe could not effect it.

Art. 11th is on the subject of the colonial trade; the restraints upon it are incompatible with the character of independence, and at first view, the mind is struck with the outrageous attempt of G. Britain to dictate to us in what manner we shall trade with the possessions of an independent nation—and how we shall be permitted to trade with her enemies. The regulation is a humiliating one; for by it G. Britain assumes the prerogative of directing to what extent at least it shall be taxed by us. 1st. If we trade in the productions or manufactures of Europe, destined for the West Indies, they are to be first brought here and subjected to a duty of at least one per cent. before they can be carried there. If we desire to carry the productions of the colonies to Europe, they must be first brought here, and a like duty of two per cent. imposed. I am aware that to this it has been answered we derive a revenue from the traffic; but, sir, I am not for collecting a revenue of our citizens at foreign dictation—besides, the double voyages and expenses so enhance the price that we cannot compete in the market with the British productions; and it operates as a bounty to that amount on them.

Art. 12th concerns maritime jurisdiction, but within the defined limits permits the right of search, to see if the vessel belongs to an enemy. Within our jurisdictional limits we must maintain exclusive jurisdiction, or fritter away our independence—within them it is an universally acknowledged principle, that the national sovereignty is as complete at sea as on land: nay, so inviolable is that sovereignty, that even enemy's vessels are exempt from attack and capture. It is true, that in the case of the Impetueux, Great Britain trampled upon the law of nations; but it is not the less obligatory, although we submitted to the degradation of its violation. Once allow the right of search for the purpose expressed, and the most alarming abuses will follow. In this article there is no provision against hovering around our ports, and taking stations there, to surprise and vex our inward and outward bound trade—a provision of indispensible necessity, taught us by the melancholy lessons at New York; for that important place has been effectually blockaded by British vessels.—Our jurisdiction must be complete and *exclusive*.

Art. 13th regulates the right of search: It is to be exercised *as favorably as the course of the war may permit, observing as much as possible* the principles of the law of nations. This is a latitude, boundless as the universe; it is completely undefined; it is a mockery of our understandings. Great Britain may give new aspects to the war every day, and being sole judge of the favorable course which the war may permit, will riot upon our rights. It acknowledges the justice of, nay, sanctions a departure from the law of nations: better therefore be without the article entirely. Every man who has attended to the history of our humiliations at sea, must recollect the many complaints of abuses in relation to the right of search. Instead of keeping at a proper distance, and limiting the number allowed to visit our merchant vessels, for the purpose of examining her character and lading, our captain is ordered with his papers to come on board of the British ship, launched in his crazy boat upon a boisterous sea, at the imminent danger of his life, and there saluted with the most abusive, ungentlemanly language. It further relates to judgments in prize-cases, and to restitution for unlawful captures: a copy of the sentence and proceedings of the admiralty courts shall be given, if required. Sir, it should have gone further, and compelled the admiralty judge to have stated the grounds of his opinion. Let it be recollected that the court is an ex-parte one: we have no security for its integrity, and the abuses committed by them are alarming. Their forms of judgments are, "condemned as enemy's property, or *otherwise*"—and our courts, where cases depending upon those decisions have come before them, decide that the decree is conclusive, unless there is error apparent on the face of it. Indeed, I believe they go further, and condescend to be the mere registers of the British admiralty edicts. How can an error in the *opinion* of the judge appear when he condemns on the ground of "*enemy's property, or otherwise?*"—There is an extreme necessity for some checks. Sir William Scott, judge of the high court of admiralty, who has assumed to himself the high character of impartial expounder of the law of nations, for all nations, with all his great talents, has been unable to reconcile his inconsistent, time-serving, varying decisions; and, failing in that, has been at length compelled to take refuge under the orders of the British privy council: the laws of nations, of reason, morality, and every thing else, being disregarded. Sir, there is no provision for a *bona fide* restitution; and in proof of the abuses practised, I will state a case which occurred last summer: A vessel belonging to an American merchant was dispatched in ballast to Guadaloupe, under a permission from the President, to collect a debt due to him there. Being prohibited by the embargo laws from carrying any lading, the owner drew bills upon his debtors and not being able to obtain specie, or perhaps desiring to import some of the productions of the island into the United States, as he lawfully might, he received sugar, &c. in discharge of the debt. On the return voyage, the vessel was captured and carried into Antigua, and libelled there. The judge was disposed at first to condemn the property under the order of June; but finding a better expedient, he determined that it must be enemy's property, as there was no cargo to purchase it with; and inasmuch as drawing bills might be converted to the fraudulent cover of enemy's property, he determined it was enemy's property, and condemned it. Well, sir, although the cargo was worth, and would have sold here for 12,000 dollars, by being exposed to sale in a glutted market, it brought only 3,000 dollars. The costs of prosecuting the claim, in the vice admiralty court, were 1,400 dollars; and it was admitted on all hands, that the expenses of appeal would be 2,000 dollars more. Although it was most certain that the decree would be reversed, it was equally so that nothing would be restored but the proceeds of sale: so that after succeeding, our citizen would lose his property, and 400 dollars into the bargain. Suppose a vessel captured merely for the *spoil*, carried into and sold at St. John's, where there are no bidders able to exceed 150 dollars; and in such case restitution of the proceeds (which is the universal rule) were decreed—what is the effect?—Invitation to plunder, although they have sufficient already. Sir, I am for exposing their judges by making them expose themselves; and for breaking the chains of vassalage, which our judges have put on thereby. Such a provision would effect the object.

