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S P E E C H E S

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IN CONGRESS,

1789-1796.

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P R E F A C E.

THE first edition of the "Works of Fisher Ames" was published, under the direction of a number of his friends, in 1809. A second edition, edited by his son, Seth Ames, was published in 1854. The two editions are substantially identical, except that the later one contains a valuable and interesting collection of letters, which are arranged by the editor so as to make the writer of them "act as his own biographer." But of his speeches, only three are given in his works; and of these three, two only were delivered in the halls of Congress. A very cursory glance, however, at the records of the early Congressional debates, shows that Mr. Ames was a constant speaker. Hardly any subject, of any importance, was brought before Congress, that he did not take an active part in its consideration. His speeches bear marks of close application and study, as well as of earnest convictions. He was evidently not content to urge his opinions, without being able to enforce them by facts and figures. A noticeable feature in his manner of reasoning is the occurrence of historical parallels and of the weighty testimony of actual calculation. At the same time, his vivid imagination supplied the images and metaphors of a more brilliant rhetoric; and, if his arguments were cogent, his style was always elegant and easy.

By the judgment of his contemporaries, his rank as an orator was very high, and deservedly so. Even if his fame rested wholly on his speech on the British Treaty, it would be established on a firm basis. He received from "the fond partiality of his countrymen," says the "London Quarterly Review" (December, 1840),

“the name of the American Burke ; and there are passages in his speeches which might go far toward accounting for, if they do not quite justify, the appellation.” In a parallel between Burke and Ames in the “American Review” (Philadelphia, 1811), the writer says : “Ames is generally concise, always energetic, frequently pointed ; though he is also figurative and magnificent. His metaphors and figures are, however, for the most part original ; and he is, in my opinion, even more happy than Burke in the use of them. He does not pursue them so far. His genius occasionally blazes out like the lightning of heaven. Its corruscations dazzle the eye, and electrify the nerves. He sees his subject, not only clearly, but with the eye of prophecy and inspiration ; and by a single figure, bold, new, and striking, brings it before you. It is not merely perceived ; it is tangible ; it has life and body and substance. In fine, his style, like his thoughts, is original and his own. His mode of reasoning is also peculiar to himself ; or if a resemblance can be found, it is in that of Lord Chatham. He rarely descends the regular steps of a logical deduction ; but his arguments are, nevertheless, extremely forcible and conclusive. He is always glowing and energetic, and, where the subject admits of it, pathetic and sublime. What gave peculiar force to his eloquence was the strong conviction he always manifested. This is discoverable in all his speeches, even to a reader ; and must have been much more strongly felt by a hearer.”

Such disinterested testimony from contemporaries led the present writer to examine more carefully the records of the time when Mr. Ames was a Representative from Massachusetts, — an examination that more than repaid the search. It must be borne in mind that legislation, at that time, was in a great measure tentative. The Constitution had but just been adopted by the States, and the new-fledged government was passing through that ordeal that is so severe to the oldest powers, — the recovery from a long and exhausting war. And not only was the government called upon to decide the vexing questions of revenue, finance, commerce, tariff, and the like, but the very machinery of the governing power was yet to be set in motion. The executive, legislative,

and judicial departments were yet to be organized and made ready to act. And this, too, in a time of universal doubt and change, in a period like that between sleeping and waking, of singular apathy and listlessness on the one hand, and of exaction and jealousy on the other. Such an epoch cannot fail to be an interesting part of the history of our country. It was in this constructive period of our government that Mr. Ames served as a Representative in Congress. He was a member of the first four Congresses, between the years 1789 and 1797. During that time, his speeches, were, of course, numerous. It would not be practicable nor advisable to give them all. But a few have been selected from the many; and in the selection it has been thought best to include two speeches that have already been published; viz., those on Madison's Commercial Resolutions, and the British Treaty. Without them, a collection of Mr. Ames's speeches in Congress would be incomplete; and, as the editions that contain them are now out of print, it is hoped that no apology is required for their introduction. This volume also includes the "Answer to President Washington's Address to the Houses of Congress," which was written by Mr. Ames. The collection is now given to the public, in the hope that it will not be without interest to those who are interested in the early history of our national development, and also with a sincere desire to add something to the fame of Fisher Ames, as well as to offer a testimonial of respect and admiration to his genius and his character.

CONTENTS.

I. SPEECH ON THE IMPOST ON MOLASSES	9
II. SPEECH ON THE PUBLIC CREDIT	19
III. SPEECH ON THE ASSUMPTION OF STATE DEBTS	32
IV. SPEECH ON THE COD-FISHERIES	57
V. SPEECH ON MADISON'S COMMERCIAL RESOLU- TIONS	72
VI. SPEECH ON THE BRITISH TREATY	113
VII. ANSWER TO WASHINGTON'S ADDRESS	163

S P E E C H E S.

I.

THE debate in the First Congress on the "duties on imports" was a protracted one, as may be imagined. But the nature of it was not such as to give rise to any important rhetorical effort from any of the participants in it. It was an earnest effort to thoroughly comprehend the effect of all the proposed provisions, with an honest view to adopt what was for "the greatest good of the greatest number." Mr. Ames was a constant speaker on these important subjects, which were to him matters of careful consideration and study. The speech here given, in opposition to the "impost on molasses," was delivered on the 28th of March, 1789.

I APPEAL, Mr. Speaker, with confidence to the justice of this House, though I am far from being convinced that any liberality has been shown in fixing the duty on molasses; but I am persuaded that Congress will adopt no measures but those they can justify on principle to their constituents.

I conceive, sir, that the present Constitution was dictated by commercial necessity more than any other cause. The want of an efficient government to secure the manufacturing interests, and to advance our commerce, was long seen by men of judgment, and pointed out by patriots solicitous to promote our general welfare. If the duty which we contend against

is found to defeat these objects, I am convinced the representatives of the people will give it up. I trust that gentlemen are well satisfied, that the support of our agriculture, manufactures, navigation, and fisheries are objects of very great moment. When gentlemen contemplate the fishery, they admit its importance, and the necessity we are under of encouraging and protecting it, especially if they consider its declining situation; that it is excluded from those advantages which it formerly obtained in British ports, and participates in but a small degree of the benefits arising from our European allies, whose markets are visited under severe restrictions; yet, with all these discouragements, it maintains an extent which entitles it to the fostering care of the government. There are taken, upon an average, 400,000 quintals of fish; in this branch of business, as was stated by my colleague,* there are employed 24,000 tons of shipping in the transportation of the fish to market; and in the returns of molasses near an equal tonnage is employed. The building of these vessels furnishes no inconsiderable employment to another important interest. The vessels, it is true, are but small; yet, after every deduction on this account, the concern will be found interesting to the public welfare. If it is true, and I believe it is, that agriculture and commerce are mutually dependent upon each other,—and there is a probability that the additional burden we have imposed will injure the latter,—gentlemen ought to be cautious how they persist. If they even doubt of its effects being hurtful, they ought not to vote for its continuance. Now, I think I can

* Mr. Gerry.

raise such doubts in gentlemen's minds, and dare commit myself to their candor for the consequences. Notwithstanding gentlemen have expressed a uniform desire to encourage manufactures (and I have been with them in accomplishing this object), they now desert their principles. When it has been contended that the duty ought to be low, inasmuch as molasses is a raw material, it has been replied that the manufacture is pernicious. It has been said that promoting our own distillation will exclude foreign rum, and consequently affect the revenue; but does not the same argument apply to every article of domestic manufacture? Has it not all along been contended, that it is proper in the General Government to nurture those interests which have had the particular regard of the individual States, upon the principle that the State legislatures knew feelingly what were the best means to advance their own interests? Has not the position been fully established, that promoting the interests of particular States increases the general welfare? After this, can gentlemen tell us we are advocating a local policy? That we are sacrificing the interest of three millions of people to the establishment of a few New England distilleries? For my part, I ground my opinion upon national principles; and from these I conclude that molasses ought not to be taxed, or taxed but very lightly.

The gentleman from Virginia* fears the loss of revenue from the success of this manufacture. To quiet his apprehensions, it will be only necessary for me to remind him of what he ingeniously urged a few days ago on this point, in order to obtain a dis-

* Mr. Madison.

crimination in favor of the brandy of France. He told us, that, although the State of Virginia had imposed no duty on brandy, but a heavy one on West India rum, yet under this encouragement there were not more than 10,000 gallons of brandy imported, while there were 600,000 gallons of rum; inferring from this fact that there was no probable ground for suspecting the consumption to change from the one to the other article. If no danger is to be apprehended from brandy, much less can New England rum stand a competition with West India spirit; the force of habit will not be more easily overcome in this case than in the other. Besides, it is well known, that a great proportion of the people will not drink it at all; it is a kind of genteel thing to affect disgust and loathing at the very name, — much less will they suffer the despised liquor to pollute their mouths. So far are we from having ground to dread the effect of a competition on this side, that the contrary may be justly apprehended. The custom and fashion of the times countenance the consumption of West India rum. I consider it good policy to avail ourselves of this means to procure a revenue; but I treat as idle the visionary notion of reforming the morals of the people by a duty on molasses. We are not to consider ourselves, while here, as at church or school, to listen to the harangues of speculative piety; we are to talk of the political interests committed to our charge. When we take up the subject of morality, let our system look toward that object, and not confound itself with revenue and protection of manufactures. If gentlemen conceive that a law will direct the taste of the people from spirituous to malt liquors, they must

have more romantic notions of legislative influence than experience justifies.

When it was asked, What is the occasion of a high duty? it was answered, that it is necessary in order to come at the proper tax on rum; but I insist that there is no such necessity, while an excise is within our reach; and it is in this mode only that you can obtain any considerable revenue. The gentleman from Virginia has said that the manufacture of country rum is in no kind of danger from the duty on molasses. He has stated to the House the quantity made before the Revolution, and goes on to argue that as West India rum paid no duty, and molasses paid some, if the manufacture thrived under these disadvantages, why should it not continue to support itself in future? I believe this matter easy to be accounted for, though I fear it will not be in my power to make a proselyte on the occasion. I should be vain of such success, and therefore I shall proceed. There were many very considerable markets for New England rum cut off entirely by the Revolution; even in those that remain we have to encounter rivals, who successfully contend for a preference. Previous to the late war, we had a market in Nova Scotia, Newfoundland, and Canada, all the southern colonies, Europe, and Africa. We are now obstructed from going to many of those, to Quebec, and Newfoundland; and our trade gains no ground in others to make up the difference. Consider the state of the fisheries. At that time we possessed them unrivalled; it was the policy of Britain to favor our efforts; believing that our success tended to increase her maritime strength, she dealt out to us an annual

bounty equal to £20,000 sterling for the fish we took. All her ports were open to us; we could carry it to what market we pleased, and obtain molasses at a low price for the distilleries. But the present state of the business bears no comparison with its former situation; the trade is confined to a less channel, in which, instead of bounties, we meet with restrictions. Our fish pay a duty of twelve dollars a quintal, which is given by government as a premium in favor of their own fisheries. This imposition amounts to more than the value of the article; yet, even under all these discouragements, there are but six ports in the West Indies that we can go to, — St. Lucia, three in Hispaniola, one in Gaudaloupe, and one in Martinico. This being the case, the duties are rigidly exacted of us; and we have no other means of vending it but by the exchange of molasses. Nor is this the end of the evil; I fear it is seriously to be apprehended that we may be shortly deprived of this market also. The merchants of L'Orient have represented to the king, that it would be for the interest of their colonies to distil the molasses in the islands. Upon the strength of this idea, distil-houses are erected there, and bid fair to rival us in the business of supplying not only Europe and Africa, but even our own country. Now, from this view of the ground on which we stand, will gentlemen say we can maintain and defend ourselves as well as we did before the war? If we even had the same advantages in vending the rum, the business would not be equally profitable, as the price of molasses has increased, and our fish has fallen. In short, unless some extraordinary measures are taken to support our fisheries, I do not

see what is to prevent their inevitable ruin. It is a fact that near one-third of our fishermen are taken from their profession, not for want of skill and abilities in the art, — for here they take the rank of every nation on earth, — but from the local, chilling policy of foreign nations, who shut us out from the avenues to our market. If, instead of protection from the government, we extend to them oppression, I shudder for the consequences. But I will not enlarge on this head, trusting that gentlemen are convinced of the importance of the interest, and do not mean to destroy it.

Mr. Speaker, we are not to consider molasses in the same light as if it were in the form of rum. We are not to tax a necessary of life in the same manner as we do a pernicious luxury. I am sensible an attempt to draw a critical line of distinction in this case, between what is necessary and what is a luxury, will be attended with some difficulty; but I conceive the distinction sufficient for our present purpose, if it prove molasses to be necessary for the subsistence of the people. No decent family can do without something by way of sweetening; whether this arises from custom or necessity of nature, is not worth the inquiry; if it is admitted to be a requisite for the support of life, a tax on it will be the same as a tax on bread; it is repugnant to the first principles of policy to lay taxes of this nature in America. What is it that entitles the United States to take rank of all the nations in Europe, but because it is the best country for the poor to live in? If we go on taxing such articles as salt and molasses, these advantages will not long continue to be ours. It may be said that sugar

is also a necessary of life: true, but molasses, inasmuch as it is cheaper, can be more easily obtained, and enters more into consumption, at least of the poor. They apply it to various uses; it is a substitute for malt, in making beer; and shall it be said that the General Government descends to small beer for its revenue, while strong beer remains duty free? Why shall this difference be made between the common drink of one part of the continent and the other, unless it be with a view to drive the people to drinking simple water? The gentleman from Virginia contends that the consumers of eight pounds of sugar pay more than those who use eight pounds of molasses; this may be true, but from the variety of ways in which molasses is used, eight pounds is sooner consumed than six or four pounds of sugar, which makes up the difference. But do gentlemen mean that the poorest and weakest part of the community shall pay as much for what they use as the richer classes? Is this the reward of their toil and industry?

It has been stated as a fact by my colleague,* that Massachusetts will pay more by the impost on molasses than Pennsylvania will on both rum and sugar. The population and strength of these two States are nearly equal; then why should this disproportion be contended for? Is it supposed that Massachusetts will not contribute her proportion on other articles? This, on examination, will be found not to be the case. Gentlemen say that the State which exports least, imports least; but does it not follow that this State pays according to her ability to pay? If the products of Massachusetts are neither so rich nor valuable as those

* Mr Goodhue.

of the Southern States, ought she to pay the impost in the same proportion?

The question is plainly reducible to this: Shall we tax a necessary of life in the same proportion as a luxury? Gentlemen will not contend for either the justice or policy of such a measure; but they say the necessity of the case obliges them; they cannot come at the luxury but through the raw material. They say they cannot lay an excise. I ask, Why not? People may justly think it burdensome to raise all our supplies from impost. Much can be obtained from this source, to be sure, by touching every thing; but I would recommend touching such things as are essential to subsistence lightly, and bring in the excise as a means of obtaining the deficiency; it will be the more certain way of making country rum contribute its proportion. I am not against a duty in this shape; but if the hand of government is stretched out to oppress the various interests I have enumerated by an unequal and oppressive tax on the necessaries of life, I fear we shall destroy the fond hopes entertained by our constituents that this government would insure their rights, extend their commerce, and protect their manufactures. Mothers will tell their children, when they solicit their daily and accustomed nutriment, that the new laws forbid them the use of it; and they will grow up in a detestation of the hand which proscribes their innocent food, and the occupation of their fathers; the language of complaint will circulate universally, and change the favorable opinion now entertained to dislike and clamor.

The House will not suppose we are actuated by local interests in opposing a measure big with such

dangerous consequences to the existence of the Union. They will admit we have reason for persisting in our opposition to a high duty, and may be inclined to join us in reducing it either to five per cent or at most to one cent per gallon. If the apprehensions we have expressed shall be realized, let it rest upon the advocates of the present measure; we have done our duty, and it only remains for us to submit to that ruin in which the whole may be involved.

II.

ON the 8th of February, 1790, the House of Representatives “resolved itself into a Committee of the whole on the state of the Union. The report of the Secretary of the Treasury relative to a provision for the support of the public credit was before them.” In the course of the consideration of this subject, Mr. Madison offered an amendment (Feb. 11, 1790) to the original resolutions on the Secretary’s report, as follows:—

“*Resolved*, That adequate funds ought to be provided for paying the interest and principal of the domestic debt, as the same shall be liquidated; and that, in such liquidation, the present holders of public securities, which have been alienated, shall be settled with according to the highest market rate of such securities; and that the balance of the sums due from the public be paid in such proportion to the original holder of such securities.”

On the 15th of February and subsequently, the House again took up the subject of the public credit; and Mr. Madison’s motion for a discrimination was considered and debated.

The subjoined speech of Mr. Ames was made on that date, in opposition to that resolution.

I AGREE, Mr. Speaker, with the gentleman from Virginia in regard to the validity of the debt. There was propriety in saying the nation is the same, though the government be changed. The debt is the price of our liberties, and cannot be diminished a farthing, the gentleman from Virginia says; and why? Because

the government, as one of the contracting parties, cannot annul or vary the bargain, without the consent of the other. If the measure proposed by that gentleman corresponds with that sound principle, I shall have the pleasure of agreeing with him on the ultimate decision; but if the measure should be found, on a fair discussion, to be subversive of that principle, it will not merit the countenance of the Committee.

A claim upon our justice is made on behalf of the original holders of securities who have transferred them. Does the plighted faith of the country stand charged to pay the difference between the price their securities sold for in the market and their nominal sum? In order to make the affirmative appear, the worthy gentleman has said that the paper is the only evidence of a prior contract; and while the paper was sold, the residuary right to the debt still remained in the seller. Supposing this novel doctrine to be true, which cannot be conceded, it will not warrant any conclusion in prejudice of any purchaser of the Loan-office debt; for the paper was given when the loan was made; as no prior debt existed, the paper is the very debt. The gentleman ought, therefore, to confine his motion to the army debt, as his principle seems inapplicable to any other. And even on liquidating the army debt, the certificate extinguished the prior debt; otherwise the public would be twice charged. As when one man owes another an account, and gives his bond for the balance, the account is no longer of force. By the terms of the certificate, the person transferring has lost his claim against the public. He has freely transferred; for, if violence or

fraud were practised, the law will afford him redress. In society, as well as in a state of nature, property is changed by the consent of the last occupant. He may dispose of it by gift or at half-price, and give a complete title. Nor will the pretence that this transfer was free only in appearance avail; for the motives which disposed the owner to sell cannot affect the right of the purchaser. Every such creditor risked something, either that the government would not pay him at all, or not in due season. The risk, computed in free and open market, will be nearly right. It is a kind of insurance against these risks, and the insurers and insured will calculate the rate of insurance better than government can do it. If there is a new risk of government interposing, it seems that the purchaser, who may be called the insurer, did not rate his risk high enough. It seems pretty clear, therefore, that there is no claim on the stipulated justice of the country.

Another sort of justice is set up; a different sort from that which we were taught in the churches and schools: it is called abstract justice, and it is said to demand allowance for the loss sustained by the failure of public payments. No man respects more than I do the merit of the army; but the soldiers, at least, had something towards justice by their bounty.

Stock has sold in England at fifty per cent discount, and yet no retribution has been made. Where, then, does this new line of justice begin? It can scarcely be denied that their claim, if they have any, is not a debt. The arguments alleged by the gentleman are addressed merely to the compassion and generosity of the government. Nor do I know that there is any

ground for saying that public opinion is in their favor. It will be allowed that if justice is to be done, it should be impartial justice. Partiality would be more cruel than total neglect. Will you refuse to make amends for paper money? For property taken by our army in Canada? For losses sustained by the war? For towns burned? In this last case it is to be observed that government has promised protection; and inability to protect is as much a debt as the case in question. The intermediate holders, who bought at six shillings and eight pence, and, despairing of government, sold at two shillings and six pence, have an equal claim. Are all these to be excluded? Let us not break contracts for half justice. The example of paper money is adduced to show that the public made up losses; but this is an example of the public fulfilling its contracts, not annulling them. Paper money is a bad source to draw examples from.

But is it true that justice requires the public to pay for all losses sustained in times of calamity? I think not; for by fraud the government would be obliged to pay for more than was lost. The resources of the sufferers will more easily repair such losses than the government can make them good; and besides, in extreme cases, it would extend and prolong the evil. If an army should invade England, and the city of London should be burned, and the country laid waste by the order of the king, all Europe could not pay for it. What is justice? A line of public conduct which necessarily tends to utility. No pretence of abstract justice can be valid, if it tends to evil rather than to good.

But if there subsists a claim on the public justice, it cannot impair the debt in the hands of the present holder, for which the public faith is pledged. It is alleged that the seller, who sold for a trifle, will be taxed to pay the purchaser. He certainly ought to fare as other citizens do. But taxes are in proportion to property. If he has property, then the plea of necessity is destroyed; if he has none, then his taxes will be a mere trifle.

The project is not justice, even to those whom it pretends to relieve. If you allow less to the purchasers than they gave, it is downright robbery; if you allow more, it is half-way justice to those who have sold. I would not risk every thing to do justice, as it is called, and then not do it.

But this fragment of justice cannot be given to some without wronging others; you impair the property in the hands of the present original holders. It is not supposed that the alienated property is nearly equal to that which is still in the hands of the first holders. Be that as it may, I believe, with confidence, that it would be cheaper for the present holders to pay the market price of the paper proposed to be given to the former holder, than to suffer the shock which this measure would give to the credit of their paper. I will not enter now into the merits of the Secretary's plan; but I think it not difficult to show that he proposes better justice to the present original holders than is contained in the motion, and that the debt, funded on this plan, would sell for more in the market. Great sums have been lent to the public by trustees, who acted for others, and only lent their names. Many original creditors were not first holders; sup-

plies were furnished to contractors for the army, who got credit, and afterwards paid in paper, as they received it of the public. Many towns hired soldiers for a gross sum, and agreed to take the wages. Private debts have been paid at par. A man in embarrassed circumstances, instead of compounding with his creditors for ten or a dozen years' forbearance, paid them at par, or near it, in public money, which, in that period, was supposed to be as likely to be paid as his private note. No less a sum than two hundred and fourteen thousand dollars were paid in this way to one mercantile house, at about fifteen shillings in the pound. Compare the gross injustice of these cases with the pretended justice of the motion; consider what it pretends to pay the purchaser. But Loan-office certificates have sold from fifteen and eighteen shillings in the pound to five shillings. Foreign purchasers gave more than our market price. Before they bought, they got certificates of the nature of the debt, that it was not liable to any deduction, and that the transfer would be valid. People in the first offices in this country and abroad signed them. Five hundred thousand dollars were bought for one Dutch house, and registered, and the partners in the sum have divided the certificates by giving their own bonds. What will be the effect? Justice or injustice? In this case, the gentleman will admit that the rights of these people are perfect. The debt, he says himself, cannot be diminished a farthing; property is sacred; the right to a single dollar cannot be violated. Let the gentleman, then, acknowledge that he must give up his project or his principles.

I have endeavored to show what sort of abstract justice this is. But if it should be allowed that there is a claim of justice, what then? Let them claim justice of those who have done them injustice, not of the fair purchaser.

Let us examine the claims of the purchasers. The gentleman's argument on this point merits attention; if it is right, for its novelty in Congress; if wrong, for its tendency. Here I think it necessary to apologize, not for my sentiments, — their apology must spring from their propriety, — but for the manner in which I express them. My zealous conviction may seem to arraign the opinions of other gentlemen, whom I respect as I ought. I know that men of the best intentions entertain a favorable opinion of a discrimination. There is a wish to do more than justice to the one, and the heart, betrayed by its sympathy, consents to injustice to the other. But, sir, I cannot claim the merit of moderation on this point. I will not pretend that I doubted first, and then decided. The principles of my education, and the habits of life, predisposed me to believe, and my short experience and reading have confirmed it, that nations cannot admit cunning into their councils, without its shedding a malignant influence on their affairs. Experience teaches government as well as men that nothing is safe that is wrong. We have endured tender-laws and the pitiful expedients of a trickish policy. Our experience has cost us dear. The old Congress, however, were guided by other maxims; with little power, and scarcely retaining the mock representation of it during the whole year, they prosecuted the objects of an honest policy, with a zeal which repulses and despair

could not extinguish. They could say, with Francis the First, after the battle of Pavia, "We have lost all except our honor." They resolved against discrimination, and foreigners as well as citizens bought securities under the public faith. But when the Constitution was framed, adopting the debts as valid, restraining *ex post facto* laws and laws impairing contracts, who entertained any suspicion? The speech of the President, and the resolutions of the House in favor of public credit, banished it. Does this look as if public opinion was hostile to these purchasers? If it really is, it is more a duty on government to protect right when it may happen to be unpopular. That is what government is framed to do. If, instead of protecting, it assumes the right of controlling property, and disposing of it at its own pleasure, and against the consent of the owner, there is a cheat in the compact.

