CONGRESS.

HOUSE OF REPRESENTATIVES.

TUESDAY, JANUARY 21.

Debate on imposing a tax of ten dollars on every slave imported into the U. S.

(CONTINUED.)

Mr. Dana's amendment, to substitute the word PERSONS in the room of the word SLAVES still under consideration.

MR. CLARK said it was essentially necessary to the passage of a law on this subject that the amendment should prevail. The original resolution contemplated a certain description of persons as slaves; the object of the amendment was to extend it to all persons imported into the U. S. Suppose a cargo of slaves should arrive. Will they be entered at the custom houses as slaves? No. They will be recognized as a different description of persons, and by that means the payment of the tax will be evaded, and the law have no possible effect.

MR. SLOAN said on opening the business it had not been his intention to take an active part in the debate; but as he had been called on, particularly by the gentleman from Connecticut (Mr. Dana) he would say a few words in reply. In the first place, he must be permitted to say that he did not consider that gentleman serious—He only considered him as making a display of that agreeable vein of fancy and genius which he had so often before manifested. If he were obliged to consider him as serious, he would in return beg permission to ask him a serious question, what are his views in the amendment he has offered? Are they, said Mr. Sloan, in order to prevent the emigration of the subjects of that tyrannic nation from which his predecessors as well as mine, came to this wilderness? Choosing rather to risk the dangers of the ocean, of famine, and of every other species of hardship than live longer under that tyrannic government. Is he afraid then emigration will crowd our population, or disturb the steady habits of his people? If that is the case I will ease his fears by stating to him that I last year paid a visit to the country west of the mountains, and there beheld the countless millions of acres reserved for the accommodation of poor emigrants. This great tract of country is probably reserved by the Great Author of Nature as the happy asylum for the oppressed subjects of the despotisms of Europe—Rather then tax them let us receive them with open arms, remembering that our ancestors were once like them, strangers in a strange land, and let us give them a welcome reception, into this land overflowing with milk and honey.

MR. DANA. Notwithstanding my great desire to gratify the gentleman from New-Jersey, to gratify whom would afford me great pleasure, yet in the present case, with the best disposition in the world, I cannot do it. The amendment appears to me to be very consistent with the principle on which the resolution was offered. I understood it as a proposition of revenue relative to the importation of a species of men that is profitable to our merchants. I thought the revenue would be extended by taking in the consumption of a larger class of men, who might, therefore, be very fairly taxed. I could scarcely have expected that the gentleman should have travelled over the mountains, and have there counted the countless millions of acres spread out as a beneficent asylum for poor emigrants from Europe, much less that he should have so eloquently pourtrayed the oppression of England and France, & blended the number of persons about to occupy those western acres, with the simple question of revenue now before the House. Gentlemen have brought this forward as a question of revenue. May we not be permitted to take them on their own ground? If, instead of revenue, their object be a condemnation of the trade, let them come out. The gentleman from New-Jersey with his knowledge, cannot be so ignorant as not to know that there are other persons besides slaves brought into the country, who are deemed beneficial to the community; are hardy and industrious, and that the price paid for their passage affords a profit to our merchants. Whether this description of imported persons is so beneficial as, in policy, not to be taxed, is one thing. By omitting to tax them, we virtually give a bounty. They may not be so valuable to the state as to justify an exemption from all taxation. The objection of gentlemen to the amendment takes too great a sweep, when they consider it as applicable to all persons coming into the U. S. It is only applicable to *persons imported*; that is, to persons bound to service for a term of years. Mr. Dana here read the article of the constitution on this subject. Do gentlemen think the emigration and importation here stated synonimous terms. Persons imported are not persons migrating. If we look to the 2d sec. of the 4th art. we shall have the point elucidated. "No person held to service or labor in one state under the laws thereof, escaping into another, shall in consequence of any law or regulation therein, be discharged from such service or labor." Persons imported, therefore, are those only who are held to service by some person holding authority over them. The designation, therefore, applies only to those who are indented servants for a time. The gentleman calls upon me to declare my motive for this amendment. I do not, however, know how he became authorized to make this inquisition, or how my motives can influence the convictions of this House. If the proposition is a good one, the motives that produced it ought to have no weight.

