

# THE STAR.

Vol. I.]

RALEIGH, MARCH 2, 1809.

[No. 18.]

Published every Thursday, by JOHN B. BROWN, AT THE UPPER END OF FAYETTE STREET, NEAR CARROLL'S CORNER.—PRICE THREE DOLLARS PER ANNUM, PAYABLE HALF IN ADVANCE.—SINGLE PAPER 10 CENTS.

UNITED STATES



Congress.

HOUSE OF REPRESENTATIVES

February 1.

Sketch of the Debate on raising the Embargo, and authorizing Letters of Marque and Reprisal.

Mr. VAN DYKE was in favour of that part of the resolution now under consideration, which related to the repeal of the embargo.—The same reasons which weigh in favour of an immediate repeal, will induce me to give my vote for the earliest day that is proposed.

I must now claim the indulgence of the committee while I examine the second branch of the resolution, proposing to issue letters of marque and reprisal against Britain and France, on the first day of June next, unless they revoke their orders and decrees. This proposition involves a question still more deeply interesting to this nation than that which I have just noticed; a question of no less magnitude than that of peace or war. If actual war is resolved on, I should deem it much more politic to begin seriously that active efficient preparation which ought to precede it, and when we are ready for the contest, tell the nation and the world that war exists, and thus let every man in the country know what he has to depend upon. What is our present condition? Without an army; without ships; with a scanty supply of ordnance and military stores; our cities and towns on the sea-board naked and unprotected, and the national treasury all but empty; will it be wise, will it be prudent, in this situation, on the first day of February, to give formal notice to your adversaries, the two greatest powers upon earth, that you mean to go to war with them on the first day of June next? You will place every thing at hazard without the possibility of reaping any benefit; for I cannot believe that such a threat will aid negotiation by alarming the belligerents, or that they will be inclined to lend a more favourable ear to our just remonstrances, under the influence of such a measure.

When the subject of war is presented for deliberation, it cannot be improper to enquire a little more particularly into the state of our foreign relations, than has yet been done in the discussion which has taken place.

With a sincere desire of ascertaining truth, I have bestowed some attention upon the documents which the President was pleased to lay before us during the last session, and which we are to presume, contain a correct and authentic history of those transactions. I have not examined them with a jaundiced eye, nor shall I attempt, in any point, to magnify or exaggerate the facts that have presented themselves to my mind, as worthy of the attention of the committee, in connection with the subject of our foreign relations. The motives of the Executive make no part of this enquiry; it is the public act, and the consequences flowing from such act, to which, as statesmen, we would direct our eyes.

As infallibility is not an attribute of our nature, I shall certainly not surpass the limits of a representative duty, when I state that it is not only possible, but very probable, that our administration may have committed some errors, and if we look carefully into those documents, perhaps we may discover that a part of our embarrassments are the consequence of such errors. In advertent to the facts to which I refer, I shall, to avoid any mistake of language or sentiment, read a few extracts from the documents themselves.

It will be recollected by the committee that the treaty of 1794 with Great Britain so far as it relates to commerce, expired on the 1st day of October, 1803, by which the commercial intercourse of the two countries was left to the regulations which the parties separately might think fit to establish. On the fifth of January succeeding, we find a letter addressed by the Secretary of State to Mr. Monroe, our then minister at London, accompanied by the plan