It will be admitted that there is a right vested in the purchaser. Government cannot diminish it a farthing, says the gentleman; but he says we cannot pay both. Then abide by your word of honor; prefer perfect rights, by solemn compact, to claims on your compassion. The claims of the present holders, you say, are just: are the others more than just? Treat all just claims alike, and do not rob on the highway to exercise charity. Why make one creditor pay another? He says government is to get nothing by this; and yet he says we owe these people, and our creditors shall pay them. Is paying a debt in this way not getting money? He talks of rival claims: there is no rivalry; the sellers agreed that there should be none. If government is bankrupt, compound

with your creditors. Will this act of violence console the sufferers? Will they enjoy, as a favor, the violation of rights for which they fought? The South Sea and Mississippi schemes have been adduced as examples. In the former, government interposed to fulfil the contract. The Mississippi is not parallel. What the gentleman calls public justice I am sure he would not practise in his own case.

I have chosen to consider the principle of the motion; but it cannot be carried into execution. We have seen that justice, in the abstract, will not be done, nor can the measure proposed be effected. We may very well suppose that innumerable difficulties will arise in practice which cannot be foreseen. The detail will be endless; an account must be opened for each claimant, public offices must be opened, officers multiplied, and great expense incurred; there is no clew, by the records, to the cases of money deposited by agents for other people. I have inquired, and am told that it is not possible. Will you admit oral evidence, and of persons interested? Will you fill the land with discontent, corruption, suits, and perjury? The new paper, if not transferable, will be no great relief; if transferable, there will be a new harvest of speculation; the after-crop will be more abundant than the first cutting. A purchaser keeps his note for twenty shillings: by law you make it a note for ten shillings. How many frauds will be practised on the unwary! If the mind balances on these points, let policy turn the scale!

Will not this measure shake government? Instead of doing as it has promised, government is to do as it pleases. Right is to depend, not on compact and

sacred faith, and the Constitution, but on opinion, on a major vote. Where nothing, not even right, is fixed, will not the government be liable to perpetual commotion?

How will it affect our national character? How will it affect public credit? We shall have to pay for meddling, if in future we have any credit. The famous Colonel Chartres said he would give a hundred thousand pounds for a character; not for its own sake, but because he could get two hundred thousand by it. Henry VIII. borrowed money on his personal security; and his base Parliament voted that as he had done great things for the realm and church, he should be discharged from these obligations. Charles II. shut up the exchequer. What was the consequence? King William paid fourteen per cent on annuities, and at the rate of ten and twelve per cent interest; but, by good faith, in five or six years money fell to five per cent interest. By breach of faith, we vote the government into a state of pupillage, and deprive it of its powers.

I have thus endeavored to show that there is not a debt subsisting against the public, in favor of the original holders, who have sold out; that the motion is chargeable with partiality, and is inadequate to its pretended object; that it will do injustice to many, and violate the sacred rights of property; that the purchasers are secured by the contract, by the faith of government, and by the Constitution; that the measure is not practicable, and will produce confusion, corruption, and expense; and that it will weaken, disturb, and disgrace the government, and impair its credit.

I have made this recapitulation of my argument, in order to bring it into one view. If it is just or only plausible, let us ask, What will be the effect? Is this what was expected under the new Constitution? Did we expect it? Is there any one here who has not told the people that an end would be put to tender-acts and paper money, and the ruinous effect of governments interposing in contracts? Who, in or out of government, did not suppose that the letter and spirit of the Constitution said as much? The spirit of the times said more. Will not the people charge us with violating the Constitution and the rights of property? If we plead necessity, they will demand, How came it that we were ignorant of it? And if it exists, what is there that breach of faith can save that good faith would lose? Or, What will that be worth which may be secured by a measure that will tarnish our national honor, and transmit to our children an inheritance of reproach? Is there no refuge but in dishonor? We have borne adversity before, and we had rather submit to the worst events of an honest policy; and this project is not to relieve any burdens; for government is to rob, not for plunder, but to get the reputation of justice.

If our own citizens say this, what will foreigners say? They will not be restrained, either by the opinion of their fellow-countrymen, or by attachment to our prosperity. They will detail their losses, and the acts by which their confidence was gained; they will think that we have been taught a species of moral philosophy; that we administer government by a kind of cunning logic, which confounds right and wrong; they will rejoice that the Mahrattas and

Americans are at a distance. The ocean has not hitherto proved a barrier against our depredations. An American abroad will be obliged to deny his country.

However, I still believe that justice is a law to Congress: but if justice and public faith and honor have ceased to be things, let them cease to be names; let them be blotted from the vocabulary of our nation. If they have no being, why should they be made use of to conjure up church-yard terrors, to haunt the hypochondriac imagination?

I will not be so uncandid as to charge the worthy gentleman with such intentions. I think so highly of his probity and patriotism, that if he can be made to see that these consequences will follow, or only be apprehended, he will give up his scheme. And if government has this right, what right of private property is safe? In the East, government is said to be the sole owner of property, and may resume it at pleasure. This absurd doctrine will not find advocates; for it would not do for practice, even where it may not be denied to be true. Human nature revolts against it; it would shock the morality of Botany Bay; it would exasperate beyond sufferance the patient slavery of Hindostan. And who can give a good reason why one sort of property should be more sacred than another?

If we pursue another kind of policy, such as the preamble to the Constitution declares to be the objects of the government, this government and this country may expect a more than Roman fortune. The government may have more credit, the country more knowledge, and the blessings of peace a longer duration, than the world has ever experienced. That gen-

tleman helped to frame the Constitution. I have no doubt it is the better for his eminent abilities ; I hope that the love of his own work, and his zeal for the cause which he has so ably supported, will induce him to abandon a measure which tends so fatally to disappoint the first wishes of his own heart, and the hopes of his country.

III.

On the 19th of May, 1790, the House of Representatives went into a Committee of the Whole, to consider a bill "for making provision for the debt of the United States." The bill was considered daily for many days in succession, during which time many amendments were offered, debated, and voted on. After the consideration of the twelfth section, Mr. Gerry, of Massachusetts, moved (May 24th) to insert a clause providing for "the assumption of the State debts by the General Government." On the following day, Mr. Gerry's motion was again read, and was supported by Mr. Ames in the subjoined speech.

MR. SPEAKER, — I am obliged to obtrude my sentiments upon the Committee under circumstances which stifle the hope of procuring for them a welcome reception. The curiosity of the assembly, in the first stages of a public debate, will procure some indulgence, and administer considerable aid to him who has to support a part in it. But this subject has been debated until it has become tedious; there is very little remaining to be said that can excite curiosity or reward attention. The feelings of the Committee will procure me belief when I say that I obey the duty of attempting to obviate the objections which have been urged by the gentleman from Virginia,* and which I think is imposed upon me by some of them, with unaffected

* Mr. Madison.

reluctance. I will hope, however, that a candid condescension to the necessity of my situation, and a sense of public duty, will overcome, or suspend for a time, the disgust which has attended the revival of this debate.

The zeal of the gentlemen on both sides has led them to draw aid to their cause from very remote sources. But all the objections against assumption may be comprised in these two, — that the measure is against justice and against policy. Both sides of the question have been maintained with an uncommon warmth of conviction; in candor, and probably in strict truth, this ought to be mutually understood as the evidence of a sincere zeal for the public good.

To evince the justice of the assumption, I take, as the ground of my reasoning, a proposition which is admitted by both sides, — that the expenses of the war ought to be made a common charge upon the United States.

It will illustrate my argument to observe that the war was between this country and Britain, and not a war of particular States. All America, Congress in their resolves, the act appointing commissioners to settle the accounts, the late amendment* to the proposition for assuming the State debts, and the objections to that proposition, corroborate the idea that the expenses of the war ought to be equalized. Assume the debts, and settle the accounts, and this is effected. There is an end to the inequality as soon as this is done. This answer is so plain and conclusive, that it is attempted to take off its force by saying that the

* Mr. Madison's.

accounts will not be settled. If this assertion is true, the non-assumption is plainly unjust; for the burden is confessedly unequal now, and the only reason for refusing to take this burden off some of the States is the certain assurance that they will be relieved from so much as shall be found to exceed their share, when the accounts are settled. But, if the accounts are not to be settled at all, the States, which are now overloaded, have no justice to expect but from the assumption. It cannot be known with certainty which will be a creditor, or which a debtor State, at present. If the accounts should not be adjusted, we must remain in ignorance; we ought, therefore, to exclude all consideration of the other claims, because it would be useless, and apply the principle of equality to the State debts. The debts to be assumed are either duly proportioned among the States, or they are not. If they are so proportioned, then it is certainly politic, and not unjust, because it would be equal, to assume them. If they are now unduly proportioned, it is in terms even against equality to leave them upon the States.

If the war has made a random distribution of debts upon the States, it is best to make the amount which is to be left unsettled as little as may be; for the probability is that as you diminish the amounts, you make the inequalities less. This will serve as an answer to those also who say that supposing a settlement to take place two or three years hence, a State may be relieved from a light burden of its own debt, and be obliged to bear, as its proportion of the assumed debt, one more weighty. For it is not certain that it will have, in that case, more to bear than its

part; and, if it should turn out to be more, the balance may be known almost as soon as the interest will commence. The assertion that the accounts will not be settled has been made with confidence. To judge how far we ought to guide our conduct by it, it is enough to examine what State it comes from. Let the gentlemen who make it ask their own hearts, let them look round and ask one another, whether their States are more clamorous for their dues, or apprehensive of a settlement which will expose their delinquency. In this place, where facts are known, this question will be an argument.

But what ground is there for saying that the accounts will not be settled? This was positively engaged by the former government. It is improper for Congress to act as if Congress were not to be trusted. Commissioners are employed in the business. A motion to extend their time and powers has met with no opposition, and is maturing into a law. Who will oppose it? Not New England! We wish it,—we have pledged ourselves to support it; you ought to believe us, when it is so easy to bring us to the test. I have myself moved resolutions, the best I could devise, which I thought would facilitate, would force, a settlement. I am ready to revive them. Surely those who urge that the accounts will not be settled do not propose to fulfil their own prophecy.

It is certain, therefore, that if there is a disposition in this House to prevent proper measures from being adopted to procure a settlement, it will be disappointed. I wish to remove this ground of objection, by urging the business of liquidation forward. If, then, provision is to be made for liquidating the

accounts, the argument which I deduced from it remains in full force. All pretence of inequality is removed by it. It is a full answer to several other objections. It becomes unnecessary to ask whether State notes remain debts against this government after they have been received into the State treasuries, whether the United States is bound to assume before the balances are found on a settlement, and whether the debts were wisely or unwisely contracted. It becomes immaterial to calculate how many parts in a hundred New Hampshire, and how many Connecticut, will pay, and how much Virginia has paid and will now have to pay. What was wrong in the distributions of the war will be rectified; and, as to future payments, all the citizens will be upon a footing. As the gentleman from Virginia reasons with great candor, I am sure he will be sorry that, in his observations, he has wholly neglected, certainly through inadvertency, to notice an argument which seems, on both sides, to be considered as absolutely conclusive. When I say that both sides allow this argument to be conclusive, I presume my meaning is understood as I formerly expressed it. For the answer to it is that the accounts will not be settled; which admits the force of the reason, and rests the decision upon a point of fact.

Perhaps, for the sake of simplicity and perspicuity, I ought not to pursue the inquiry as to the justice of the assumption any further. Though I mean to rely on the argument I have stated, it will furnish an answer to some objections to furnish another. It is said, These are State debts; Congress has nothing to do with them.

When the war commenced, Congress had neither money nor troops. They were so far from having a right to tax the States, that they had neither the powers of a government nor a rule by which to require contributions. They appealed to the good-will and patriotism of the States, and entreated them to furnish supplies to the extent of their power. The calls upon the States were not taxes or debts, but advances or loans to the public. This is explicitly and formally declared by the resolves of Congress. I have made some attempt to examine the journals, in order to show from them how utterly unfounded the assertion is that these constituted debts against the States. But I found that the titles only of the resolves would fill a sheet of paper. Nothing can be more fully proved than the contrary, not only by the letter of the resolves, but by the conduct of Congress. In some cases no regard was paid to the conjectural ratio by which the States ought to furnish men and supplies. In other instances some of the States were wholly omitted, and not unfrequently a single State was called upon for supplies. One of the most signal proofs, however, is that in the resolves of Feb. 9, 1780, it is expressly stipulated that if the States should furnish more than they are called upon for, the United States will stand charged with it. The resolve of Jan. 5, 1783, even in terms, recognizes the troops whom the States were to settle with as creditors of the Union, for whom good security must be provided.

This is an inquiry into the justice of the assumption. I reject, therefore, the forms of the transaction, and ask whether, if the war had been confined to a

corner, instead of spreading over the continent, and one State had incurred the whole debt of eighty millions, it would be just to leave the burden upon that State? Consistently with the resolves I have mentioned, and the known sense of America, could it be called a State debt? I am sure of my answer, for the question extorts it. The difference between the case I have supposed and that which is in debate is only in degree; there is none in the principle.

It will be answered, perhaps, that it is true we owe the States. They are not finally to bear the burden; let them pay what they owe, and we will pay them. This is a dangerous concession to those who make it, if the accounts are never to be settled, as it is urged by those who contend against the assumption. For it amounts to this, — the debt is binding, and yet it will never be paid. It presents them a choice of difficulties; it forces them to confess either that the assumption will not wrong you or that the non-assumption will end in cheating such of the States as are your creditors.

It will be said, it is true, however, that the United States stands indebted to the States, but the creditors of the States have no just claim upon the United States. There is a great difference between the justice that will be done by the assumption to the States and to their creditors.

The States were called upon during the war to make advances. Accordingly they procured something by taxation, and still more was procured by paper money, which died in the hands of the possessor. They have also paid some part since the peace. So far the States, as such, actually made advances;

but the principal part was obtained either by borrowing, or seizing private property, or drafting men. So far the advances were made by individuals, and at periods so critical and under such circumstances of violence and hardship, as to give a peculiar sanction to their claim upon the honor and justice of their country. Justice plainly requires that these persons should be paid their interest at least, in all events, and without delay. Their claims in every view are perfect; most of them are original holders. But neither the justice of the case nor the engagements of Congress require that the States should be repaid, until the extent of their demand can be known. For I readily admit that nothing more than the balances of their actual advances are due from the United States to the individual States. This has been urged against the assumption, but without foundation. If a State paid more than its proper share, the surplus should be repaid. But if a payment was only promised, and is still to be made, justice is due to the creditors, and not to the State. The idea may be illustrated by considering the States as agents or contractors for the Union; what they paid they claim for themselves; what they barely promised should be paid by their employers, who had the benefit of the debt, especially if the agent cannot or will not pay. I cannot think it necessary to give any further answer to the question so logically proposed with regard to the nature of the debts when redeemed and in the State treasuries.

What remains due ought to fall not unequally upon States, but upon the whole society. It ought, if not paid sooner, to fall upon posterity. If some States

should lose wealth and people, and others increase; if new States should join the Union, or spring up within it, and the western wilderness be thronged with people, — the burden will be equalized upon all the citizens. Liberty and independence were procured for the whole, and for posterity: why, then, should not all contribute to the price?

As it respects the army debt, the very terms of the bargain bind the United States. Congress promised to pay the men, but called upon the States to raise them. Afterwards, when the paper failed, the States were required to make up the depreciation. State notes were given for it, which remain due. Probably all the States cannot pay. In this instance, not only justice, but your plighted faith, require you to pay them; you have asked their services, and had them; you have promised to reward them, and they remain unrewarded. I have already supposed the case of the whole debt being thrown upon one State. If, instead of the whole debt, its zeal, or the necessity of its affairs, had pressed a State forward to exceed, and, in its distress, to disregard, its ability to pay, and it accordingly had run in debt three times as much as it can pay; if the war had scattered its citizens and wasted its property, — are the officers and soldiers, who expelled the enemy, and who did not care which State line they served in, to be told, You served the United States, but you are creditors of South Carolina? It is true you shed your blood for us; by your valor we sit here; we have seen your wrongs, and when it would do you no good, because we had no power, we told the world how deeply we lamented them; but go home and starve. Would not this

wring drops from their hearts, and plant thorns in our own?

The like reasoning will apply to another description of the debts to be assumed, — to the certificates given by the commissaries and other officers of the United States, and since assumed by the particular States. You cannot deny your own by calling them State debts. A great part of the debt of South Carolina is said to be a debt of that kind. Is that State to be crushed with a weight which it cannot bear, or are the creditors to be ruined because the State will be undone if they are not? Or how will this comport with the principle, admitted on both sides, of equalizing the expenses of the war?

The best fund of the States, and hitherto the only one of the Union, — the impost, — has been taken away by adopting the Constitution. Let the debts follow the funds. Let the world judge whether the generous confidence of the State creditors in the public justice ought to be abused, and whether they ought to be made to repent the cordial support which they gave to the new Constitution. The force of this argument may be inferred from the uncommon pains which have been taken to destroy it. The fact is denied, and the issue of the question has been boldly rested upon this point, that the States most urgent for the assumption were not incapacitated from providing for their debts by the surrender of the impost. The impost collected in New Hampshire is called the amount of that State's contribution to the Union; and the ratio by which she ought to contribute is taken from her present representation. I waive, at this moment, all comment upon the unfairness and fallacy of this mode of computation.

I proceed to observe that an uncommon use is made of the result. According to her number of Representatives, that State ought to pay one-twentieth, and yet no more than a hundredth part of the impost of the Union is paid by that State, or rather collected in it. Of course, it is gravely said, it will save four-fifths of the sum which it would have to pay if the debt had been assessed before the Constitution was framed; and this saving to the State may apply to the discharge of its debt. But, sir, such requisitions never were paid, and never could have been paid, by the States. Experience had taught us that it was not to be expected, nor was it in their power. This, indeed, was one of the principal reasons for adopting the Constitution. Are we seriously addressed, when we are told that the savings of a revenue, which did not exist, — that four-fifths of nothing may be applied to pay the State creditors? Without further regarding the ridicule of the argument, let us trace the fact. The debt of New Hampshire is said to be about \$230,000; the yearly interest, at four per cent, is upwards of \$9,000. The impost and tonnage collected in that State, from August to December, is near \$8,000. So that the impost of that State, though far short of her actual contribution to the common treasury, will, in the whole year, greatly exceed their interest, which assuming her debt will throw upon the United States. Here, then, the fund surrendered by that State is more than adequate to the debt which ought to follow it. The whole cause has been hazarded on the fact, and here the fact is against him who appealed to it. May I be permitted to ask whether it is not to be lamented, that through inadvertency or mistake the whole fact was

not mentioned? May I demand why the non-importing States were preferred to the importing States for calculating the impost? Massachusetts collected, under a State law, near \$150,000 impost yearly. This falls short of the present collection, under the law of the Union, which is nearly equal to the interest of her debt. The excise would have supplied the deficiency, and that fund you are about to invade. It would be wrong to take away funds, though inferior to the discharge of interest, and yet leave the whole debt upon the State. If the funds surrendered were equal to the debts, it has been admitted that the Union ought to take the debts also. The injustice of rejecting the debts, and taking the impost to a less amount, differs only in degree. But why was New York passed over in silence? The interest of the debt of that State would not equal the impost collected within it. What will you say to that State?

The candor and impartiality of the Committee will be exercised in deciding whether the arguments so often urged in favor of the assumption, that you ought to take the debts with the impost, has lost any thing of its force by this investigation of facts. What is asserted on one side, and denied on the other, after a strict inquiry, ends in the same point.

There is another view of the subject to be taken. It is allowed that the people pay duties in proportion as they consume dutied articles. The consumption in the several States is nearly according to the numbers of the people. It will be as fair in this as in former calculation to take the number of Representatives as our rule to compute the proportions which the several States contribute by the consumption of articles

charged with duties. The impost of New Hampshire and Massachusetts, collected within the period from August to December, and added together, was nearly one hundred and twenty thousand dollars. Allow the former three parts in eleven, according to her representation, and it will appear that her citizens paid thirty-two thousand seven hundred dollars of the whole sum. Less than eight thousand dollars were collected within the State. In case the debts should not be assumed, but should be provided for by State duties and excises, according to these principles, the citizens of New Hampshire would have to pay five thousand dollars a month, or at the rate of twenty-five thousand dollars from August to December, into the treasury of Massachusetts. Connecticut, in like manner, would have to pay, within an equal period, fifty-four thousand dollars; and Jersey, if reckoned with New York, would have to pay sixty thousand dollars, and with Pennsylvania still more. In a whole year, this tribute which one State would exact from another would amount to very large sums. North Carolina is a non-importing State, and, in common with the others before mentioned, would have to pay for the debt of its neighbors, and then to provide for its own. Is there any justice or cause of discord and violence charged or even imagined against the assumption equal to this? And yet we hear it said, Let us leave the States to pay their debts for themselves.

Perhaps we shall never be agreed as to what is policy. On great questions, when the judgment should be cool, the passions most frequently interpose, and disturb its decisions; and this is most likely to happen where public men are zealously faithful to their trust.

But it is otherwise with our sense of justice. Our pity, our gratitude, our resentments, may mislead us ; but of all the operations of the moral sense, the most precise and infallible is our sense of justice. The heart acts as our interpreter, and guides us to certainty ; injury or wrong is the opposite of justice. I appeal to that moral sense, to that law written upon the heart, and confidently ask whether you can impose this burden upon the States and call it equality ; whether you can reject the claims of their creditors, and call it justice. As to the policy of the assumption, to object is always easy. It is not hard to show how many little objections a great measure will be liable to ; but in a question of policy, we are commonly obliged to disregard little things for the sake of great ones : nor can complete proof be given of the affirmative ; for when it is asserted that bad consequences will ensue, time only can fully prove that they will not. I neither expect nor pretend to overcome every doubt, when I undertake to show that it is more safe and prudent to assume than not to assume the State debts. When we speak of policy, what is meant by the term ? A measure is said to be against wise policy, when it tends to prevent good, or to produce evil. It respects either the government or the citizens : as it respects government, will the assumption diminish its power, or embarrass the exercise of it ? Or as regards the people, will it produce evil, and not good ?

This measure can neither increase nor diminish the power of the government ; for the power to be exercised is expressly given it by the Constitution. Will it embarrass the exercise of power ? The contrary is true ; it removes impediments which will be in its

way, if not assumed. Experience has taught us, to our cost, how very pernicious these obstacles are. The systems of State revenues, before the Constitution was formed, had crushed industry and almost ruined trade from State to State.

Will its tendency be to evil rather than to common benefit? This, it is true, is a vague as well as a complex question; but its great objects are to establish justice, to produce equality of burdens and benefits, an uniform revenue system, to secure public credit by removing every example of bad faith, and to prevent all interference between the national and State governments, and the dangerous usurpation of the one upon the other, which would be the consequence.

How can it be said that policy is against the measure, if its tendency be such? Much has been said about consolidation. Certainly it cannot be usurpation for Congress to pay the debts, which were contracted either by itself or at its own request by the States. The State governments are said to be in danger of a consolidation. That, however, is not the only, probably not the greatest, danger they have to risk: disunion is still more formidable. Nothing can shelter the small States from the greater ones but union; nor would any single State be safe against the combination of several States. All would be exposed to foreign foes. If you make the State governments strong by taking strength from the Union, they become exposed exactly in the degree you do it. For the principle of union ought to be strong in proportion to the strength of the members. In a compound ratio, therefore, you make the national government too weak to combine the whole together, and you expose governments

and citizens to the caprice of accidents, and to the fury of passions, which will confound laws, liberty, and government.

It is true, a body of valuable citizens will be attached to the government ; all good citizens should love the government, and they will do so, if government should deserve their love. Revenue powers are given to Congress without reserve. To say that it is dangerous and improper to exercise them is a charge against the Constitution.

There are but three points of view to consider the State governments in, — either as rivals for power, as watchmen, or as legislators within the State. To call them rivals would be an avowal of the principle of disunion, or rather of positive force, which is absurd. I do not know that either the State or national Constitutions have given them the office to watch this government. The people are to watch us all, and I wish they always may. But if the State governments are still called watchmen, that office may be performed as well, perhaps better, without than with the incumbrance of their debts. It is equally difficult to see how it can impair the rights of internal legislation. The assumption and an uniform plan of revenue will take away not only all pretext, but every motive, for encroachment upon them. If, by the non-assumption, an interference is produced, their danger will be the more imminent. For if they prevail in the conflict, they will be destroyed by disunion ; if they fail, they will be swallowed up in the consolidation. I wish, among other reasons, to have the assumption take place, because I think it will give us the best security that our government will be administered as it

was made, without suffering or making encroachments.

