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From the Boston Centinel.

## THE ANALYSIS

Of our Public Diplomatic Dispatches, No. III.

"The French decree might on the same ground be pronounced a retaliation on the preceding conduct of Great-Britain."

See Madison's letter to Gen. Armstrong.

The sentiment and concession contained in the foregoing extract, is full as mean, and ought to excite as general indignation in the same gentleman's declaration to Mr. Randolph, "France wants money, and must have it."

The effect of the publication of this concession will be to bar forever all our claims for redress for captures or injuries sustained under the Berlin and Milan decrees, and to furnish the French with not only pretexts, but justifications for any future violations of our rights. It is not, however, my present purpose to display the rashness and impolicy, if not vacillancy of this conduct;—it is sufficient to say, that in any other government, it would cost the officer his character and employment, if not his life.

It is at present proposed to prove, that this argument and concession to France is wholly unfounded; and that France herself has never set up any such pretensions, except through the medium of her American servants.

Before we examine the truth of this proposition, it may be useful to consider the force of the terms used by Mr. Madison.

The evident object of our Secretary, as well in this letter as in the late report of the committee, probably furnished by him, is to place the injuries of France and Great-Britain on an equal footing; or, even further, to give a darker shade to those of the latter. He had just been speaking of the principle of retaliation urged by Great-Britain in justification of her orders of Nov. 11, 1807, and then adds, that the "French decree might on the same ground be pronounced a retaliation on the preceding conduct of G. Britain." That is to say, that the French decrees might with equal justice not simply be pronounced to be, but pronounced, a retaliation on the British conduct. In still simpler language, France can as justly defend her Berlin decree on the ground of retaliation as G. Britain can justify hers of 1807. It on the same ground.

As it is always best to simplify propositions as far as possible, before we proceed to prove the total falsity of this position we shall remark, that even if it had been true that the two decrees stand in this respect in pari delicto, (in equal fault) still the circumstances under which they were respectively issued, ought to have excited ten times the indignation against France as against Great-Britain, instead of drawing forth laboured apologies in favor of the former.

First. With France we had a COMMERCIAL TREATY, purchased at an immense price, the sacrifice of the claims of our citizens to the amount of at least TWENTY MILLIONS of dollars. This treaty expressly forbids this precise form of injury which Buonaparte has adopted. This was the first instance in which we had ever had any occasion to resort to the stipulations in our favor; and in this first instance are they shamelessly and without apology violated: Nor does France pretend a violation on our part to justify the outrage. Let the government show any formal complaint on the part of France prior to the Berlin decree; and without such complaint no such measure could legally have been resorted to, even if in other respects justifiable.

With Great-Britain we were not only united by no treaty, but we had rejected under the most extraordinary circumstances, a convention which had been agreed to by our own ministers, and which would have placed our commerce and prosperity on the most secure footing. We had moreover done every thing to force that government into a declaration of War, and our existing state at the moment of issuing her orders, was at least on our side, that of an enemy; or one disposed to be an enemy. We had interdicted the entry of her public ships, while we admitted those of her enemy; and we had gone as far as it was thought our people would bear in the system of coercion, by Non-importation of her manufactures. So far then, we had no right to expect friendship from that Cabinet; and of course, much less reason to be irritated at any measure she might adopt of an unfriendly nature.

Secondly. France not only gave us no notice prior to the operation of her decrees, but by a policy truly Gallican, she allured us into her ports, by pretending that they should not operate against us; but when she found she had a competent quantity of goods within her reach, she sprang the trap, and seized our unwary and deluded fellow-citizens. This seizure and loss must be attributed to the inconceivable blindness, or wilful submission of our Cabinet to the views of France. They affected to consider, or really believed this veiled and syren like declaration of France sincere; they by this conduct, as-

sisted to decoy our unhappy citizens; and ashamed to avow their errors, they even at the present moment choose to consider that France has changed her views, rather than has intentionally deceived. But Great-Britain, far from limiting the detestable perfidy of France, frankly notified our government the preceding year, that unless resisted, she should be obliged to retaliate upon France those decrees, which through neutrals, were aimed at her existence. She not only did this, but after waiting in vain for the smallest movement on our part, when she actually issued her orders she gave the most ample notice and notice to all neutrals, to avoid falling in with their perjury and effect.

Thirdly. The decrees of France were without limitation as to extent; they embraced every dependency and colony of G. Britain, throughout the world.

But those of Great-Britain left open to us the extensive colonies of her enemies; and in short, every source of trade which was essential to our comfort and even prosperity.