of a convention between the United States and Great-Britain. On the 3th of March, 1804, we read the extract of a letter in which the secretary after noticing the expiration of the commercial part of the treaty of 1794, and making some observations on the state of commerce between the two countries, proceeds in these words—"These observations are made not with a view to any negotiation whatever, leading at the present moment to a treaty on those or any other commercial points," &c. as a reason for not pressing which the particularly delicate situation of C. Britain at that critical moment is assigned. From this letter I understand the Executive forbade our minister from negotiating any treaty until further orders, and it is not discoverable that any other communication was made upon the subject until the 6th of March, 1805; under which date we find the extract of a letter from the Secretary containing these words: "The experience of every day shows more and more the obligation on both sides to enter seriously on the means of guarding the harmony of the two countries," &c. By this letter an injunction is laid on Mr. Monroe to enter seriously upon the subject of negotiation, and we find Mr. Monroe did accordingly engage seriously in that important trade. By advertent to a letter from him of date April 15th, 1805, we discover that at the first interview between Lord Hawkesbury and himself, his Lordship went so far as to express a wish that the principles of our treaty of 1794 might be adopted in the proposed convention where they applied, but Mr. Monroe "gave him to understand he could not, according to his instructions, accede to the idea." In pursuing the next document, Mr. Monroe's letter of 7th of August in the same year, we are expressly informed that Lord Harrowby unequivocally offered to renew the treaty of 1794. What says that letter? "He asked how far it would be agreeable to our government to stipulate that the treaty of 1794 should remain in force until two years should expire after the conclusion of the present war? I told his Lordship that I had no power to agree to such a proposal." As the negotiation proceeded, and it was discovered that obstacles and difficulties more serious than had been at first apprehended, arose—we discover that the British commissioners in August, 1806, repeat the offer which had been previously made, for in the letter of Messrs. Monroe and Pinkney dated September 11, in that year, they state it in these words, "In the course of this conference, Lord Auckland renewed a proposal which he had glanced at in our first interview that the treaty of 1794 should be made the basis of the present negotiation." This was rejected. I am therefore authorized to assume the fact, that during the negotiation, an explicit offer was repeatedly made by the British government to renew the treaty of 1794, and that offer was as often rejected by our Executive, and we may well pause and consider whether in rejecting that, without being sure of making another at least as good, a very serious mistake has not been committed. What were the insurmountable objections to that treaty which induced the Executive to put every thing at stake between the two countries, rather than continue it during the war in Europe? It is true the claim of the British government, to take British seamen and deserters from our merchant vessels is not abandoned by that treaty; but the renewal of it did not prevent us from pressing that subject by negotiation for we shall see in the further examination of the documents that the British commissioners were willing to proceed with the discussion of a plan which should have for its object satisfactory regulations effectually to secure American seamen. Had our experience of the operation of that treaty alarmed us? Was our country ruined or in danger of being ruined by it? No sir; we reaped many and important advantages from it—and our country flourished beyond all example. Let experience, the only true test of merit, answer. If we look back to the years 1793-4, we shall discover that our country was then threatened with war; the treaty was formed, and notwithstanding all the noise and clamour against it which assailed the administration, the wisdom of the Senate and the intelligence and firmness of Washington, secured to the people by its adoption many years of unparalleled prosperity and happiness. Yes, sir, under the auspices of that treaty were laid by the father of his country, the foundations of the temple of peace, which was erected by his patriotic hands, and whose magnificent dome was supported by the sound pillars of national faith. At its entrance were seen the cheering emblems of plenty; and within you beheld the Genius of Liberty in majestic dignity and resistless power, guarding that choicest gift of Heaven to a free people, "the constitution," yet unviolated by the ruffian hand of military force. In this fair temple the arts and sciences, commerce

and agriculture greeted each other, and were shipp'd in harmony together. Thus stood the splendid edifice, surrounded by a band of brothers, united by mutual confidence and affection, the pride and glory of America, exciting the admiration and commanding the respect of the world. Under the protecting influence of that treaty commerce unfurled her sails in every quarter of the globe; and brought to our shores the rich reward of industry and enterprise. Agriculture flourished—giving a happier aspect to our country by progress in improvement. Then, indeed, the husbandman hailed with joy his golden harvest; for each succeeding harvest ensured to him a golden reward for his labour. Individual wealth increased, and the national treasure was greatly augmented. Is the picture which I have drawn too highly coloured? I believe not; consult the history of those times, and you will be convinced that all those advantages were enjoyed by this happy country under that treaty, and it is not less evident that those blessings have been gradually disappearing ever since the day that it expired.

Mark the contrast which the history of this day presents, and judge whether very serious consequences have not followed from the refusal to renew that treaty. What is our present situation? You behold commerce palsied, agriculture drooping—distress and ruin stalking over the land, and civil discord raising her fiery head, more terrific than all the hosts of Europe. The foundations of the temple of peace are sapped—the building totters on the brink of destruction, and from the present prospect I shall think the nation fortunate, if we can save the constitution from being buried under its ruins.

It is true that in a certain event the refusal to renew the treaty of 1794, would not have been injurious to the nation—that is, if the executive had succeeded in making a more beneficial bargain—but in this, unfortunately, his hope and expectation failed. I grant you, sir, that no preceding administration ever enjoyed so promising a season for favourable negotiation—for, sir, we had the opportunity of addressing the ear of the patriotic Mr. Fox, united with a ministry of similar political sentiments, composing just such a cabinet as we should have elected to treat with, a ministry who Mr. Monroe and Mr. Pinkney inform you in every letter, profess the most friendly disposition, and are sincerely desirous to settle all matters in difference between the two countries upon fair and just principles. The opportunity I repeat was the most auspicious—the prospect the most flattering that we ever enjoyed for such a purpose. Let us trace from the same authentic source the history, the progress and the issue of the business.

It is well known to every man in the nation that ever since the acknowledgment of our independence, our government has, at every opportunity, pressed upon the cabinet of G. Britain the abandonment of a practice which is certainly embarrassing to our commerce, and from its abuse has been in many cases extremely injurious to our own citizens. I mean the right which that government claims of taking from the merchant vessels of other nations British seamen and deserters, and which has always been tenaciously insisted upon by G. Britain on the ground, as she alleges, of self preservation. It is true, that during the present administration, in the year 1802, Mr. King, our then minister at London, succeeded so far as to obtain a relinquishment of the practice on the high seas, but could not obtain an extension of it to the narrow seas, and of course the project of an arrangement then failed. This fact is stated in the letter of the Secretary of State of the third of February, 1807.