I hasten to notice some objections. A public debt is called a public evil, and the assumption is charged with tending to perpetuate and increase it. I am not disposed to dispute about words, though I believe the debt, as a bond of union, will compensate the burden of providing for it. But I cannot admit that it is a greater evil to owe a debt than to wipe it off without paying it; and if the whole debt is to be paid, at all events the assumption makes no increase; nay, if the modification first proposed should be made, the capital will be diminished near thirteen millions by this measure. It is said to be easier to pay eighty millions by leaving the State debts to be paid by the States, and paying the other debt ourselves, than to form the whole into one debt.

By this division in the debt, if there is any force in the objection that we can pay more, or that we shall pay what may be collected more easily, — first, let us see whether this is true as to what the States will have to provide for. As it respects South Carolina, the contrary is confessedly true. So far is it from being a more easy way of paying, that they cannot pay at all. If Massachusetts can pay her interest, it will be with extreme difficulty. One gentleman observed that her efforts had raised a rebellion. It is certain that they have not succeeded. The price of State paper in most of the States has been a proof of their incapacity to make effectual provision.

The State debts are to be paid, or they are not. If by leaving them upon the States they will be lost to the creditors, that cannot be supposed to be the more

convenient way of paying part of eighty millions, which is intended by the argument. Besides the shock to public credit, it would be the loss of so much property. The disaster would probably be more felt than some of the greatest physical evils, such as inundation, or blasting the earth for a time with barrenness. If, then, the debts are to be paid, by what means? The gentleman from Virginia has strongly reprobated excises. The States cannot touch the impost. What remains? Direct taxes only. This source will be soon exhausted. The land-tax of England is not more than a sixth part of its income. They have carried it as far as they think prudent. Why should not labor and stock contribute as well as land? For these give the chief value to its products. It cannot be expected that the debt will be safe to rest upon the land-tax. It is not even mortgaged at all in England. If our entire funds are barely sufficient, merely a single fund, and that not the best, will be inadequate. It is a better one in England than in America; for the wild land makes it impossible to impose very heavy taxes upon the old settlements; the oppressed people will fly beyond the reach of collectors. It is, besides, much more easy to procure the money in England than in America. Land-taxes are not only insufficient, but liable to other objections. Land is to be taxed according to quantity or value. If the former, it will not produce much. If according to value, then you must resort to arbitrary assessments, more obnoxious than excises. Every farmer almost can attest the force of this objection. The expense, too, is small, in England; in this country it is otherwise. Taxes on land have cost as much to collect as excises. In one of the States I

am told that the collection has been estimated at thirty per cent. Experience, too, has proved that the States cannot pay their debts by direct taxes. It has been pushed to the utmost extent, and found insufficient.

The argument which has been urged by the gentleman from Virginia against excises seems to exclude this mode of revenue ; without it, the State debts cannot be provided for. The United States will be compelled to resort to it. It is absolutely necessary for drawing forth the resources of the country. As every man consumes, every man will contribute, including foreigners and transient people. Imposts cannot be carried far without defeating the collection. Duties on the imported spirits would increase the use of home-made spirits, which cannot be reached without an excise. All taxes are in some degree unequal, but excises probably as little so as any. The rates are fixed, and very little is left to imposition and caprice. Besides, every consumer taxes himself.

If, then, Congress should not lay excises, the best source of revenue will be lost. I am persuaded public credit cannot be supported without them. It seems to be a matter of equal necessity that the States should impose them. But the States cannot do it with convenience or much effect, for they cannot make them general. They will vary in the States, and hold out temptations to an infinity of frauds. The States are restrained from regulating foreign trade, or that from State to State. With such vast frontiers to watch, and their powers on the importation and passage of goods by land so much restrained, and their laws obstructed and controverted by the laws of the Union, much of the collection will be defeated. The excise in Massa-

chusetts and Connecticut, it is supposed, has not produced ten shillings in the pound of what it might be made to yield. I do not pretend that there is less wisdom in the States, but they labor under almost insurmountable difficulties. It is doubtful whether they will be able to collect much ; and, if they should, the burden of these rival laws has been found nearly equal to another tax.

Besides, one State will tax another. The consumers will go to the most convenient market. So that the attempt to make each State pay its own debt will be defeated ; and the payment will fall as unequally as if the assumption should take place, and the accounts not settled. New Hampshire, Connecticut, Jersey, and North Carolina would pay almost wholly into the treasuries of the neighboring States. The non-importing States will be obliged also to impose direct taxes to pay their creditors, so that their citizens will be doubly taxed. If State excises, then, are so unequal, and yield so little, where are these mysterious State resources, which are inaccessible to Congress? If they are not of an incommunicable nature, we can judge by hearing the subjects of taxation named. It ought to appear that such exist, and that Congress could not draw them forth.

If you reject excises, you cannot have an adequate revenue ; and if the States have also excises, the revenue will be impoverished and hazarded. For if an article can pay both duties, there is a loss to get but one, and it might as well be collected throughout the United States as in one State ; and if it cannot pay both duties, one or both treasuries will suffer for the loss. Besides, you incur a double expense in collecting them.

What revenues are left you, if the excise is rejected? With such a slender sum you cannot offer new terms. The modification of the entire debt, as first proposed, makes a saving in the capital of almost thirteen millions. The debt to be assumed is about twenty-four. The interest on the difference, or on the real increase of debt by assuming, is less than five hundred thousand dollars yearly.

We depend upon two principles for the security of the revenues. One is that the trading people will not be disposed to offend; and the other is that all others will be inclined to watch and expose them if they should. Never was so popular a revenue system. But the violence to the just demand of the creditors, depriving them of the money they have been used to receive, and creating in the States an interest to have your collection fail, in order to make the State funds effectual, will produce a most disastrous change. It is setting men's interests, as well as opinions, against you. Nor will the landed interest have a different sentiment; for they will be murmuring under the load of direct taxes, and the more the State revenues can be improved by lessening the national, the less they will have to bear.

What reason, then, is there for asserting that more money can be obtained, and more easily, by several systems than by one? This bold assertion, which the sense of America would refute, if its experience had not done it already, is not true of imposts. I have endeavored to expose its fallacy with regard to State excises. They produce much evil and little money. Direct taxes, insufficient as they are, can be imposed by Congress to any amount, which ought to be re-

quired, as well as by the States; and I do not know that they would be more obnoxious. It is true, just complaint is made of their unequal operation, and I trust that Congress will not be under the necessity to call for them. What advantages for taxation do the States possess over Congress? We ought not to admit that any such exist till the reasons and facts are made known to us; which has not yet been done.

Without adequate funds, the States cannot propose to their creditors a modification of the debt. By the Constitution they are restrained from passing laws to impair contracts. The burden will rest upon the States, if not assumed, at six per cent; for, without funds, the creditors will not consent to take less: if assumed, upon Congress at four. Is this the more easy way of paying part of eighty millions? It makes a difference of several millions against the public.

If we commit an error by not assuming, it will be an expensive one. Have we funds so abundant and safe that we may divide and wrangle with impunity? But we are told that there will probably be an assumption at the next session, and that it is improper to pass a decision at the present, especially as immediate provision is not to be made, and as delay will reconcile men's minds to the measure. This is plausible, but at least it is yielding the great point as to the principle. If the business should be referred to the next session, with the intent then to assume, the States will not impose taxes and frame funding systems for half a year. In the mean time, this state of their paper will make it the subject of the most pernicious speculation. It will be engrossed for a trifle by foreigners, and at the same time aggravate the scarcity of

money by employing what there is in purchases. In this state of suspense and loss, will the public mind become tranquil? Will it unite the two sorts of creditors? But, though you delay the interest on the State debts to 1792, you pass the revenue laws as soon as possible. By delay you will lose the revenue which may accumulate prior to that time. Suppose a million and a half obtained before the payment of interest shall begin, that sum will secure the interest against any probable deficiency of the duties for two or three years. Will not the public, will not the creditors of every description, derive advantage from an immediate assumption and establishment of duties, and from the proposed delay of paying interest?

It is an unusual thing for a gentleman in a public assembly to assert that four-fifths of the people are of his way of thinking. This, however, has been done. It is not strange to mistake their own opinion for that of the public. These fond prepossessions may be received instead of evidence, but they cannot weigh much against evidence. My information may have been less diligently sought, and less carefully examined, than that gentleman's; but I have compared it with what has been gathered by my friends, and I declare that I believe four-fifths of the wise and worthy men, in a very wide extent of country, look with strong disapprobation upon the injustice, and with anxious terror upon the impolicy, of rejecting the State debts.

Little notice has been taken of an argument for the assumption, which, if just, is entitled to a great deal. I mean that which has been urged to show that it will strengthen the government. The answer given is,

that, instead of pecuniary influence, new powers are wanting to the Constitution. This is not denying the argument, but asserting a proposition which, if false, is to be disregarded, and, if true, is not inconsistent with the point in question. So far from denying, it seems to admit the utility of the assumption, and asserts the utility of some other thing, — which other thing he has not explained; and, if he had, it is probably unattainable; nor will its attainment, be it what it may, be prevented by the assumption. But before we ask for new powers on paper, let us exercise those which are actually vested in Congress. What will new powers avail us, if we suffer the Constitution to become a dead letter? What has dropped from the gentleman on this point amounts to an important concession. Little topics of objection sink to nothing, when it is allowed that the assumption will strengthen the government. Is the principle of union too strong? Do not all good men desire to make it perfect? What nation has more to hope from union, or to fear from disunion? Shall we make the Union less strong than the people have intended to make it by adopting the Constitution? And do not all agree that the assumption is not a neutral measure? If its adoption will give strength to the Union, its rejection will have the contrary effect.

I have thought of this government with the fondest enthusiasm. I have considered it as tending to mend the condition of mankind, and to perpetuate the blessings of liberty. At this late period of the debate, it is hardly possible for gentlemen to exercise impartiality. It will be an act of virtue, of magnanimous self-command, to do more, — to place themselves

for a moment in the situation of the advocates of the assumption, and to see with their eyes. They love their country, and mean to serve it; and I am sure they would shrink from the spectre of its misery which haunts us; they would not consent to undo the Constitution in practice, to realize the evils which we only apprehended under the Confederation, and which were prevented by the total want of power in Congress. With this principle, however, it will be found that power enough is given to create division, and to make it fatal; it will beggar the government, and bind it in chains.

IV.

THE following speech was delivered by Mr. Ames, on the 3d of February, 1792, in favor of a bill sent from the Senate entitled "An Act for the Encouragement of the Bank and other Cod-fisheries, and for the Regulation and Government of the Fishermen employed therein." The bill provided for a bounty to each vessel carrying on the above-named fisheries, of from one and a half to two and a half dollars, according to tonnage, and passed the house by a vote of thirty-eight yeas to twenty nays, on the 9th of February, 1792. Mr. Ames, after making some introductory observations, spoke as follows:—

It is necessary, Mr. Speaker, to fix some point in which both sides can agree. Disputes cannot be terminated,—or, more properly, they cannot be managed at all,—if some first principles are not conceded. The parties would want weapons for the controversy.

Law is in some countries the yoke of government, which bends or breaks the necks of the people; but, thank Heaven! in this country, it is a man's shield, his coat of mail, his castle of safety. It is more than his defence; it is his weapon to punish those who invade his rights; it is the instrument which assists, it is the price which rewards, his industry.

If I say that fishermen have equal rights with other men, every gentleman feels in his own bosom a principle of assent. If I say that no man shall pay a tax

on sending his property out of the country, the Constitution will affirm it; for the Constitution says, *No duty shall be laid on exports*. If I say, that on exporting dried fish, the exporter is entitled to draw back the duty paid on the salt, I say no more than the law of the land has confirmed. Plain and short as these principles are, they include the whole controversy. For I consider the law allowing the drawback as the right of the fishery, the defects of that law as the wrong suffered, and the bill before us as the remedy. The defects of the law are many and grievous. Suppose 340,000 quintals exported: —

The salt duty is	\$42,744
The drawback is only	34,000
	<hr/>
The loss to the fishery	\$8,744
Whereas government pays \$45,900, at 13½ cents, including charges, which are 3½ cents, on a quintal, which is beyond what the fishery receives	11,900
	<hr/>
Being a clear loss to the government of	\$3,156

So that, though the whole is intended for the benefit of the fishery, about one-fourth of what is paid is not so applied; there is a heavy loss both to government and the fishery. Even what is paid on the export is nearly lost money; the bounty is not paid till the exportation, nor then till six months have elapsed; whereas the duty on salt is paid before the fish is taken: it is paid to the exporter, not to the fisherman. The bounty is so indirect, that the poor fisherman loses sight of it. It is paid to such persons, in such places, and at such periods, as to disappoint its good effects; passing through so many hands, and paying so many profits to each, it is almost absorbed.

The encouragement, too, is greatest in successful years, when least needed; and is least in bad fishing seasons, when it is most needed. It is a very perplexed, embarrassing regulation to the officers of the government, and to the exporter: hence the great charge; and with all this charge and trouble, it is liable to many frauds. Four hundred miles of coast, little towns, no officers. All these defects the bill remedies; and, besides, gives the money on condition that certain regulations are submitted to, which are worth almost as much as the money.

The bill is defended on three grounds. First, it will promote the national wealth; second, the national safety; third, justice requires it. The last is fully relied on.

To show that the fishery will increase the wealth of the nation, it cannot be improper to mention its great value. The export before the war brought more than a million of dollars into this country; probably it is not less at present, and no small part in gold and silver. It is computed that thirty thousand persons, including four thousand seamen, subsist by it. Many say, very composedly, if it will not maintain itself, let it fall. But we should not only lose the annual million of dollars which it brings us,—an immense capital would be lost. The fishing towns are built on the naked rocks or barren sands on the side of the sea. Those spots, however, where trade would sicken and die, which husbandry scorns to till, and which nature seems to have devoted to eternal barrenness, are selected by industry to work miracles on. Houses, stores, and wharves are erected, and a vast property created, all depending on this business.

Before you think it a light thing to consign them to ruin, see if you can compute what they cost; if they outrun your figures, then confess it would be bad economy, as well as bad policy, to suffer rival nations to ruin our fishery. The regulations of foreign nations tend to bring this ruin about. France and England equally endeavor, in the language of the Secretary of State, to mount their marine on the destruction of our fishery. The fishers at Newfoundland are allowed liberal bounties by the English Government; and in the French West Indies, we meet bounties on their fish and duties on our own, and these amount to the price of the fish. From the English islands we are quite shut out; yet such is the force of our natural advantages, that we have not yielded to these rivals. The Secretary of State has made these statements in his Report.

The more fish we catch, the cheaper; the English fish will need a greater bounty: whereas, if we should yield, the English would probably need no bounty at all; they would have the monopoly. For example: Suppose the English can fish at two dollars the quintal, — we catch so much that we sell at one dollar and two-thirds; the loss to them is one-third of a dollar to each quintal. They must have that sum as a bounty. Whereas, if we increase our fishery, a greater and greater bounty is needed by foreign nations. The contest so painfully sustained by them must be yielded at last, and we shall enjoy alone an immense fund of wealth to the nation which nature has made ours; and, though foreigners disturb the possession, we shall finally enjoy it peaceably and exclusively. If the lands of Kentucky are invaded, you drive off the in-

vader; and so you ought. Why not protect this property as well? These opinions are supported by no common authority. The State of Massachusetts having represented the discouragements of the fishery, the subject has received the sanction of the Secretary of State; he confirms the facts stated in the petition; he says it is too poor a business to pay anything to government.

Yet, instead of asking bounties, or a remission of the duties on the articles consumed, we ask nothing but to give us our own money back, which you received under an engagement to pay it back in case the article should be exported. If nothing was in view, therefore, but to promote national wealth, it seems plain that this branch ought to be protected and preserved; because, under all the discouragement it suffers, it increases, and every year more and more enriches the country, and promises to become an inexhaustible fund of wealth.

Another view has been taken of the subject, which is drawn from the naval protection afforded in time of war by a fishery. Our coasting and foreign trade is increasing rapidly; but the richer our trade becomes, the better prize to the enemy. So far from protecting us, it would be the very thing that would tempt him to go to war with us. As the rice and tobacco planters cheerfully pay for armies, and turn out in the militia to protect their property on shore, they cannot be so much deceived as to wish to have it left unprotected when it is afloat; especially when it is known that this protection, though more effectual than the whole revenue expended on a navy could procure, will not cost a farthing; on the contrary, it

will enrich while it protects the nation. The coasters and other seamen, in the event of a war, would be doubly in demand, and could neither protect themselves nor annoy the enemy to any considerable degree; but the fishermen, thrown out of business by a war, would be instantly in action. They would, as they formerly did, embark in privateers; having nothing to lose and everything to hope, they would not dishonor their former fame. Their mode of life makes them expert and hardy seamen. Nothing can be more adventurous. They cast anchor on the banks, three hundred leagues from land, and, with a great length of cable, ride out the storms of winter. If the gale proves too strong, they often sink at their anchors, and are food for fish which they came to take. For ever wet, the sea almost becomes their element. Cold and labor, in that region of frost, brace their bodies, and they become as hardy as the bears on the islands of ice; their skill and spirit are not inferior; familiar with danger, they despise it. If I were to recite their exploits, the theme would find every American heart already glowing with the recollection of them; it would kindle more enthusiasm than the subject has need of. My view is only to appeal, to evince the importance of the fishery as a means of naval protection. It is proper to pass over Bunker's Hill, though memorable by the valor of a regiment of fishermen; nor is it necessary to mention, further, that five hundred fishermen fought at Trenton.

It is known that the privateers manned by fishermen, in want of everything, not excepting arms which they depended on taking from their enemies, brought into port warlike stores of every kind, as well as every

kind of merchandise sufficient for the army and the country; the war could not have been carried on without them. Among other exploits almost beyond belief, one instance is worth relating: these people, in a privateer of sixteen guns and one hundred and fifty men, in one cruise took more than twenty ships, with upward of two hundred guns and nearly four hundred men. The privateers from a single district of Massachusetts, where the fishery is chiefly seated, took more than two thousand vessels, being one-third of the British merchant vessels, and brought in near one thousand two hundred. An hundred sail of privateers, manned by fishermen, would scour every sea in case of war.

Some gentlemen think of a navy; but what navy could do more? What nation would provoke a people so capable of injuring them? Could fifty ships of the line afford more security? and yet this resource of the fishery, always ready, always sufficient, will cost nothing. The superior naval force of our foes should not discourage us; our privateers would issue like so many sword-fish to attack the whale. I leave these observations to their weight, and forbear to press them further; strong as I think them, I rest my support of the bill on another ground. I will only ask whether you will oppress, if you will not encourage them; whether, if you will not give them the money of the public, you will partially seize their own? This is all they ask. If your policy demands for them so much, will your justice deny them so little?

I have repeatedly asserted that the bill will not cost the public a farthing; you only take the money which the fishery brings into the treasury, for the salt duty,

and pay the same or a less sum back in bounties, instead of a drawback on the exportation of fish. Here I rest my argument. Before I adduce my proofs, I cannot forbear to lay open the state of my mind. I rely on the truth of the facts I propose to offer. I rely on the proof of them being as near demonstration as the nature of the case will admit. I make no doubt of the good sense and good intentions of the gentlemen whom I wish to convince; and yet, I am sorry to say, I am far from being sanguine in the hope of gaining a single vote for the bill. I will explain my meaning, and then I think no gentleman will take exception at it. This debate depends on calculation. In print or writing or private conversation, figures have the advantage of every other mode of investigation; the mind is fixed to a point, and made to see it clearly. But in public debate it is otherwise. Figures not only disgust attention, but, as the mind cannot carry them along, they confound it; they make a plain thing look mysterious, and bring it into suspicion. When I ask of the Committee a hearing, and it is granted, I get nothing; I want a close attention; and I have to beg, and earnestly too, that gentlemen will not trust their first opinions and vote against the bill, without condescending to receive and to weigh the facts and calculations of its advocates.

The first question is, How much does the government receive by the duty on the salt used in curing the fish which is exported? The quantity of fish must be known. Several ways of information are to be explored. The Secretary of State supposes the fish of 1790 to be 354,276 quintals. A Treasury

return of fish exported from Aug. 20, 1789, to Sept. 30, 1790, which is thirteen and one-third months, is 378,721 quintals,—for a year, equal to 340,849 quintals.

Foreign-dried fish imported from Aug. 15, 1789, to Aug. 1790, 3,701 quintals; five per cent drawback thereon is only three hundred and ten dollars, at one dollar and sixty-six cents per quintal. Mr. Giles is mistaken in supposing that foreign fish deducts \$16,000 from our estimate. Return of fish in seven months from May 30 to December, 1790, exported, all fish of the United States, 197,278 quintals; which, for a year, is 338,184 quintals. The medium may be fairly taken for the time past at 340,000 quintals a year.

Six gentlemen of Marblehead certify that 5,043 hogsheads, or 40,344 bushels of salt, were used on 38,497½ quintals; which, for 340,000 quintals, gives 356,200 bushels. The duty, at twelve cents, is \$42,744, which government receives. But the charge to the United States is,—

At thirteen and a half cents per quintal	\$45,900
Whereof the fishery receives ten cents on each quintal exported	34,000
	<hr/>
Charges as the law stands	\$11,900

Further, this is but an estimate made up from what the last year proved. The next may be very different, and probably it will be. If more money should be demanded than \$44,000, we must not be accused of misleading Congress. But in that case an increase would be made by law; for the more fish is exported, the more thirteen and a half cents must be paid; so

that the bill creates no burden in that way. But the increase of the export of fish will probably operate in favor of government; for it is known that the economy, skill, and activity of the fishery are making progress. Its success has progressed. The more fish to a vessel, the cheaper the allowance on the tonnage. Therefore the tonnage of vessels will not increase in a ratio with the increase of the fish.

The very objections prove this; for they deem the encouragement too great. But any encouragement must have the effect.

The difference of the agreements for distributing the fish according to the present practice, or by this bill, makes a great one in the quantity taken. The bill reforms the practice in this point. Marblehead vessels take less than those from Beverly. The former throw the fish into a common stock, which is afterwards divided upon a plan very unfriendly to exertion. A man works for the whole,—perhaps twelve hours,—and they may take about eight hundred quintals to a vessel. But in Beverly the exertion is as great as can be made,—eighteen hours a day,—because each man has what he catches; and they catch eleven hundred quintals.

Marblehead seamen sailing from other towns, and dividing as last mentioned, which the bill establishes, seldom fail to catch two or three hundred quintals more than vessels and men from Marblehead on the first plan. Accordingly, I assert, on good authority, that the increase in Marblehead only may be computed at fifteen thousand quintals, merely in consequence of the reform by the bill. The best-informed persons whom I have consulted entertain no doubt

that the export, in case the bill should pass, would not be less than four hundred thousand quintals, probably more ; but, at four hundred thousand quintals, it would add seven thousand two hundred dollars more to the salt duty, — a sum more than equal to any estimate of the actual tonnage or any probable increase of it.

	\$42,744
	7,200
	\$49,944
Salt duty on 400,000 quintals	\$49,944

Other facts confirm the theory that skill and exertion are increasing in this business.

In 1775, for 25,000 tons and 4,405 seamen, the fish sold amounted to \$1,071,000. In 1790, three-fourths of the seamen and three-fourths of the tonnage took as much fish. It is owing to this that our fishery stood the competition with foreign nations.

Finally, the average in future may be relied on not to be less than 350,000 quintals.

Salt duty on which	\$43,944
Bounties	44,000
	\$56
Wanted	

The calculation first made will answer the purpose.

340,000 quintals pay salt duty	\$42,744
Tonnage bounty	44,000
	\$1,256
Wanted	

This is the mighty defect. Observe, the authentic return of the export of fish may be, and we can almost prove it to be, below the future export: whereas, to banish all doubt, we go to the top of the scale for the tonnage; we take what we know to be the utmost. This we might have represented more

favorably, if we had chosen to conceal anything. But even this will answer our purpose.

For two hundred tons are wanting in the estimate of the bounties, being nineteen thousand eight hundred, not twenty thousand, which will take off one-third of the deficient sum.

