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CONGRESS.

IN SENATE.

Tuesday, November 22.

EMBARGO DEBATE—CONTINUED.

Mr. POPE.—Mr. President—I rise with more than ordinary diffidence to address you on the interesting question under consideration. When I consider the present state of our country embarrassed with difficulties, menaced with dangers by foreign nations, our ships captured and burnt by one power, captured, condemned and confiscated by the other, a storm gathering in the East, which threatens to burst upon us with rebellion and disunion, the honor, independence and best interest of the American people deeply involved in the course to be pursued, I am seriously impressed with the immense responsibility which devolves upon me, as one of their representatives at this awful crisis. The want of some documents which I had expected would before this have been furnished us, and of a more intimate acquaintance with the commercial world renders me unable to do justice to all the topics which gentlemen have introduced in the wide range they have taken; altho' I shall not attempt to explore the whole ground, I will endeavor with the best lights I possess to notice such of the arguments of the gentlemen in opposition as seem to demand attention.

On the 4th of July, 1776, the people of these states declared themselves free and independent, and this declaration they sealed with their blood. Their independence was soon after recognized by different powers of Europe, and finally by Great Britain herself. By this memorable and glorious event, which released them from the shackles of the British government, and gave them independence, they became entitled to all the rights and privileges on the high seas which could be rightfully claimed by any other nation; & these rights, I presume, it will not be pretended they have either abandoned or forfeited. The high seas have been hitherto considered the common high way of nations, designed by the God of Nature for the common use of mankind, and over which no power could rightfully claim exclusive dominion. I shall not waste the time of the Senate to enquire whether France or G. Britain has been the first aggressor on our neutral rights, or from which we have received the most injuries and indignities, because such an enquiry appears to me at this time unimportant. I am willing to view both nations with an equal eye as common enemies. Nor do I deem it necessary to retrospect injuries and insults of an ancient date, but shall confine myself to a period and circumstances more intimately connected with the present crisis. In 1805 the British government asserted that this country was not entitled to carry on trade with her enemy in time of war, not permitted in time of peace. Under color of this new principle, a number of American vessels were captured by British cruizers and condemned in the British courts of admiralty. This conduct of the British government alarmed the whole commercial interest of this country, and memorials were sent to the President from the different commercial towns in the U. States, protesting in strong and spirited language against this novel principle, and calling upon our government to resist by negociation it, as well as the impressment of our seamen. I beg leave to read a part of the memorial from New Haven, in the state of Connecticut. Mr. Pope read as follows:

"That your memorialists have observed with no common decree of surprise and solicitude, the numerous embarrassments which the commerce of the U. States has suffered, during the present war in Europe and the Indies; arising from the adoption of new principles by the admiralty courts of Great Britain, as well as from the depredations committed on our unprotected trade by lawless freebooters, and the unwarrantable impressment of our seamen. Your memorialists will not attempt to discuss at large the principle, which they understand, has been adopted by the admiralty courts of G. Britain, in recent decisions respecting the rights of neutral nations; it is sufficient for them to observe, that in their opinion, the principle assumed by G. Britain, of considering all the trade of a neutral nation as unlawful, which the same nation cannot carry on in time of peace, to be new and unwarrantable; a principle not authorized by the maxims of sound justice, which have long been received and respected by nations, as laws by which their mutual intercourse ought to be regulated."

The people of Boston, in their memorial, after reasoning with great ability and perspicuity to prove that this new principle assumed by the British courts of admiralty was an alarming infraction of neutral rights, solicit the government on account of the importance of the subject to send a special mission to London. Here Mr. Pope read from the Boston memorial as follows:—

"But whatever may have been the motives for the proceedings on the part of Great-Britain, the effect is notorious. From her recent conduct great losses have been sustained; our commerce has been checked and embarrassed, and large quantities of produce are now remaining locked up in this country, which were purchased for foreign markets; because our merchants cannot send it abroad, without taking risks on themselves which prudence would not justify, or without paying such rates for insurance as the trade of the country cannot afford.

