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CONGRESS OF THE UNITED STATES.

House of Representatives.

TUESDAY, February 10.

DEBATE

On the Bill for prolonging the Non-Intercourse Act with France.

Mr. S. Smith, from the committee of commerce, according to order, reported a bill to continue in force the non-intercourse bill with France, till the 3d day of March, 1802.

Mr. Davis hoped it would not have a second reading. Every help which was taken with a law to countenance not the only wound our recent accommodation with France, but also our merchants and planters engaged in trade with that nation, and afford means of speculation. He moved that the bill be rejected.

Mr. S. Smith hoped it would be rejected. Conformable to his duty as chairman of the committee he had reported the bill; but had by no means assented to that measure. He saw no use whatever in it; he saw much evil in it and every step which was advanced towards re-establishing it—He observed with pleasure a proclamation issued by the government of Guadaloupe, to deliver up captured property conformable to the 4th and 17th articles of the mutual convention; that proclamation has completely arrested all future captures by their privateers. In the present podiye of affairs what possible reason could induced in favor of this bill? In the committee he was alone in his aversion to this law: he wished to postpone it for some time at least. He hoped gentlemen would consider their strength, and, if they were not able to carry the bill through, would suffer its immediate destruction, otherwise the inevitable effect of loss would fall on the tobacco planter.

Mr. Livingston prefaced, as this bill had been reported, there were some gentlemen in favor of it, and he supposed if any were in favor of it they could give the reasons of their conduct. He must intercede by wished to hear them, for really he could conceive none. He declared himself to be astonished at finding the house engaged in the reconsideration of this law when he entered in this morning: He was astonished because the very face of the law carried its own destiny: it declared that whenever the president shall be convinced that commerce could be safely renewed with France, he should have power to renew it. There had been several instances wherein our vessels had been treated upon neutral grounds, and there appeared to be a general disposition that it should be so. Can any gentleman in this house doubt that that state of things *actually* exists which this bill predicates? If there are any, let them answer, and give their reasons. If they do not, they are bound to join in the rejection of the bill.

It was not a very common course, he said to drop a law on its first reading, but if ever there was a fitter occasion than demanded it, this was it. All the American commercial men engaged in its support when it first passed: it passed from the extreme necessity of the case, and in affording to it all our commercial men sustained a vast sacrifice—a sacrifice which only the occasion could justify. But now the state of things is altogether changed—the necessity and the danger have entirely ceased: a convention of amity has been formed with that nation. What answers, then this ill advised spirit of acrimony? Where is the necessity now of the measure? What advantage can they give to the planters in Virginia, whole produce must remain on their hands, when they ought to have a market, and a good price for it? What, he would ask those gentlemen, has been acquired by this two years suspension of the intercourse with France? At that time, said Mr. L. we submitted when they so pressingly supported the bill but it is out of their power longer to make us, or to make the country believe that there is necessity for the measure, so anxiously to our own country. Nothing can prevent us receiving with pleasure the accommodation now proposed, or make us again open the wounds of our separation. Nothing remains respecting that convention but an acquiescence on the part of France in article which was inserted at the influence of our negociators, and consequently its expulsion will be received with pleasure by the nation. Will, then, any gentleman advocate for this bill arise, and give his reasons why the prohibition should be renewed? It really appears to me a measure of the most extraordinary nature: it is bordering on *insanity*. No man dares vindicate it! No man advocates what he sifted in promoting! If it is to be carried into effect, I hope it will not be carried into effect with a fulsome intention to insult the understanding of the nation.