The tonnage over sixty-eight, which receives nothing, is not mentioned: and it is probably not less than another third.

The boats under five tons, though trifling, are to be noticed; they receive nothing.

But, above all, the chances of non-compliance with the regulations are in favor of the remainder of the twelve hundred and fifty-six dollars being stopped. Boats may not get twelve quintals to the ton, or vessels may have their voyages broken up, or not stay four months on the fishing ground; and in either case they would receive nothing. Take all these together, is it not to be doubted that twelve hundred and fifty-six dollars will remain of the forty-four thousand in the Treasury?

But these are trifles which I cannot believe gentlemen are anxious about.

For the event cannot be reduced to a certainty. What quantity of fish will be exported, no man can tell now. But as government may receive more than it will pay, the chance may turn the other way, and it may have to pay a few hundred dollars more than it will have received. We have seen that the chance is most in favor of government. But one chance must balance the other. This answer is sincerely relied on as a good one.

I barely mention that the wear of cordage, cables,

sails, and anchors is very great. These articles, on being imported, pay duties. So that it is probable that the extra duty paid by the fishery on their extra consumption will overbalance any little sums supposed to exceed in the bounty.

It has been asked, as if some cunning were detected, why, if the money received in the treasury to pay the drawbacks is equal to the proposed bounties, a further appropriation should be made. This cunning question admits of several very simple answers.

1st. The bill being for seven years, the average product is the proper sum to be calculated. But the first three years may fall short of the bounties, say two thousand dollars a year, which is six thousand dollars. The last four may exceed two thousand dollars, say eight thousand dollars.

Shall a poor fisherman wait for the whole, or, if he takes his part according to the money in the treasury, for a twenty-fourth part of the bounty on his vessel, from 1792 to 1795?

2d. This delay would happen after a bad year, the very time when he would most need prompt pay.

3d. But fish taken this year will not be exported till December next. Therefore the money will not be stopped by the drawback, as the law stands, till six months after.

A substitute has been proposed for the clause to appropriate the drawback only. This is absolutely improper. For the ten cents allowed as drawback is but a part of the duty paid on salt. It is not easy to see any reason why a part stopped at the treasury should be equal to the whole paid there long before. The drawback falls near nine thousand dollars short

of the salt duty received by government. The expense of the drawback would be very heavy and useless.

Nor may gentlemen apprehend that government, by paying next December, will advance money to the fishery. The salt duty will have been paid, and the government will have the use of the money, many months before the fishermen will have the right to call for the bounties.

It is left to the candor of the gentlemen who have urged this objection, whether a better or fairer answer is desired.

After having laboriously gone through the estimate of the probable export of fish, it will not be necessary to be equally minute as to the number or kind of vessels which are to receive the bounty. The estimate we believe to be very high. That it is high enough we suppose very probable, from the estimate of the Secretary of State, which is only nineteen thousand one hundred and eighty-five tons.

This mode of paying the bounty on the tonnage is very simple and safe. The measurement is already made, and costs nothing ; and, as it was made to pay a duty on tonnage, we are very sure that government will not be cheated by an over-measure. The mode of paying the drawback, as the law now stands, is expensive, perplexed, and embarrassing, liable to frauds and delays.

This intricate and disgusting detail of calculations was necessary to satisfy the Committee that each of the three grounds of defence on which the bill rests is tenable.

Instead of impoverishing the nation by scattering

the treasures of the whole to benefit a part, it appears that we are preserving a mine of treasure. In point of naval protection, we can scarcely estimate the fishery too highly. It is always ready, always equal to the object; it is almost the only sufficient source of protection by sea. Our navigation is certainly a precious interest of the country. But no part of our navigation can vie with the fishery in respect to the protection it affords. There is no point which regards our national wealth or national safety, in respect to which it seems practicable to do so much with so little.

We rely on the evidence before you that the public will not sustain the charge of a dollar. Those ought not to doubt the evidence who cannot invalidate it. If, then, the fishermen ask you to restore only their own money, will you deny them? Will you return to every other person exporting dutied goods the money he has paid, and will you refuse the poor fisherman?

If there must be an instance of the kind, will you single out for this oppressive partiality that branch which is described by the Secretary of State as too poor even to bear its own part of the common burden? — that branch which, nevertheless, has borne the neglect of our nation and the persecution of foreign prohibitions and duties; a branch which, though we have received much and expect more, both of money and services, urges no claim but such as common justice has sanctioned.

V.

ON the 3d of January, 1794, Mr. Madison, a member from Virginia, proposed to the House of Representatives of the United States a series of resolutions, to impose higher duties and lay greater restrictions on the manufactures, products, and ships, and on particular branches of trade, of a certain nation, or of nations therein described. In explanation of his motives and views, he spoke of the security and extension of our commerce, as a principal object for which the federal government was formed. He urged the tendency of his resolutions to secure to us an equitable share of the carrying trade; that they would enable other nations to enter into a competition with England for supplying us with manufactures; and in this way he insisted that our country could make *her enemies* feel the extent of her power, by depriving those who manufactured for us of their bread. He adverted to the measures enforced by a certain nation, contrary to our maritime rights; and out of the proceeds of the extra impositions proposed, he recommended a reimbursement to our citizens of their losses arising from those measures. He maintained that if the nation cannot protect the rights of its citizens, it ought to repay the damage; and that we are bound to obtain reparation for the injustice of foreign nations to our citizens, or to compensate them ourselves.

On the other hand, Mr Ames thought that "whatever specious show of advantage might be given to the policy proposed in the resolutions, it would prove an aggravation and not a remedy of any supposed or real evils in our commercial system." He con-

sidered the zeal for unlimited freedom of commerce as affected and insincere. He thought it ridiculous in this country to pretend, at this time, to change the general policy of nations; and to begin the abolition of restrictions by enacting non-importation laws. Shutting up the best markets for exports, and confining ourselves to the worst, for our imports, was peculiarly inconsistent and absurd in those who profess to aim at the benefit of trade. To him it appeared that, under the pretence of making trade better, it was to be annihilated; that it might serve France, but would certainly injure us. He saw too plainly that our trade was to wage war for our politics, and to be used as the instrument of gratifying political resentments.

The way had been prepared for these resolutions by a report from Mr. Jefferson, as Secretary of State, on the same subject, which had been long labored to give it the aspect which it bore. Mr. Ames saw, or thought he saw, in these measures the meditated overthrow of the commercial prosperity of the United States, and especially of that part of them whose interests were particularly confided to his care. With these impressions, he made the following speech on the 27th of the same month, 1794. [Life and Works of Fisher Ames, 1809 and 1854.]

THE question lies within this compass, Is there any measure proper to be adopted by Congress which will have the effect to put our trade and navigation on a better footing? If there is, it is our undoubted right to adopt it; if by *right* is understood the *power* of self-government, which every independent nation possesses, and our own as completely as any other, it is our duty also, for we are the depositaries and the guardians of the interests of our constituents, which, on every consideration, ought to be dear to us. I make no doubt they are so, and that there is a disposition sufficiently ardent existing in this body to co-operate in any measures for the advancement of the common

good. Indeed, so far as I can judge from any knowledge I have of human nature, or of the prevailing spirit of public transactions, that sort of patriotism, which makes us wish the general prosperity, when our private interest does not happen to stand in the way, is no uncommon sentiment. In truth, it is very like self-love, and not much less prevalent. There is little occasion to excite and inflame it. It is, like self-love, more apt to want intelligence than zeal. The danger is always that it will rush blindly into embarrassments, which a prudent spirit of inquiry might have prevented, but from which it will scarcely find means to extricate us. While therefore the right, the duty, and the inclination to advance the trade and navigation of the United States, are acknowledged and felt by us all, the choice of the proper means to that end is a matter requiring the most circumspect inquiry, and the most dispassionate judgment.

After a debate has continued a long time, the subject very frequently becomes tiresome before it is exhausted. Arguments, however solid, urged by different speakers, can scarcely fail to render the discussion both complex and diffusive. Without pretending to give to my arguments any other merit, I shall aim at simplicity.

We hear it declared that the design of the resolutions is to place our trade and navigation on a better footing. By better footing, we are to understand a more profitable one. Profit is a plain word that cannot be misunderstood.

We have, to speak in round numbers, twenty million dollars of exports annually. To have the trade of ex-

ports on a good footing, means nothing more than to sell them dear ; and consequently the trade of import on a good footing is to buy cheap. To put them both on a better footing is to sell dearer and to buy cheaper than we do at present. If the effect of the resolutions will be to cause our exports to be sold cheaper, and our imports to be bought dearer, our trade will suffer an injury.

It is hard to compute how great the injury would prove ; for the first loss of value in the buying dear and selling cheap is only the symptom and beginning of the evil, but by no means the measure of it ; it will withdraw a great part of the nourishment that now supplies the wonderful growth of our industry and opulence. The difference may not amount to a great proportion of the price of the articles, but it may reach the greater part of the profit of the producer ; it may have effects in this way which will be of the worst kind, by discouraging the products of our land and industry. It is to this test I propose to bring the resolutions on the table ; and if it shall clearly appear that they tend to cause our exports to be sold cheaper and our imports to be bought dearer, they cannot escape condemnation. Whatever specious show of advantage may be given them, they deserve to be called aggravations of any real or supposed evils in our commercial system, and not remedies.

I have framed this statement of the question so as to comprehend the whole subject of debate, and, at the same time, I confess it was my design to exclude from consideration a number of topics which appear to me totally irrelative to it.

The best answer to many assertions we have heard is to admit them without proof. . We are exhorted to assert our natural rights ; to put trade on a respectable footing ; to dictate terms of trade to other nations ; to engage in a contest of self-denial ; and by that, and by shifting our commerce from one country to another, to make our enemies feel the extent of our power. This language, as it respects the proper subject of discussion, means nothing, or what is worse. If our trade is already on a profitable footing, it is on a respectable one. Unless war be our object, it is useless to inquire what are the dispositions of any government, with whose subjects our merchants deal to the best advantage. While they will smoke our tobacco and eat our provisions, it is very immaterial, both to the consumer and the producer, what are the politics of the two countries, excepting so far as their quarrels may disturb the benefits of their mutual intercourse.

So far, therefore, as commerce is concerned, the inquiry is, Have we a good market ?

The good or bad state of our *actual* market is the question. The actual market is everywhere more or less a restricted one, and the natural order of things is displaced by the artificial. Most nations, for reasons of which they alone are the rightful judges, have regulated and restricted their intercourse, according to their views of safety and profit. We claim for ourselves the same right, as the acts in our statute-book and the resolutions on the table evince, without holding ourselves accountable to any other nation whatever. The right, which we properly claim, and which we properly exercise, when we do it prudently

and usefully for our nation, is as well established and has been longer in use in the countries of which we complain, than in our own. If their right is as good as that of Congress, to regulate and restrict, why do we talk of a strenuous exertion of our force, and by dictating terms to nations, who are fancied to be physically dependent on America, to change the policy of nations? It may be very true that their policy is very wise and good for themselves, but not as favorable for us as we could make it, if we could legislate for both sides of the Atlantic.

The extravagant despotism of this language accords very ill with our power to give it effect, or with the affectation of zeal for an unlimited freedom of commerce. Such a state of absolute freedom of commerce never did exist, and it is very much to be doubted whether it ever will. Were I invested with the trust to legislate for mankind, it is very probable the first act of my authority would be to throw all the restrictive and prohibitory laws of trade into the fire; the resolutions on the table would not be spared. But if I were to do so, it is probable I should have a quarrel on my hands with every civilized nation. The Dutch would claim the monopoly of the spice trade, for which their ancestors passed their whole lives in warfare. The Spaniards and Portuguese would be no less obstinate. If we calculate what colony monopolies have cost in wealth, in suffering, and in crimes, we shall say they were dearly purchased. The English would plead for their navigation act, not as a source of gain, but as an essential means of securing their independence. So many interests would be disturbed, and so many lost, by a violent change from

the existing to an unknown order of things ; and the mutual relations of nations, in respect to their power and wealth, would suffer such a shock, that the idea must be allowed to be perfectly Utopian and wild. But for this country to form the project of changing the policy of nations, and to begin the abolition of restrictions by restrictions of its own, is equally ridiculous and inconsistent.

Let every nation that is really disposed to extend the liberty of commerce beware of rash and hasty schemes of prohibition. In the affairs of trade, as in most others, we make too many laws. We follow experience too little, and the visions of theorists a great deal too much. Instead of listening to discourses on what the market ought to be, and what the schemes, which always promise much on paper, pretend to make it, let us see what is the actual market for our exports and imports. This will bring vague assertions and sanguine opinions to the test of experience. That rage for theory and system, which would entangle even practical truth in the web of the brain, is the poison of public discussion. One fact is better than two systems.

The terms on which our exports are received in the British market have been accurately examined by a gentleman from South Carolina (Mr. Wm. Smith). Before his statement of facts was made to the Committee, it was urged, and with no little warmth, that the system of England indicated her inveteracy towards this country, while that of France, springing from disinterested affection, constituted a claim for gratitude and self-denying measures of retribution.

Since that statement, however, that romantic style,

which is so ill adapted to the subject, has been changed. We hear it insinuated that the comparison of the footing of our exports in the markets of France and England is of no importance ; that it is chiefly our object to see how we may assist and extend our commerce. This evasion of the force of the statement, or rather this indirect admission of its authority, establishes it. It will not be pretended that it has been shaken during the debate.

It has been made to appear, beyond contradiction, that the British market for our exports, taken in the aggregate, is a good one ; that it is better than the French, and better than any we have, and for many of our products the only one.

The whole amount of our exports to the British dominions, in the year ending the 30th September, 1790, was nine millions two hundred and forty-six thousand six hundred and six dollars.

But it will be more simple and satisfactory to confine the inquiry to the articles following.

Bread-stuff, tobacco, rice, wood, the produce of the fisheries, fish-oil, pot and pearl ash, salted meats, indigo, live animals, flax-seed, naval stores, and iron.

The amount of the before-mentioned articles, exported in that same year to the British dominions, was eight millions four hundred and fifty-seven thousand one hundred and seventy-three dollars.

We have heard so much of restriction, of inimical and jealous prohibitions to cramp our trade, it is natural to scrutinize the British system, with the expectation of finding little besides the effects of her selfish and angry policy.

Yet of the great sum of nearly eight millions and

a half, the amount of the products before-mentioned sold in her markets, two articles only are dutied by way of restriction. Bread-stuff is dutied so high in the market of Great Britain, as in times of plenty to exclude it, and this is done from the desire to favor her own farmers. The mover of the resolutions justified the exclusion of our bread-stuff from the French West Indies by their permanent regulations, because, he said, they were bound to prefer their own products to those even of the United States. It would seem that the same apology would do for England, in her home market. But what will do for the vindication of one nation becomes invective against another. The criminal nation, however, receives our bread-stuff in the West Indies free, and excludes other foreign, so as to give our producers the monopoly of the supply. This is no merit in the judgment of the mover of the resolutions, because it is a fragment of her old colony system. Notwithstanding the nature of the duties on bread-stuff in Great Britain, it has been clearly shown that she is a better customer for that article, in Europe, than her neighbor France. The latter, in ordinary times, is a poor customer for bread-stuff, for the same reason that our own country is, because she produces it herself, and therefore France permits it to be imported, and the United States do the like. Great Britain often wants the article, and then she receives it; no country can be expected to buy what it does not want. The bread-stuff sold in the European dominions of Britain, in the year 1790, amounted to one million eighty-seven thousand eight hundred and forty dollars.

Whale oil pays the heavy duty of eighteen pounds

three shillings sterling per ton; yet spermaceti oil found a market there to the value of eighty-one thousand and forty-eight dollars.

Thus it appears that of eight millions and a half sold to Great Britain and her dominions, only the value of one million one hundred and sixty-eight thousand dollars was under duty of a restrictive nature. The bread-stuff is hardly to be considered as within the description; yet, to give the argument its full force, what is it? About one eighth part is restricted. To proceed with the residue: —

Indigo to the amount of	\$473,830
Live Animals to the West Indies	62,415
Flax-Seed to Great Britain	219,924
	<hr/>
Total	\$756,169

These articles are received duty free, which is a good foot to the trade. Yet we find, good as it is, the bulk of our exports is received on even better terms: —

Flour to the British West Indies	\$858,006
Grain	273,505
Free; while other foreign flour and grain are prohibited.	
Tobacco to Great Britain	2,754,493
Ditto to the West Indies	22,816
One shilling and three pence sterling, duty; three shillings and sixpence on other foreign tobacco.	
In the West Indies other foreign tobacco is prohibited.	
Rice to Great Britain	773,852
Seven shillings and four pence per cwt. duty; eight shillings and ten pence on other foreign rice.	
To West Indies	180,077
Other foreign rice prohibited.	
Amount carried forward	<hr/> \$4,862,749

Amount brought forward	\$4,862,749
Wood to Great Britain	240,174
Free ; higher duties on other foreign.	
To West Indies	382,481
Free ; other foreign prohibited.	
Pot and pearl ashes	747,078
Free ; two shillings and three pence on other foreign, equal to ten dollars per ton.	
Naval Stores to Great Britain	190,670
Higher duties on other foreign.	
To West Indies	6,162
Free ; other foreign prohibited.	
Iron to Great Britain	81,612
Free ; duties on other foreign.	
	\$6,510,926

Thus it appears that nearly seven-eighths of the exports to the British dominions are received on terms of positive favor. Foreigners, our rivals in the sale of these articles, are either absolutely shut out of their market by prohibitions, or discouraged in their competition with us by higher duties. There is some restriction it is admitted, but there is, to balance it, a large amount received duty free ; and a half goes to the account of privilege and favor. This is better than she treats any other foreign nation. It is better, indeed, than she treats her own subjects, because they are by this means deprived of a free and open market. It is better than our footing with any nation with whom we have treaties. It has been demonstratively shown that it is better than the footing on which France receives either the like articles or the aggregate of our products. The best proof in the world is that they are not sent to France. The merchants will find out the best market sooner than we shall.

The footing of our exports, under the British system, is better than that of their exports to the United States, under our system. Nay, it is better than the freedom of commerce, which is one of the visions for which our solid prosperity is to be hazarded; for, suppose we could batter down her system of prohibitions and restrictions, it would be gaining a loss; one-eighth is restricted, and more than six-eighths has restrictions in its favor. It is as plain as figures can make it, that, if a state of freedom for our exports is at par, the present system raises them, in point of privilege, above par. To suppose that we can terrify them, by these resolutions, to abolish their restrictions, and at the same time to maintain in our favor their duties, to exclude other foreigners from their market, is too absurd to be refuted.

We have heard that the market of France is the great centre of our interests; we are to look to her, and not to England, for advantages, being, as the style of theory is, our best customer and best friend, showing to our trade particular favor and privilege, while England manifests in her system such narrow and selfish views. It is strange to remark such a pointed refutation of assertions and opinions by facts. The amount sent to France herself is very trivial. Either our merchants are ignorant of the best markets, or those which they prefer are the best; and if the English markets, in spite of the alleged ill usage, are still preferred to the French, it is a proof of the superior advantages of the former over the latter. The arguments I have adverted to oblige those who urge them to make a greater difference in favor of the English than the true state of facts will warrant.

Indeed, if they persist in their arguments, they are bound to deny their own conclusions. They are bound to admit this position: If France receives little of such of our products as Great Britain takes on terms of privilege and favor, because of that favor, it allows the value of that favored footing. If France takes little of our articles, because she does not want them, it shows the absurdity of looking to her as the best customer.

It may be said, and truly, that Great Britain regards only her own interest in these arrangements; so much the better. If it is her interest to afford to our commerce more encouragement than France gives — if she does this when she is inveterate against us, as it is alleged, and when we are indulging an avowed hatred towards her, and partiality towards France, it shows that we have very solid ground to rely on. Her interest is, according to this statement, stronger than our passions, stronger than her own, and is the more to be depended on, as it cannot be put to any more trying experiment in future. The good will and friendship of nations are hollow foundations to build our systems upon. Mutual interest is a bottom of rock; the fervor of transient sentiments is not better than straw or stubble. Some gentlemen have lamented this distrust of any relation between nations, except an interested one; but the substitution of any other principle could produce little else than the hypocrisy of sentiment and an instability of affairs. It would be relying on what is not stable, instead of what is; it would introduce into politics the jargon of romance. It is in this sense, and this only, that the word favor is used; a state of things

so arranged as to produce our profit and advantage, though intended by Great Britain merely for her own. The disposition of a nation is immaterial; the fact that we profit by their system cannot be so to this discussion.

The next point is to consider whether our imports are on a good footing, or, in other words, whether we are in a situation to buy what we have occasion for at a cheap rate. In this view, the systems of the commercial nations are not to be complained of, as all are desirous of selling the products of their labor. Great Britain is not censured in this respect. The objection is rather of the opposite kind, that we buy too cheap, and therefore consume too much; and that we take not only as much as we can pay for, but to the extent of our credit also. There is less freedom of importation, however, from the West Indies. In this respect, France is more restrictive than England; for the former allows the exportation to us of only rum and molasses, while England admits that of sugar, coffee, and other principal West India products. Yet, even here, when the preference seems to be decidedly due to the British system, occasion is taken to extol that of the French. We are told that they sell us the chief part of the molasses, which is consumed or manufactured into rum; and that a great and truly important branch, the distillery, is kept up by their liberality in furnishing the raw material. There is at every step matter to confirm the remark, that nations have framed their regulations to suit their own interests, not ours. France is a great brandy manufacturer; she will not admit rum, therefore, even from her own islands, because it would

supplant the consumption of brandy. The molasses was, for that reason, some years ago of no value in her islands, and was not even saved in casks. But the demand from our country soon raised its value. The policy of England has been equally selfish. The molasses is distilled in her islands, because she has no manufacture of brandy to suffer by its sale.

A question remains respecting the state of our *navigation*. If we pay no regard to the regulations of foreign nations, and ask whether this valuable branch of our industry and capital is in a distressed and sickly state, we shall find it is in a strong and flourishing condition. If the quantity of shipping was declining, if it was unemployed, even at low freight, I should say it must be sustained and encouraged. No such thing is asserted. Seamen's wages are high, freights are high, and American bottoms in full employment. But the complaint is, our vessels are not permitted to go to the British West Indies. It is even affirmed that no civilized country treats us so ill in that respect. Spain and Portugal prohibit the traffic to their possessions, not only in our vessels, but in their own, which, according to the style of the resolutions, is worse treatment than we meet with from the British. It is also asserted, and on a bad ground, that our vessels are excluded from most of the British markets.

This is not true in any sense. We are admitted into the greater number of her ports, in our own vessels; and by far the greater value of our exports is sold in British ports, into which our vessels are received, not only on a good footing, compared with other foreigners, but on terms of positive favor, on

better terms than British vessels are admitted into our own ports. We are not subject to the alien duties; and the light money, &c., of 1s. 9d. sterling per ton is less than our foreign tonnage duty, not to mention the ten per cent on the duties on goods in foreign bottoms.

But in the port of London our vessels are received free. It is for the unprejudiced mind to compare these facts with the assertions we have heard so confidently and so feelingly made by the mover of the resolutions, that we are excluded from most of their ports, and that no civilized nation treats our vessels so ill as the British.

The tonnage of the vessels employed between Great Britain and her dependencies and the United States is called two hundred and twenty thousand; and the whole of this is represented as our just right. The same gentleman speaks of our natural right to the carriage of our own articles, and that we may and ought to insist upon our equitable share. Yet, soon after, he uses the language of monopoly, and represents the whole carriage of imports and exports as the proper object of our efforts, and all that others carry as a clear loss to us. If an equitable share of the carriage means half, we have it already, and more, and our proportion is rapidly increasing. If any thing is meant by the natural right of carriage, one would imagine that it belongs to him, whoever he may be, who, having bought our produce and made himself the owner, thinks proper to take it with him to his own country. It is neither our policy nor our design to check the sale of our produce. We invite every description of purchasers, because we expect to sell

dearest, when the number and competition of the buyers is the greatest. For this reason the total exclusion of foreigners and their vessels from the purchase and carriage of our exports is an advantage, in respect to navigation, which has disadvantage to balance it, in respect to the price of produce. It is with this reserve we ought to receive the remark, that the carriage of our exports should be our object, rather than that of our imports. By going with our vessels into foreign ports we buy our imports in the best market. By giving a steady and moderate encouragement to our own shipping, without pretending violently to interrupt the course of business, experience will soon establish that order of things which is most beneficial to the exporter, the importer, and the ship owner. The best interest of agriculture is the true interest of trade.

