

*Robt. G. Harper*

THE  
S P E E C H  
OF  
RUFUS KING, ESQ.  
IN  
THE SENATE,  
ON  
THE NAVIGATION LAWS  
OF THE  
UNITED STATES,  
WHICH IS AT THIS TIME DESERVING OF THE SERIOUS  
ATTENTION OF THE BRITISH LEGISLATURE.

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1819.



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## ADVERTISEMENT.

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THE policy which has unfortunately marked the two last treaties or conventions between Great Britain and the United States has given rise to apprehensions that further concessions are intended to be made to that nation, and that an extensive relaxation of the colonial system is about to be made in favour of their shipping.

The following Speech, delivered in the Senate, or Upper House of the United States of America, by one of the most influential characters of that body, is republished, in order to convey to the British public some idea of the extended views of that nation.

When the date of this piece of eloquence (April 3d, 1818) is considered, it will naturally strike with astonishment every person who has been accustomed to view with jealousy the proceedings of other governments as they relate to this country; but still more will that feeling be excited, when it is under-



stood that the principal aim of this speech was to induce the legislature of the United States to adopt a law, intended as part of a series, to coerce the British government into concessions, which, if continued as they have begun, will extensively injure the revenue, trade, and navigation of this country.

The tendency of the bill then pending in the American legislature was to procure a free intercourse in American bottoms with the British colonies, both on the American continent and in the British West Indies;—and a prohibited intercourse with those colonial possessions until the object was obtained. Another tendency of this speech was to force a participation in the FISHERIES of the Northern Colonies, well knowing that the measure would absorb the whole advantages of them to the exclusion of the British merchants trading to Newfoundland, and of the principal means of trade which the Northern Colonies ever in any essential degree possessed.

It will be found on a perusal of this speech, that intimations, plainly to be understood as threats of hostility, are held out as proper to be used in order to obtain such immense advantages. That instructions accordingly were given to the American negotiators, and produced in a high degree the de-



sired effect, is every way probable; for these fisheries by the late treaty have actually been given up to the American Republic. That the Newfoundland merchants really view the concession as past redemption, and in a light most fatally injurious to their interests, is evident; for they are preparing their arrangements with the intent of retiring from a trade, which, without the aid of parliament, must prove to them certain destruction if pursued.

The effect of this ill-fated convention, added to the footing already given to the French nation on the western and the northern shores of Newfoundland, will yield to the rivals of the British nation what she a short time since possessed the power to retain;—a nursery for thirty-five thousand seamen.

The tendency of this speech and its subsequent developments, added to the late forcible possession of the Floridas (*forced* in the first instance, though reluctantly *yielded* by Spain in her present distracted situation), and the fact that the government of the United States has sent two regiments to scour the Missouri territory of the Indian nations, for the purpose of injuring our North-West fur trade, will convince the public, that as it regards the United States of America, a yielding is not a prudent po-



policy: but that the true wisdom of this government is to watch the actions and to receive the proposals of the United States with distrust, and not to concede either hastily or extensively.

The admission of American vessels to trade with Bermuda will lead to dissatisfaction in the other British Islands, unless the same privilege is extended to them, so that the United States are by the measures now pursuing likely to realise all Mr. King's views.

*London, June, 1819.*



S P E E C H  
OF  
RUFUS KING, ESQ.  
IN THE SENATE,  
*On the 3d of April, 1818.*

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AGRICULTURE, manufactures, and foreign commerce, are the true sources of the wealth and power of nations; agriculture is the chief and well rewarded occupation of our people, and yields, in addition to what we want for our use, a great surplus for exportation. Manufactures are making a sure and steady progress; and, with the abundance of food and of raw materials which the country affords, will at no distant day be sufficient, in the principal branches, for our own consumption, and furnish a valuable addition to our exports.

But without shipping and seamen the surplusses of agriculture and of manufactures would depreciate on our hands;—cotton, tobacco, bread, stuffs, provisions, and manufactures, would turn out to be of little worth, unless we have ships and mariners to carry them abroad, and to distribute them in the foreign markets.

Nations have adopted different theories, as respects the assistance to be derived from navigation; some have been content with a passive foreign commerce—owning no ships themselves, but depending on foreigners and foreign vessels to bring to them their supplies, and to purchase of them their surplusses; while others, and almost every modern nation that borders upon the ocean, have preferred an active foreign trade, carried on, as far as is consistent with the reciprocal rights of others, by national ships and seamen.