MR. ALSTON said he had but one or two remarks to make, to shew the necessity of adopting the amendment. There was a description of persons not embraced by the original resolution, which it had heretofore been thought sound policy particularly to guard against—viz. persons of color from the W. Indies. Under the resolution they might be imported, and he would undertake to say, that one hundred of them would be more injurious than ten thousand persons from Africa. This was one reason which induced him to favor the amendment. Another strong reason with him was to make it strictly conformable to the constitution. Gentlemen vaunt the freedom of the constitution from the word slave, and yet they are for staining every page of the statute book with it.

MR. SLOAN, in reply to Mr. Dana, said, that although that gentleman would not give his reasons in favor of the amendment, he would give his own against it. His wish was to discriminate between slaves and whites, on the latter of whom he would rather give a bounty than impose a tax.

MR. FISK moved to amend the amendment by adding after *persons* "of color."

MR. DANA. I may not perhaps agree with the mover as to the import of the term which he proposes to introduce into the amendment. It has been stated by some students of natural philosophy, that neither black or white is a color. The intention of the honorable gentleman must be, that the resolution should neither apply to blacks nor whites, and if the gentleman knows the meaning of the term, person of color, he must know that it does not include blacks, but mulattoes, mustees, &c.

MR. FISK withdrew his amendment.

MR. SLOAN moved to add to *slaves*, "and persons of color."

MR. MACON *(Speaker)* said the state of which he was in part a representative, sometime after the law now under consideration passed in a neighboring state, came to a resolution for amending the constitution, to give Congress the power of prohibiting the importation of slaves altogether, which was sent to the legislatures of the several states, many of whom had concurred in it, or in one similar to it. This showed the sense of the states as to this worst of all traffics. No person could more regret the conduct of South Carolina than he did. Perhaps coming from an adjoining state, his feelings might give him different impressions from that which they ought to do, although he was not sensible that this was the case. But it always seemed to him that this measure was nothing more nor less than arraigning the conduct of a state legislature, a legislature that was nearly equally divided, as pointing at them the finger of reprobation of the whole nation. If they had sinned, was it not better and more christian like to forgive them? On this subject he never had but one opinion and that was, that such a law ought not to pass. Should it pass, it might perhaps prevent the importation of a few persons——

The *Chairman* here reminded the honorable Speaker that the question was on the amendment and not the resolution, to the former of which the debate must be confined.

MR. MACON, after vindicating himself from a violation of order, said the subject had been considered in different points of view by the government. Congress had heretofore felt a difficulty and delicacy in acting upon the subject; so also had the convention that formed the constitution. In laying on imported goods an ad valorem duty, no duty had been laid on the importation of slaves; it seemed that on this subject Congress and all the executive officers thought the same way. Congress had, however, passed another law, prohibiting the citizens of the U. S. from carrying on the trade from one port to another.

There was another question which he believed had not yet been settled, with regard to which he did not profess to be jurist enough to decide the effect of the law. If we lay this duty, could a vessel having slaves on board enter the ports of a state which otherwise she would be prohibited from entering? Suppose such a vessel brought to the port of Wilmington, in N. Carolina, which he merely mentioned because nearest to the state of S. Carolina. If, in consequence of this tax, she could be entered there, it would be a stronger reason against the measure than had been urged; because it could not be denied that there are some people in N. Carolina, who, if these persons could be smuggled in, would purchase them. In the state which he in part represented, there was a portion of this species of property. No one regretted the evil more than he did; but what to do with it was the question. He believed that it was an evil for which the wisest man in the nation could not satisfy himself with a cure. It was an evil which our forefathers had felt, and to which we must submit until an adequate cure was found. It was evident at this time, that the sentiment, he might add, the passion of the nation was against it: the nation had set their face against it; he was afraid in their decision the House would be governed by this passion. If their only object were to evince their disapprobation of the conduct of S. Carolina, instead of imposing a tax, they might pass a resolution expressive of their dissatisfaction, or propose an amendment to the constitution.

The question was taken on the amendment of Mr. Sloan, which was lost, Ayes 24.