In a trade, mutually beneficial, it is strangely absurd to consider the gain of others as our loss. Admitting it, however, for argument sake, yet it should be noticed that the loss of two hundred and twenty thousand tons of shipping is computed according to the apparent tonnage. Our vessels not being allowed to go to the British West Indies, their vessels, making frequent voyages, appear in the entries over and over again. In the trade to the European dominions of Great Britain, the distance being greater, our vessels are not so often entered. Both these circumstances give a false show to the amount of British tonnage, compared with the American. It is, however, very pleasing to the mind, to see that our tonnage exceeds the British in the European trade. For various reasons, some of which will be mentioned hereafter,

the tonnage in the West India trade is not the proper subject of calculation. In the European comparison we have more tonnage in the British than in the French commerce; it is indeed more than four to one.

The great quantity of British tonnage employed in our trade is also, in a great measure, owing to the large capitals of their merchants, employed in the buying and exporting our productions. If we would banish the ships, we must strike at the root, and banish the capital. And this, before we have capital of our own grown up to replace it, would be an operation of no little violence and injury, to our Southern brethren especially.

Independently of this circumstance, Great Britain is an active and intelligent rival in the navigation line. Her ships are dearer, and the provisioning her seamen is perhaps rather dearer than ours: on the other hand, the rate of interest is lower in England, and so are seamen's wages. It would be improper, therefore, to consider the amount of British tonnage in our trade as a proof of a bad state of things, arising either from the restrictions of that government or the negligence or timidity of this. We are to charge it to causes which are more connected with the natural competition of capital and industry, — causes which in fact retarded the growth of our shipping more when we were colonies and our ships were free than since the adoption of the present government.

It has been said with emphasis that the Constitution grew out of the complaints of the nation respecting commerce, especially that with the British dominions. What was then lamented by our patriots? Feeble-

ness of the public counsels; the shadow of union, and scarcely the shadow of public credit; everywhere despondence, the pressure of evils, not only great, but portentous of civil distractions. These were the grievances; and what more was then desired than their remedies? Is it possible to survey this prosperous country and to assert that they have been delayed? Trade flourishes on our wharves, although it droops in speeches. Manufactures have risen under the shade of protecting duties from almost nothing to such a state that we are even told we can depend on the domestic supply if the foreign should cease. The fisheries, which we found in decline, are in the most vigorous growth; the whale fishery, which our allies would have transferred to Dunkirk, now extends over the whole ocean. To that hardy race of men the sea is but a park for hunting its monsters; such is their activity, the deepest abysses scarcely afford to their prey a hiding-place. Look around, and see how the frontier circle widens, how the interior improves; and let it be repeated that the hopes of the people, when they formed this Constitution, have been frustrated.

But if it should happen that our prejudices prove stronger than our senses, — if it should be believed that our farmers and merchants see their products and ships and wharves going to decay together, and they are ignorant or silent on their own ruin; still the public documents would not disclose so alarming a state of our affairs. Our imports are obtained so plentifully and cheaply that one of the avowed objects of the resolutions is to make them scarcer and dearer. Our exports, so far from languishing, have

increased two millions of dollars in a year. Our navigation is found to be augmented beyond the most sanguine expectation. We hear of the vast advantage the English derived from the navigation act; and we are asked, in a tone of accusation, Shall we sit still and do nothing? Who is bold enough to say, Congress has done nothing for the encouragement of American navigation? To counteract the navigation act, we have laid on British vessels a higher tonnage than our own vessels pay in their ports; and what is much more effectual, we have imposed ten per cent on the duties, when the dutied articles are borne in foreign bottoms. We have also made the coasting trade a monopoly to our own vessels. Let those who have asserted that this is nothing compare facts with the regulations which produced them.

Tonnage.	Tons.	Excess of American Tonnage.
American, 1789	297,468	
Foreign	265,116	
	<hr/>	32,352
American, 1790	347,663	
Foreign	258,916	
	<hr/>	88,747
American, 1791	363,810	
Foreign	240,799	
	<hr/>	123,011
American, 1792	415,330	
Foreign	244,263	
	<hr/>	171,067

Is not this increase of American shipping rapid enough? Many persons say it is too rapid, and attracts too much capital for the circumstances of the country. I cannot readily persuade myself to think so valuable a branch of employment thrives too fast. But a steady and sure encouragement is more to be

relied on than violent methods of forcing its growth. It is not clear that the quantity of our navigation, including our coasting and fishing vessels, is less in proportion to those of that nation; in that computation we shall probably find that we are already more a navigating people than the English.

As this is a growing country, we have the most stable ground of dependence on the corresponding growth of our navigation; and that the increasing demand for shipping will rather fall to the share of Americans than foreigners is not to be denied. We did expect this from the nature of our own laws; we have been confirmed in it by experience, and we know that an American bottom is actually preferred to a foreign one. In cases where one partner is an American and another a foreigner, the ship is made an American bottom. A fact of this kind overthrows a whole theory of reasoning on the necessity of further restrictions. It shows that the work of restriction is already done.

If we take the aggregate view of our commercial interests, we shall find much more occasion for satisfaction, and even exultation, than complaint, and none for despondence. It would be too bold to say that our condition is so eligible there is nothing to be wished. Neither the order of Nature nor the allotments of Providence afford perfect content; and it would be absurd to expect in our politics what is denied in the laws of our being. The nations with whom we have intercourse have, without exception, more or less restricted their commerce. They have framed their regulations to suit their real or fancied interests. The code of France is as full of restrictions

as that of England. We have regulations of our own, and they are unlike those of any other country. Inasmuch as the interest and circumstances of nations vary so essentially, the project of an exact reciprocity on our part is a vision. What we desire is to have not an exact reciprocity, but an intercourse of mutual benefit and convenience.

It has scarcely been so much as insinuated that the change contemplated will be a profitable one; that it will enable us to sell dearer and to buy cheaper. On the contrary, we are invited to submit to the hazards and losses of a conflict with our customers, — to engage in a contest of self-denial. For what, — to obtain better markets? No such thing; but to shut up forever, if possible, the best market we have for our exports, and to confine ourselves to the dearest and scarcest markets for our imports. And this is to be done for the benefit of trade, or, as it is sometimes more correctly said, for the benefit of France. This language is not a little inconsistent and strange from those who recommend a non-importation agreement, and who think we should even renounce the sea and devote ourselves to agriculture. Thus, to make our trade more free, it is to be embarrassed, and violently shifted from one country to another, not according to the interest of the merchants, but the visionary theories and capricious rashness of the legislators. To make trade better, it is to be made nothing.

So far as commerce and navigation are regarded, the pretences for this contest are confined to two. We are not allowed to carry manufactured articles to Great Britain, nor any products, except of our own growth; and we are not permitted to go with our

own vessels to the West Indies. The former, which is a provision of the navigation act, is of little importance to our interests, as our trade is chiefly a direct one, our shipping not being equal to the carrying for other nations; and our manufactured articles are not furnished in quantities for exportation, and, if they were, Great Britain would not be a customer. So far, therefore, the restriction is rather nominal than real.

The exclusion of our vessels from the West Indies is of more importance. When we propose to make an effort to force a privilege from Great Britain, which she is loath to yield to us, it is necessary to compare the value of the object with the effort, and, above all, to calculate very warily the probability of success. A trivial thing deserves not a great exertion; much less ought we to stake a very great good in possession for a slight chance of a less good. The carriage of one half the exports and imports to and from the British West Indies is the object to be contended for. Our whole exports to Great Britain are to be hazarded. We sell on terms of privilege and positive favor, as it has been abundantly shown, near seven millions to the dominions of Great Britain. We are to risk the privilege in this great amount — for what? For the freight only of one half the British West India trade with the United States. It belongs to commercial men to calculate the entire value of the freight alluded to. But it cannot bear much proportion to the amount of seven millions. Besides, if we are denied the privilege of carrying our articles in our vessels to the islands, we are on a footing of privilege in the sale of them. We have one privilege, if not

two. It is readily admitted that it is a desirable thing to have our vessels allowed to go to the English islands ; but the value of the object has its limits, and we go unquestionably beyond them when we throw our whole exports into confusion, and run the risk of losing our best markets for the sake of forcing a permission to carry our own products to one of those markets in which, too, it should be noticed, we sell much less than we do to Great Britain herself. If to this we add that the success of the contest is grounded on the sanguine and passionate hypothesis of our being able to starve the islanders, which, on trial, may prove false, and which our being involved in the war would overthrow at once, we may conclude, without going further into the discussion, that prudence forbids our engaging in the hazards of a commercial war ; that great things should not be staked against such as are of much less value ; that what we possess should not be risked for what we desire, without great odds in our favor ; still less if the chance is infinitely against us.

If these considerations should fail of their effect, it will be necessary to go into an examination of the tendency of the system of discrimination to redress and avenge all our wrongs, and to realize all our hopes.

It has been avowed that we are to look to France, not to England, for advantages in trade ; we are to show our spirit, and to manifest towards those who are called enemies the spirit of enmity, and towards those we call friends something more than passive good-will. We are to take active measures to force trade out of its accustomed channels, and to shift it by such means from England to France. The care of

the concerns of the French manufacturers may be left perhaps as well in the hands of the convention, as to be usurped into our own. However our zeal might engage us to interpose, our duty to our own immediate constituents demands all our attention. To volunteer it in order to excite competition in one foreign nation to supplant another is a very strange business; and to do it, as it has been irresistibly proved it will happen, at the charge and cost of our own citizens, is a thing equally beyond all justification and all example. What is it but to tax our own people for a time, perhaps for a long time, in order that the French may at last sell as cheap as the English? cheaper they cannot, nor is it so much as pretended. The tax will be a loss to us, and the fancied tendency of it not a gain to this country in the event, but to France. We shall pay more for a time, and in the end pay no less; for no object but that one nation may receive our money instead of the other. If this is generous towards France, it is not just to America. It is sacrificing what we owe to our constituents to what we pretend to feel towards strangers. We have indeed heard a very ardent profession of gratitude to that nation, and infinite reliance seems to be placed on her readiness to sacrifice her interest to ours. The story of this generous strife should be left to ornament fiction. This is not the form nor the occasion to discharge our obligations of any sort to any foreign nation; it concerns not our feelings but our interests, yet the debate has often soared high above the smoke of business into the epic regions. The market for tobacco, tar, turpentine, and pitch, has become matter of sentiment, and given occasion alternately to rouse our courage and our gratitude.

If, instead of hexameters, we prefer discussing our relation to foreign nations in the common language, we shall not find that we are bound by treaty to establish a preference in favor of the French. The treaty is founded on a professed reciprocity, favor for favor. Why is the principle of treaty or no treaty made so essential, when the favor we are going to give is an act of supererogation? It is not expected by one of the nations in treaty; for Holland has declared in her treaty with us that such preferences are the fruitful source of animosity, embarrassment, and war. The French have set no such example. They discriminate, in their late navigation act, not as we are exhorted to do, between nations in treaty and not in treaty, but between nations at war and not at war with them; so that, when peace takes place, England will stand by that act on the same ground with ourselves. If we expect by giving favor to get favor in return, it is improper to make a law. The business belongs to the executive, in whose hands the Constitution has placed the power of dealing with foreign nations. It is singular to negotiate legislatively; to make by a law half a bargain, expecting a French law would make the other. The footing of treaty or no treaty is different from the ground taken by the mover himself in supporting his system. He has said favor for favor was principle; nations not in treaty grant favors, those in treaty restrict our trade. Yet the principle of discriminating in favor of nations in treaty is not only inconsistent with the declared doctrine of the mover and with facts, but it is inconsistent with itself. Nations not in treaty are so very unequally operated upon by the resolutions, it is

absurd to refer them to one principle. Spain and Portugal have no treaties with us, and are not disposed to have. Spain would not accede to the treaty of commerce between us and France, though she was invited. Portugal would not sign a treaty after it had been discussed and signed on our part. They have few ships or manufactures, and do not feed their colonies from us. Of course there is little for the discrimination to operate upon. The operation on nations in treaty is equally a satire on the principle of discrimination. In Sweden, with whom we have a treaty, duties rise higher if borne in our bottoms than in her own. France does the like in respect to tobacco, two and a half livres the quintal, which in effect prohibits our vessels to freight tobacco. The mover has, somewhat unluckily, proposed to except from this system nations having no navigation acts, in which case France would become the subject of unfriendly discrimination, as the House have been informed since the debate began that she has passed such acts.

I might remark on the disposition of England to settle a commercial treaty, and the known desire of the Marquis of Lansdowne (then Prime Minister) in 1783, to form such a one on the most liberal principles. The history of that business, and the causes which prevented its conclusion, ought to be made known to the public. The powers given to our ministers were revoked, and yet we hear that no such disposition on the part of Great Britain has existed. The declaration of Mr Pitt in Parliament, in June, 1792, as well as the correspondence with Mr. Hammond, show a desire to enter upon a negotiation.

The statement of the report of the Secretary of State, on the privileges and restrictions of our commerce, that Great Britain has shown no inclination to meddle with the subject, seems to be incorrect.

The expected operation of the resolutions on different nations is obvious, and I need not examine their supposed tendency to dispose Great Britain to settle an equitable treaty with this country; but I ask whether those who hold such language towards that nation as I have heard can be supposed to desire a treaty, and friendly connection. It seems to be thought a merit to express hatred; it is common and natural to desire to annoy and to crush those whom we hate, but it is somewhat singular to pretend that the design of our anger is to embrace them.

The tendency of angry measures to friendly dispositions and arrangements is not obvious. We affect to believe that we shall quarrel ourselves into their good-will: we shall beat a new path to peace and friendship with Great Britain, one that is grown up with thorns and lined with man-traps and spring-guns. It should be called the war path.

To do justice to the subject, its promised advantages should be examined. Exciting the competition of the French is to prove an advantage to this country by opening a new market with that nation. This is scarcely intelligible. If it means anything, it is an admission that their market is not a good one or that they have not taken measures to favor our traffic with them. In either case our system is absurd. The balance of trade is against us, and in favor of England. But the resolutions can only aggravate that evil, for, by compelling us to buy dearer and sell

cheaper, the balance will be turned still more against our country. Neither is the supply from France less the aliment of luxury than that from England. There excess of credit is an evil, which we pretend to cure by checking the natural growth of our own capital, which is the undoubted tendency of restraining trade; the progress of the remedy is thus delayed. If we will trade, there must be capital. It is best to have it of our own; if we have it not, we must depend on credit. Wealth springs from the profits of employment, and the best writers on the subject establish it, that employment is in proportion to the capital that is to excite and reward it. To strike off credit, which is the substitute for capital, if it were possible to do it, would so far stop employment. Fortunately it is not possible: the activity of individual industry eludes the misjudging power of governments. The resolutions would in effect increase the demand for credit, as our products selling for less in a new market, and our imports being bought dearer, there would be less money and more need of it. Necessity would produce credit. Where the laws are strict, it will soon find its proper level: the uses of credit will remain, and the evil will disappear.

But the whole theory of balances of trade, of helping it by restraint, and protecting it by systems of prohibition and restriction against foreign nations, as well as the remedy for credit, are among the exploded dogmas, which are equally refuted by the maxims of science and the authority of time. Many such topics have been advanced, which were known to exist as prejudices, but were not expected as arguments. It seems to be believed that the liberty

of commerce is of some value. Although there are restrictions on one side, there will be some liberty left; counter restrictions, by diminishing that liberty, are in their nature aggravations and not remedies. We complain of the British restrictions as of a millstone: our own system will be another, so that our trade may hope to be situated between the upper and the nether millstone.

On the whole, the resolutions contain two great principles: to control trade by law, instead of leaving it to the better management of the merchant; and the principle of a sumptuary law. To play the tyrant in the counting-house and in directing the private expenses of our citizens are employments equally unworthy of discussion.

Besides the advantages of the system, we have been called to another view of it, which seems to have less connection with the merits of the discussion. The acts of States and the votes of public bodies, before the Constitution was adopted, and the votes of the House since, have been stated as grounds for our assent to this measure at this time. To help our own trade to repel any real or supposed attack upon it cannot fail to prepossess the mind; accordingly the first feelings of every man yield to this proposition. But the sober judgment on the tendency and reasonableness of the intermeddling of government often does, and probably ought still oftener, to change our impressions. On a second view of the question, the man who voted formerly for restrictions may say, much has been done under the new Constitution, and the good effects are yet making progress. The necessity of measures of counter restriction will appear to

him much less urgent, and their efficacy in the present turbulent state of Europe infinitely less to be relied on. Far from being inconsistent in his conduct, consistency will forbid his pressing the experiment of his principle under circumstances which baffle the hopes of its success. But if so much stress is laid on former opinions in favor of this measure, how happens it that there is so little on that which now appears against it? Not one merchant has spoken in favor of it in this body; not one navigating or commercial State has patronized it.

It is necessary to consider the dependence of the British West India islands on our supplies. I admit that they cannot draw them so well and so cheap from any other quarter, but this is not the point. Are they physically dependent? Can we starve them; and may we reasonably expect thus to dictate to Great Britain a free admission of our vessels into her islands? A few details will prove the negative. Beef and pork sent from the now United States to the British West Indies, 1773, fourteen thousand nine hundred and ninety-three barrels. In the war time, 1780, ditto from England, seventeen thousand seven hundred and ninety-five; at the end of the war, 1783, sixteen thousand five hundred and twenty-six. Ireland exported, on an average of seven years prior to 1777, two hundred and fifty thousand barrels. Salted fish the English take in abundance, and prohibit its importation from us. Butter and cheese from England and Ireland are but lately banished even from our markets. Exports from the now United States, 1773, horses, two thousand seven hundred and sixty-eight; cattle, one thousand two hundred and three;

sheep and hogs, five thousand three hundred and twenty. Twenty-two years prior to 1791, were exported from England to all ports, twenty-nine thousand one hundred and thirty-one horses. Ireland, on an average of seven years to 1777, exported four thousand and forty live stock, exclusive of hogs. The coast of Barbary, the Cape de Verds, &c., supply sheep and cattle. The islands, since the war, have increased their domestic supplies to a great degree.

The now United States exported about one hundred and thirty thousand barrels of flour in 1773 to the West Indies. Ireland by grazing less could supply wheat; England herself usually exports it; she also imports from Archangel. Sicily and the Barbary States furnish wheat in abundance. We are deceived when we fancy we can starve foreign countries. France is reckoned to consume grain at the rate of seven bushels to each soul. Twenty-six millions of souls,—the quantity one hundred and eighty-two millions of bushels. We export, to speak in round numbers, five or six millions of bushels to all the different countries which we supply; a trifle this to their wants. Frugality is a greater resource. Instead of seven bushels, perhaps two could be saved by stinting the consumption of the food of cattle, or by the use of other food. Two bushels saved to each soul is fifty-two millions of bushels, a quantity which the whole trading world, perhaps, could not furnish. Rice is said to be prohibited by Spain and Portugal to favor their own. Brazil could supply their rice instead of ours.

Lumber. I must warn you of the danger of despising Canada and Nova Scotia too much as rivals in

the West India supply, especially the former. The dependence the English had placed on them some years ago failed, partly because we entered into competition with them on very superior terms, and partly because they were then in an infant state. They are now supposed to have considerably more than doubled their numbers since the peace; and if, instead of having us for competitors for the supply as before, we should shut ourselves out by refusing our supplies, or being refused entry for them, those two colonies would rise from the ground; at least we should do more to bring it about than the English ministry have been able to do. In 1772, six hundred and seventy nine vessels, the actual tonnage of which was one hundred and twenty-eight thousand, were employed in the West India trade from Great Britain. They were supposed, on good ground, to be but half freighted to the islands; they might carry lumber, and the freight supposed to be deficient would be, at forty shillings sterling the ton, one hundred and twenty-eight thousand pounds sterling. This sum would diminish the extra charge of carrying lumber to the islands. But is lumber to be had? Yes; in Germany, and from the Baltic. It is even cheaper in Europe than our own. Besides which, the hard woods used in mills are abundant in the islands.

We are told they can sell their rum only to the United States. This concerns not their subsistence, but their profit. Examine it, however. In 1773, the now United States took near three million gallons of rum. The remaining British Colonies, Newfoundland and the African coast, have a considerable demand for this article. The demand of Ireland is very much

on the increase. It was in 1763 five hundred and thirty thousand gallons; 1770, one million five hundred and fifty-eight thousand gallons; 1778, one million seven hundred and twenty-nine thousand gallons.

Thus we see a total stoppage of the West India trade would not starve the islanders. It would affect us deeply: we should lose the sale of our products, and, of course, not gain the carriage in our own vessels; the object of the contest would be no nearer our reach than before. Instead, however, of a total stoppage of the intercourse, it might happen that, each nation prohibiting the vessels of the other, some third nation would carry on the traffic in its own bottoms. While this measure would disarm our system, it would make it recoil upon ourselves. It would, in effect, operate chiefly to obstruct the sale of our products. If they should remain unsold, it would be so much dead loss; or if the effect should be to raise the price on the consumers, it would either lessen the consumption or raise up rivals in the supply. The contest, as it respects the West India trade, is in every respect against us. To embarrass the supply from the United States, supposing the worst as it regards the planters, can do no more than enhance the price of sugar, coffee, and other products. The French islands are now in ruins, and the English planters have an increased price and double demand in consequence. While Great Britain confined the colony trade to herself, she gave to the colonists in return a monopoly in her consumption of West India articles. The extra expense, arising from the severest operation of our system, is already provided against

twofold. Like other charges on the products of labor and capital, the burden will fall on the consumer. The luxurious and opulent consumer in Europe will not regard, and perhaps will not know, the increase of price nor the cause of it. The new settler, who clears his land and sells the lumber, will feel any convulsion in the market more sensibly, without being able to sustain it at all. It is a contest of wealth against want of self-denial, between luxury and daily subsistence, that we provoke with so much confidence of success. A man of experience in the West India trade will see this contrast more strongly than it is possible to represent it.

One of the excellences for which the measure is recommended is that it will affect our imports. What is offered as an argument is really an objection. Who will supply our wants? Our own manufactures are growing, and it is a subject of great satisfaction that they are. But it would be wrong to overrate their capacity to clothe us. The same number of inhabitants require more and more, because wealth increases. Add to this the rapid growth of our numbers, and perhaps it will be correct to estimate the progress of manufactures as only keeping pace with that of our increasing consumption and population. It follows that we shall continue to demand in future to the amount of our present importation. It is not intended by the resolutions that we shall import from England. Holland and the north of Europe do not furnish a sufficient variety or sufficient quantity for our consumption. It is in vain to look to Spain, Portugal, and the Italian States. We are expected to depend principally upon France; it is impossible to examine

the ground of this dependence without adverting to the present situation of that country. It is a subject upon which I practise no disguise ; but I do not think it proper to introduce the politics of France into this discussion. If others can find in the scenes that pass there, or in the principles and agents that direct them, proper subjects for amiable names, and sources of joy and hope in the prospect, I have nothing to say to it ; it is an amusement which it is not my intention either to disturb or to partake of. I turn from these horrors to examine the condition of France in respect to manufacturing, capital, and industry. In this point of view, whatever political improvements may be hoped for, it cannot escape observation that it presents only a wide field of waste and desolation. Capital, which used to be food for manufactures, is become their fuel. What once nourished industry now lights the fires of civil war, and quickens the progress of destruction. France is like a ship with a fine cargo burning to the water's edge ; she may be built upon anew, and freighted with another cargo, and it will be time enough, when that shall be, to depend on a part of it for our supply ; at present, and for many years, she will not be so much a furnisher as a consumer. It is therefore obvious that we shall import our supplies either directly or indirectly from Great Britain. Any obstruction to the importation will raise the price which we, who consume, must bear.

That part of the argument which rests on the supposed distress of the British manufacturers, in consequence of the loss of our market, is in every view unfounded. They would not lose the market, in fact ;

and if they did, we prodigiously exaggerate the importance of our consumption to the British workmen. Important it doubtless is, but a little attention will expose the extreme folly of the opinion that they would be brought to our feet by a trial of our self-denying spirit. England now supplants France in the important Levant trade, in the supply of manufactured goods to the East, and in a great measure to the West Indies, to Spain, Portugal, and their dependencies. Her trade with Russia has of late vastly increased, and she is treating for a trade with China; so that the new demands of English manufactures, consequent upon the depression of France as a rival, have amounted to much more than the whole American importation, which is not three millions.

The ill effect of a system of restriction and prohibition in the West Indies has been noticed already. The privileges allowed to our exports to England may be withdrawn, and prohibitory or high duties imposed.