A dependence upon foreign navigation subjects those who are so dependent to the known disadvantages arising from foreign wars, and to the expense and risk of the navigation of



belligerent nations—the policy of employing a national shipping is, therefore, almost universally approved and adopted: it affords not only a more certain means of prosecuting foreign commerce, but the freight, as well as the profits of trade, are added to the stock of the nation.

The value and importance of national shipping and national seamen have created among the great maritime powers, and particularly in England, a strong desire to acquire, by restrictions and exclusions, a disproportionate share of the general commerce of the world.

As all nations have equal rights, and each may claim equal advantages in its intercourse with others, the true theory of international commerce is one of equality, and of reciprocal benefits: this theory gives to enterprise, to skill, and to capital, their just and natural advantages; any other scheme is merely artificial; and so far as it aims at advantages over those who adhere to the open system, it aims at profit at the expense of natural justice.

The colonial system being founded in this vicious theory has, therefore, proved to be the fruitful source of dissatisfaction, insecurity, and war. According to this system, the colonies were depressed below the rank of their fellow subjects, and the fruits of their industry and their intercourse with foreign countries placed under different regulations from those of the inhabitants of the mother country: it was the denial to Americans of the rights enjoyed by Englishmen that produced the American revolution — and the same cause, greatly aggravated, is working the same effect in South America.

Among the navigators and discoverers of the fifteenth and sixteenth centuries, the Dutch became highly distinguished, and, by enterprise, economy, and perseverance, made themselves the carriers of other nations, and their country the entrepôt of Europe — and it was not until the middle of the fourteenth century that England passed her navigation act, which had for its object to curtail the navigation of the Dutch, and to extend her own.

According to this act, the whole trade and intercourse between England, Asia, Africa, and America were confined to the shipping and mariners of England; and the intercourse between England and the rest of Europe was placed under regulations which, in a great measure, confined the same to English ships and seamen.

This act was strenuously opposed by the Dutch, and proved the occasion of the obstinate naval wars that afterwards followed. England was victorious, persisted in her navigation act, and, in



the end, broke down the monopoly in trade which the Dutch possessed.

That, in vindication of her equal right to navigate the ocean, England should have resisted the monopoly of the Dutch, and freely expended her blood and treasure to obtain her just share of the general commerce, deserved the approbation of all impartial men. But, having accomplished this object, that she should herself aim at, and in the end establish, the same exclusive system, and on a more extended scale, is neither consistent with her own laudable principles, nor compatible with the rights of others; who, relatively to her monopoly now, are in the like situation towards England, in which England was towards the Dutch, when she asserted and made good her rights against them.

By the English act of navigation, the trade of the colonies is restrained to the dominions of the mother country, and none but English ships are allowed to engage in it.

So long as colonies are within such limits as leave to other nations a convenient resort to foreign markets for the exchange of the goods which they have to sell, for those they want to buy, so long this system is tolerable; but if the power of a State enables it to increase the number of its colonies and dependent territories, so that it becomes the mistress of the great military and commercial stations throughout the globe, this extension of dominion, and the consequent monopoly of commerce, seem to be incompatible with, and necessarily to abridge the equal rights of other States.

In the late debates of the English Parliament, the Minister, in the House of Lords, stated, "that instead of seventeen thousand men, employed abroad in 1791, forty-one thousand were then (1816) required, exclusive of those that were serving in France and in India. That England now has forty-three principal colonies, in all of which troops are necessary; that sixteen of these principal colonies were acquired since 1791, and six of them had grown into that rank from mere colonial dependencies." And, in the House of Commons, the Minister, alluding to the acquisitions made during the war with France, said, "that England had acquired what, in former days, would have been thought romance—she had acquired the keys of every great military station."

Thus the commercial aggrandisement of England has become such, as the men who protested against monopoly, and devised the navigation act to break it down, could never have anticipated; and it may ere long concern other nations to inquire whether laws and principles, applicable to the narrow limits of



English dominion and commerce, at the date of the navigation act, when colonies and commerce, and even navigation itself, were comparatively in their infancy—laws and principles aimed against monopoly, and adopted to secure to England her just share in the general commerce and navigation of the world, ought to be used by England to perpetuate in her own hands a system equally as exclusive, and far more comprehensive, than that which she was the chief agent to abolish.

Our commercial system is an open one — our ports and our commerce are free to all — we neither possess, nor desire to possess, colonies; nor do we object that others should possess them, unless thereby the general commerce of the world be so abridged, that we are restrained in our intercourse with foreign countries wanting our supplies, and furnishing, in return, those which we stand in need of.