It has been represented, for party purposes, that all this trade is upon the condition of paying her a "tribute" and even the late committee of Congress have given a color to this assertion. It is, however, not true.—The duties demanded by her, and which are falsely called a "tribute" are only demandable in case we voluntarily go to Great-Britain, and request a clearance for the continental ports she blockades. This is mere nominal—a mere point of honor between her & France—because if Great-Britain permitted you to go, France would not. Her decrees confiscate your property for the single crime of having been in a British port. The case, therefore can never happen; and she knew well that it never would happen. Why then was it imposed? As a point of honor between her and her enemy. Her enemy said, No neutral shall ever enter the ports of England—I will capture and condemn them. Great-Britain, in reply, says, No neutral who has submitted to this usurpation of France, shall go thither without first entering my ports; and I will tax the products bound to my enemy, which will enhance the price, if he chooses to admit it. And yet, strange to relate, this qualification or modification is represented by our impartial government, as more oppressive, more insulting than if it had been an absolute prohibition! But I repeat it; this is merely a nominal provision;—for it could operate only in case France should repeal her decrees, in which case the whole fabric is destroyed. But it does not apply to the vast commerce of Spain, Portugal, Sweden, the East and West-Indies, and all the neutral ports of the world.

Fourthly. France declares, as disfranchised, forever, all American ships, which at any time after the decree shall have visited a British port. The effect of this would be, either that a distinct set of ships must have been kept for the trade of each country, or if G. Britain had not issued her orders in the course of four or five years, every American ship would have been interdicted the trade of France. The men who are so alive to the degradation of a "tribute," which never has been and never can be exacted, are not only insensible to this insult and violation of our treaty, but our minister openly, with the countenance of Mr. Madison, justify it, as a mere municipal regulation! What? Are we not entitled by treaty to visit freely the ports of the enemies of France? And are we not equally secured in our direct commerce with France? And can these five rights be considered secure, while every one of our ships are interdicted an entry—nay, are confiscated, if they dare to enter any French port; or if they shall have visited any British port in a former voyage? No notice is however taken of this outrageous part of the decrees.

But Great-Britain has made no such arbitrary disqualifications;—if you escape the vigilance of her frigates, and enter your own ports, the forfeiture is avoided, and she does not assume an imperial authority to disfranchise, by standing and permanent laws, the whole of your marine.

Lastly. The French had no power to enforce their blockade;—that measure had no colourable justification under the law of nations. It had the character of impotency striving to outstrip malignity. They were obliged to resort therefore to cunning to draw us within their fangs, and the unhappy victims, like the visitors of the lion, were seen to enter, but never to return.

Great-Britain, on the other hand, had the means of enforcing a strict and rigorous blockade, and the very men who brand this blockade as illegal, because nominal, have the shameless inconsistency of defending the embargo, on the ground that not one of our ships would have escaped capture by Great-Britain;—that if the embargo had never been imposed, so wide and effectual would be the operation of the British orders, no portion of safe commerce would have been left to us.

Strange and inconsistent politicians! De-

ending by their very concessions, the policy they condemn. For if such be the power of Great-Britain to enforce her orders, to coerce her enemy to execute her blockade, the perfect justification of them may be grounded on that power. For on what, may it be asked, rests the acknowledged doctrine, legal blockade, but on the power to coerce and distress an enemy? "This power is declared in convention of the famous armed neutrality, formed to establish and impose by force, a new liberal maritime code; to be lawfully exercised when ever a ship cannot enter a blockaded port without imminent danger of being captured." And our politicians condemn the British decrees, though merely retaliatory, while they declare, that few or none of our ships could possibly escape the vigilance of the British cruisers.

Thus then from this short view, which might be extended to a variety of other examples, of the difference in point of severity between the French and British orders, it is apparent, that nothing but the grossest and most wilful partiality could induce Mr. Madison, our cabinet, our foreign ministers, and the committee of congress, to place the French and British governments on a footing of equality, or as equally meriting our resentment and hostility. But we propose to prove, that there is not the smallest pretence for the allegation that "the French decrees can with justice be pronounced as retaliations on the conduct of the British."

## Report of the Committee of the Legislature of MASSACHUSETTS.

(Continued from our last.)

The people of this state have been most severely disappointed in this expectation.—The commerce of the country has furnished almost the whole revenue of the U. States; has given vigor & energy to the government; has encouraged universal industry, and rewarded with plenty every description of people. While this commerce was thus productive to an unexampled extent, a portion of the general profit should have been applied to preparations for its permanent protection; and when it was unjustly asserted, the whole power of the nation should have been exerted for its defence. The people recollected the glorious example of a former administration, and they have seen the present administration, reserving all their strength, and all their energies, to be employed in the annihilation of that commerce which they ought to protect. By a timid and unwarrantable compliance with the wishes of a foreign power, we are suddenly excluded from the ocean; our trade is destroyed; our industry paralysed; and poverty and ruin are rapidly overspreading our land; contemplating this state of things, and recollecting their views and objects at the time of adopting the Constitution, the people do not require any further argument to convince them, that the primary objects of that compact are now neglected; that their most important interests are wantonly sacrificed, and their most essential rights flagrantly violated.

But the committee forbear to pursue these reflections. It is painful to dwell on those evils and distresses which it is out of our power to relieve. The Committee are not at present prepared to recommend any adequate and satisfactory remedy, which could be applied by the two houses of the Legislature alone. The most efficient, and perhaps the only certain remedy, rests with the people, who will soon have it in their power to unite the whole government of the state in one joint effort, with other states, whose interests and objects are similar to our own, for the support and vindication of their just rights, by constitutional and peaceable means.