The system before us is a mischief that goes to the root of our prosperity. The merchants will suffer by the schemes and projects of a new theory. Great numbers were ruined by the convulsions of 1775. They are an order of citizens deserving better of government than to be involved in new confusions. It is wrong to make our trade wage war for our politics. It is now scarcely said that it is a thing to be sought for, but a weapon to fight with. To gain our approbation to the system, we are told it is to be gradually established. In that case, it will be unavailing. It should be begun with in all its strength, if we think of starving the islands. Drive them sud-

denly and by surprise to extremity, if you would dictate terms; but they will prepare against a long-expected failure of our supplies.

Our nation will be tired of suffering loss and embarrassment for the French. The struggle, so painful to ourselves, so ineffectual against England, will be renounced, and we shall sit down with shame and loss, with disappointed passions and aggravated complaints. War, which would then suit our feelings, would not suit our weakness. We might perhaps find some European power willing to make war on England, and we might be permitted by a strict alliance to partake the misery and the dependence of being a subaltern in the quarrel. The happiness of this situation seems to be in view, when the system before us is avowed to be the instrument of avenging our political resentments. Those who affect to dread foreign influence will do well to avoid a partnership in European jealousies and rivalships. Courting the friendship of the one and provoking the hatred of the other is dangerous to our real independence; for it would compel America to throw herself into the arms of the one for protection against the other. Then foreign influence, pernicious as it is, would be sought for; and though it should be shunned, it could not be resisted. The connections of trade form ties between individuals, and produce little control over government. They are the ties of peace, and are neither corrupt nor corrupting.

We have happily escaped from a state of the most imminent danger to our peace: a false step would lose all the security for its continuance, which we

owe at this moment to the conduct of the President. What is to save us from war? Not our own power, which inspires no terror; not the gentle and forbearing spirit of the powers of Europe at this crisis; not the weakness of England; not her affection for this country, if we believe the assurances of gentlemen on the other side. What is it then? It is the interest of Great Britain to have America for a customer, rather than an enemy; and it is precisely that interest which gentlemen are so eager to take away and to transfer to France. And what is stranger still, they say they rely on that operation as a means of producing peace with the Indians and Algerines. The wounds inflicted on Great Britain by our enmity are expected to excite her to supplicate our friendship, and to appease us by soothing the animosity of our enemies. What is to produce effects so mystical, so opposite to nature, so much exceeding the efficacy of their pretended causes? This wonder-working paper on the table is the weapon of terror and destruction; like the writing on Belshazzar's wall, it is to strike parliaments and nations with dismay; it is to be stronger than fleets against pirates, or than armies against Indians. After the examination it has undergone, credulity itself will laugh at these pretensions.

We pretend to expect, not by the force of our restrictions, but by the mere show of our spirit, to level all the fences that have guarded for ages the monopoly of the colony trade. The repeal of the navigation act of England, which is cherished as the palladium of her safety, which time has rendered venerable and prosperity endeared to her people, is to be extorted from her fears of a weaker nation. It

is not to be yielded freely, but violently torn from her; and yet the idea of a struggle to prevent indignity and loss is considered as a chimera too ridiculous for sober refutation. She will not dare, say they, to resent it; and gentlemen have pledged themselves for the success of the attempt: what is treated as a phantom is vouched by fact. Her navigation act is known to have caused an immediate contest with the Dutch, and four desperate sea fights ensued in consequence the very year of its passage.

How far it is an act of aggression, for a neutral nation to assist the supplies of one neighbor and to annoy and distress another, at the crisis of a contest between the two which strains their strength to the utmost, is a question which we might not agree in deciding; but the tendency of such unseasonable partiality to exasperate the spirit of hostility against the intruder cannot be doubted. The language of the French government would not soothe this spirit. It proposes, on the sole condition of a political connection, to extend to us a part of their West India commerce. The coincidence of our measures with their invitation, however singular, needs no comment. Of all men those are least consistent who believe in the efficacy of the regulations, and yet affect to ridicule their hostile tendency. In the commercial conflict, say they, we shall surely prevail and effectually humble Great Britain.

In open war we are the weaker, and shall be brought into danger, if not to ruin. It depends, therefore, according to their own reasoning, on Great Britain herself whether she will persist in a struggle which will disgrace and weaken her, or turn it into a

war which will throw the shame and ruin upon her antagonist. The topics which furnish arguments to show the danger to our peace from the resolutions are too fruitful to be exhausted. But, without pursuing them further, the experience of mankind has shown that commercial rivalships, which spring from mutual efforts for monopoly, have kindled more wars, and wasted the earth more, than the spirit of conquest.

I hope we shall show by our vote that we deem it better policy to feed nations than to starve them; and that we shall never be so unwise as to put our good customers into a situation to be forced to make every exertion to do without us. By cherishing the arts of peace we shall acquire, and we are actually acquiring, the strength and resources for a war. Instead of seeking treaties, we ought to shun them; for the later they shall be formed, the better will be the terms; we shall have more to give and more to withhold. We have not yet taken our proper rank, nor acquired that consideration which will not be refused us if we persist in prudent and pacific counsels, if we give time for our strength to mature itself. Though America is rising with a giant's strength, its bones are yet but cartilages. By delaying the beginning of a conflict, we insure the victory.

By voting out the resolutions, we shall show to our own citizens and foreign nations that our prudence has prevailed over our prejudices — that we prefer our interests to our resentments. Let us assert a genuine independence of spirit; we shall be false to our duty and feelings as Americans if we basely descend to a servile dependence on France or Great Britain.

VI.

Resolved, That it is expedient to pass the laws necessary to carry into effect the treaty lately concluded between the United States and the King of Great Britain.

Delivered April 28, 1796.

THE treaty between Great Britain and the United States, which was negotiated by Mr. Jay, in 1794, gave rise, in this country, to very eager and heated party contests. It encountered fierce opposition from the Democratic party, with Jefferson at their head, and was supported by the Federalists, who had Washington and Hamilton for their leaders. The partisans of France were bitter in their denunciation of any alliance with England, and declared the treaty "no better than a pusillanimous surrender of American rights, and a shameful breach of obligations to France." * Public feeling, over the whole country, was roused to the highest pitch. Town-meetings were called in all the principal cities of the Union, excited discussions held, and inflammatory addresses issued to the people. Riots occurred in Boston, New York, Philadelphia, and other places. In every city and town in the Union, the party lines were sharply and closely drawn, as they had never been before. The excitement in Congress was similar to that among the people; even more intense, perhaps, on account of its final responsibility, as well as the even division of party strength. In the Senate, the treaty was ratified by exactly the required majority; but the temper of the House was, apparently, more decidedly opposed to it.

* Hildreth's History of the United States, Second Series, Vol. 1, page 547.

The treaty had been ratified by the Senate in June, and signed by the President in August, 1795 ; but there was a hope, among the leaders of the opposition, that it could be substantially defeated in the House, by the refusal of that body to carry its provisions into effect. And it was not without strong probability of success that they so calculated their power in the latter body, for the opposition counted, apparently, a clear majority of ten. When, at the beginning of the session of the Fourth Congress, March, 1796, the treaty was laid before the House for their consideration, it was at once attacked by the opposition. Madison was their leader, and he made an able speech against it.

While the debate on the treaty continued, Mr. Ames was a severe sufferer from illness, and had been prohibited from taking any part in the proceedings of the House, and even from being at his post. How irksome this was to him, at such a time, is seen from his letters.

“I sit now in the House, and that I may not lose my temper and my spirits, I shut my ears against the treaty, and divert my attention by writing to you.

“Never was a time when I so much desired the full use of my faculties, and it is the very moment when I am prohibited even attention. To be silent, neutral, useless, is a situation not to be envied. . . . It is a new post for me to be in. I am not a sentry ; not in the ranks, not in the staff. I am thrown into the wagon as a part of the baggage. I am like an old gun, that is spiked, or the trunnions knocked off, and yet am carted off, not for the worth of the old iron, but to balk the enemy of a trophy. My political life is ended, and I am the survivor of myself, or rather a troubled ghost of a politician, that am condemned to haunt the field where he fell.”*

But as the debate progressed, his feelings and his convictions became too much engaged to endure the bonds of silence, which had been laid upon him, and found utterance in the eloquent speech that is here given. “Rising from his seat, pale, feeble, hardly able to stand or to speak, but warming with the subject, he deliv-

* Life and Works of Fisher Ames, 1854. Vol. 1, pages 187 and 188.

ered a speech, which for comprehensive knowledge of human nature, and of the springs of political action, for caustic ridicule, keen argument, and pathetic eloquence, even in the imperfect shape in which we possess it, has very seldom been equalled on that or any other floor."*

How great was the impression produced is best seen in the writings of the time. John Adams describes it in one of his letters as follows: "Judge Iredell and I happened to sit together. Our feelings beat in unison. 'My God! how great he is,' says Iredell; 'how great he has been!' 'Noble!' said I. After some time Iredell breaks out, 'Bless my stars! I never heard anything so great since I was born.' 'Divine!' said I; and thus we went on with our interjections, not to say tears, to the end. Tears enough were shed. Not a dry eye in the House, I believe, except some of the jackasses who had occasioned the oratory. These attempted to laugh, but their visages 'grinned horribly ghastly smiles.' They smiled like Toulon's son-in-law, when they made him kiss his father's dead and bleeding head. The situation of the man excited compassion, and interested all hearts in his favor. The ladies wished his soul had a better body."†

A writer in the "American Review" (Philadelphia, January, 1811) says: "I have conversed with several persons who were present when this celebrated oration, supposed by many to be the most eloquent that has ever been heard in our Congress, was delivered. They state the effects which it produced to have been so striking as to rival those ascribed to ancient eloquence. He was then, in appearance, rapidly sinking to the tomb; a circumstance of which, as is manifest from the conclusion of his speech, he was perfectly sensible. His aspect was calculated to excite the liveliest interest, and the whole scene to make the deepest impression. The announcement of his intention to speak, together with the importance of the subject, so deeply interesting to every American, drew an immense audience. The large hall in which Congress assembled was crowded with a most brilliant assembly of both sexes. When

* Hildreth's History of the United States, Second Series, Vol. 1, page 605.

† Letters of John Adams. Pages 226, 227.

he arose, all was hushed into the most profound attention, and every eye was fixed upon him. In a low and solemn, yet distinct voice, he pronounced an exordium, peculiarly adapted to his situation.

“He then went on, in a forcible, argumentative, and impassioned strain, to answer and refute all the objections which had been urged against the resolution proposed for carrying the treaty into effect. When he came to speak of the consequences which would flow from a rejection of the resolution, his whole audience was electrified. His voice summoned their imaginations to a scene of horror, which was described with a pathos and energy never excelled. This, together with the solemnity of his peroration, produced so lively a sensation in the House, that one of the leading members of the opposition proposed to defer taking the question until the minds of the members had time to cool, and (as Pitt said after Sheridan had delivered his famous speech on the question of arraigning Warren Hastings) until they should be able to distinguish ‘the blaze of eloquence from the light of truth.’ In this instance, however, though not in that of Sheridan, the blaze of eloquence was employed to diffuse, not to conceal the light of truth. His oratory on this occasion was of the highest order, — bold, lofty, and impressive.”

“The next day, three more speeches were made for the treaty, one by Dayton, the Speaker; but no one attempted to answer Ames.”*

On the 30th of April, the resolution which stands at the head of this speech was passed by a vote of fifty-one to forty-eight.

I ENTERTAIN the hope, perhaps a rash one, that my strength will hold me out to speak a few minutes.

In my judgment, a right decision will depend more on the temper and manner with which we may prevail upon ourselves to contemplate the subject than upon the development of any profound political prin-

* Hildreth’s History of the United States, Second Series, Vol. 1, page 615.

ciples, or any remarkable skill in the application of them. If we could succeed to neutralize our inclinations, we should find less difficulty than we have to apprehend in surmounting all our objections.

The suggestion a few days ago, that the House manifested symptoms of heat and irritation, was made and retorted as if the charge ought to create surprise, and would convey reproach. Let us be more just to ourselves and to the occasion. Let us not affect to deny the existence and the intrusion of some portion of prejudice and feeling into the debate, when, from the very structure of our nature, we ought to anticipate the circumstance as a probability, and when we are admonished by the evidence of our senses that it is a fact. How can we make professions for ourselves, and offer exhortations to the House, that no influence should be felt but that of duty, and no guide respected but that of the understanding, while the peal to rally every passion of man is continually ringing in our ears. Our understandings have been addressed, it is true, and with ability and effect; but, I demand, has any corner of the heart been left unexplored? It has been ransacked to find auxiliary arguments; and, when that attempt failed, to awaken the sensibility, that would require none. Every prejudice and feeling has been summoned to listen to some peculiar style of address; and yet we seem to believe, and to consider a doubt as an affront, that we are strangers to any influence but that of unbiassed reason.

It would be strange that a subject which has roused in turn all the passions of the country should be discussed without the interference of any of our own. We are men, and therefore not exempt from those

passions: as citizens and representatives, we feel the interest that must excite them. The hazard of great interests cannot fail to agitate strong passions: we are not disinterested; it is impossible we should be dispassionate. The warmth of such feelings may becloud the judgment, and for a time pervert the understanding. But the public sensibility, and our own, has sharpened the spirit of inquiry, and given an animation to the debate. The public attention has been quickened to mark the progress of the discussion; and its judgment, often hasty and erroneous on first impressions, has become solid and enlightened at last. Our result will, I hope, on that account, be the safer and more mature, as well as more accordant with that of the nation. The only constant agents in political affairs are the passions of men. Shall we complain of our nature; shall we say that man ought to have been made otherwise? It is right already, because He from whom we derive our nature ordained it so; and because, thus made and thus acting, the cause of truth and the public good is the more surely promoted.

But an attempt has been made to produce an influence of a nature more stubborn, and more unfriendly to truth. It is very unfairly pretended that the constitutional right of this House is at stake, and to be asserted and preserved only by a vote in the negative. We hear it said that this is a struggle for liberty, a manly resistance against the design to nullify this assembly, and to make it a cipher in the government; that the President and Senate, the numerous meetings in the cities, and the influence of the general alarm of the country, are the agents and instruments of a scheme of coercion and terror, to force the treaty

down our throats, though we loathe it, and in spite of the clearest convictions of duty and conscience.

It is necessary to pause here, and inquire whether suggestions of this kind be not unfair in their very texture and fabric, and pernicious in all their influences. They oppose an obstacle in the path of inquiry, not simply discouraging, but absolutely insurmountable. They will not yield to argument; for, as they were not reasoned up, they cannot be reasoned down. They are higher than a Chinese wall in truth's way, and built of materials that are indestructible. While this remains, it is vain to say to this mountain, Be thou cast into the sea. For I ask of the men of knowledge of the world, whether they would not hold him for a blockhead that should hope to prevail in an argument whose scope and object it is to mortify the self-love of the expected proselyte? I ask further, when such attempts have been made, have they not failed of success? The indignant heart repels a conviction that is believed to debase it.

The self-love of an individual is not warmer in its sense, nor more constant in its action, than what is called in French *l'esprit du corps*, or the self-love of an assembly; that jealous affection which a body of men is always found to bear towards its own prerogatives and power. I will not condemn this passion. Why should we urge an unmeaning censure, or yield to groundless fears that truth and duty will be abandoned, because men in a public assembly are still men, and feel that *esprit du corps* which is one of the laws of their nature? Still less should we despond or complain, if we reflect that this very spirit is a guardian instinct that watches over the life of this assem-

bly. It cherishes the principle of self-preservation; and without its existence, and its existence with all the strength we see it possess, the privileges of the representatives of the people, and, mediately, the liberty of the people, would not be guarded, as they are, with a vigilance that never sleeps, and an unre-laxing constancy and courage.

If the consequences most unfairly attributed to the vote in the affirmative were not chimerical,—and worse, for they are deceptive,—I should think it a reproach to be found even moderate in my zeal to assert the constitutional powers of this assembly; and whenever they shall be in real danger, the present occasion affords proof that there will be no want of advocates and champions.

Indeed, so prompt are these feelings, and, when once roused, so difficult to pacify, that, if we could prove the alarm was groundless, the prejudice against the appropriations may remain on the mind, and it may even pass for an act of prudence and duty to negative a measure which was lately believed by ourselves, and may hereafter be misconceived by others, to encroach upon the powers of the House. Principles that bear a remote affinity with usurpation on those powers will be rejected, not merely as errors, but as wrongs. Our sensibility will shrink from a post where it is possible it may be wounded, and be inflamed by the slightest suspicion of an assault.

While these prepossessions remain, all argument is useless: it may be heard with the ceremony of attention, and lavish its own resources and the patience it wearies to no manner of purpose. The ears may be open, but the mind will remain locked up, and every

pass to the understanding guarded. Unless therefore this jealous and repulsive fear for the rights of the House can be allayed, I will not ask a hearing.

I cannot press this topic too far; I cannot address myself with too much emphasis to the magnanimity and candor of those who sit here, to suspect their own feelings, and, while they do, to examine the grounds of their alarm. I repeat it, we must conquer our persuasion that this body has an interest in one side of the question more than the other, before we attempt to surmount our objections. On most subjects, and solemn ones too, perhaps in the most solemn of all, we form our creed more from inclination than evidence.

Let me expostulate with gentlemen to admit, if it be only by way of supposition, and for a moment, that it is barely possible they have yielded too suddenly to their alarms for the powers of this House; that the addresses, which have been made with such variety of forms, and with so great dexterity in some of them, to all that is prejudice and passion in the heart, are either the effects or the instruments of artifice and deception, and then let them see the subject once more in its singleness and simplicity.

It will be impossible, on taking a fair review of the subject, to justify the passionate appeals that have been made to us, to struggle for our liberties and rights, and the solemn exhortations to reject the proposition, said to be concealed in that on your table, to surrender them for ever. In spite of this mock solemnity, I demand, if the House will not concur in the measure to execute the treaty, what other course shall

we take? How many ways of proceeding lie open before us?

In the nature of things, there are but three: we are either to make the treaty, to observe it, or break it. It would be absurd to say, we will do neither. If I may repeat a phrase already so much abused, we are under coercion to do one of them; and we have no power, by the exercise of our discretion, to prevent the consequences of a choice.

By refusing to act, we choose: the treaty will be broken and fall to the ground. Where is the fitness, then, of replying to those who urge upon the House the topics of duty and policy, that they attempt to force the treaty down, and to compel this assembly to renounce its discretion, and to degrade itself to the rank of a blind and passive instrument in the hands of the treaty-making power. In case we reject the appropriation, we do not secure any greater liberty of action, we gain no safer shelter than before from the consequences of the decision. Indeed, they are not to be evaded. It is neither just nor manly to complain that the treaty-making power has produced this coercion to act: it is not the art or the despotism of that power, it is the nature of things, that compels. Shall we, dreading to become the blind instruments of power, yield ourselves the blinder dupes of mere sounds of imposture? Yet that word, that empty word, *coercion*, has given scope to an eloquence that one would imagine could not be tired, and did not choose to be quieted.

Let us examine still more in detail the alternatives that are before us, and we shall scarcely fail to see in

still stronger lights the futility of our apprehensions for the power and liberty of the House.

If, as some have suggested, the thing called a treaty is incomplete, if it has no binding force or obligation, the first question is, Will this House complete the instrument, and, by concurring, impart to it that force which it wants?

The doctrine has been avowed, that the treaty, though formally ratified by the executive power of both nations, though published as a law for our own by the President's proclamation, is still a mere proposition submitted to this assembly, no way distinguishable in point of authority or obligation from a motion for leave to bring in a bill, or any other original act of ordinary legislation. This doctrine, so novel in our country, yet so dear to many precisely for the reason that in the contention for power victory is always dear, is obviously repugnant to the very terms as well as the fair interpretation of our own resolution (Mr. Blount's). We declare that the treaty-making power is exclusively vested in the President and Senate, and not in this House. Need I say that we fly in the face of that resolution, when we pretend that the acts of that power are not valid until we have concurred in them? It would be nonsense, or worse, to use the language of the most glaring contradiction, and to claim a share in a power which we at the same time disclaim, as exclusively vested in other departments. What can be more strange than to say that the compacts of the President and Senate with foreign nations are treaties, without our agency, and yet that those compacts want all power and obligation until they are sanctioned by our concurrence. It is not my de-

sign in this place, if at all, to go into the discussion of this part of the subject. I will, at least for the present, take it for granted that this monstrous opinion stands in little need of remark, and, if it does, lies almost out of the reach of refutation.

But, say those who hide the absurdity under the cover of ambiguous phrases, have we no discretion? And if we have, are we not to make use of it in judging of the expediency or in expediency of the treaty? Our resolution claims that privilege, and we cannot surrender it without equal inconsistency and breach of duty.

If there be any inconsistency in this case, it lies not in making the appropriations for the treaty, but in the resolution itself. Let us examine it more nearly. A treaty is a bargain between nations, binding in good faith. And what makes a bargain? The assent of the contracting parties. We allow that the treaty power is not in this House; this House has no share in contracting, and is not a party: of consequence the President and Senate alone may make a treaty that is binding in good faith. We claim, however, say the gentlemen, a right to judge of the expediency of treaties; that is the constitutional province of our discretion. Be it so. What follows? Treaties, when adjudged by us to be inexpedient, fall to the ground, and the public faith is not hurt. This, incredible and extravagant as it may seem, is asserted. The amount of it, in plainer language, is this: the President and Senate are to make national bargains, and this House has nothing to do in making them. But bad bargains do not bind this House, and, of inevitable consequence, do not bind the nation. When a national bargain,

called a treaty, is made, its binding force does not depend on the making, but upon our opinion that it is good. As our opinion on the matter can be known and declared only by ourselves, when sitting in our legislative capacity, the treaty, though ratified, and, as we choose to term it, made, is hung up in suspense till our sense is ascertained. We condemn the bargain, and it falls; though, as we say, our faith does not. We approve a bargain as expedient, and it stands firm, and binds the nation. Yet, even in this latter case, its force is plainly not derived from the ratification by the treaty-making power, but from our approbation. Who will trace these inferences, and pretend that we have no share, according to the argument, in the treaty-making power? These opinions, nevertheless, have been advocated with infinite zeal and perseverance. Is it possible that any man can be hardy enough to avow them, and their ridiculous consequences?

Let me hasten to suppose the treaty is considered as already made, and then the alternative is fairly present to the mind, whether we will observe the treaty, or break it. This, in fact, is the naked question.

If we choose to observe it with good faith, our course is obvious. Whatever is stipulated to be done by the nation must be complied with. Our agency, if it should be requisite, cannot be properly refused. And I do not see why it is not as obligatory a rule of conduct for the legislature as for the courts of law.

I cannot lose this opportunity to remark that the coercion, so much dreaded and declaimed against, appears at length to be no more than the authority of

principles, the despotism of duty. Gentlemen complain we are forced to act in this way; we are forced to swallow the treaty. It is very true, unless we claim the liberty of abuse, the right to act as we ought not. There is but one right way open for us: the laws of morality and good faith have fenced up every other. What sort of liberty is that which we presume to exercise against the authority of those laws? It is for tyrants to complain that principles are restraints, and that they have no liberty, so long as their despotism has limits. These principles will be unfolded by examining the remaining question: —

Shall we break the treaty?

The treaty is bad, fatally bad, is the cry. It sacrifices the interest, the honor, the independence of the United States, and the faith of our engagements to France. If we listen to the clamor of party intemperance, the evils are of a number not to be counted, and of a nature not to be borne, even in idea. The language of passion and exaggeration may silence that of sober reason in other places, it has not done it here. The question here is, whether the treaty be really so very fatal as to oblige the nation to break its faith. I admit that such a treaty ought not to be executed. I admit that self-preservation is the first law of society, as well as of individuals. It would perhaps be deemed an abuse of terms to call that a treaty which violates such a principle. I waive also, for the present, any inquiry, what departments shall represent the nation, and annul the stipulations of a treaty. I content myself with pursuing the inquiry whether the nature of the compact be such as to justify our refusal to carry it into effect. A treaty is the

promise of a nation. Now, promises do not always bind him that makes them.

But I lay down two rules, which ought to guide us in this case. The treaty must appear to be bad not merely in the petty details, but in its character, principle, and mass; and in the next place this ought to be ascertained by the decided and general concurrence of the enlightened public. I confess there seems to me something very like ridicule thrown over the debate by the discussion of the articles in detail.