"Thus circumstanced, the merchants of Boston have thought it their duty respectfully to make known their complaints to the government. Believing the citizens of the U. S. desirous of cultivating relations of amity with the whole human race, and particularly connected as they are with G. Britain, by habits of constant intercourse and by mutual wants, they cannot but hope, that like dispositions are entertained by the British nation towards this country, and if measures were speedily taken for the amicable discussion, by negociation, of our complaints, that a sense of her own interest, and a respect for the rights of others, would induce her to depart from her present measures, and to conduct towards us with justice and liberality.

"Under this persuasion, and without meaning in the smallest degree to derogate from the talents or attention of the American minister at the court of London, the subscribers, with deference and humility, beg leave to suggest, whether, when so important national interests are at stake, a special mission would not carry with it great influence, and be very instrumental in the accomplishment of our reasonable wishes."

This earnest and fervent call on the government by the commercial interest was promptly obeyed by the administration. The course pointed out by the memorialists was pursued—a special mission was immediately sent—this new principle as well as other violations of our maritime rights were resisted with energy and ability and every effort made to obtain a redress of injuries, and to place our commerce upon a just and honorable basis, as must be evident to every man who has read the documents communicated to Congress during the last and present session. I shall pass over the different decrees and orders of the two belligerents from 1805, until the fall of 1807. I will pass over the affair of the Chesapeake, which called forth such a burst of indignation throughout this country. In Dec. 1807, duuring the last session of Congress, the President was officially informed, that Bonaparte had determined to extend his decree of Berlin to American commerce, and although not officially notified, had every reason to believe that the French decree had been or would be retaliated by the British orders of council. The President, thus warned of the dangers which threatened our commerce on the high seas, communicated the subject to Congress by a confidential message, recommending an embargo, to secure our vessels and seamen from capture. His advice was attended to, the measure was adopted. I expected, or at least hoped at that time, that this measure, besides securing our property, by its pressure on the belligerents, aided by a conciliatory course on the part of our government, would have induced an amicable adjustment of differences with both or one of the belligerents, and thereby averted the calamities of war, that if it failed to produce this effect, it would at least afford us time to prepare to meet war, if inevitable—that our administration has used every honorable means during the existence of this measure to settle our differences amicably with the belligerents, cannot be doubted by any one who has read the documents accompanying his recent message. After the administration had pursued the course marked out by the commercial people, whose organs the gentlemen in the opposition appear to be on this occasion, after resisting the unjust pretensions of France and G. Britain—after the government had laid an embargo and brought the nation to the eve of a war for the maintainance of our maritime rights—What do we hear—we are told by a part of these same people, to the astonishment of all America, by solemn resolutions, which are already before the public, called the Essex resolutions, that we have no cause of war against Great Britain, and all her aggressions, if not justified, are excused; and our government is gravely told to disgrace itself by receding from the ground it has taken. The gentleman from Connecticut, whose object seems to be rather to prove this measure wrong at first than what ought now to be done; tells us that the French decree of Berlin was not sufficient to justify this measure at the time it was adopted, because France had no naval force to give it effect on the high seas. If the Berlin decree was not sufficient to justify our embargo, upon what principle can it be pretended that it justified or even palliated the British orders of council? Although at the time the embargo was laid we had every reason to believe that the orders had issued, and which turned out to be the fact, yet I will admit for the sake of argument, that the Berlin decree was not a sufficient ground for the embargo. Will gentlemen contend that the Berlin decree, British orders of council, and the French decree of Milan, all which were in force at that time, if then officially known to our government, would not have been a sufficient cause for the embargo; and if they admit, that the whole combined, would have justified the measure, at the same time that they deny it to have been wise, they are constrained to acknowledge that it was at least fortunate. If the dangers to which our commerce was then exposed rendered the measure proper, how can gentlemen seriously contend that while those dangers continue, it ought to be removed, without proposing some more efficient measure as a substitute.