By recurring to the instructions sent to Mr. Monroe for opening a negotiation with the British cabinet in 1804, the first and most prominent feature is the same long controv'rted point, which is not to be made the subject of regulation or arrangement, for the protection simply of American seamen; but the broad principle of that government abandoning altogether the right of taking even her own seamen or deserters from our merchant vessels, is insisted on as the great ultimatum or sine qua non of any treaty. I agree, sir, that if this point could have been obtained, it would have been a very brilliant victory in the field of negotiation, at which the nation would have rejoiced, and with which no man would have been more gratified than myself. But such a victory was not to be expected. For the correspondence of your ministers inform you that, notwithstanding all their exertions and their skill to gain that point, they found it beyond the reach of negotiation; and they disclose to you the reason which is frankly avowed by the British cabinet, and which is stated in the letter of Messrs. Monroe and Pinkney of November 11, 1805, in these words: "at our meeting the next day the British commissioners stated explicitly, but in a very concili-

ating manner, that it was not in their power to adopt an article in the spirit of our project; that the board of admiralty had been consulted on the subject, as had also been the crown officers in Doctor's Commons, who united all without exception, in the opinion that the right of their government in the case in question, was well founded, and ought not to be relinquished. They added, that under such circumstances the relinquishment of it was a measure which the government could not adopt, without taking on itself a responsibility which no ministry would be willing to meet, however pressing the emergency might be."—The result, sir, is known; an informal arrangement was made, by which our commissioners say, "we place the business almost, if not altogether, on as good a footing as we should have done by treaty, had the project, which we offered them been adopted." This informal arrangement on the subject of impressment being thus made, a treaty is concluded and signed by our commissioners 31st December, 1806, and transmitted to the President with their explanatory letter of January 3d, 1807. In that letter our commissioners again speak of the informal arrangement for the protection of our seamen, and declare their opinion that "although the British government did not feel itself at liberty to relinquish formally by treaty its claim to search our merchant vessels for British seamen, its practice would, nevertheless, be essentially, if not completely, abandoned."

These, sir, are the observations of our own ministers, from which it is plainly to be inferred, that no talents, no exertion of diplomatic skill, no ingenuity of argument whatever, could induce the British government to submit to an abandonment of their claim. The treaty thus concluded, and thus explained by our commissioners, is received by the President, examined and rejected, because the claim of impressment is not formally relinquished, and because in other particulars it does not come up to his sanguine expectations. Sir, in the observations which accompany its return to our commissioners, it is acknowledged that "the change made by the third article in the provisions of the treaty of 1794, relative to the British possessions in India, is not as favourable as it stood in that treaty." By referring to the explanatory letter of our commissioners, we discover why that change was made, because the British government will not consent to grant us in the new treaty as favourable terms of trading to their India possessions as we enjoyed under the treaty of 1794, which they had so repeatedly offered to renew. This is full and satisfactory evidence that, after rejecting the treaty of 1794, our administration have not been able to make as good a bargain in a very important point, the India trade, even under circumstances most propitiously favouring their attempt. Does the Executive charge our ministers with a want of skill, exertion or fidelity in the discharge of their important trust? No, sir; read his declaration in the letter which the Secretary addressed to them on returning the treaty. "The President has seen in your exertions to accomplish the great objects of your instructions ample proofs of that zeal and patriotism in which he confided, and feels deep regret that your success has not corresponded with the reasonableness of your propositions, and the ability with which they were supported." And yet in the same letter we find again expressed the fixed determination of the President "to decline any arrangement, formal or informal, which does not comprize a provision against impressments from American vessels on the high seas." Thus repeating and insisting upon that point as the ultimatum in any treaty arrangement.

In this manner the treaty of 1806 was rejected by the President without condescending to advise with his great constitutional council. If the great ultimatum broadly insisted upon by our Executive, be adhered to, probably no administration can ever make a treaty with that nation. The object which we have in view is the security and protection of our own citizens—this it is the duty of our government most strenuously to insist upon, and if negotiation will not effect it, an appeal may safely be made to the spirit and feeling of the nation to defend it. But if that object can be obtained by hon'rab'le negotiation, I am much deceived if the people will consent to stake their peace and happiness in a contest to protect British seamen and British deserters, who may be employed on board our merchant vessels on the high seas. But sir, was the security and protection of our own seamen abandoned by our ministers in the late negotiation? If we credit them they never lost sight of that object. It is true there appears no stipulation in the treaty upon that point because they were bound by their instructions not to treat formally but on the principle of an unqualified abandonment by the British government. But the explanatory letter of our ministers and the subsequent letter of Mr. Monroe of 20th February, 1808, gives us reason to believe that the arrangement was at least worthy of experiment, especially as that point (as well as our claim