The 14th article relates to piracy.

The 15th prohibits citizens from joining others in hostility.

The 16th prohibits reprisals until complaint is made, *and unreasonable delay*; it is similar to the 22d of '94.

The 17th, like the 23d of the treaty of '94, admits all their armed vessels into our ports, and requires the punishment of those insulting their officers.—I will not repeat the objections already urged, when discussing the 23d article.

Art. 18th relates to arming, in the ports of the two nations.

Art. 19th provides for the admission of their privateers, with their prizes—whenever *they please*—I wish not to be misunderstood, in discussing this treaty, as intimating, that the provisions are not reciprocal upon paper; what I contend is, that there is none in reality. We are a peace loving nation.—Great Britain loves war.—We preserve peace if possible.—Great Britain prefers war to peace.—We have comparatively, no navy.—Great Britain has "1000 ships of war." This article farther provides, that the privateers of the enemies of Great Britain, shall not be allowed to enter with their prizes; but if forced in by necessity, we shall be compelled to hasten their departure; and that hereafter we will not make a treaty, inconsistent with these provisions.—Such a stipulation in time of war, is a gross departure from neutrality; which consists, in preserving a strict impartiality between the belligerents—granting no advantages to either, (that is—not reciprocal) to the detriment of the other: and it cannot fail to embarrass us in future; for in this particular at least, every nation entering into treaties with us, and indeed without them, has a right to expect that we will admit them upon the terms of the most favored nation.

Art. 20th, like the 26th, in the old treaty, permits the merchants to reside here, trade, &c. during a war with us. What I urged against the 26th article, need not therefore be repeated. I have, however, an additional objection to this; it provides that if their merchants *are suspected* they may be warned to go off, and shall even after such warning, be allowed to remain twelve months in the country. I want none of their merchants here, and I do not wish any of ours to reside in Great Britain.

Art. 21st, like the 27th, is for delivering up fugitives from justice.

The 22d, shipwreck.

The 23d requires that in future, Great Britain shall receive all the benefits of the most favored nation. We, sir, are shut out from the British colonies: and let me suppose that France and Spain should open theirs by treaty, in consideration of some commercial privilege—that Spain should cede Florida, and stipulate in the treaty for the reservation of some indulgence—shall Great Britain instantly, without any equivalent, enjoy the like benefits? Its operation necessarily is to prevent us from making a bargain; and let it be kept in mind, that Great Britain cannot enlarge her European possessions; that her system in them is unchangeable; and no inducements can be offered to vary it.

The 24th article concerns the slave trade.

The 25th provides a reservation that no treaties in existence shall be contravened.

Such is the substance of this famous treaty: let any gentleman examine it impartially—let him consider the objectionable tendency of the articles, and above all, the total absence of any provision securing us, and I fear not that his decision will support his government, in the ground it has taken. If the treaty of '94 had much to answer, for the crimes of omission, this has *much* indeed; for they far transcend the former.

Upon the great points of difficulty and collision, no provision was made: we treated away all we had to give, and trusted to chance, and fate for our security. By the treaty *all* our ports were opened, and all our laws resticting British commerce, British ships, &c. were repealed.

Upon the great point of impressment, the treaty was silent.

The West indies were shut upon us.

The East Indies more than half closed beyond what they were in '94.

There was no provision for indemnification: there too, the treaty was silent—and silence upon that point is in effect, a total abandonment of it. The treaty of '94 contained such a provision, and so did the treaty with France. It has been most uncandidly asserted, that we in the treaty with France, promised to pay our citizens with our own money. It was a wise provision in the Lousiana convention, that a part of the purchase money should be applied to the indemnification of our citizens; *the price* was not thereby augmented one cent, & all candid men acknowledge that it was a good bargain; the island of New Orleans alone, being worth more than the sum given for all Lousiana, with its countless millions of acres.

There was no provision against a British export duty, whereby they tax us to a large amount, and we by our constitution were prohibited from retaliating.

No provision against illegal blockades.

And none for permitting the residence of our consuls at any of their possessions except in Europe.

In a word there was *no indemnity for the past—no security for the future*.

But, sir, there was a sting affixed to it more poisonous than the adder's. I allude to the infamous rider, in No. 3, page 163, which Lords Holland and Auckland say was the *only* condition or reservation annexed to the treaty: It declares—if France should attempt to execute the Berlin decree, "they are confident *the good sense* of the American government will perceive the fatal consequences of such pretensions to neutral commerce, *and that its spirit and regard for national honor* will prevent its acquiescence." But if the enemy executes his threats and neutral nations acquiesce, Great Britain may be compelled *to retaliate*, and pursue the same measures towards neutrals