We are told however that the avowed object of this measure was to secure our property and seamen from capture, and that it was represented to the two belligerents as a measure of precaution, not as a measure of coercion or hostility. It is in its nature a precautionary measure, and it was the duty of the President to represent it in that light to foreign governments, and whatever inconveniences may result to them from it, they cannot by the law of nations consider it as a measure of hostility. Yet the gentleman from Connecticut tells us triumphantly that it has not only failed to produce any effect upon foreign nations, but that it never will operate as a measure of coercion. If the gentleman does not think this measure the best that can be devised, and that some other would better suit the present state of things, it is certainly his duty to propose it, and not to press a negative proposition calculated merely to censure, to find fault. I sincerely lament that this measure has not been productive of all the good effects anticipated. But, sir, although it has not, owing to numerous evasions and violations, together with other causes, induced foreign powers to discontinue their depredations and restrictions upon our commerce; it does not necessarily follow, that if persevered in and properly executed, it would not produce this effect. It is some consolation to the friends of this measure that it has been productive of some good. It has prevented a large portion of our property from falling into the hands of the belligerents, it has preserved peace and afforded us time to prepare for war, if this sad alternative must be resorted to. The gentleman from Connecticut and the gentleman from Massachusetts do not appear to agree as to the effects of this measure. The gentleman from Connecticut contends that it had no effect, while the gentleman from Massachusetts informs us that it had a very considerable effect on Great Britain in May or June last. If it has at any time had an effect upon either of the belligerents, it proves at least that its advocates did not miscalculate as much as the gentleman from Connecticut would induce the world to believe. The gentlemen have cited a French expose, to prove that the embargo is approved by that government; this document I have never seen, and cannot therefore comment on it; and the gentleman might have proved by Mr. Canning's letter, that Great Britain is not dissatisfied with it, if the sincerity of such declarations is to be confided in.

The gentlemen have not explained their object in referring to this document; was it to prove that it did not operate on France, but did upon Great Britain, or that it had no effect upon either. If it was their design to prove by this document that France is reconciled to bear the inconveniences of this measure herself, on account of its more severe pressure, upon her enemy, which may be the fact—it establishes the very reverse of what the gentlemen contend for. They have endeavored to prove that it has had no effect, nor will have any upon either. We have been told that we have been commanded by one power to make war upon the other—that it has been the policy of both belligerents to draw us into the contest, is evident; and if our embargo has enabled us to resist their dictatorial mandates or insidious policy, it is fortunate for this country. It has been said that we had as well give up our ships to the enemy as let them rot in our harbors. I think very differently, I would rather have them sunk in the ocean than give them up to enrich our enemies. There is something of principle concerned in this. [Mr. Lloyd said he had not expressed this idea; he had said that it affected the national wealth no more that the vessels should be lost at sea, than that they should rot at the wharves.] Mr. P. said he considered the present contest between us and the belligerents, not merely as a question of profit and loss. There was something of principle, honor, and independence at stake; and he was not disposed to calculate how much money would be gained by succumbing to a foreign power. This is not the question with Congress or the nation. After the manner of the gentleman from Connecticut, who was fond of illustrating his ideas by very familiar examples, I will suppose that gentleman was in the habit of dealing largely with two merchants, A. and B. that the intercourse between them was mutually advantageous—these merchants suddenly quarrel—A. tells him he shall not trade with B. and that if he attempts it he will stop by force, and rob him of what he may be found carrying to B. B. tells him he shall not trade with A. under similar pains and penalties, unless he will first go to B. and purchase of him a license to deal with A. What would the gentleman do? I presume he would either chastise both for their insolence and injustice, or if that was not convenient, he would tell them I will have no intercourse with either of you. He would certainly resist their insolence and injustice by force; discontinue all intercourse with them, or submit to their terms. Would the gentleman in such a case calculate whether it would be his interest to submit to the disgraceful conditions of B. who happened to be the stronger of the two, than bear the inconveneiences resulting from a non-intercourse? Would the gentleman submit to disgraceful conditions for the pounds, shillings and pence, he would make by a renewal of intercourse with them? I presume he would not. Great Britain and France, in defiance of all law, justice and right, have by their decrees and orders, interdicted our trade to a very great extent. Great Britain however will permit us to trade, provided we will agree to pay her for the privilege. Now, sir, it appears to me that we must resist their decrees and orders by war, non-intercourse, or we must submit. Are we to be told that honor and independence are out of the question, and that we ought to submit to disgraceful conditions for the sake of trade, because we shall make money by it.—Surely not.

