she was mistress of the world. Her former policy had led to the peace of 1783, which, humiliating as it was, far exceeded any that she had then a right to expect. The same course was now recommended to America, that she should launch into the water, and fight her enemy on her own terms. If able to contend on that element it would be time enough to prepare for it, when they had provided for the land; but in the name of Heaven (said Mr. R.) let us take care of *terra firma* first.

When he rose to speak he had not intended to say half as much as he had done. Although he should give his solitary and inefficient vote against the measure, he should feel extremely happy if the experiment should prove that his objections to it were groundless, and that it should surpass the most sanguine expectations of its utility; as he should rejoice to find himself mistaken in any case in which the result should redound to the welfare of his country.

Mr. Quincy said he had not intended to have taken any part in this discussion; but as his colleague had stated that the people of the Northern states were favorable to this mode of defence, he should say a few words on the question. He would state what was the opinion of American merchants and seamen who were acquainted with this and other naval armaments, not only in Boston, but in New-York and Philadelphia. He had endeavored to obtain correct information on the subject from the proper sources; and he had not yet seen the man of experience in naval affairs, who thought that these should constitute a principal part of defence, or who expressed a higher opinion of their efficacy, than that they might be useful in some places. The mode in which they were to be erected too, in great numbers, and to so great an expence as to exclude other means of defence, that excited the apprehensions of those opposed to them.

Mr. Q. said, he could state from as high authority as that quoted by his colleague, that seamen abhorred and contemned these boats; that it would not be possible in New-York to man 60 gun boats, and that seamen would rather go and fight with muskets in merchants ships than serve in gun-boats. And why? Because there was not room in them for seamen to sit upright: they were obliged to sit like dogs upon their haunches. He did not know this by actual experiment; but he had it from authority on which he could rely, that seamen could not be procured to man these boats. It had been said that they might get militia to go on board: Mr. Q. said, if seamen would not serve, surely militia would not stand it. Another reason against the use of gun-boats was, that the men confined on their narrow decks were exposed so much to the fire of musquetry; if ever they came within musket shot of their opponent, they were exposed to great danger.

The way to make seamen look danger in the face, was to bring them to close quarters with the enemy, not to suffer them to fight and run, fight and run again. Mr. Q. was surprized to hear his colleague dwell with so much satisfaction on the argument that these boats could get into shoal water and behind points of land. He was afraid this might be thought to be the spirit of the Northern people: the soil in which *Prebles* sprang, did not produce men who would hide themselves when danger came; they would meet the enemy wherever he should come; they would fight at close quarters, and if the nation would not give them decks of their own on which to fight, they would find a way to fight on those of the enemy.

The misfortune of this system in the mind of Mr. Q. was this: that the men whose spirit would induce them to serve their country, detested these boats. If men could consent to coop themselves in these cages like fowls fattening for the knife, their blood was so milk white, so thin, that they were not worthy of the honorable trust of defending their country.

A great argument in favor of these boats had been urged, that they could attack at long shot, and with heavier metal than frigates, at the same time presenting but a small mark to their opponent. Would not the enemy, said Mr. Q. understand your machine as well as you do? If they know that you have nothing but gun-boats, will they not bring against you other force than ships of war? A gentleman formerly in our navy, but lately from Jamaica, had assured him that every ship on that station carried four boats capable of carrying an 18 pound carronade each. Talk of *fifteen* men to each boat! If they came within reach of a ship, they would have 160 muskets at once opposed to them, and it would be a very unequal contest; they would be obliged to keep a respectable distance from any ship. It had been said that the navy of Great Britain was so powerful, that the United States could never erect a navy sufficiently powerful to cope with it: if this were correct, the argument operated just as much against gun-boats as against frigates or ships of the line.

It had not been his intention to have made any observations on the other mode of defence, by a navy; but since others had discussed the subject, he deemed it his duty to make a few observations. Did gentlemen seriously believe, that the country could exist one year in war without a navy? Shut up their seamen in port, and the clamors of the country would oblige the government to commence a naval establishment; and in two or three years of war, a navy would spring up—but of what kind? A navy of haste, constructed of ill-seasoned timber, and erected under all the inconveniences of war.