MR. NELSON said he hoped the amendment of the gentleman from Connecticut would not be adopted; in verity, he could not see any good reason for it. As the object of the amendment was entirely different from the object of the original resolution, which was merely to impose a tax on the importation of slaves. With the hon. Speaker he concurred in regretting that this subject had been agitated; but as it had been brought forward, he should vote for the resolution, provided it were unamended. If the amendment were adopted, he should vote against it.

What do gentlemen who urge the amendment want? Are they about to exclude from the U. S. the emigration of those unfortunate men who, from poverty or distress, are unable to pay their passage across the Atlantic? Will they add to their misfortunes by burthening them with a new tax? Mr. N. said, that he had heard but one remark which bore the semblance of argument, but which on examination would be found not to be correct. The gentleman from N. C. (Mr. Alston) says in the southern states they are apprehensive of the admission of persons from the West Indies, and that this resolution does not inhibit their introduction. But if they really apprehend danger from this quarter, may they not avert it by prohibiting the importation themselves? Is not the state of S. C. and every other state competent to this act? Then what occasion is there for the amendment? The original resolution stands as it should do—all the arguments urged go to the main question. Nor are we, said Mr. N. as gentlemen allege, pointing the finger of scorn or disapprobation at any particular state. On the contrary, the object is general. But, say gentlemen, none but S. C. admit slaves; but does this prove that no other state may not, or will not admit them? And if this should be the case, would not this tax bring us a considerable sum? As to revenue, it is true, it is no great object; though I recollect to have heard a Scotchman say, many mickles make a muckle. I am for the resolution, because I think the people of this country should hold up their hands in disapprobation of the conduct of S. C—and I am against the amendment, because it would prevent the emigration of a useful and oppressed class of men, and thereby operate cruelly towards them.

MR. SOUTHARD said, the object of the resolution was to lay a tax of 10 dollars on slaves imported into the U. S. The amendment did not correspond with the spirit of the constitution; for it would not be contended that the convention ever meant to place free white persons, wishing to emigrate to the U. S. under the same embarrassment as slaves. The importation of the latter had been considered as a great injury; but he would ask if the emigration of oppressed Europeans was an injury? We have only to look over the U. S. to see the large number, as well as the respectability of those who have been obliged to pay their passages by binding themselves out for a term of years. It was only necessary for gentlemen to view this subject dispassionately for a moment, to reject the amendment. He would ask, if the amendment carried, whether one member would vote for the resolution? He believed not, as it would be a greater evil to prevent the emigration of whites than the importation of slaves; as the importation of the latter would be limited to the year 1808, when he had no doubt it would be prohibited by the unanimous vote of Congress.

MR. DANA. If understand the gentleman from New-Jersey right, he imagines the amendment is not in compliance with the spirit of the constitution, inasmuch as he is of opinion that the 9th sec. of the 1st art. ought to be restricted in fair meaning to slaves. It is in the following words. (Mr. Dana here read the section.) It is, said he, indeed, difficult for me to understand, how an amendment in the very words of the constitution, without the change of a single term, can violate its spirit. Because the same words are used, is it to be inferred it is contrary to the spirit of the constitution? I am sensible the amendment changes the complexion of the resolution; but while it embraces others, it includes likewise those persons, in the resolution. Perhaps it may include some persons who ought to be excluded; but it should be observed that this is only a resolution for settling the principle, and that the subordinate details may be settled in a bill. Gentlemen will not contend that the importation of all descriptions of white persons is beneficial. I recollect one state into which a cargo of convicts was imported, which a law was passed to prohibit. The amendment, then merely involves the question, whether the resolution shall be confined to slaves, or be extended to others.

The question was then taken on Mr. DANA's amendment to substitute *persons* in the room of *slaves*, and passed in the negative, only 32 members rising in favor of it.

(TO BE CONTINUED.)

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January 17.

WASHINGTON CITY.

MONDAY, FEBRUARY 3.

IT is with great regret that we state the following occurrence as mentioned in a letter just received from Charleston.

Charleston, Jan. 15, 1806.

