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CONGRESS.

HOUSE OF REPRESENTATIVES.

FRIDAY, Nov. 27.

Debate on the reference of a memorial from sundry merchants and traders of the city of Philadelphia, praying for a repeal of the non-importation law.

(CONTINUED.)

MR. J. CLAY said that the petition was signed generally by ship holders, men of respectability; and with respect to the insinuation that it was the offspring of a British party, there was signed to that memorial the name of a man, who could no more be supposed a British partizan, than could her greatest enemy; but he would not now enter into an enquiry into the character of these men. The gentleman from Massachusetts first up, (Mr. Crowninshield) had made a long harangue on the state of the nation, and said that no difficulties arose under this law. The custom-house of Philadelphia, in answer to an enquiry by a deputation from a body of merchants, declined giving an opinion as to the operation of some of its provisions. Every person knew how the bill originated; when the gentleman from Maryland who was not now on the floor (Mr. Nicholson) brought forward the resolution, it was general as all resolutions were, and merely declared the principle; when it was agreed to and referred to a committee to bring in a bill, instead of going into the necessary details, they took the mere words of the resolution. As to some observations from the gentleman from Tennessee (Mr. Rhea) one of which was that the law did not embarrass the merchants, he should only observe that it appeared to be the privilege of a member of Congress to speak on every subject that occurred, whether he knew any thing about it or not. He should say no more, but that his feelings had been excessively wounded by the observation of the gentleman from Pennsylvania (Mr. Smilie) when he knew that the memorialists whose all was now at stake, were honest men though of different politics from himself.

MR. NICHOLAS said it was urged by the memorialists as one reason in favor of their prayer, that the law needed amendment; another was, their fear of irritating Great Britain. He wished to God the United States might remain at peace with every nation on earth; but hoped they would only accept of it upon honorable terms. He did believe, that while acts of hostility were committed, while the armed vessels of Great Britain still floated in the waters of the United States, in defiance of an interdictory proclamation, it would never be determined by the representatives of the great body of the American people, that it became them to take any measures to conciliate. The executive had sent no supplication; he hoped it had made a *demand*; that must be complied with, or they must appeal to arms, or make a total sacrifice of the national character. He felt no disposition to reject the memorial, but he would not vote for its reference to any committee; and would submit it to his friend from Virginia (Mr. Basset) whether it would not be acting more for the interest of their country, to spend their time in making preparations for events, than in discussing such a question as this memorial involved, and whether his purpose would not be equally answered by a discussion of what had for its object the defence of the country.

MR. ELLIOT said, if it were true that there did exist in our country a British party, it was a subject which ought to excite no inconsiderable alarm; but he had seen no reasons for an apprehension of this kind. If there were in the country a British party possessing talents, property and influence, how unfortunate was our situation? If, said Mr. E. after the outrages which have been committed, by violations of our rights, and jurisdiction, there be a party ready to advocate that cause, we are unfortunate: If there be a British party, I hope it is the only foreign party in the country. But how was the question of a British or any other party now before them? A petition had been presented to the House, and a motion made for its reference to a committee, to give it the only course which a petition ever took. Was there any reason why this petition should not be referred? It regarded an important subject, a national concern. Was it couched in insulting or disrespectful language? He was not in the House when it was read, but understood it was perfectly respectful. The Emperor Napoleon, when opposed by Alexander, heading a column of 500,000 men, if a petition were offered to him by the meanest of his subjects, would at least smile on the petitioner, and put the paper in his pocket. Whither were the House going? He was apprehensive that there were two cabalistic words, either of which were sufficient to silence a petitioner or a member. British party was one. Was a petition presented, and a motion made to refer it, some one rose and told them the petition ought not to be referred; it came from a British party. Was a motion, on the face of it unexceptionable, proposed, they were told the mover had no confidence in the executive, and must be voted down. No confidence in the executive! Vote him down! Were they to reject petitions because they expressed no confidence in the executive? He understood some allusion to be made in the petition to demands made by our government. In turning to the message of the President, he found no mention of such demands. After noticing the interdiction of our waters, the President says, "An armed vessel of the United States was dispatched with instructions to our ministers at London to call on that government for the satisfaction and security required by the outrage. A very short interval ought now to bring the answer, &c." No intimation was given of the demand which was here mentioned being connected with any other demand. But did the petitioners intimate any thing which did not arise from the general understanding that this demand had been connected with other demands, regarding perhaps questions of still greater importance. Such was the general understanding of the country; he did not undertake to question the policy of such demands. He did not want confidence in the executive himself, but would not reject a petition because it did not express the same sentiment.