But it is not to the colonial system, but to a new principle, which, in modern times, has been incorporated with those of the navigation act, that we now object. According to this act no direct trade or intercourse can be carried on between a colony and a foreign country; but, by the free-port bill passed in the present reign, the English contraband trade, which had been long pursued, in violation of Spanish laws, between the English and Spanish colonies, was sanctioned and regulated by an English act of Parliament; and, since the independence of the United States, England has passed laws, opening an intercourse and trade between her West India colonies and the United States, and, excluding the shipping of the United States, has confined the same to English ships and seamen; departing by this law not only from the principles of the navigation act, which she was at liberty to do, by opening a direct intercourse between the colonies and a foreign country, but controlling, which she had no authority to do, the reciprocal rights of the United States to employ their own vessels to carry it on.

Colonies being parts of the nation, are subject to its regulations; but when an intercourse and trade are opened between colonies and a foreign country, the foreign country becomes a party, and has a reciprocal claim to employ its own vessels equally in the intercourse and trade with such colonies, as with any other part of the nation to which they belong.

Governments owe it to the trust confided to them carefully to watch over, and by all suitable means to promote, the general welfare; and while, on account of a small or doubtful inconvenience, they will not disturb a beneficial intercourse between their people and a foreign country, they ought not to omit the interposition of their corrective authority, whenever an important



public interest is invaded, or the national reputation affected. —  
 “It is good not to try experiments in States, unless the necessity be urgent, or the utility evident; and well to beware, that it be the reformation that draweth on the change, and not the desire of change that pretendeth the reformation.”

In this case, the importance of the reformation is seen and acknowledged by every one, and the delay that has occurred in the making of it may call for explanation.

We are unable to state with accuracy the tonnage and seamen employed before the revolution, in the trade between the territories of the United States and the other English colonies, but it is known to have been a principal branch of the American navigation.

The colonies that England has since acquired from France, Spain, and Holland, together with the increased population of the old colonies, require more ships and seamen to be employed in the trade now than were engaged in it before the independence of the United States.

Without reference to the tonnage and trade between the United States and the English West India colonies, during the late wars between England and France, which, by reason of the suspension of the English navigation act, and the neutrality of the United States, will afford no standard by which the tonnage and trade of peace can be ascertained — the present custom-house returns are the best documents that we can consult upon this subject. According to a late report from the Department of the Treasury, the tonnage employed in this trade during the year 1816, which may be taken as an average, amounted to one hundred and two thousand tons, requiring between five and six thousand seamen. There may be some error in this return, though we are not able to detect it — the magnitude and importance of the shipping and seamen engaged in this trade will be more readily understood by comparison than otherwise. The tonnage thus employed exceeds the whole tonnage employed by the English East India Company in its trade with Asia — is nearly a moiety of the American and English tonnage employed between the United States and England, and her possessions in Europe — is equal to the American tonnage employed between the United States and England, and is almost an eighth part of the whole registered tonnage of the United States.

To the loss of profits which would accrue from an equal participation in this trade, may be added the loss of an equal share of the freights made by the vessels engaged in it — the amount whereof must be equal to two millions of dollars annually. Other advantages are enjoyed by England, by the possession of



the exclusive navigation between the United States and her colonies, and between them and England. Freights are made by English vessels between England and the United States, between them and the English colonies, as well as between those colonies and England. English voyages are thus made on the three sides of the triangle, while those of the United States are confined to one side of it, that between the United States and England.

But the money value of this great portion of our navigation, claimed and hitherto enjoyed by England, although an object that deserves the public protection, is not the most important view in which the same should be considered by the Senate. We must learn wisdom from past times; and, though the experience of the father is too often lost on the son, this ought not to be the case in the affairs of nations, which, living from age to age, and profiting by long experience, should become wiser as they grow older. The present condition of nations, and especially that of the inhabitants of our own continent, merit our watchful attention, and admonish us to cherish our national resources, and seasonably to devise, and perseveringly to build up, those establishments that our present safety demands, and which may be commensurate with our future destiny.

Justice and moderation, which, we confidently hope, may preside over and guide our public councils, have not been found to be a sufficient armour for the defence of nations. "Wisdom, in the ancient mythology, was represented as armed, because experience had proved, that good examples and noble precepts fail of their efficacy, unaccompanied by a power to enforce them."