The undecided point is, Shall we break our faith? And while our country and enlightened Europe await the issue with more than curiosity, we are employed to gather, piecemeal, and article by article, from the instrument, a justification for the deed by trivial calculations of commercial profit and loss. This is little worthy of the subject, of this body, or of the nation. If the treaty is bad, it will appear to be so in its mass. Evil to a fatal extreme, if that be its tendency, requires no proof: it brings it. Extremes speak for themselves, and make their own law. What if the direct voyage of American ships to Jamaica with horses or lumber might net one or two per cent more than the present trade to Surinam, — would the proof of the fact avail any thing in so grave a question as the violation of the public engagements?

It is in vain to allege that our faith plighted to France is violated by this new treaty. Our prior treaties are expressly saved from the operation of the British treaty. And what do those mean who say that our honor was forfeited by treating at all, and especially by such a treaty? Justice, the laws, and practice of nations, a just regard for peace as a duty

to mankind, and the known wish of our citizens, as well as that self-respect which required it of the nation to act with dignity and moderation,—all these forbade an appeal to arms before we had tried the effect of negotiation. The honor of the United States was saved, not forfeited, by treating. The treaty itself, by its stipulations for the posts, for indemnity, and for a due observation of our neutral rights, has justly raised the character of the nation. Never did the name of America appear in Europe with more lustre than upon the event of ratifying this instrument. The fact is of a nature to overcome all contradiction.

But the independence of the country—we are colonists again. This is the cry of the very men who tell us that France will resent our exercise of the rights of an independent nation to adjust our wrongs with an aggressor, without giving her the opportunity to say those wrongs shall subsist and shall not be adjusted. This is an admirable specimen of independence. The treaty with Great Britain, it cannot be denied, is unfavorable to this strange sort of independence.

Few men of any reputation for sense among those who say the treaty is bad will put that reputation so much at hazard as to pretend that it is so extremely bad as to warrant and require a violation of the public faith. The proper ground of the controversy, therefore, is really unoccupied by the opposers of the treaty; as the very hinge of the debate is on the point, not of its being good or otherwise, but whether it is intolerably and fatally pernicious. If loose and ignorant declaimers have anywhere asserted the

latter idea, it is too extravagant, and too solidly refuted, to be repeated here. Instead of any attempt to expose it still further, I will say, and I appeal with confidence to the candor of many opposers to the treaty to acknowledge, that, if it had been permitted to go into operation silently, like our other treaties, so little alteration of any sort would be made by it in the great mass of our commercial and agricultural concerns, that it would not be generally discovered by its effects to be in force, during the term for which it was contracted. I place considerable reliance on the weight men of candor will give to this remark, because I believe it to be true, and little short of undeniable. When the panic dread of the treaty shall cease, as it certainly must, it will be seen through another medium. Those who shall make search into the articles for the cause of their alarms will be so far from finding stipulations that will operate fatally, they will discover few of them that will have any lasting operation at all. Those which relate to the disputes between the two countries will spend their force upon the subjects in dispute, and extinguish them. The commercial articles are more of a nature to confirm the existing state of things than to change it. The treaty alarm was purely an address to the imagination and prejudices of the citizens, and not on that account the less formidable. Objections that proceed upon error in fact or calculation may be traced and exposed; but such as are drawn from the imagination, or addressed to it, elude definition, and return to domineer over the mind, after having been banished from it by truth.

I will not so far abuse the momentary strength that

is lent to me by the zeal of the occasion, as to enlarge upon the commercial operation of the treaty. I proceed to the second proposition, which I have stated as indispensably requisite to a refusal of the performance of a treaty: Will the state of public opinion justify the deed?

No government, not even a despotism, will break its faith without some pretext; and it must be plausible, it must be such as will carry the public opinion along with it. Reasons of policy, if not of morality, dissuade even Turkey and Algiers from breaches of treaty in mere wantonness of perfidy, in open contempt of the reproaches of their subjects. Surely a popular government will not proceed more arbitrarily, as it is more free; nor with less shame or scruple, in proportion as it has better morals. It will not proceed against the faith of treaties at all, unless the strong and decided sense of the nation shall pronounce, not simply that the treaty is not advantageous, but that it ought to be broken and annulled.

Such a plain manifestation of the sense of the citizens is indispensably requisite; first, because, if the popular apprehensions be not an infallible criterion of the disadvantages of the instrument, their acquiescence in the operation of it is an irrefragable proof that the extreme case does not exist, which alone could justify our setting it aside.

In the next place, this approving opinion of the citizens is requisite, as the best preventive of the ill consequences of a measure always so delicate, and often so hazardous. Individuals would, in that case at least, attempt to repel the opprobrium that would be thrown upon Congress by those who will charge it

with perfidy. They would give weight to the testimony of facts, and the authority of principles, on which the government would rest its vindication; and if war should ensue upon the violation, our citizens would not be divided from their government, nor the ardor of their courage be chilled by the consciousness of injustice and the sense of humiliation, — that sense which makes those despicable who know they are despised.

I add a third reason, and with me it has a force that no words of mine can augment, that a government wantonly refusing to fulfil its engagement is the corrupter of its citizens. Will the laws continue to prevail in the hearts of the people, when the respect that gives them efficacy is withdrawn from the legislators? How shall we punish vice, while we practise it? We have not force, and vain will be our reliance, when we have forfeited the resources of opinion. To weaken government, and to corrupt morals, are effects of a breach of faith not to be prevented; and from effects they become causes, produced with augmented activity, of more disorder and more corruption: order will be disturbed, and the life of the public liberty shortened.

And who, I would inquire, is hardy enough to pretend that the public voice demands the violation of the treaty? The evidence of the sense of the great mass of the nation is often equivocal; but when was it ever manifested with more energy and precision than at the present moment? The voice of the people is raised against the measure of refusing the appropriations. If gentlemen should urge, nevertheless, that all this sound of alarm is a counterfeit expression of

the sense of the public, I will proceed to other proofs. Is the treaty ruinous to our commerce? What has blinded the eyes of the merchants and traders? Surely they are not enemies to trade, nor ignorant of their own interests. Their sense is not so liable to be mistaken as that of a nation, and they are almost unanimous. The articles stipulating the redress of our injuries by captures on the sea are said to be delusive. By whom is this said? The very men whose fortunes are staked upon the competency of that redress say no such thing. They wait with anxious fear, lest you should annul that compact, on which all their hopes are rested.

Thus we offer proof, little short of absolute demonstration, that the voice of our country is raised not to sanction, but to deprecate, the non-performance of our engagements. It is not the nation, it is one, and but one, branch of the government that proposes to reject them. With this aspect of things, to reject is an act of desperation.

I shall be asked, why a treaty so good in some articles, and so harmless in others, has met with such unrelenting opposition; and how the clamors against it from New Hampshire to Georgia can be accounted for. The apprehensions so extensively diffused, on its first publication, will be vouched as proof that the treaty is bad, and that the people hold it in abhorrence.

I am not embarrassed to find the answer to this insinuation. Certainly a foresight of its pernicious operation could not have created all the fears that were felt or affected: the alarm spread faster than the publication of the treaty; there were more critics than readers. Besides, as the subject was examined, those

fears have subsided. The movements of passion are quicker than those of the understanding: we are to search for the causes of first impressions, not in the articles of this obnoxious and misrepresented instrument, but in the state of the public feeling.

The fervor of the Revolution war had not entirely cooled, nor its controversies ceased, before the sensibility of our citizens was quickened with a tenfold vivacity by a new and extraordinary subject of irritation. One of the two great nations of Europe underwent a change which has attracted all our wonder, and interested all our sympathy. Whatever they did, the zeal of many went with them, and often went to excess. These impressions met with much to inflame, and nothing to restrain them. In our newspapers, in our feasts, and some of our elections, enthusiasm was admitted a merit, a test of patriotism; and that made it contagious. In the opinion of party, we could not love or hate enough. I dare say, in spite of all the obloquy it may provoke, we were extravagant in both. It is my right to avow that passions so impetuous, enthusiasm so wild, could not subsist without disturbing the sober exercise of reason, without putting at risk the peace and precious interests of our country. They were hazarded. I will not exhaust the little breath I have left, to say how much, nor by whom or by what means they were rescued from the sacrifice. Shall I be called upon to offer my proofs? They are here, they are everywhere. No one has forgotten the proceedings of 1794. No one has forgotten the captures of our vessels, and the imminent danger of war. The nation thirsted not merely for reparation, but vengeance. Suffering such wrongs and agitated

by such resentments, was it in the power of any words of compact, or could any parchment with its seals prevail at once to tranquillize the people? It was impossible. Treaties in England are seldom popular, and least of all when the stipulations of amity succeed to the bitterness of hatred. Even the best treaty, though nothing be refused, will choke resentment, but not satisfy it. Every treaty is as sure to disappoint extravagant expectations as to disarm extravagant passions. Of the latter, hatred is one that takes no bribes: they who are animated by the spirit of revenge will not be quieted by the possibility of profit.

Why do they complain that the West Indies are not laid open? Why do they lament that any restriction is stipulated on the commerce of the East Indies? Why do they pretend that if they reject this, and insist upon more, more will be accomplished? Let us be explicit: more would not satisfy. If all was granted, would not a treaty of amity with Britain still be obnoxious? Have we not this instant heard it urged against our envoy that he was not ardent enough in his hatred of Great Britain? A treaty of amity is condemned because it was not made by a foe, and in the spirit of one. The same gentleman, at the same instant, repeats a very prevailing objection, that no treaty should be made with the enemy of France. No treaty, exclaim others, should be made with a monarch or a despot: there will be no naval security while those sea robbers domineer on the ocean; their den must be destroyed; that nation must be extirpated.

I like this, sir, because it is sincerity. With feelings such as these, we do not pant for treaties: such

passions seek nothing, and will be content with nothing, but the destruction of their object. If a treaty left King George his island, it would not answer, not if he stipulated to pay rent for it. It has been said, the world ought to rejoice if Britain was sunk in the sea; if, where there are now men, and wealth, and laws, and liberty, there was no more than a sand-bank for the sea monsters to fatten on, a space for the storms of the ocean to mingle in conflict.

I object nothing to the good sense or humanity of all this. I yield the point, that this is a proof that the age of reason is in progress. Let it be philanthropy, let it be patriotism, if you will; but it is no indication that any treaty would be approved. The difficulty is not to overcome the objections to the terms: it is to restrain the repugnance to any stipulations of amity with the party.

Having alluded to the rival of Great Britain, I am not unwilling to explain myself: I affect no concealment, and I have practised none. While those two great nations agitate all Europe with their quarrels, they will both equally endeavor to create an influence in America: each will exert all its arts to range our strength on its own side. How is this to be effected? Our government is a democratical republic: it will not be disposed to pursue a system of politics, in subservience to either France or England, in opposition to the general wishes of the citizens; and, if Congress should adopt such measures, they would not be pursued long, nor with much success. From the nature of our government, popularity is the instrument of foreign influence. Without it, all is labor and disappointment: with that mighty auxiliary, foreign intrigue finds

agents not only volunteers, but competitors for employment, and any thing like reluctance is understood to be a crime. Has Britain this means of influence? Certainly not. If her gold could buy adherents, their becoming such would deprive them of all political power and importance. They would not wield popularity as a weapon, but would fall under it. Britain has no influence, and, for the reasons just given, can have none. She has enough; and God forbid she ever should have more. France, possessed of popular enthusiasm, of party attachments, has had, and still has, too much influence on our politics: any foreign influence is too much, and ought to be destroyed. I detest the man, and disdain the spirits, that can bend to a mean subserviency to the view of any nation. It is enough to be Americans: that character comprehends our duties, and ought to engross our attachments.

But I would not be misunderstood. I would not break the alliance with France: I would not have the connection between the two countries even a cold one. It should be cordial and sincere; but I would banish that influence which, by acting on the passions of the citizens, may acquire a power over the government.

It is no bad proof of the merit of the treaty, that, under all these unfavorable circumstances, it should be so well approved. In spite of first impressions, in spite of misrepresentation and party clamor, inquiry has multiplied its advocates; and at last the public sentiment appears to me clearly preponderating to its side.

On the most careful review of the several branches of the treaty, those which respect political arrange-

ments, the spoliations on our trade, and the regulation of commerce, there is little to be apprehended; the evil, aggravated as it is by party, is little in degree, and short in duration, — two years from the end of the European war. I ask, and I would ask the question significantly, what are the inducements to reject the treaty? What great object is to be gained, and fairly gained by it? If, however, as to the merits of the treaty, candor should suspend its approbation, what is there to hold patriotism a moment in balance as to the violation of it? Nothing. I repeat confidently, nothing. There is nothing before us in that event but confusion and dishonor.

But before I attempt to develop those consequences, I must put myself at ease by some explanation. Nothing is worse received among men than the confutation of their opinions; and, of these, none are more dear or more vulnerable than their political opinions. To say that a proposition leads to shame and ruin is almost equivalent to a charge that the supporters of it intend to produce them. I throw myself upon the magnanimity and candor of those who hear me. I cannot do justice to my subject without exposing, as forcibly as I can, all the evils in prospect. I readily admit that in every science, and most of all in politics, error springs from other sources than the want of sense or integrity. I despise indiscriminate professions of candor and respect. There are individuals opposed to me, of whom I am not bound to say any thing; but of many, perhaps of a majority of the opposers of the appropriations, it gives me pleasure to declare they possess my confidence and

regard. There are among them individuals for whom I entertain a cordial affection.

The consequences of refusing to make provision for the treaty are not all to be foreseen. By rejecting, vast interests are committed to the sport of the winds: chance becomes the arbiter of events, and it is forbidden to human foresight to count their number or measure their extent. Before we resolve to leap into this abyss, so dark and so profound, it becomes us to pause and reflect upon such of the dangers as are obvious and inevitable. If this assembly should be wrought into a temper to defy these consequences, it is vain, it is deceptive to pretend that we can escape them. It is worse than weakness to say that, as to public faith, our vote has already settled the question. Another tribunal than our own is already erected: the public opinion not merely of our own country, but of the enlightened world, will pronounce a judgment that we cannot resist, that we dare not even affect to despise.

Well may I urge it to men, who know the worth of character, that it is no trivial calamity to have it contested. Refusing to do what the treaty stipulates shall be done opens the controversy. Even if we should stand justified at last, a character that is vindicated is something worse than it stood before, unquestioned and unquestionable. Like the plaintiff in an action of slander, we recover a reputation disfigured by invective, and even tarnished by too much handling. In the combat for the honor of the nation, it may receive some wounds, which, though they should heal, will leave scars. I need not say, for surely the feelings of every bosom have anticipated, that we

cannot guard this sense of national honor, this ever-living fire, which alone keeps patriotism warm in the heart, with a sensibility too vigilant and jealous. If, by executing the treaty, there is no possibility of dishonor, and if, by rejecting, there is some foundation for doubt and for reproach, it is not for me to measure: it is for your own feelings to estimate the vast distance that divides the one side of the alternative from the other.

If therefore we should enter on the examination of the question of duty and obligation with some feelings of prepossession, I do not hesitate to say they are such as we ought to have: it is an after inquiry to determine whether they are such as ought finally to be resisted.

The resolution (Mr. Blount's) is less explicit than the Constitution. Its patrons should have made it more so, if possible, if they had any doubts, or meant the public should entertain none. Is it the sense of that vote, as some have insinuated, that we claim a right, for any cause or no cause at all but our own sovereign will and pleasure, to refuse to execute, and thereby to annul the stipulations of a treaty? that we have nothing to regard but the expediency or in expediency of the measure, being absolutely free from all obligation by compact to give it our sanction? A doctrine so monstrous, so shameless, is refuted by being avowed. There are no words you could express it in that would not convey both confutation and reproach. It would outrage the ignorance of the tenth century to believe; it would baffle the casuistry of a papal council to vindicate. I venture to say it is impossible. No less impossible that we should desire

to assert the scandalous privilege of being free, after we have pledged our honor.

It is doing injustice to the resolution of the House (which I dislike on many accounts) to strain the interpretation of it to this extravagance. The treaty-making power is declared by it to be vested exclusively in the President and Senate. Will any man in his senses affirm that it can be a treaty before it has any binding force or obligation? If it has no binding force upon us, it has none upon Great Britain. Let candor answer, is Great Britain free from any obligation to deliver the posts in June, and are we willing to signify to her that we think so? Is it with that nation a question of mere expediency or in expediency to do it; and that too, even after we have done all that depends upon us to give the treaty effect? No sober man believes this; no one who would not join in condemning the faithless proceeding of that nation, if such a doctrine should be avowed and carried into practice. And why complain, if Great Britain is not bound? There can be no breach of faith, where none is pledged. I shall be told that she is bound. Surely it follows that, if she is bound to performance, our nation is under a similar obligation; if both parties be not obliged, neither is obliged: it is no compact, no treaty. This is a dictate of law and common sense, and every jury in the country has sanctioned it on oath. It cannot be a treaty and yet no treaty, a bargain and yet no promise. If it is a promise, I am not to read a lecture to show why an honest man will keep his promise.

The reason of the thing and the words of the resolution of the House imply that the United States

engage their good faith in a treaty. We disclaim, say the majority, the treaty-making power; we of course disclaim (they ought to say) every doctrine that would put a negative upon the doings of that power. It is the prerogative of folly alone to maintain both sides of the proposition.

Will any man affirm the American nation is engaged by good faith to the British nation, but that engagement is nothing to this House? Such a man is not to be reasoned with. Such a doctrine is a coat of mail, that would turn the edge of all the weapons of argument, if they were sharper than a sword. Will it be imagined the King of Great Britain and the President are mutually bound by the treaty, but the two nations are free?

It is one thing for this House to stand in a position that presents an opportunity to break the faith of America, and another to establish a principle that will justify the deed.

We feel less repugnance to believe that any other body is bound by obligation than our own. There is not a man here who does not say that Great Britain is bound by treaty. Bring it nearer home. Is the Senate bound? Just as much as the House, and no more. Suppose the Senate, as part of the treaty power, by ratifying a treaty on Monday, pledges the public faith to do a certain act. Then, in their ordinary capacity as a branch of the legislature, the Senate is called upon on Tuesday to perform that act, — for example, an appropriation of money: is the Senate (so lately under obligation) now free to agree or disagree to the act? If the twenty ratifying senators should rise up and avow this principle, saying, we struggle

for liberty, we will not be ciphers, mere puppets, and give their votes accordingly, would not shame blister their tongues; would not infamy tingle in their ears; would not their country, which they had insulted and dishonored, though it should be silent and forgiving, be a revolutionary tribunal, a rack, on which their own reflections would stretch them?

This, sir, is a cause that would be dishonored and betrayed, if I contented myself with appealing only to the understanding. It is too cold, and its processes are too slow for the occasion. I desire to thank God that, since he has given me an intellect so fallible, he has impressed upon me an instinct that is sure. On a question of shame and honor reasoning is sometimes useless, and worse. I feel the decision in my pulse: if it throws no light upon the brain, it kindles a fire at the heart.

It is not easy to deny, it is impossible to doubt, that a treaty imposes an obligation on the American nation. It would be childish to consider the President and Senate obliged, and the nation and House free. What is the obligation?—perfect or imperfect? If perfect, the debate is brought to a conclusion. If imperfect, how large a part of our faith is pawned? Is half our honor put at risk, and is that half too cheap to be redeemed? How long has this hair-splitting subdivision of good faith been discovered, and why has it escaped the researches of the writers on the law of nations? Shall we add a new chapter to that law; or insert this doctrine as a supplement to, or more properly a repeal of, the Ten Commandments?

The principles and the example of the British Parliament have been alleged to coincide with the doc-

trine of those who deny the obligation of the treaty. I have not had the health to make very laborious researches into this subject: I will, however, sketch my view of it. Several instances have been noticed; but the treaty of Utrecht is the only one that seems to be at all applicable. It has been answered that the conduct of Parliament in that celebrated example affords no sanction to our refusal to carry the treaty into effect. The obligation of the treaty of Utrecht has been understood to depend on the concurrence of Parliament, as a condition to its becoming of force. If that opinion should, however, appear incorrect, still the precedent proves, not that the treaty of Utrecht wanted obligation, but that Parliament disregarded it: a proof, not of the construction of the treaty-making power, but of the violation of a national engagement. Admitting still further that the Parliament claimed and exercised its power, not as a breach of faith, but as a matter of constitutional right, I reply that the analogy between Parliament and Congress totally fails. The nature of the British government may require and justify a course of proceeding in respect to treaties that is unwarrantable here.

The British government is a mixed one. The king at the head of the army, of the hierarchy, with an ample civil list, hereditary, unresponsible, and possessing the prerogative of peace and war, may be properly observed with some jealousy, in respect to the exercise of the treaty-making power. It seems, and perhaps from a spirit of caution on this account, to be their doctrine that treaties bind the nation, but are not to be regarded by the courts of law until laws have been passed conformably to them. Our Constitution has

expressly regulated the matter differently. The concurrence of Parliament is necessary to treaties becoming laws in England, gentlemen say; and here the Senate, representing the States, must concur in treaties. The Constitution and the reason of the case make the concurrence of the Senate as effectual as the sanction of Parliament; and why not? The Senate is an elective body, and the approbation of a majority of the States affords the nation as ample security against the abuse of the treaty-making power as the British nation can enjoy in the control of Parliament.

Whatever doubt there may be as to the parliamentary doctrine of the obligation of treaties in Great Britain (and perhaps there is some), there is none in their books or their modern practice. Blackstone represents treaties as of the highest obligation when ratified by the king; and for almost a century there has been no instance of opposition by Parliament to this doctrine. Their treaties have been uniformly carried into effect, although many have been ratified of a nature most obnoxious to party, and have produced a louder clamor than we have lately witnessed. The example of England therefore, fairly examined, does not warrant, it dissuades us from a negative vote.

Gentlemen have said, with spirit, whatever the true doctrine of our Constitution may be, Great Britain has no right to complain or to dictate an interpretation: the sense of the American nation, as to the treaty power, is to be received by all foreign nations. This is very true as a maxim; but the fact is against those who vouch it: the sense of the American nation is not as the vote of the House has declared it. Our

claim to some agency in giving force and obligation to treaties is, beyond all kind of controversy, novel. The sense of the nation is probably against it: the sense of the government certainly is. The President denies it on constitutional grounds, and therefore cannot ever accede to our interpretation. The Senate ratified the treaty, and cannot without dishonor adopt it, as I have attempted to show. Where, then, do they find the proof that this is the American sense of the treaty-making power, which is to silence the murmurs of Great Britain? Is it because a majority of two or three, or at the most four or five, of this House will reject the treaty? Is it thus the sense of our nation is to be recognized? Our government may thus be stopped in its movements: a struggle for power may thus commence, and the event of the conflict may decide who is the victor, and the quiet possessor of the treaty power. But, at present, it is beyond all credibility that our vote by a bare majority should be believed to do any thing better than to embitter our divisions, and to tear up the settled foundations of our departments.

If the obligation of a treaty be complete, I am aware that cases sometimes exist which will justify a nation in refusing a compliance. *Are our liberties, gentlemen demand, to be bartered away by a treaty; and is there no remedy?* There is. Extremes are not to be supposed; but, when they happen, they make the law for themselves. No such extreme can be pretended in this instance; and, if it existed, the authority it would confer to throw off the obligation would rest where the obligation itself resides, — in the nation. This House is not the nation; it is not the whole dele-

gated authority of the nation. Being only a part of that authority, its right to act for the whole society obviously depends on the concurrence of the other two branches. If they refuse to concur, a treaty once made remains of full force, although a breach on the part of the foreign nation would confer upon our own a right to forbear the execution. I repeat it, even in that case, the act of this House cannot be admitted as the act of the nation; and if the President and Senate should not concur, the treaty would be obligatory.

I put a case that will not fail to produce conviction. Our treaty with France engages that free bottoms shall make free goods; and how has it been kept? As such engagements will ever be in time of war. France has set it aside, and pleads imperious necessity. We have no navy to enforce the observance of such articles, and paper barriers are weak against the violence of those who are on the scramble for enemy's goods on the high seas. The breach of any article of the treaty by one nation gives an undoubted right to the other to renounce the whole treaty. But has one branch of the government that right, or must it reside with the whole authority of the nation? What if the Senate should resolve that the French treaty is broken, and therefore null and of no effect? The answer is obvious: you would deny their sole authority. That branch of the legislature has equal power, in this regard, with the House of Representatives: one branch alone cannot express the will of the nation.

A right to annul a treaty, because a foreign nation has broken its articles, is only like the case of a sufficient cause to repeal a law. In both cases, the branches of our government must concur in the orderly way, or the law and the treaty will remain.