One observation he would make to correct the error of opinions entertained by southern and western gentlemen on this subject. Considering the nation in its national character, in the character in which all defensive measures must be adopted, he would ask those gentlemen if a navy was not a most important agent, not only for the protection of commerce at sea, but for maintaining a communication upon our shores? There was no knowing when the bolt of war would fall, or where it would first strike. A navy would bring in the shortest time possible the strength of the north to the assistance of the people in the south; it was as a bond of union that Mr. Q. thought the United States should have a navy. In case of a war, in what way could the communication between the western and eastern ports be kept up but by means of a naval force? Such a force, and such an one only, could keep open the Mississippi.

There had been an objection raised to a navy that it would be impossible to protect our commerce in every ocean. This, said Mr. Q. is going upon the ground that we cannot trust ourselves; that power when we have it must be abused; but we must trust ourselves, and not refuse to fulfil a beneficial purpose, because we might go too far.

If our navy when erected was confined, as he contended it ought to be, to the defence of our ports and shores, it would give it a great advantage over an opposing navy—over ships coming immediately across the Atlantic; as ours would be contiguous to a friendly shore, and would procure men and supplies whenever necessary, while the enemy is weakened by a long voyage, and at the same time on an hostile shore.

Under this view he considered a navy as necessary for the defence of the country, and the erection of a navy would ultimately prevail. He had not gone into the subject as thoroughly as he could wish, as he spoke on the spur of the occasion.

The House then adjourned.

FRIDAY, DECEMBER 11.

Mr. Rhea (T.) said, before the question was taken on the passage of this bill, he wished to make a few observations. Had the bill been positive in its provisions, he should have doubted whether to have given it the additional weight of his vote; but the bill being only an authority given to the executive to erect a particular means of defence, and having full confidence that any money appropriated in this manner would be employed for the advantage of the nation in general, he felt inclined to give his vote in favor of it. The first question which presented itself was, whether protection was necessary or not; and if this question had been properly considered, it would have remedied a great many objections which had been made to the bill. It seemed to be the general opinion that something should be done; one gentleman said they were at war, one represented them as on the eve of a war, another that they were neither at peace or war, but every one contemplated our situation as somewhat dangerous. If then they assumed the position that protection was necessary, it was easy to discover who were to be protected—the people of the United States and their possessions; and under this general head could be brought into view all that need be considered on the present occasion. A question now arose, by what means this protection was to be afforded? The answer to this would embrace every principle of defence which had been proposed to the House by bill, resolution, or in any other way; and in answer to the objection that every particular part of defence was not brought into view at once, it might be answered that it would require considerable time and long discussion to digest the whole great system of defence, as parts of which one gentleman wished a large army, one fortifications, one a navy, and one gun-boats; but the measure proposed by the bill should be now determined, as it was proper immediately to commence the work of defence. A reason had been urged against this bill, that in contemplating any particular mode of defence they should adapt it to a general system, and to such an extent as would be proportionable to the resources of the nation. Mr. R. conceived that the resources of the country would be sufficient to carry into effect not only the measure proposed by this bill, but every other part of a system which it might be necessary to adopt.

Mr. R. would not trespass on the time of the House as he only wished to connect the reasons from which he should give his vote in favor of the bill.

(Debate to be continued.)

MONDAY, JANUARY 4.

Mr. Porter presented a memorial from sundry merchants of the city of Philadelphia, stating that several vessels in that port had already received their cargoes and taken out clearances at the time of the passage of the law laying an embargo, and praying that such vessels, some of which had already departed the port of Philadelphia, and were detained in the river, be excepted from the general embargo; which was read, and a motion having been made to refer it to the committee of Commerce and Manufactures

Mr. Newton said he was not one who would ever object to the right of petitioning in decent and respectful terms; and should always be in favor of the reference of any petition, when the House were not in possession of such information immediately relating to the subject, as would enable them to decide without a reference. But where was the necessity for referring this perition? The House had passed a law laying an embargo; the ink in which it was traced was scarcely cold, when a petition was presented from a portion of merchants to allow these vessels to depart. Had the House passed the law with deliberation or not? If they had, it became their duty to support it. If they referred this petition, what might be the consequence? An opinion might go abroad, that they wavered in opinion on the propriety of carrying into effect their own law; and if they granted the prayer of the petitioners, the same indulgence must be extended to all in the same situation. There was no port in the U. S. where vessels had not been loaded at the time of the passage of the embargo law, & yet had been stopped in consequence of that law. And what did the petitioners state? That their vessels were loaded and from the operation of the embargo law were prevented from going. What was the object contemplated by the passage of that act? To keep the vessels and property of the citizens of the U. S. within their own jurisdiction. If this petition were to be referred, it would seem as if the House deliberated on the repeal of that law, and would encourage other petitions of the same nature. He hoped a reference would be refused, and that the petition should lie on the table.