To defend ourselves, our houses, our harbours, and our commerce, from foreign aggression and violence, a navy is acknowledged to be necessary. From the land side we are safe; against dangers from the ocean, a navy will prove to be our cheap, our sure, and most efficient defence.

Although a subject of doubt heretofore, this truth is now so well understood, and so universally admitted, that it would be to mis-spend the time of the Senate to enter into its development.

An efficient navy never has existed, and cannot exist, without a commercial marine; and the maritime history of Europe, which abounds with instruction on this subject, demonstrates this political truth—that the naval power of every nation is in proportion to its commercial shipping. Money may build ships, but the navigation of the great ocean only can make seamen; and it is in connexion with this view of the subject that



the exclusion of our shipping and seamen from the navigation between the United States and the colonies of England derives its chief importance.

The prosperity and safety of nations are promoted and established by institutions early and wisely adapted to these ends. A navy being such an institution, and our experience having proved its importance, it has become the duty of Congress to adopt and to enforce those regulations that are necessary to its efficient establishment. None more efficacious can be devised than such as encourage and increase the shipping and the mariners of the country, and, for this purpose, exclude those of a foreign power from a principal branch of our own navigation; a branch that now educates and holds ready for service in the navy of England, and which would educate and hold ready for service in our own navy, a body of several thousand seamen, were the United States, instead of England, in the possession thereof.

But by passing this act shall we not cut ourselves off from those supplies, which our habits have rendered indispensable? Will not the English colonial markets, for supplies hitherto purchased among us, and imported to them, be lost—and shall we increase our navigation by adopting the law?

The documents that have been communicated to the Senate, by the chairman of the committee of foreign relations (Mr. Barbour), satisfactorily prove, that we are independent of the English colonies for a supply of sugar and coffee, for our own consumption; our annual re-exportation of these articles exceeding the quantity of them annually imported from the English colonies; and in respect to rum, the other article imported from these colonies, its exclusion will be the loss to England of its best and almost only market, and its place will be readily supplied by other foreign rum and by brandy; or, which is more probable, by domestic spirits distilled from grain.

The exports from the United States to the English West India colonies have been estimated at four millions of dollars annually; the problem has been disputed ever since the independence of the United States, and still remains to be solved, whether these colonies could obtain from any other quarter the supplies received from the United States. To make this experiment effectually, further restrictions and regulations may become necessary, which it is not now deemed expedient to propose. If the question be decided in the negative, the supplies will be continued from the United States, and our shipping will be benefited.

If the articles heretofore supplied from this country can be



obtained elsewhere, we must find out other markets for our exports, or the labour employed in preparing them must be applied to some other branch of industry. We have the power, and hereafter it may become our policy, as it is that of other countries, to resort to a regulation, the effect of which would go far to balance any disadvantage arising from the loss of the English colonial markets. We import annually upwards of six million gallons of West India rum, more than half of which comes from the English colonies; we also import every year nearly seven million gallons of molasses. As every gallon of molasses yields, by distillation, a gallon of rum, the rum imported, added to that distilled from imported molasses, is probably equal to twelve million gallons, which enormous quantity is chiefly consumed by the citizens of the United States.

If the importation of rum and molasses for distillation be prohibited, it would require four million bushels of grain for distillation to supply an equal quantity of ardent spirits: and, in this way, our agriculture would be indemnified for any loss it might suffer by losing the English colonial markets.

As respects the timber and lumber trade, including staves and woods, in all the forms in which we prepare them for exportation, should no foreign markets be found to supply those which, by the imposition of high duties, we have lost in England, and those which, by the passing of this bill, we may lose in the English and India colonies, those who are engaged in this precarious, and generally ill paid and unprofitable business, will hereafter confine their supplies to our domestic wants, which constantly increase, and to the foreign markets, that are neither affected by English duties, nor the bill before us.

The timber of the country is becoming scarce, and more and more an object of public concern. The forests upon the frontier of the ocean, and on the great rivers leading to it, are nearly destroyed. In other countries, and even in Russia, the improvident waste of their timber, especially in the neighbourhood of their great iron works, is becoming a national inconvenience.

Masts, spars, pine and oak timber, fit for naval purposes, and for the numerous uses for which timber and wood are wanted, were far more abundant, and of better quality formerly, and within the memory of men now living, than they are at the present day; and a little more care and economy in the use of our timber, even now, will confer an important benefit on posterity. The probability, however, is that, as respects our valuable timber, we shall not want foreign markets for all we have to spare.