"Mr. Anthony Butler from the high hills of Santee, has just informed me, that the large white house of *Gen. Sumter* at Statesburgh, together with all the out offices and extensive stables, were totally consumed by fire, on Thursday last the 7th inst. The flames had extended to the private stables and granary of capt. Sumter, and consumed them also tho' at the distance of more than a hundred yards. The accident was occasioned by a spark from the chimney falling on the house top, the wind being then very high, it soon fanned into such a flame as could not be got under in time. The loss of Gen. Sumter, I am told, is estimated at 15,000 dollars."

COBBETT'S REMARKS

ON THE

DISPUTE WITH AMERICA.

(CONCLUDED.)

"The case of the ship Essex, was, as far as I recollect, not the first, by several, on which *the argument, whereon that case was decided*, had been urged; though perhaps, it might be the first, in which, *upon a full disclosure of all the circumstances* the point came SIMPLY to issue. This observation is very material, and should be borne in mind with the greater care, as the writer above seems to have been solicitous to rest much of his complaint upon the *novelty*, (considered as to latter times) of the principle, upon which the case was decided, and upon the alleged injustice of taking the Americans by surprise.—The point at issue is this: *whether the securing by bond* (not the actual paying) *of the municipal duties in America should be considered as making a complete interruption of the voyage from the colony of the enemy, to Europe; and should, of course, be considered as the commencement of a new voyage from America to Europe.*—The reason why this became a point of great importance the reader will easily perceive, when he recollects, that were we not to exercise our right of seizing enemy's produce coming from their colonies to Europe, the whole of their maritime colonial concerns would, in time of war, be carried on, in perfect safety, by the intervention of neutrals, and that thus, our superiority at sea, would be deprived of one of its greatest advantages; and, when he further recollects, that the mere entrance of, or even re-shipment in, an American port, were it allowed to give protection to the produce of the enemy, would but in a very small degree diminish the injury, which we should sustain from the colonial concerns of the enemy being carried on by such intervention.—The duty (on sugar, for instance,) in such cases imposed in the American ports, is equal to about one-sixth of the value of the commodity; or, let us call it, 16 and 1-2 per centum. For that amount a *bond* only is given; and, upon a certificate being, at a subsequent time, produced, that the merchandise has been landed in *an European* port, the bond is cancelled, upon the payment of 3 and 1-2 per centum, not upon the value of the article, but upon the amount *of the duty*; a mere trifle; no object at all with the owner of the cargo; and, of course, not by any means sufficient to check the collusive practice of thus conveying the produce of the enemy safely to their ports in Europe, under the protection of the American flag. The Americans do not (and indeed they cannot have the confidence to do it) represents it as *new*, that a voyage *directly* from the enemy's colonies to Europe should be considered as illegal. It was so considered all last war, and that, too, in his Majesty's public instructions to his cruisers. It was maintained by all those, in America, who defended the treaty of 1794; and, after a discussion the most ample that any question ever underwent, our right of seisure in such cases, was sanctioned by the decision of all the three branches of the American government. Full as little, unless from their inexperience as a new nation indeed, can they consider it as *new*, that a reshipment of the same goods, on board the same ship, after going into port to repair, or to sell a part of her cargo, or any similar purpose, which does not clearly show a design of ending the voyage there; or, a trans-shipment of them into another ship, for the purpose of carrying them to their original destination, in prosecution of the original expedition; full as little can they consider it as *new*, that, none of these transactions should be allowed to prevent the voyage to Europe from America from being considered as a continuation of the first voyage, and should be so adjudged, and a second, a separate, a distinct, and independent voyage. The proposition can hardly be stated in terms that do not, at a glance, demonstrate the absurdity of a contrary doctrine.—The only dispute, therefore, must turn, in every case, on the *nature* of the re-shipment, or trans-shipment: *whether, in reality, it was, or was not, in prosecution of the original expedition.* And this, of course, must, in every case, be a question of fact.