Mr. Rutledge did not know that the reasons would be very agreeable to the gentleman who had attended them to "insanity," but he might be assured there were reasons for the measure, and such as advocates would not be ashamed to acknowledge. Not being a member of the committee of commerce he could not give them reasons, but thought the gentleman thought there was not one solitary reason to be advanced he would give his reasons. He thought it was felt by every one that the prohibitions of our country were useful to her, and that we would rather even let them rot in our own country, than expose such weapons to her use. He was inclined to believe we should it all events bring them to market. So, said Mr. R. we are about to open a negocioation with France, and yet before entering into our views we will be for ever weak as to lend our produce to her, and thus expose our extreme cupidity, and desire at all events to get money. The object of France in negociating with our country is to trade with us, but by this measure we shall give them our trade without the conclusion of negociation! Who injury can it do? has not the president power to vary the field, according to the opinion circumstances will warrant? What then can the gentleman have to say, when the gentleman to his fair notice of them was attending? do they not suppose that the gentleman whom they have made president will suspend the law as soon as it is necessary? they tell us that France has called in her cruisers. How is this known? do newspaper statements, or rumors, be liberated, they say. How are we to know this? it is not the fact: no merchant will file and tell us so. I acknowledge, for that many of our vessels have been released, but why was it? by large and valuable bouceers! this the chairman of the committee of commerce well knows, and every merchant is acquainted with it. Sir, we have seen ships belonging to a neutral power of this house released, but why was it done? it was because the American consul actually paid a large sum as a douceur. It is known that the ship Betsy was actually cleared till near 200,000 dollars was sinking down—and yet we are told that our ships are liberated! Sir, we have taken our property, we have disposed of our property and factories, to preserve our national honor, and except the most unequivocal proofs are given of the removal of the causes, we will not depart from those measures which have proved so flattering.

The gentleman supposed that the treaty is concluded, because the project of the article, he says, came from our envoys. How does he know this? How does he know that the French government do not regard this article? If France should not be disposed to adopt this treaty to modified, it should with to carry on her old practices, it is well to let that we are not afraid of her, nor have we been willing to hearken to the uncertain accents which merely sounded peace in our ears. Thely, Mr. Rutledge said, were his reasons for wishing not to be too hasty in renewing the intercourse, and in these he believed his friend would coincide.

Mr. Eggleston said he had often heard this kind of argument from the gentleman just far down: he appeared to be very fond of indulging his visionary ideas at other peoples expence, and with great levity upon a subject which was of the most important nature to the country, he Mr. Eggleston) represented (Virginia). He wished to remind the house that a very important part of the community had suffered exceedingly under this law, for two years past—not only the growers of tobacco, but the merchants—He trusted no greater impositions would be put upon that particular part of the community, that gentleman knew very well that rice, the staple commodity of his country (South Carolina) was in great demand every where, and would fetch a good price; but it was not so with tobacco, an article principally confined in that country with which we had been prohibited to trade. He hoped no other gentleman would be of the same principles, and that his constituents would have the same chance for their produce, (tobacco) as was enjoyed by other parts of the union, for their produce.

Mr. Rutledge said the gentleman was mistaken—he represents a tobacco country, is a country which produces rice; but I will tell him that rice fetches twice as much as tobacco. If the gentleman suffer, the fault of benefit, I am individually interested. But to views of pecuniary advantage I prefer the great union of national policy. I am disposed to yield all pecuniary benefits; I believe the gentleman's principles are the same, but I think he is mistaken in his efforts to procure the good of the whole.

Mr. Dennis moved a postponement till Monday.

Mr. S. Smith moved to postpone till the third of March. He wished to have the subject considered, the law was intended to be re-enacted, and not to keep them in suspence for even a day. Some indifinite ideas having dropped from Mr. Rutledge that Mr. Smith knew of dispatches having been taken for the delivery up of vessels which had been captured, which he was unwilling to know—Mr. S. said he knew of no such whatever which had been brought over from the continent, war first broke out France. Whatever had occurred before that period was not to the purpose. He was proceeding to state some cases, when Mr. Harper asked whether it would be in order to answer. The speaker observed that it would not, because the gentleman was not in order, the question being on postponement.

Mr. Nicholas hoped it would not be postponed, because, although the time mentioned should be the 3d of March, the price of tobacco would be exceedingly depressed by it.

Mr. Smith withdrew his motion and Mr. Fowler renewed it.