MR. NELSON could not tell how the gentleman from Vermont had got into the argument about a British party in the country, except it was because Mr. N. himself had called for the reading of the names subscribed to the memorial. He had no idea in doing this of enquiring whether there were a British party in the country or not. He merely wished to know whether the memorial was signed by the community at large or by merchants only; because he knew that the interest of the great body and the mercantile interest were very different, and if the latter were to have its way the country would be plunged into a war for its commerce, at the expence of the resources of the whole community. But the gentleman had said that if the greatest monarch on earth were presented with a petition from his meanest subject, he would at least smile on the petitioner. Mr. N. hoped this would never be the case here; that this House would not, courtier-like, smile, but boldly and like a republican frown in the face of a man whose petition they did not like and not put it in their pockets, when they did not mean to attend to it. If the petitioners asked for what ought not to be done, the respectability of their characters should have no weight with the House in favor of it. Circumstances had much changed since the adoption of the law. Did they not recollect that previous to its adoption it was proclaimed throughout the country, that it was more than the United States dared to do, to pass such a law? The law had been passed; they were now on the eve of a war, and the British nation had said to them, if you persist in this law, we will consider it a declaration of war. Ought they under these circumstances to refer applications made for the repeal of that law? Was it not time mispent even to consider whether they would refer the memorial or not? He confessed he did not much like the law when it passed, but he voted for it, because he thought something ought to be done. But should they now retreat? He hoped not. He hoped the petition would neither be referred to any committee, or lie on the table; he wished it to receive no consideration whatever.

MR. BASSET withdrew his motion for referring the memorial to a committee of the whole on the state of the union, not that he was perfectly convinced his proposition was incorrect; as it was made with a view to the subject and not to the petition; but he was not one of those who wished a question taken on a motion merely because he made it himself. Another reason was, that he understood that it was contemplated to take up a report of the committee of aggressions to day, when the House could go into a general discussion.

MR. W. ALSTON withdrew his motion for a reference to a committee of the whole, as he did not wish to shew any particular complaisance to the petition.

The *Speaker* said the question now recurred on the reference to the committee of Commerce and Manufactures.

MR. RHEA (T.) should not have risen again but for the observations of the mover of the reference, (Mr. J. Clay) who understood him to say that the law would not embarrass the merchants. The gentleman had misunderstood him; he did not think it would embarrass any merchants who considered the honor and dignity of the U. States. Mr. R. admitted that he knew nothing of commerce, for he was no commercial man; but this he knew, that the act prohibited the importation of certain articles, and was passed to support the honor of the U. S. He also knew that the subject matter of the petition, so far as it went to the repeal of the act alluded to, went to lower the dignity of the U. S. and in order to induce an amicable termination, wished them to depart from the ground they had taken. Mr. R. said he should never be one of those who would refuse to consider a petition of a private nature, which did not include a national subject; but this required them to do an act which would derogate from the national honor. If he might refer to British publications, was it not now said that there ought to be a total prohibition of neutral commerce? The petitioners had every reason to suppose that our government was doing every thing which it could do to procure an amicable adjustment of existing differences. Why then bring these things forward to impede its operations. Mr. R. felt all possible confidence in the Executive. He believed the instructions which had been sent, though he did not precisely know what they were, were proper and dignified. But the policy of the British government would not admit any principle that would impair her absolute sovereignty of the ocean; and so long as that disposition existed so long our remonstrances would be unheard, as they were before the revolution. If he mistook not, our remonstrances at that time were thrown under the table. And would gentlemen insist that this petition should be referred, when it might commit the honor of the U. States? He knew nothing of the petitioners, not even their names; but the subject matter of their petition he abhorred. He had no objection when the proper time came round, to assist in the repeal of the law. When all our differences were settled, then these provisions might be set aside. He hoped the House, in the present situation, would not only hold on the law, but go still farther.

MR. SLOAN rose to say that his sentiments as to this memorial were exactly similar in one respect with those expressed by the gentleman from Virginia. He thought with him that the purport of the petition was such as to arouse their feelings and enquiries too. He had no right to arraign the motives of the petitioners, but he had a right to express his opinion of the matter of that or any other petition presented to the House; and he would say he considered it as embracing the interests of G. Britain. Taking it in this point of view, he thought they should not notice it farther than to reject it.

MR. D. R. WILLIAMS felt differently from most gentlemen on this subject. If he could consider its effects as the gentleman from Tennessee had done, he should vote with him—but he could not see how that effect could be produced. If he could conceive that it had originated from a British party in Philadelphia, he should feel differently, but not feeling thus, he hoped he should not be denounced as one of a British party, if he voted in favor of its reference to the committee of Commerce and Manufactures. Giving to this memorial all the importance with which every gentleman had cloathed it, he would ask the House to recur to a correct principle guaranteed to the people by the constitution. The right peaceably to petition for a redress of grievances. If they suffered foreign relations to influence them in considering constitutional questions, any corrupt Executive might hereafter turn the very means to their destruction which were guaranteed to them to secure their safety. This was not the day when the right to petition was the most sacred under the constitution; but that day might arrive, and the tendency of such conduct as has been recommended is directly calculated to produce it. Suppose the object of the petitioners was to produce in G. Britain the same opinion which the circular letter of the American Commercial Society of Liverpool had in this country; is a contemptuous silence best calculated to defeat the object? I say no. The petition is now in the power of every man interested in its circulation; it ought not to be suffered to go abroad without the antidote accompanying it; refer it then to the committee of Commerce and Manufactures, and if there was not talents enough in that committee to send them a Rowland for their Oliver, he trusted there was in this House.