—Now, America either must contend, that the bringing of the West India produce to America (to the Southern states, perhaps, hardly out of the direct track to Europe,) landing and weighing it for the purpose of ascertaining the amount of the duties and sometimes not landing it at all, giving a bond, putting the goods on board the same ship or another kept ready to receive them, and then sailing away in a few days to an European port, to which the vessel could not, in consequence of our acknowledged right of seisure, have gone at once from the colony where she took in the cargo; either America must contend, that all this clearly shows that the voyage to Europe was *not* in prosecution of an intention which existed, when the vessel took in her cargo in the West Indies, an inference from the facts which no man of common sense could here with a grave countenance, unless of indignation, at the insult attempted to be put upon him: or, she must in reality advance a claim, that her municipal laws shall, wherever her interests are concerned, over-rule the law of nations, and in every other case, as well as in this, be an impassible bar to exclude all inquiry into facts; a pretention which, however arrogantly advanced by some of her newspaper politicians, will hardly be openly urged by any person calling himself a statesman: or, finally, she must remount to her old gound of denying altogether our right to interrupt her intercourse with the colonies of our enemies, let what will be the manner or the extent, in which she chooses to carry on such an intercourse; a controversy, which, whenever and wherever it be revived, will, it may with confidence be predicted, terminate but very little to the honor of those, by whom the rights of England shall be opposed. This explanation will, it is presumed, give the reader a rather more correct notion of the justice of America, in the dispute, than the correspondent of the Morning Chronicle (for, I am almost certain that the article above quoted did not come from the pen of the gentleman who chiefly conducts that paper) has expressed. And, as the *policy* of enforcing our rights or compromising them by *compact*, though the discussion of this question would involve too many opposite and difficult considerations for me to attempt to enter on, it without much more reflection than I have at present, time to bestow upon the subject; yet, as to the arguments, which this writer has incidentally advanced in favor of concession on our part, I can have, and I am of opinion the reader will have, no hesitation in rejecting them, and that, too, not without some small degree of disdain. What! shall we be told, that—"our maritime strength does not so "much depend on our power of seizure "as on the *freedom of our commerce*?" A phrase, (this latter,) which, if it mean any thing, means, that our utmost pretensions, as to commercial maritime rights, should be confined to the buying and selling and carrying as much as we can; and, that we should interrupt nobody, so long as nobody interrupted us. Upon the change this doctrine may do very well; but, if once adopted and acted upon by our government, it would, in the space of two years of war, transfer every sailor, that could get or stay abroad, into the service of neutral states; would deprive us of one half of the use of our navy; would, in a short time, annihilate the navy itself; and (so short-sighted is commercial avarice!) would bring swift ruin on our own merchants, supposing them not to be exposed to ruin in common with their defenceless country.—"We ought not," says this writer, "either in justice or po-"licy, to drive America to measures "of reprisal." The *justice* the reader will now judge of, and the policy we will speak a little further of presently; but, for America to make *reprisals*, she must first be *at war*, (a situation, which might, of itself, produce in her a different way of thinking) and she must find us *aiding* her enemy, by carrying to his ports, in an indirect manner, the produce of his colonies.—"If she should lay "an embargo on all exports to our West "India Islands, for only six months, "what would be our and their condi-"tion? And, even without that act of "vengeance, a non-importation agree-"ment [in America] of British manu-"factures for one year, would be a loss "to this country of seven millions ster-"ling."—First, observe, that this argument of American vengeance is a sweeper. It is applicable to all cases and to all times. It subjects us to hope as capricious as that of love; and to fear as constant as that of death. It, in all likelihood, originated in the troubled mind of some one of the "*great shippers* to "America," who, as this reader may have perceived from the public prints, have been with Mr. PITT open-mouthed, seized, doubtless, with a patriotic terror, lest their American debtors should, (for a second time) think a war-budget to be a good settlement of the balances of their books. But, Sir Balaam, be tranquil! cease to tremble, thou timid man! Go, hush thy fears and count thy bags! for, be assured, that the Americans love money as well as thou dost; and, that the "measures of vengeance," of which thou speakest, would infallibly reduce *their merchants* to beggary, and, if adopted for such a reason, might, perchance, throw their statesmen out of bread, by a complete overthrow of their government. Granted, that a six months prohibition of trade with our islands would produce great and terrible mischief to those Islands, and, of course, to us. But, Sir Balaam, do you not know, that the warehouses of America are always full of goods prepared for those Islands? And, do you duly reflect on the consequences of preventing those goods from being shipped off? On the ruin of the merchant who has bought the corn and the meal & the fish and the lumber? On the suspension of the mills and the fisheries and the saw-mills? On the reduction in the price of the farmer's produce, at the same moment and from the same