Mr. Randolph spoke against both motions, he wished to settle the public mind for, he observed, ever since the negociation had been in agitation, the price of tobacco had fluctuated like the flocks. The uncertainty of the fate of this law would have the certain effect of giving speculation which must be very injurious to the honest dealers. He hoped both merchant and planters would immediately know what was the certain fate of the bill, and that this nefarious gambling system would be not short, and an instant decision be had upon a question so interesting to a respectable portion of the people.

The motion to postpone to the 3d of March, was again withdrawn.

A motion was made to postpone the further discussion of the bill till Monday.

Mr. H. Lee said, if the circumstances were as they were last year, he should contend for the continuance of this act, but our relations with that country were changed. He asked, what would the world say if, when the President and Senate of the United States had actually agreed to a convention of amity and commerce with France, the legislature should pass this act to continue our non-intercourse? It certainly would look like an act of the most degrading duplicity. He hoped the bill would be rejected.

Mr. Macon. If the house postpone this bill till Monday, it cannot fail having an evil effect upon the trades in the article of tobacco, for the person concerned, are now making arrangements to sell and to ship it: the only object of this bill is to make the thing as uncertain as before. So fluctuating is the price of the article upon the event of the day, that when our ministers came from France with the treaty, tobacco rose 50 per cents upon the prospects of a peace with that country. If the majority of the house should think fit to continue the law, the sooner the merchants knew it, the better; as it would bring the trade to a more settled state, and enable them to make their arrangements conformably thereto.

Mr. J. C. Thomas had he seconded the motion to postpone, because it was a subject of very considerable importance, upon which he had not sufficiently turned his attention. As to the fear of speculation, a rejection of the bill in his opinion afforded the most ample means to carry on that scheme. If the postponement should take place, how could any man say what would be event of the bill? The moment it was known that the bill was lost, speculations would fly in every quarter. But why should the house legislate under the influence of the old law? They were called to decide upon a great and important political question, and should they without going in the right path, whatever might be, through fear of speculation? He hoped not. For this cause he advocated the motion.

Mr. Livingston said when he first rose he expressed his desire that some reason should be given for the conduct of the house. Two reasons were assigned to show that we must continue our attitude towards France: one was, that we must preserve the dignity of our character the other was, that we should keep the old law until the conclusion of negociation. This dignity of character, he would be unwilling to sacrifice as any gentleman in the house, but he did not conceive it to consist in the high sounding words used by some gentlemen. What, he asked, was dignity of character? Does it consist in unprovoking forbearance? This is too fine, must be a very signified effect. Some gentlemen might fix with their hands to their tides, and brave all the world, of thinking of the situation of those who take the morals of the wrists of their labor. All that these gentlemen boastingly facetice is felt in another quarter: what is dignity of attitude to them, it affects to other parts of the country. From the most accurate accounts then, this dignity of character is nothing. What effect will it have on our negociation now again renewed? To continue this it will be necessary to require what does France want, or what did he want at the time this bill first passed. Gentlemen at that time thought that the British ministry in the West India colonies could not subsist, or have means to carry on their aggressions upon our commerce. The experiment was made, and what was it found to prove? the effect? Did the not attack our commerce with equal violence? Tobacco is allowed to be the principal article exported from us to France, except our flour to the West Indies, without which the colonies subsisted, and carried on her warfare. What is the article of tobacco? It is an article we shall be ever willing to get rid of, ever than prohibit our merchants from selling. How then can we coerce France by it? Are we to remain in this situation till the treaty returns to this country? We shall tell us, to be fair, that the President has it in his power to put an end to the force of this bill, but from the common course of things, it is certain that the President never will put an end to the bill, till the treaty is completed. And who are injured by it? Not France, for gentlemen confess that she can procure this article without our trade. It must be ourselves.

But, say gentlemen, France will open her ports; she will receive our produce, and then she will add these additional millions to what she has before seized from us, and disregard our treaty. If there was any foundation on which to base such a supposition, Mr. L. said he would not merely