As a general rule, it is correct that every person should be free to follow the business he may prefer, since, by the freedom, sagacity, and enterprise of individuals the general welfare is commonly promoted. There are, however, exceptions to this principle; and as general rules affect unequally individual concerns, and measures adopted for the common welfare may sometimes interfere with private pursuits, from the nature and end of society, the latter must give way for, and yield to the former; and, in this case, the general welfare, and the interest that all have in the encouragement and protection of the shipping and seamen of the country, take precedence over the private and individual interests of persons whose occupations may thereby be somewhat affected.

Touching the last point, whether we shall increase our own navigation and seamen, by passing the bill, it may be observed: If England meet us in the temper that we hope she may do, and enter into a reciprocally beneficial arrangement, concerning the navigation of the two countries, our shipping will acquire thereby a portion of the carrying trade, now exclusively possessed by England: if she persist in her exclusive system, and thus compel us to meet restriction with restriction, we shall not be losers by this course, but shall ultimately be gainers. According to the English navigation act, as well as the act of parliament that departs from it, and opens an intercourse between the English colonies and the United States, we are excluded from any share in the navigation between these colonies and the United States. No notice is taken of the occasional relaxation of the latter act, because, by the double competition created by the Americans themselves, as sellers and buyers in the English colonies, the intercourse is probably disadvantageous, rather than beneficial to us. According to the permanent law, English shipping only brings to us her West India supplies, and takes in return the articles wanted in these colonies.—If English shipping be no longer employed in this service, and the articles formerly sent to these colonies are exported to other markets, or the supplies received from them are sought for and imported into the United States from other places, the vessels of the United States will be employed in this service, and so the navigation and mariners of the country will be encouraged and increased.

It will be found, as it has been heretofore, that new markets will be discovered, as well to purchase our surplusses, as to supply our wants, should those be lost with which we have formerly had intercourse.

But why has a measure of this importance been so long de-



ferred? The explanation which this question requires cannot be made without some reference to the history of our communications with England since the peace of 1783, as well as to the views and policy of men and parties that have in succession influenced our public affairs.

As, according to the policy of England, notwithstanding the acknowledgment of our independence, neither trade nor intercourse could be carried on between the United States and her dominions, it became necessary, after the treaty of peace, to pass some act whereby this trade and intercourse might be prosecuted—a bill for this purpose was introduced into the House of Commons by the administration which concluded the treaty of peace with the United States. The general scope and provisions of the bill correspond with the liberal principles which were manifested in the treaty of peace: they plainly shew, that the authors of this bill understood that the true basis of the trade and intercourse between nations is reciprocity of benefit; a foundation on which alone the friendly intercourse between men and nations can be permanently established. The preamble of this bill declares, “that it was highly expedient that the intercourse between Great Britain and the United States should be established on the most enlarged principles of reciprocal benefit to both countries,” and as, from the distance between them, it would be a considerable time before a treaty of commerce, placing their trade and intercourse on a permanent foundation, could be concluded, the bill for the purpose of a temporary regulation thereof provided that American vessels should be admitted into the ports of Great Britain as those of other independent states, and that their cargoes should be liable to the same duties only as the same merchandise would be subject to, if the same were the property of British subjects, and imported in British vessels—and further, that the vessels of the United States should be admitted into the English plantations and colonies in America, with *any articles* the growth or manufacture of the United States, and with liberty to export from such colonies and plantations to the United States any merchandise whatsoever, subject to the same duties only as if the property of British subjects, and imported or exported in British vessels; allowing also the same bounties, drawbacks, and exemptions on goods exported from Great Britain to the United States in American vessels, as on the like exportations in British vessels to the English colonies and plantations.

The persons benefited by the English exclusive system of trade and navigation were put in motion by this bill, which was earnestly opposed, and, after a variety of discussion, post-



poned or rejected. About this period, Mr. PITT, who had supported this bill in the House of Commons, resigned his office of chancellor of the exchequer, as his colleagues in Lord SHELBURNE's administration had before done. The coalition administration that succeeded introduced a new bill, which became a law, vesting in the king and council authority to make such temporary regulations of the American navigation and trade, as should be deemed expedient.

Sundry orders in council were accordingly made, whereby a trade and intercourse in American and English vessels between the United States and Great Britain were allowed, and, with the exception of fish oil and one or two other articles, the produce of the United States imported into Great Britain was admitted freely, or subject to the duties payable on the like articles imported in English vessels from the American colonies.