Mr. Porter hoped the petition would be referred. What injury could arise from allowing the petition to take the usual course? The House was not pledged to any thing by consenting to the reference. They could reject or adopt the report or modify it. If they turned a deaf ear to applications that were made to them by the people; if the practice obtained of rejecting petitions without deigning to consider their subject matter, what, he asked, became of the right secured to every citizen by the constitution of petitioning the government? Was it not rendering the right a mere nullity? The gentleman from Virginia had said that it would be proper not to refer this petition, as by so doing it would discourage others from petitioning the legislature on the same subject. If the House were not disposed to grant relief to these petitioners, he thought even in that case it would be better to have a report stating the reasons of their refusal. This would be more satisfactory to the people than the mode pointed out by the gentleman. The case of the petitioners was peculiarly hard. They had obtained regular clearances from the custom house before they received notice of the embargo, and had incurred considerable expences in prepasing for the voyage. He was also informed that a great part of the property would be almost a total loss to the shippers if it did not reach a market early in the spring.

Mr. Milnor said it would be observed, that the petitioners stated that they had actually cleared out their vessels before the embargo was notified. In clearing out their vessels previous to the interdiction of embargo, they had complied with every provision of the laws of the U. S. so far as respected things under their control; they had not contravened any law of the United States, had done no act which should subject them to penalty or to loss. Now it seemed to Mr. M. to be a question, whether vessels could of right be detained when cleared out previous to an embargo? He did not mean to say that they could not; but he thought it might be a subject of enquiry, whether a law having that operation, was not *ex post facto*. This petition, couched in decent language, related to a subject in which the interests of these people were deeply involved; they were in a situation peculiarly severe, having not only shipped property of a perishable nature on board their vessels, but engaged the captains and crews for voyages; they must also be at a great and unavoidable expence in addition, because, he understood, they could not get clear of the maintenance and pay of these seamen during the whole continuance of the embargo; those vessels, which though loaded had not cleared out, were not subject to the same inconveniences, because they were not burthened with the great expence of supporting their seamen. Mr. M. was not now prepared to say that he should be in favor of an exemption in favor of those vessels which had thus cleared out, but thought it a subject which ought to be enquired into. The gentleman from Virginia had told the House if they passed a law, it should be carried into effect. True it was that they should enforce it as far as it was equitable; but if, as was stated, this was a peculiar case, and the petitioners endured much more than their portion of inconvenience, it was worthy of enquiry, whether no method could be taken to avoid inflicting on them that distress which must overtake them if the law was rigidly enforced. He hoped the petition would be considered in the usual way, by reference. As to the impression going abroad that they were deliberating on the repeal of that law, there could be no weight in that idea. The committee to whom this should be referred might give solid and sufficient reason for continuing that provision of the law, or for granting the particular prayer of the petition.

Mr. Cook always was and always should be in favor of referring petitions from respectable persons clothed in decent language. The embargo law, of a provision in which these merchants complain, was well known to have been passed with great dispatch, if not in a hurry; and that part which provides that vessels already cleared out should be subject to it, was a part which had escaped his particular attention on his passage; it appeared to him in this particular to be of the nature of an *ex post facto* law. He hoped the petitioners might have a hearing, and that the facts would be submitted to a committee for investigation.

Mr. Newton to exclude debate, withdrew his opposition to the reference.

Mr. Burwell moved to refer this petition to a select committee, that it might be enquired into, and that the merchants of the United States might be given to understand that the House would pursue that course which would enforce the continuance of the embargo. He thought that by a reference to a select committee such a report might be obtained as would evince to the nation the propriety of adopting the measure and the reasons in its favor.