However the gentleman from Connecticut and myself may differ in other respects, I concur with him in opinion, that we have nothing to hope from the friendship or justice of the belligerents, and that the most efficient means of coercing them is by operating on their interest. If then his position be correct, that our only means of bringing G. Britain to terms is to affect her interest, and if it is true, as is generally believed, that our commerce is very advantageous to G. Britain, shall we not by suspending that commerce operate on her interest, and will not her interest induce her to do us justice, in order to renew it? The gentleman from Connecticut has told us that our embargo with the aid of a non-importation act, would produce no effect, because the West India planters can convert their sugar plantations into cornfields, and that therefore they could not be starved. Does the gentleman suppose any man of common sense ever believed that this system of starving, as it has been called, would destroy the belligerents? No, sir; it was expected to operate upon their interest; the only way in which the gentleman tells us they can be coerced. If, as the gentleman supposes, the West India planters will be compelled by our embargo to employ their capital and land in the culture of corn, in order to subsist will they not be materially injured by it? Will not the shipping interest engaged in carrying West India produce to Europe be injured, and will not the consumers in the mother-country be injured by a rise in the prices of West India produce, independent of the injury to the government on the score of revenue? If it had been the interest of the sugar-planters to employ any portion of their capital in raising corn, it is wonderful they have never before made the discovery. The gentleman from Connecticut has also informed us that these islands can be supplied from other countries. If other countries can supply the West Indies with those articles which they have heretofore received from the U. States, I would thank the gentleman to inform us why those other countries have not rivalled us in this market; for it is not a new one; it has been known for a great length of time. Those countries from which these islands can be supplied must have been, I presume, employed heretofore in more lucrative pursuits; and, according to a position advanced by the gentleman himself on the subject of manufactures, those other countries could not be induced to abandon suddenly their present pursuits, in order to supply the West India market. If G. Britain can procure these supplies elsewhere, it cannot be her interest to do so, because it is not presumable that she can procure them on as good terms as from the U. States.

The gentleman has informed us that G. Britain can be supplied with cotton from the East Indies and other countries. I will ask the gentleman if G. Britain can procure this article from the East Indies and other countries in sufficient quantity, and on as good terms as from the U. States. If she cannot, which I suppose to be the case, she must feel our embargo in her manufactures, one of the vital sources of her strength and prosperity. We are told that a non-importation act would have no effect, because it could not be enforced, smuggling would be carried on to a very great extent; that a non-importation act would, like all other laws, be partially violated, was to be expected.—Every law is violated, but with due vigilance such a measure could be enforced to a very great extent. This measure would not be efficient, says the gentleman, because G. Britain will find a market for her manufactures in new Spain and South America. I will ask the gentleman, whether South America has not been supplied heretofore with British manufactures to a considerable extent, and does the gentleman seriously believe that she would find a market in that country for the immense quantity of her manufactures hitherto consumed in the U. States?

Although the gentleman has not, in his resolution to repeal the embargo, proposed a substitute, he intimated in his argument, that we ought to arm our commerce against all nations. I am not prepared to say, that I will adhere to this embargo system if a better can be devised—but before I embrace a substitute, I must be informed how it is to operate—the gentleman must therefore excuse me for propounding a few questions to him in relation to this measure. I wish to be informed—would not such a measure be war with France and Great Britain, or should we not by such a measure put it in the power of the commercial interest to embroil us with which nation they pleased? Is it probable that our merchants would run the risk of fighting their way to the continent of Europe with loaded vessels in defiance of the British navy? Is it not more probable that G. Britain would have agents in this country to sell licences to our merchant to trade to the continent, and would not our merchants for their own security, secretly purchase and trade under those licences? If the object of G. Britain be a commercial monopoly, and we remove our embargo, would it not be in the power of the British merchants, by a secret understanding with, and the connivance of their government by agents and secret partners in the U. S. to carry on the very trade to the continent which G. Britain interdicts to us? I have been led to make these enquiries by reading the memorial of the merchants of Baltimore, presented to the government in 1806, re-