An intercourse, and a trade in enumerated articles, were also opened between the United States and the English West-India colonies; but, with a proviso, (the principle whereof is still maintained against us) whereby American vessels were excluded, and the whole trade confined to English vessels.

After a periodical renewal of these orders for several years, the regulations that they contained were adopted by, and became an act of parliament. This act was afterwards modified, and rendered conformable to the provision of Mr. JAY's treaty, the commercial articles of which expired in the year 1803; not long after which date England passed a new act of parliament concerning the American navigation and trade. This act maintains the exclusion of American vessels from the intercourse between the United States and the English colonies, and confines the same, as former acts and orders in council had done, to English vessels: it repealed the settlement of duties pursuant to Mr. JAY's treaty; and, giving up the policy of the enlarged and liberal system of intercourse which had been proposed in Mr. PITT's bill, it repealed such parts of all former acts and orders as admitted the productions of the United States either freely, or on paying the same duties only as were payable on the like articles imported from the English colonies and plantations; and placed all articles, the produce of the United States imported in American vessels, on the same footing as the like articles imported in foreign ships from other foreign countries. This new footing of our trade with England, the importance whereof is well understood by those who are engaged in supplying her markets with masts, spars, timber, naval stores, and pot and pearl-ashes, may be regarded as decisive evidence of a complete change of policy concerning the



American trade and intercourse; which, however unsatisfactory as respected the colonial trade, has become more so by the foregoing provision of this act of parliament.

The policy that manifested itself in the treaty of our independence, and which is seen in the bill to regulate the trade and intercourse between England and the United States prepared by the administration that made the treaty of peace, was to unite in a firm bond of friendship, by the establishment of trade and intercourse on the solid basis of reciprocal benefit, a people politically separate, living under different governments, but having a common origin, a common language, a common law, and kindred blood; circumstances so peculiar as not to be found between any other nations. Instead of this policy, one of a different sort is preferred; one that England has a right to prefer; and against the many evils of which we must protect ourselves as well as we are able to do. The intricate, countervailing, and perplexing code of commercial intercourse, founded in jealousy, and the rival establishments and pursuits of the powers of Europe, bordering upon, and constantly interfering with each other, has been adopted and applied to the United States, a people more agricultural than manufacturing or commercial, placed in another quarter of the globe, cultivating and proposing to others an open system of trade and intercourse; and herein, as in many other important discriminations, differing from the nations of Europe, and therefore not fit subjects to which these restrictive and jealous regulations are applicable.

Our policy is, and ever has been, a different one. We desire peace with all nations; and the wars of maritime Europe have taught us, that a free system of trade and intercourse would be the best means of preserving it.

With these principles as our guide, at the negotiation of the treaty of peace in 1783, our ministers were authorized to conclude a treaty of commerce with England on this basis; but no treaty was concluded. Afterwards, and when a temporary trade and intercourse were opened by England, looking, as we supposed, to a treaty of commerce, Congress instructed Messrs. ADAMS, FRANKLIN, and JEFFERSON to renew the overture of a treaty of commerce, which was done through the English Ambassador at Paris, in the year 1784; but no correspondent disposition being shewn by England, this second overture failed.

The interest and prejudice of those who were benefited by the monopolies and exclusive system of England were opposed to any treaty with this country, on the principle of reci-



procal advantage. The political writers of that day, under the influence of these partial views, or not sufficiently appreciating the true theory of commerce, contended that it would be folly to enter into engagements by which England might not wish to be bound in future; that such engagements would be gratuitous; as, according to their interpretation, Congress possessed no power, under the confederation, to enforce any stipulation into which they might enter; that no treaty that could be made would suit all the States; that if any were necessary, they should be made with the States separately,—but that none was necessary; that those, who talked of liberality and reciprocity in commercial affairs, were either without argument or knowledge; and that the object of England was, not reciprocity and liberality, but to raise as many sailors and as much shipping as possible\*.

This unequal footing of our foreign commerce, and the language made use of by England at this juncture, served still more to increase the public discontent; especially as it was plainly avowed that England ought to render the trade with us as exclusively advantageous to herself as her power would enable her to do. Congress having no power, under the confederation, to impose countervailing and other corrective regulations of trade, the States separately attempted to establish regulations upon this subject. But as a part only of the States joined in this measure, and as the laws that were passed for this purpose differed from each other, the experiment completely failed.