Mr. Taylor said he had not on any occasion allowed himself the liberty of treating with disrespect petitions from any portion of the people; and in this case he should adhere to the line which he had marked out for his conduct. And lest it might be conceived from his voting in favor of a reference of this petition, that he participated in the sentiments of the petitioners, he deemed it proper to say that it was from principle alone that he should vote for considering it; and he must be permitted to declare that the petitioners themselves might be charged with as base motives as those from the same city who had been refused a reference of a petition on a former occasion during this session. He thought they might be charged with being induced by foreign influence, to endeavor to paralize every measure for the good of their country, or might be supposed to be among the acquaintances of Cobbet in America—so taken up with their idol Mammon, with their zeal after profit, that they cared not what became of the country if *their* coffers were filled. He would compare the conduct of the merchants of the city of Charleston whose petition was scouted the other day, with that of these men, who might either be called the votaries of Mammon or by a worse name.

Mr. Smilie saw no objection to the reference of this petition. He supposed that the hardships under which those persons labored, whose vessels were already loaded at the passage of the law were very great. Under these considerations he thought it would be proper to commit the petition because it would require a particular report to be made upon it. When he said this, he was well convinced that general policy would not warrant the granting the prayer of the petitioners; he thought however, that the memorial should be referred.

Mr. Dana thought, if gentlemen so much respected the right to petition, they ought not to deprecate the insertion of all principles which did not exactly concur with their own opinion. If they made it a rule to reject all petitions not conformable to their own decisions, they rendered null and destroyed one of the great ends of petitioning, for it was when they were aggrieved only, that the people wished to petition; such conduct would in effect be saying "We will not regard any petition whatever." He thought therefore the petition ought to be referred on general principle. Could gentlemen fear the answer which a reference of the petition might produce from the committee? Could they dread a comparison between the reasoning contained in the petition, and that which a report unfavorable to it might contain? The general rule of reference ought to be regarded, more especially of petitions on great public questions. Independently of this general principle he thought there were special reasons for a reference of this petition: the case of vessels which were cleared out, and had on board all their cargo as well as papers, when the law passed, and which had been detained in bays or rivers by adverse winds, was peculiarly rigorous. Vessels had been cleared out of Philadelphia, having on board foreign merchandize about to be exported; these vessels had proceeded on their voyage, but had been arrested in their progress, and brought back, by the operation of the embargo law. What was their situation? They would have to reland their goods at a loss of 3 and an half per cent. of drawback; and if they wished to export them six months hence, they must pay another 3 1-2 per cent. upon them, because they had gone down the bay of Delaware previous to the passage of the law, and had been brought back. Whether the Secretary of the Treasury possessed the power to remedy this defect, he did not know; but he believed he did. He wished the petition, however to be referred to a select committee, to examine whether or not in particular cases the law laying an embargo operated more rigorously than was required by the general policy of the measure.

Mr. Porter merely rose to say that he held in his hand a certificate of the collector of Philadelphia verifying the facts stated in the petition which was read.

The Yeas and Nays being required on the question of reference.

Mr. Crowninshield said he understood the petitioners to pray that vessels cleared out previous to passing the law laying an embargo, should be permitted to proceed to sea. It appeared to him that they asked what could not well be granted. This case did not apply to Philadelphia or Delaware alone, but to Baltimore and the Chesapeake, and to every port in the country. He had no doubt that there were several hundred vessels cleared out to foreign ports previous to the laying an embargo, and which were by it prevented from sailing. Should they be permitted from that circumstance merely to be exempt from the general embargo? He thought not. However his own interest or wishes might dispose him to this permission, he could not consistently grant their prayer. But was he the more opposed to a reference of the petition? By no means. He believed the petitioners had always a right to petition, and he should uniformly vote for a reference of their petitions, when couched in decent and respectful language. But at the same time he should vote for a reference of the petition, he must say that he did not see any reason why these vessels should be permitted to depart. The House had said that they would prohibit vessels from departing, whether cleared out or not. The law would operate severely on these persons; he knew it would, but it would also operate severely on others. Those vessels would suffer great inconvenience which had goods on board, although they had not cleared out. He was in favor of a reference, in order to obtain any additional light that might be thrown on the subject, not as some gentlemen were, with a view to favor the prayer of the memorial. If gentlemen thought the embargo was wrong, let them submit a proposition to repeal it; he was prepared to meet it on fair grounds.

Mr. Smilie said the question now was, whether the petition should be referred to the committee of commerce and manufactures. A proposition had been made to refer it to another committee. He hoped the House would not deviate from the common rule; for, if any subject was proper to be referred to the Commi-