The Committee, however, being deeply impressed with the importance of this subject, and anxious, if possible, to afford some temporary alleviation to the public distresses, ask leave to reserve this object of their commission for further consideration.

As to the second subject of these petitions; the danger of an unnecessary and ruinous war with one nation, and a destructive alliance with another—the Committee, with the most painful emotions, have received but too much ground for this apprehension. The puerile suggestion of maintaining a war at the same time against the two great belligerent nations, is too absurd to deserve attention. If then, the United States are to select their enemy, and the choice is left the present administration, the fears of these petitioners will eventually be realised. Even if this measure is not seriously intended by our government, yet the course of policy pursued by them, must, if persisted in, soon terminate in such a war. The Committee here would observe, that an examination of the different measures of the two nations referred to, would lead them to elect the other alternative. These measures and acts are before the public.—Some of the most important of them have been so fully displayed, and thoroughly considered, in a late report to one of the houses of this Legislature, that it would be equally unnecessary and improper to exhibit them anew at this time. Whatever impressions may have been felt as to the conduct of G.

Britain, every man will now perceive that the aggressions of France have been uniformly first in order of time, and most injurious in their nature. The gross injustice of her decree of Nov. 1806, was aggravated by the consideration, that we had at that time a commercial treaty with her; while with Great-Britain, in the following year, when her retaliatory orders were passed, we not only had no treaty, but had just refused to ratify one made by our own ministers; and therefore had no right to expect from the latter, any peculiar respect to neutral claims which we neglected to vindicate against the encroachments of her enemy. Every man, who values the welfare of his country, and the honor of its government, must regret that this first outrage was not resisted in a manner becoming a great and powerful nation. Such a course would in any event have removed all occasion or pretence for retaliatory measures on the part of the other belligerents, and would have prevented our being embroiled at the same time with the two most powerful nations of the world. It would also have produced another most salutary effect; it would have saved us from the danger of an alliance with France, which experience has shown is more to be deprecated than a war with any nation on the globe.

The Committee cannot dismiss this subject without observing, that from the known spirit and patriotism of the people of this state, they will undoubtedly always be ready with their lives and fortunes to defend the country in any just and necessary war; but they will require of their rulers to shew them that the war is just and necessary, and from the partial disclosure made by the government, of their negotiations with these two nations, the public, we apprehend are by no means satisfied that a liberal and impartial policy, and a sincere disposition to conciliate, on our part, would not at once prevent the necessity of a war with Great-Britain, and secure to us from that nation the entire respect that is due to all our just rights.

As to the third subject mentioned in these petitions; the late act for enforcing the embargo—the Committee have examined it with great attention. The first remark it is calculated to excite is, that a system of policy which requires such violent, arbitrary, and unprovoked execution, must be in the highest degree repugnant to the feelings and habits of the people, if not hostile to their dearest interests. And even if this policy was admitted to be founded on the soundest reason, and the most correct motives, yet no man could justify the numerous violations of natural and civil liberty, and of constitutional rights, which are authorized by this act.

The people of this commonwealth, in establishing their constitution, have seen fit to declare and set forth certain natural rights of a free citizen, and certain fundamental principles of a free government. It is painful to observe how many of these rights and principles are violated or disregarded, by the act under consideration.

It is declared in the 10th article of the declaration of these Rights, that "Each individual of the society has a right to be protected by it in the enjoyment of his life, liberty and property, according to standing laws." By the second section of this act of Congress, no vessel can be laden without the special permission of the collector, which that collector is authorized to grant or refuse, at his discretion. And even when from his knowledge of character and circumstance, he may think it safe and proper to grant such permission, he is prohibited from doing so, if the President of the United States shall have given instructions to the contrary. By the third section of the same act, owners of vessel already laden, are required to give bonds in six times the value of the vessel and cargo, or to unlade the vessel; even when the owner, in compliance with this unjust regulation, has procured and offered the bond required, the collector may refuse to receive it, and by his own arbitrary mandate, compel the unlading of the cargo. Thus the laws, which regulate the use and enjoyment of our property, instead of being standing and permanent, may be as mutable and uncertain as the whim and feelings of an executive officer can render them. What is allowed on one day may be unlawful on the next, and what is permitted to one citizen, may under circumstances precisely similar, be refused to another. Means and temptations will be presented to the officers of government for indulging the pettiness of political hatred, and the rancour of personal resentments; and a petty tyrant may be raised in almost every town, to whose rapine and malevolence our most important rights may be subjected.

By the 11th article of our Declaration of Rights, it is declared "that every subject of the commonwealth ought to find a certain remedy, by having recourse to the laws, for all injuries or wrongs which he may receive in his person, property or character." But by the 10th section of this late act, when any officer is sued on account of his proceedings under it, instead of relying on the laws, he may produce the restrictions and regulations of the president, for his justification and