In this condition of our navigation and trade, subject to foreign restrictions and exclusion, without a power at home to countervail and check the same, Congress resolved to make another effort to conclude a commercial treaty with England. For this purpose, Mr. Adams, since President of the United States, was appointed, and went to England. Mr. Adams resided in England for several years, but found and left the government unchanged, and equally as before disinclined to make with us a treaty of commerce.

This further disappointment, with the depreciating condition of our navigation and trade, joined to the embarrassment of the public finances, produced what no inferior pressure could have done; it produced the general convention of 1787, that formed the Constitution of the United States.

Had England entered into a liberal treaty of commerce with the United States, this convention would not have been as-

\* Sheffield, Chalmers, and Rose.



sembled. Without so intending it, the adherence of England to her unequal and exclusive system of trade and navigation gave to this country a Constitution; and the countervailing and equalizing bill now before the Senate, arising from the same cause, may assist us in establishing and extending those great branches of national wealth and power, which we have such constant and urgent motives to encourage.

The establishment of the constitution of the United States was coeval with the commencement of the French revolution. The sessions of the general convention at Philadelphia, and of the assembly of Notables at Paris, were in the same year.

Laws were passed, by the first Congress assembled under the new constitution, partially to correct the inequality of our navigation and trade with foreign nations; and a small discrimination in duties of impost and of tonnage was made for this purpose.

Afterwards, in the year 1794, a number of resolutions on the subject of navigation and trade were moved in the House of Representatives by a distinguished member of that body. These resolutions had a special reference to the refusal of England to enter into an equal commercial treaty with us, and aimed at countervailing her exclusive system. Other and more direct resolutions, bearing on England, were also proposed by other members, and referred to the inexecution of the treaty of peace, and to the recent captures of American vessels by English cruisers, in the American seas.

The policy of these resolutions was doubted; they were therefore strenuously opposed, and the extraordinary mission of Mr. JAY to England suspended their further discussion.

The French revolution had by this time become the object of universal attention. War had broken out between France and England. The avowed policy of our own government to avoid war, and to adhere to a system of neutrality, was much questioned, and for a time it was matter of great uncertainty whether the country would support the neutrality recommended by the President.

The universal dissatisfaction on account of the commercial system of England, the inexecution of the articles of peace, the numerous captures, by orders of the English government, of our vessels employed in a trade strictly neutral, combined with our friendly recollections of the services of France, and our good wishes in favour of the effort she professed to be making to establish a free constitution, constituted a crisis most difficult and important.

It was in these circumstances that President WASHINGTON



nominated Mr. JAY as Envoy to England. The Senate confirmed the nomination, and the immediate effect was the suspension of the further discussion of the important resolutions before the House of Representatives.

England seems never to have duly appreciated the true character and importance of this extraordinary measure. France well understood and resented it. Mr. JAY was received with civility, and concluded a treaty with England on all the points of his instructions. When published, it met with great opposition: the article respecting the West-India trade had been excluded from the treaty by the Senate, by reason of the inadmissible condition or proviso that was coupled with it;—with this exception, it was finally ratified by the President.

Although the treaty did not come up to the expectation of all, yet, in addition to satisfactory arrangements concerning English debts, the unlawful capture and condemnation of our vessels, and the delivery of the ports, points of very great importance, it contained articles regulating the trade, navigation, and maritime rights of the two countries. No treaty that could have been made with England would, in the highly excited temper of the country, have satisfied it. But to those whose object it was to prevent the country from taking part in the war between France and England, and to prevail upon it to adhere to a system of impartial neutrality; who, moreover, believed that the safety and even liberties of the country were concerned in the adoption of this course, the treaty proved a welcome auxiliary.

It suspended the further agitation of difficult and angry topics of controversy with England; it enabled the government to persist in, and to maintain, the system of neutrality which had been recommended by the father of his country—a policy, the correctness and benefits of which, whatever may have been the disagreement of opinion among the public men of those times, will now scarcely be doubted by any one.

During the continuance of this treaty, further though ineffectual attempts were made to establish a satisfactory intercourse with the English colonies in the West-Indies, and likewise to place the subject of impressment on a mutually safe and equitable footing.

The commercial articles of this treaty expired in 1803, no proposal having been made to renew them. A subsequent negotiation took place, but nothing was definitively concluded. The peace of Amiens was of short duration. Another war took place between France and England: no maritime treaty existed between the United States and England; and the man-



ner in which England exercised her power on the ocean; the great interruption of the navigation and trade of neutral nations; the numerous captures of their ships and cargoes under the retaliatory decrees and orders of France and England, with other vexatious occurrences, revived the former angry feelings towards England, and greatly contributed to the late war with that nation.