MR. FISK considered the right of petitioning in all cases a constitutional right; but he did not consider it necessary at the same time to act on all petitions. This petition had been presented, and he thought the question of considering the petition of more importance than the subject itself involved in it. He was so unfortunate as to conceive that although the language was good, the sentiments it conveyed were improper and disrespectful. He considered them improper as exciting alarm; the petitioners had said they were extremely alarmed from rumor at the extent of the demands made by our Executive on the British government. Where did they get their information? What these demands were they had not stated; were rumors to authorize them to come forward in this manner? One object of their petition was the repeal of the non-importation act, because it was necessary for a further adjustment of our differences with G. Britain, and because it might irritate her? Whence this great respect for G. Britain? Was it due to her conduct? Was it due to the impressment of our seamen, whom she had retained for 7 years? Was it due to the principle she had interpolated into the law of nations, to the destruction of neutral commerce? Was it due to the blood of Americans which she had spilt, and the outrages committed on our public and other vessels? Is she, said he, entitled to respect from us for these? And yet gentlemen tell us this memorial contains respectful language! They no doubt felt the effects which might result from war, and he also wished for peace to his country; but would never purchase it by stooping to G. Britain or any other power. Had not Congress a right to regulate our commerce without consulting her? Had she been so complaisant to us? Was her justice so great as to call upon us to repeal this law? These questions needed no answer: he hoped the petition would be rejected.

MR. G. W. CAMPBELL, said he rose with much reluctance to submit to the House a very few remarks, on this subject. The real question now to be decided was, whether the subject of the petition under consideration was such as ought, at this time, to claim the serious deliberation of the House in order to decide on its merits. Was the prayer of it such as they should deliberate about granting? If it was doubtful what the decision on the merits of this petition ought to be, then it should be referred; but if on the first glance of its prominent features, its object was evidently inconsistent with the honor and dignity of the nation; if there could be no doubt with regard to the final decision that ought to be made upon it; this House ought not to refer it to any committee whatever. It was in this point of view he considered this petition. It appeared to him as little less than an insult on the understanding of the House; and when all the facts relating to the subject were taken into consideration, he was convinced the House would be of opinion, that this petition was, if not a direct, at least an indirect insult on their dignity. It was said the people had a constitutional right to petition, and that this House ought to hear their petitions. This right, he said, was not denied; the petition had been received and read in this House; and the question now was, how it should be disposed of; which must be decided according to the subject matter of the petition, and will in no manner interfere with the right of the people to petition. In this petition, said Mr. C. the petitioners state they are alarmed, in consequence of the high demands made by this government on G. Britain, and that their alarms are increased by public rumor. How, asked Mr. C. do these petitioners know the nature of the demands which have been made? and with what propriety do they state to this House their alarms on account of demands made by government for redress, at a time when the whole nation feel with indignation, the insult which had rendered those demands necessary; but suppose the House should refer this petition; it would be essentially necessary, before they could act on it, or remove those alarms complained of, that they should know what those demands were that occasioned them. They could not decide on the subject without knowing them; and how were they to obtain the information. Negociations on the subject were now pending; the petitioners could not therefore expect that an enquiry into the nature of those demands would be made by this House, and it would not be consistent with the interest or policy of the nation to make such enquiry, until the result of those negociations was known. What benefit could therefore result to the petitioners in regard to the pretended ground of their alarms from referring their petition? none. But the object of the petitioners is to obtain a repeal of the non-importation act; and they state as the reasons for wishing this repeal, that the act is calculated to embarrass the merchants of this country and irritate the people and government of G. Britain.

If gentlemen would reflect a moment on this subject, they would be convinced that if the petitioners had paid a proper respect to the interest of their country or the dignity of this House, they would not, at this time, have made this application. The passage of that act was the first step which had been taken by the American government, declaratory of their determination to resist aggressions which had been long continued on their commerce and citizens. It was passed by a very large majority of this House, after a full discussion of its merits. At a subsequent session its operation was suspended, and on what ground? On this express ground, which was officially made known to this House—that G. Britain had manifested a friendly disposition towards this country, and that our differences with that nation were in a fair train of amicable adjustment—and even with this information before them, Mr. C. said, they had only suspended the operation of the act, but had not repealed it. This was done with a view to meet in a proper manner, those friendly advances on the part of that nation. Had any thing since taken place, calculated to conciliate the affections of this country, or which ought to induce the government to abandon the ground of resistance which they had taken, or shrink from a perseverance in those measures first determined on, and still deemed necessary for the attainment of justice—on the contrary had not the conduct of G. Britain, since, been a tissue of aggravated insults? Had not one aggression been committed after another, in regular succession, and with increasing atrocity, until the climax of aggravated injury was completed by the attack on the Chesapeake? Was it necessary to repeat the circumstances of this outrage, which for cowardly arrogance and deliberate insult, exceeded any thing of the kind ever known among civilized nations. The universal indignation which it excited throughout the union, still remains unabated and would continue to do so while the crime was unatoned for—and yet, under these circumstances, said Mr. C. we are called upon to retreat from the ground we had previously occupied—to relinquish the only measure of resistance we had taken. After the murder of Pierce,