The very cases supposed by my adversaries in this argument conclude against themselves. They will persist in confounding ideas that should be kept distinct: they will suppose that the House of Representatives has *no* power unless it has *all* power; the House is nothing, if it be not the whole government, the nation.

On every hypothesis, therefore, the conclusion is not to be resisted: we are either to execute this treaty, or break our faith.

To expatiate on the value of public faith may pass with some men for declamation: to such men I have nothing to say. To others I will urge, can any circumstance mark upon a people more turpitude and debasement? Can any thing tend more to make men think themselves mean, or degrade to a lower point their estimation of virtue and their standard of action? It would not merely demoralize mankind: it tends to break all the ligaments of society, to dissolve that mysterious charm which attracts individuals to the nation, and to inspire in its stead a repulsive sense of shame and disgust.

What is patriotism? Is it a narrow affection for the spot where a man was born? Are the very clods where we tread entitled to this ardent preference, because they are greener? No, sir: this is not the character of the virtue, and it soars higher for its object. It is an extended self-love, mingling with all the enjoyments of life, and twisting itself with the minutest filaments of the heart. It is thus we obey the laws of society, because they are the laws of virtue. In their authority we see not the array of force and terror, but the venerable image of our

country's honor. Every good citizen makes that honor his own, and cherishes it not only as precious, but as sacred. He is willing to risk his life in its defence; and is conscious that he gains protection, while he gives it. For what rights of a citizen will be deemed inviolable, when a State renounces the principles that constitute their security? Or, if his life should not be invaded, what would its enjoyments be in a country odious in the eyes of strangers, and dishonored in his own? Could he look with affection and veneration to such a country as his parent? The sense of having one would die within him; he would blush for his patriotism, if he retained any, and justly, for it would be a vice: he would be a banished man in his native land.

I see no exception to the respect that is paid among nations to the law of good faith. If there are cases in this enlightened period when it is violated, there are none when it is decried. It is the philosophy of politics, the religion of governments. It is observed by barbarians: a whiff of tobacco smoke, or a string of beads, gives not merely binding force but sanctity to treaties. Even in Algiers, a truce may be bought for money; but, when ratified, even Algiers is too wise or too just to disown and annul its obligation. Thus we see neither the ignorance of savages, nor the principles of an association for piracy and rapine, permit a nation to despise its engagements. If, sir, there could be a resurrection from the foot of the gallows, if the victims of justice could live again, collect together and form a society, they would, however loath, soon find themselves obliged to make justice, that justice under which they fell, the fundamental law of

their State. They would perceive it was their interest to make others respect, and they would therefore soon pay some respect themselves to the obligations of good faith.

It is painful, I hope it is superfluous, to make even the supposition that America should furnish the occasion of this opprobrium. No: let me not even imagine that a republican government, sprung, as our own is, from a people enlightened and uncorrupted,—a government whose origin is right, and whose daily discipline is duty, — can, upon solemn debate, make its option to be faithless; can dare to act what despots dare not avow, what our own example evinces the States of Barbary are unsuspected of. No: let me rather make the supposition that Great Britain refuses to execute the treaty, after we have done every thing to carry it into effect. Is there any language of reproach pungent enough to express your commentary on the fact? What would you say, or, rather, what would you not say? Would you not tell them, wherever an Englishman might travel, shame would stick to him: he would disown his country. You would exclaim, England, proud of your wealth, and arrogant in the possession of power, blush for these distinctions which become the vehicles of your dishonor! Such a nation might truly say to corruption, Thou art my father; and to the worm, Thou art my mother and my sister. We should say of such a race of men, their name is a heavier burden than their debt.

I can scarcely persuade myself to believe that the consideration I have suggested requires the aid of any auxiliary; but, unfortunately, auxiliary arguments are at hand. Five millions of dollars, and probably more,

on the score of spoliations committed on our commerce, depend upon the treaty: the treaty offers the only prospect of indemnity. Such redress is promised as the merchants place some confidence in. Will you interpose and frustrate that hope, leaving to many families nothing but beggary and despair? It is a smooth proceeding to take a vote in this body: it takes less than half an hour to call the yeas and nays, and reject the treaty. But what is the effect of it? What but this: the very men, formerly so loud for redress, such fierce champions that even to ask for justice was too mean and too slow, now turn their capricious fury upon the sufferers, and say, by their vote, to them and their families, No longer eat bread: petitioners, go home and starve: we cannot satisfy your wrongs and our resentments.

Will you pay the sufferers out of the treasury? No. The answer was given two years ago, and appears on our journals. Will you give them letters of marque and reprisal, to pay themselves by force? No. That is war. Besides, it would be an opportunity for those who have already lost much, to lose more. Will you go to war to avenge their injury? If you do, the war will leave you no money to indemnify them. If it should be unsuccessful, you will aggravate existing evils; if successful, your enemy will have no treasure left to give our merchants: the first losses will be confounded with much greater, and be forgotten. At the end of a war there must be a negotiation, which is the very point we have already gained; and why relinquish it? And who will be confident that the terms of the negotiation, after a desolating war, would be more acceptable to another House of Representa-

tives than the treaty before us? Members and opinions may be so changed that the treaty would then be rejected for being what the present majority say it should be. Whether we shall go on making treaties and refusing to execute them, I know not: of this I am certain, it will be very difficult to exercise the treaty-making power on the new principle, with much reputation or advantage to the country.

The refusal of the posts (inevitable if we reject the treaty) is a measure too decisive in its nature to be neutral in its consequences. From great causes we are to look for great effects. A plain and obvious one will be, the price of the Western lands will fall: settlers will not choose to fix their habitation on a field of battle. Those who talk so much of the interest of the United States should calculate how deeply it will be affected by rejecting the treaty; how vast a tract of wild land will almost cease to be property. This loss, let it be observed, will fall upon a fund expressly devoted to sink the national debt. What, then, are we called upon to do? However the form of the vote and the protestations of many may disguise the proceeding, our resolution is in substance, and it deserves to wear the title of a resolution, to prevent the sale of the Western lands and the discharge of the public debt.

Will the tendency to Indian hostilities be contested by any one? Experience gives the answer. The frontiers were scourged with war, until the negotiation with Great Britain was far advanced; and then the state of hostility ceased. Perhaps the public agents of both nations are innocent of fomenting the Indian war, and perhaps they are not. We ought

not, however, to expect that neighboring nations, highly irritated against each other, will neglect the friendship of the savages. The traders will gain an influence, and will abuse it; and who is ignorant that their passions are easily raised, and hardly restrained from violence? Their situation will oblige them to choose between this country and Great Britain, in case the treaty should be rejected: they will not be our friends, and at the same time the friends of our enemies.

But am I reduced to the necessity of proving this point? Certainly the very men who charged the Indian war on the detention of the posts will call for no other proof than the recital of their own speeches. It is remembered with what emphasis, with what acrimony, they expatiated on the burden of taxes, and the drain of blood and treasure into the Western country, in consequence of Britain's holding the posts. Until the posts are restored, they exclaimed, the treasury and the frontiers must bleed.

If any, against all these proofs, should maintain that the peace with the Indians will be stable without the posts, to them I will urge another reply. From arguments calculated to produce conviction, I will appeal directly to the hearts of those who hear me, and ask whether it is not already planted there. I resort especially to the convictions of the Western gentlemen, whether, supposing no posts and no treaty, the settlers will remain in security. Can they take it upon them to say that an Indian peace, under these circumstances, will prove firm? No, sir: it will not be peace, but a sword; it will be no better than a lure to draw victims within the reach of the tomahawk.

On this theme, my emotions are unutterable. If I

could find words for them, if my powers bore any proportion to my zeal, I would swell my voice to such a note of remonstrance it should reach every log-house beyond the mountains. I would say to the inhabitants, Wake from your false security! your cruel dangers, your more cruel apprehensions are soon to be renewed; the wounds, yet unhealed, are to be torn open again; in the day time, your path through the woods will be ambushed; the darkness of midnight will glitter with the blaze of your dwellings. You are a father, — the blood of your sons shall fatten your corn-field: you are a mother, — the war-whoop shall wake the sleep of the cradle.

On this subject you need not suspect any deception on your feelings: it is a spectacle of horror which cannot be overdrawn. If you have nature in your hearts, they will speak a language compared with which all I have said or can say will be poor and frigid.

Will it be whispered that the treaty has made me a new champion for the protection of the frontiers? It is known that my voice as well as vote have been uniformly given in conformity with the ideas I have expressed. Protection is the right of the frontiers: it is our duty to give it.

Who will accuse me of wandering out of the subject? Who will say that I exaggerate the tendencies of our measures? Will any one answer by a sneer that all this is idle preaching? Will any one deny that we are bound, and I would hope to good purpose, by the most solemn sanctions of duty for the vote we give? Are despots alone to be reproached for unfeeling indifference to the tears and blood of their

subjects? Are republicans irresponsible? Have the principles, on which you ground the reproach upon cabinets and kings, no practical influence, no binding force? Are they merely themes of idle declamation, introduced to decorate the morality of a newspaper essay, or to furnish pretty topics of harangue from the windows of that State house? I trust it is neither too presumptuous nor too late to ask, Can you put the dearest interest of society at risk without guilt and without remorse?

It is vain to offer as an excuse that public men are not to be reproached for the evils that may happen to ensue from their measures. This is very true where they are unforeseen or inevitable. Those I have depicted are not unforeseen: they are so far from inevitable, we are going to bring them into being by our vote. We choose the consequences, and become as justly answerable for them as for the measure that we know will produce them.

By rejecting the posts, we light the savage fires, we bind the victims. This day we undertake to render account to the widows and orphans whom our decision will make, to the wretches that will be roasted at the stake, to our country, and I do not deem it too serious to say, to conscience and to God. We are answerable; and if duty be any thing more than a word of imposture, if conscience be not a bugbear, we are preparing to make ourselves as wretched as our country.

There is no mistake in this case, there can be none: experience has already been the prophet of events, and the cries of our future victims have already reached us. The Western inhabitants are not a silent

and uncomplaining sacrifice. The voice of humanity issues from the shade of the wilderness: it exclaims that, while one hand is held up to reject this treaty, the other grasps a tomahawk. It summons our imagination to the scenes that will open. It is no great effort of the imagination to conceive that events so near are already begun. I can fancy that I listen to the yells of savage vengeance and the shrieks of torture; already they seem to sigh in the western wind; already they mingle with every echo from the mountains.

It is not the part of prudence to be inattentive to the tendencies of measures; where there is any ground to fear that these will be pernicious, wisdom and duty forbid that we should underrate them. If we reject the treaty, will our peace be as safe as if we execute it with good faith? I do honor to the intrepid spirit of those who say it will. It was formerly understood to constitute the excellence of a man's faith to believe without evidence and against it.

But as opinions on this article are changed, and we are called to act for our country, it becomes us to explore the dangers that will attend its peace, and avoid them if we can. Few of us here, and fewer still in proportion of our constituents, will doubt that, by rejecting, all those dangers will be aggravated.

The idea of war is treated as a bugbear. This levity is at least unseasonable, and most of all unbecoming some who resort to it. Who has forgotten the philippics of 1794? The cry then was reparation; no envoy; no treaty; no tedious delays. Now it seems the passion subsides, or at least the hurry to

satisfy it. Great Britain, say they, will not wage war upon us.

In 1794, it was urged by those who now say no war, that if we built frigates, or resisted the piracies of Algiers, we could not expect peace. Now they give excellent comfort truly. Great Britain has seized our vessels and cargoes to the amount of millions; she holds the posts; she interrupts our trade, say they, as a neutral nation; and these gentlemen, formerly so fierce for redress, assure us, in terms of the sweetest consolation, Great Britain will bear all this patiently. But let me ask the late champions of our rights, Will our nation bear it? Let others exult because the aggressor will let our wrongs sleep for ever. Will it add, it is my duty to ask, to the patience and quiet of our citizens to see their rights abandoned? Will not the disappointment of their hopes, so long patronized by the government, now in the crisis of their being realized convert all their passions into fury and despair?

Are the posts to remain for ever in the possession of Great Britain? Let those who reject them, when the treaty offers them to our hands, say, if they choose, they are of no importance. If they are, will they take them by force? The argument I am urging would then come to a point. To use force is war; to talk of treaty again is too absurd; the posts and redress must come from voluntary good-will, treaty, or war. The conclusion is plain: if the state of peace shall continue, so will the British possession of the posts.

Look again at this state of things: On the sea-coast, vast losses uncompensated; on the frontier, Indian

war and actual encroachment on our territory; everywhere discontent; resentments tenfold more fierce because they will be impotent and humbled; national discord and abasement. The disputes of the old treaty of 1783, being left to rankle, will revive the almost extinguished animosities of that period. Wars in all countries, and most of all in such as are free, arise from the impetuosity of the public feelings. The despotism of Turkey is often obliged by clamor to unsheathe the sword. War might perhaps be delayed, but could not be prevented: the causes of it would remain, would be aggravated, would be multiplied, and soon become intolerable. More captures, more impressments, would swell the list of our wrongs and the current of our rage. I make no calculation of the arts of those whose employment it has been, on former occasions, to fan the fire; I say nothing of the foreign money and emissaries that might foment the spirit of hostility, because the state of things will naturally run to violence: with less than their former exertion they would be successful.

Will our government be able to temper and restrain the turbulence of such a crisis? The government, alas! will be in no capacity to govern. A divided people and divided counsels! Shall we cherish the spirit of peace or show the energies of war? Shall we make our adversary afraid of our strength, or dispose him, by the measures of resentment and broken faith, to respect our rights? Do gentlemen rely on the state of peace, because both nations will be worse disposed to keep it? because injuries, and insults still harder to endure, will be mutually offered?

Such a state of things will exist if we should long

avoid war, as will be worse than war: peace without security, accumulation of injury without redress or the hope of it, resentment against the aggressor, contempt for ourselves, intestine discord, and anarchy. Worse than this need not be apprehended; for, if worse could happen, anarchy would bring it. Is this the peace gentlemen undertake with such fearless confidence to maintain? Is this the station of American dignity, which the high-spirited champions of our national independence and honor could endure; nay, which they are anxious and almost violent to seize for the country? What is there in the treaty that could humble us so low? Are they the men to swallow their resentments, who so lately were choking with them? If in the case contemplated by them, it should be peace, I do not hesitate to declare it ought not to be peace.

Is there any thing in the prospect of the interior state of the country to encourage us to aggravate the dangers of a war? Would not the shock of that evil produce another, and shake down the feeble and then unbraced structure of our government? Is this a chimera? Is it going off the ground of matter of fact to say the rejection of the appropriation proceeds upon the doctrine of a civil war of the departments? Two branches have ratified a treaty, and we are going to set it aside. How is this disorder in the machine to be rectified? While it exists, its movements must stop; and when we talk of a remedy, is that any other than the formidable one of a revolutionary interposition of the people? And is this, in the judgment even of my opposers, to execute, to preserve the Constitution and the public order? Is this the

state of hazard, if not of convulsion, which they can have the courage to contemplate and to brave; or beyond which their penetration can reach and see the issue? They seem to believe, and they act as if they believed, that our union, our peace, our liberty, are invulnerable and immortal; as if our happy state was not to be disturbed by our dissensions, and that we are not capable of falling from it by our unworthiness. Some of them have no doubt better nerves and better discernment than mine. They can see the bright aspects and happy consequences of all this array of horrors. They can see intestine discords, our government disorganized, our wrongs aggravated, multiplied, and unredressed, peace with dishonor, or war without justice, union, or resources, in "the calm lights of mild philosophy."

But whatever they may anticipate as the next measure of prudence and safety, they have explained nothing to the House. After rejecting the treaty, what is to be the next step? They must have foreseen what ought to be done; they have doubtless resolved what to propose. Why, then, are they silent? Dare they not now avow their plan of conduct, or do they wait until our progress towards confusion shall guide them in forming it?

Let me cheer the mind, weary no doubt and ready to despond on this prospect, by presenting another which it is yet in our power to realize. Is it possible for a real American to look at the prosperity of this country without some desire for its continuance, without some respect for the measures which many will say produced, and all will confess have preserved it? Will he not feel some dread that a change of

system will reverse the scene? The well-grounded fears of our citizens in 1794 were removed by the treaty, but are not forgotten. Then they deemed war nearly inevitable, and would not this adjustment have been considered at that day as a happy escape from the calamity? The great interest and the general desire of our people were to enjoy the advantages of neutrality. This instrument, however misrepresented, affords America that inestimable security. The causes of our disputes are either cut up by the roots, or referred to a new negotiation, after the end of the European war. This was gaining every thing, because it confirmed our neutrality, by which our citizens are gaining every thing. This alone would justify the engagements of the government. For, when the fiery vapors of the war lowered in the skirts of our horizon, all our wishes were concentrated in this one, that we might escape the desolation of the storm. This treaty, like a rainbow on the edge of the cloud, marked to our eyes the space where it was raging, and afforded at the same time the sure prognostic of fair weather. If we reject it, the vivid colors will grow pale; it will be a baleful meteor portending tempest and war.

Let us not hesitate, then, to agree to the appropriation to carry it into faithful execution. Thus we shall save the faith of our nation, secure its peace, and diffuse the spirit of confidence and enterprise that will augment its prosperity. The progress of wealth and improvement is wonderful, and, some will think, too rapid. The field for exertion is fruitful and vast, and if peace and good government should be preserved, the acquisitions of our citizens are not

so pleasing as the proofs of their industry, as the instruments of their future success. The rewards of exertion go to augment its power. Profit is every hour becoming capital. The vast crop of our neutrality is all seed wheat, and is sown again to swell, almost beyond calculation, the future harvest of prosperity. In this progress what seems to be fiction is found to fall short of experience.

I rose to speak under impressions that I would have resisted if I could. Those who see me will believe that the reduced state of my health has unfitted me, almost equally, for much exertion of body or mind. Unprepared for debate by careful reflection in my retirement, or by long attention here, I thought the resolution I had taken to sit silent was imposed by necessity, and would cost me no effort to maintain. With a mind thus vacant of ideas, and sinking, as I really am, under a sense of weakness, I imagined the very desire of speaking was extinguished by the persuasion that I had nothing to say. Yet when I come to the moment of deciding the vote, I start back with dread from the edge of the pit into which we are plunging. In my view, even the minutes I have spent in expostulation have their value, because they protract the crisis, and the short period in which alone we may resolve to escape it.

I have thus been led by my feelings to speak more at length than I had intended. Yet I have perhaps as little personal interest in the event as any one here. There is, I believe, no member who will not think his chance to be a witness of the consequences greater than mine. If, however, the vote should pass to

reject, and a spirit should rise, as it will, with the public disorders, to make "confusion worse confounded," even I, slender and almost broken as my hold upon life is, may outlive the government and Constitution of my country.

VII.

THE following "Answer to Washington's Address to the Senate and House of Representatives" was prepared by Mr. Ames, as chairman of the committee appointed by the House for that purpose. When presented to the House, it met with some technical opposition, and underwent some slight verbal alterations. In the second paragraph, the phrase "interior frontier" (an expression which was contained in the President's speech) was changed to "western frontier;" in the fourth paragraph, the words enclosed in brackets were interpolated by amendment; and in the same paragraph, the word "mutual" was inserted before the words "spirit of justice," and the words "on the part of the republic" were stricken out; in the sixth paragraph, the words, "tranquil prosperity with the period," were stricken out, and the words "present period with that" substituted for them; in the paragraph before the last, the beginning of the first sentence was amended to read, "The spectacle of a free and enlightened nation." These were all the amendments to the "Answer" as it was reported to the House. But it will doubtless cause no little surprise to learn that the debate upon it was long and heated. It is hard to realize that an honorable Representative from Virginia should stand in his place in the House and announce his dissent from the "Address," for the testimony it bore to the "wisdom and firmness" of Washington's administration, because he believed that administration had been neither wise nor firm; or that the paragraph wherein it says, "that your example may be the guide of your successors," should prove especially obnoxious to some of the Representatives

from Virginia, North Carolina, Tennessee, and Kentucky. Mr. Blount, of North Carolina, even demanded the yeas and nays, that posterity might see that he did not consent to the "Address." And Mr. Thomas Blount heads the list of the nays, making his protest to posterity, which has already decided between him and Washington.*

The "Address" is given as originally reported, with the addition of the interpolations placed in italics in the fourth paragraph.

SIR, — The House of Representatives have attended to your communication respecting the state of our country, with all the sensibility that the contemplation of the subject and a sense of duty can inspire.

We are gratified by the information that measures calculated to insure a continuance of the friendship of the Indians, and to retain the tranquillity of the *interior* frontier, have been adopted; and we indulge the hope that these, by impressing the Indian tribes with more correct conceptions of the justice, as well as power of the United States, will be attended with success.

While we notice with satisfaction the steps you have taken in pursuance of the late treaties with several foreign nations, the liberation of our citizens who were prisoners at Algiers is a subject of peculiar felicitation. We shall cheerfully co-operate in any further measures, that shall appear, on consideration, to be requisite.

We have ever concurred with you in the most sincere and uniform disposition to preserve our neutral relations inviolate; and it is, of course, with anxiety and deep regret we hear that any interruption of our harmony with the French Republic has occurred; for we feel, with you and with our constituents, the cordial and unabated wish to maintain a perfectly friendly understanding with that nation. Your endeavors to fulfil that wish [*and by all honorable means to preserve peace, and to restore that harmony and affection which have heretofore so happily subsisted between the French Republic and the United States*] cannot fail, therefore, to interest our attention. And while we participate in the full reliance you have expressed on the patriotism, self-respect, and fortitude of our countrymen, we cherish the pleasing hope that a *mutual* spirit of justice and moderation [*on the part of the republic*] will insure the success of your perseverance.

The various subjects of your communication will, respectively, meet with the attention that is due to their importance.

* For a full account of this remarkable debate, see "Annals of Congress," 1796-97, and "Life and Works of Fisher Ames," 1854, Vol. I., pp. 209, 210, note.

When we advert to the internal situation of the United States, we deem it equally natural and becoming to compare the tranquil prosperity of the citizens with the period immediately antecedent to the operation of the government, and to contrast it with the calamities in which the state of war still involves several of the European nations; as the reflections deduced from both tend to justify, as well as to excite, a warmer admiration of our free Constitution, and to exalt our minds to a more fervent and grateful sense of piety towards Almighty God for the beneficence of his providence, by which its administration has hitherto been so remarkably distinguished.

And while we entertain a grateful conviction that your wise, firm, and patriotic administration has been signally conducive to the success of the present form of government, we cannot forbear to express the deep sensations of regret with which we contemplate your intended retirement from office.

As no other suitable occasion may occur, we cannot suffer the present to pass without attempting to disclose some of the emotions which it cannot fail to awaken.

The gratitude and admiration of your countrymen are still drawn to the recollection of those resplendent virtues and talents which were so eminently instrumental to the achievement of the Revolution, and of which that glorious event will ever be the memorial. Your obedience to the voice of duty and your country, when you quitted reluctantly a second time the retreat you had chosen, and first accepted the Presidency, afforded a new proof of the devotedness of your zeal in its service, and an earnest of the patriotism and success which have characterized your administration. As the grateful confidence of the citizens in the virtues of their chief magistrate has essentially contributed to that success, we persuade ourselves that the millions whom we represent participate with us in the anxious solicitude of the present occasion.


Yet we cannot be unmindful that your moderation and magnanimity, twice displayed by retiring from your exalted stations, afford examples no less rare and instructive to mankind than valuable to a republic.

Although we are sensible that this event, of itself, completes the lustre of a character already conspicuously unrivalled by the coincidence of virtue, talents, success, and public estimation, yet we conceive that we owe it to you, sir, and still more emphatically to ourselves and to our nation (of the language of whose hearts we presume to think ourselves at this moment the faithful interpreters), to express the sentiments with which it is contemplated.

The spectacle of a *whole nation, the freest and most enlightened of the world*, offering by its Representatives the tribute of unfeigned approbation to its first citizen, however novel and interesting it may be, derives all its lustre — a lustre which accident or enthusiasm could not bestow,

and which adulation would tarnish — from the transcendent merit of which it is the voluntary testimony.

May you long enjoy that liberty which is so dear to you, and to which your name will ever be so dear! May your own virtues and a nation's prayers obtain the happiest sunshine for the decline of your days, and the choicest of future blessings! For your country's sake, — for the sake of republican liberty, — it is our earnest wish that your example may be the guide of your successors, and thus, after being the ornament and safeguard of the present age, become the patrimony of our descendants.

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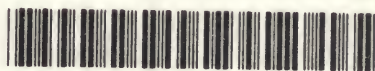
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