This war was closed not long after the conclusion of the general peace in Europe; and the treaty of Ghent was followed by a meagre commercial convention, made at London, and limited, in its duration, to a few years only.

Neither the spirit of the negotiation, nor the scope of the articles, afford any evidence that England is inclined to treat with this country on the only principle on which a commercial treaty with her can be desirable. Her decision on this point seems to be beyond question, as our latest communications inform us that her ancient system will not be changed; and, in case we are dissatisfied with its operation, that England has no objection to our taking any such measures concerning the same, as we may deem expedient—an intimation that puts an end to further overtures on our part. Such is the explanation why the measure now proposed has been so long deferred.

During the confederation, Congress were without power to adopt it.

The treaty concluded by Mr. Jay, in 1794, the relaxation of the navigation and colonial laws, during the war between France and England, and the advantages derived from our neutral trade, while this war continued, rendered the measure inexpedient during this period.

And the expectation since entertained that a more enlarged and equal treaty of commerce and navigation, applicable in its provisions to peace as well as war, might be substituted in place of the present commercial convention, has hitherto suspended the interference of Congress.

This expectation must be given up: England has apprised us of her decision to adhere to her ancient and exclusive system of trade and navigation, and the only alternative before us is to submit to the regulation of our own navigation by England, or to interpose the authority of the constitution to countervail the same. There can be no hesitation in the choice.

The bill before the Senate is in nothing unfriendly towards England—it is merely a commercial regulation, to which we are even invited; a measure strictly of self-defence, and intended to protect the legitimate resources of our own country from being any longer made use of, not, as they should be, for



our benefit, but to increase and strengthen the resources and power of a foreign nation.

The time is propitious; causes that formerly prevented the union of opinions in favour of this measure no longer exist; the old world is at peace; and each nation is busily employed in repairing the waste of war, by cultivating the arts, and extending the blessings of peace—England has come out of the most portentous war that Europe has ever suffered, not only unbroken, but with increased power.

Her agriculture, manufactures, and commerce were cherished without interruption, and increased, while those of neighbouring nations were suspended, interrupted, or destroyed.

Her colonies and dependent territories have been greatly enlarged, at the expense of her enemies, and regions with which we and others once had trade and intercourse, having fallen under the dominion of England, are now closed against us.

We have no other questions depending with England, except those concerning impressment\*, and the fisheries†, and their settlement can, in no manner, be affected by the passing of this act.

England is a great and illustrious nation, having attained to this pre-eminence by generous and successful efforts, in breaking down the civil and religious bondage of former ages. Her patriots, her scholars, and her statesmen, have adorned her history, and offer models for the imitation of others.

We are the powerful descendants of England, desiring perpetual friendship, and the uninterrupted interchange of kind

\* With the English laws of allegiance and impressment we have no other concern than to exempt our citizens from their application: we do not desire the service of English seamen, and England should be the last to seize our citizens and force them into her service. She disclaims this purpose, but persists in a practice to discover and impress her own seamen, that unavoidably subjects ours to her violence. Whatever her rights may be, they should be so used as not to hurt ours. This is a precept of universal justice—a regulation may be devised which, if not perfect in every case, would be so generally correct that, considering the difficulty of the subject, it ought to be satisfactory.

† As regards the fisheries, those of the ocean, not within the territorial limits of any nation, are free to all men, who have not renounced their rights: those on the coasts and bays of the provinces conquered in America from France, were acquired by the common sword and mingled blood of Americans and Englishmen—members of the same empire, we, with them, had a common right to these fisheries; and, in the division of the empire, England confirmed our title, without condition of limitation—a title equally irrevocable with those of our boundaries, or of our independence itself.

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*Litusque rogamus,  
Innocuum, et cunctis undamque, auramque patentem.*



offices and reciprocal benefits with her. We have demonstrated, in circumstances the most critical, constant and persevering evidence of this disposition. We still desire the impartial adjustment of our mutual intercourse, and the establishment of some equitable regulations, by which our personal and maritime rights may be secure from arbitrary violation. A settlement that, instead of endless collision and dispute, may be productive of concord, good humour, and friendship; and it depends on England whether such is to be the relation subsisting between us.

If this bill become a law, it must be followed up by ulterior provisions, if requisite, to give to it complete effect. Either the intercourse must be reciprocally beneficial, or it must not be suffered to exist.

THE END.