

of the whole to whom the bill was referred. But could it not be discussed now? Was it not as much in the power of any member under the present motion to discuss the question whether the non-intercourse law shall be repealed? His colleague, Mr. R. said, had justified the seizure of our property in French ports as a retaliation for alleged seizures of French property in our ports, which he allowed not to have taken place. Was it of any consequence to the people of the United States, if they were plundered under false and stale pretenses, what those pretenses were? He apprehended not.

One word, said Mr. R. on the subject of the faith said to have been pledged by the act of May last. It cannot have been so pledged. Pledged to whom? To Great Britain? Unquestionably not. To France? Unquestionably not. What is our law? A rule of action! To whom? For ourselves. We have been aggrieved by the two great belligerents of Europe; we pass a law for the regulation of our own conduct, the operation of which is to be depend on certain contingencies. Is that a pledge of faith to either of those belligerents? Unquestionably not. But this it does not behoove me to prove; it behooves my colleague to shew how it is a pledge of our faith.

With regard to the anxiety of the President to preserve peace, Mr. R. presumed there could be no doubt of the fact; he never doubted it. He admitted to the House, in the late occurrences, did not afford an opportunity of getting rid of this wretched system of lame expedients in which they had embarked since they abandoned the embargo. It might be said that in a short time news might be received of the repeal of the orders in council, which would in the opinion of some render this motion unnecessary. The law Mr. R. said, was a rule of conduct for him, and no foreign nation had a right to know of its existence; and if news of rescinding the orders in council were to arrive in town this day, he should still be clearly of opinion, that they ought to repeal this law. He looked upon the law as being mischievous; as having no operation on the orders in council or Bonaparte's decrees. If it had none, why retain it? Why keep it here as a germ of difficulty? Let us have clear stays, I repeat, said Mr. R. Let us have *tabula rasa*; and, if we must fight, let us fight without patchment chains about our hands.

Mr. Michill said he was glad the business had been brought before the House; he hoped it was a harbinger of our emancipation from our own laws on the subject of commerce. The policy pursued by the government for eight or ten years past, had been to deal in commercial restrictions; and if they had been found inadequate, it was high time to think about laying them aside. For the purpose of being understood, Mr. M. begged the indulgence of the House, whilst he gave a little summary of the course which had been pursued.

It commenced in 1804, when the English determined to interfere with neutral vessels carrying the produce of the colonies of one of the belligerents. At that time the merchants of the seaports almost stounded our ears with their complaints of oppressive violations of our commerce. Congress were told at that time that trade was annihilated; that it was impossible to pursue it any longer with a prospect of advantage; and Congress were solicited to interfere. I well remember (said Mr. M.) the course of events; because, from my situation at that time, many memorials passed through my hands. In consequence of this clamor from the seaports, and the representations from the merchants that their case was forlorn; the government, willing to do something to relieve them, and not willing to go to the extent of authorising them to arm, went into a system of commercial restrictions and expedients of this sort—and out of these circumstances grew the first bill for a non-importation. What was it? It was a bill to exclude the importation of unnecessary articles. I voted for the bill, because I had a disposition to take those things which, if not as good as I could wish, were the best we could get, and we could agree upon that bill when we could agree upon nothing else. What was the consequence of this measure? The law produced no effect upon the country to whom it had particular relation, although seconded at the same time by a minister extraordinary to negotiate under Executive directions. The next step in the history of coercing foreign nations by commercial restrictions was the embargo, in which our people were told that the state of things was so desperate on the ocean, that the most proper course for our circumstances was to say at home. This expedient was tried; and it was an effort of independence; it was an act which would have rendered us not only nominally independent, but independent in fact. It was found impossible to carry it into effect; and under that conviction it was repealed. From that repeal sprung the non-intercourse, which after a year was laid aside. The operation of that system was to allow a trade, not permitted directly to be carried on through intermediate ports. We have since had the law of May last, proposing an alternative to the belligerents; which has brought us into the situation in which we find ourselves—one nation professing to repeal their decrees and the other disregarding the offer.

What is our situation with regard to the nation repealing its decrees? The detention of our property at St. Sebastian's is extremely oppressive to us. We have already passed an act this session appropriating nearly an hundred thousand dollars in aid of the fund for the relief of seamen, &c. in order to bringing home our seamen thrown adrift in that and other ports. We are told by the documents on our table that seizures still continue; and it seems to me, from all these circumstances, that the times are not changed for the better. It was wholly immaterial, Mr. M. said, whether our proclamation reached France previous to the late seizures or not; it became them to carry into affect their own declaration. Whether they had received our engagement or not, their decrees ought to have been annulled on the 1st of November. In taking a review of the circumstances, and finding these commercial restrictions not to have answered the purpose for which they were designed, he was inclined to vote for the resolution on the table, going to produce a change which he thought desirable.

It seemed to him there were were but three

ways in which it was worth while to treat this subject.

The first course presenting itself was a determination on the part of this people to stay at home. In that case they would be perfectly free from the assaults of the belligerents, unless indeed they should come to invade our territory. This course had been attempted by the embargo; the experiment had failed; it had been given up in despair. The second course, was to go on in our non-intercourse, subject to the restrictions of foreign nations, subject to the stipulations of belligerent powers, and to a submission to regulations which stronger or more warlike might think proper to interpose. This is the one that he supposed we must come to, of allowing every one who chuses to make an adventure of his personal property to do so, at his own option and personal risk. A third mode remained, and that would perhaps form an interesting subject for discussion, viz. whether the persons and property of individuals should not be saved from rapine and plunder, by some protecting arms. This, it may be said, will produce war. It seems to me, on reviewing the conduct of the belligerents, they are both at war with us. If capture of property, its seizure and sequestration; if the imprisonment of persons, and in many cases the death of these persons, do not provoke war, I know not what is cause of war. If we consider what sort of protection should be given to property, it may be in two modes; one, in which the nation, in a national form, shall think proper to extend protection to the persons and property of its citizens; or, that protection which the arms of the individuals concerned may afford to themselves under the licence of government.

In order that Congress might arrive at something less entangling than the system in which they were involved, Mr. M. said he was willing to clear away the impediments in the road to commerce, and to allow his countrymen to advance in quest of profit—to have a clear sea; and when they should be once more in the enjoyment of a free trade, it would enable Congress to consider at leisure what measures should be taken for future security and protection. For, on looking into the state of things in this country, it would be found that they were involved in paradoxes. One was, that, having a power to lay internal taxes, Congress did not chuse to exercise it. A second was that, government refusing to protect commerce by an armed force, there should at the same time be immense quantities of property sent abroad under the guardianship of its own citizens, when it was well known that that property might and would be seized by the stronger powers under any pretence they should chuse to set up. Another thing incidental to the society to which we belong, said Mr. M. is, that with a commerce under such circumstances we must derive from that very commerce the revenue which supports our government. In such a state of things I am perfectly desirous that there shall be a chance once more given to the navigating and commercial part of the citizens of the United States to go on without impediments on the part of their own government and make their voyages as advantageously as they can; that they may go abroad like industrious bees and return laden with honey to the hive; for, looking at our financial system bottomed on commerce, I think we ought not to superadd, to the difficulties under which commerce labors, restrictions imposed by our own government.

(To be continued.)

NORFOLK, February 4, 1811.

On Saturday evening arrived in this Borough, His Excellency M. SERRURIER, Minister Plenipotentiary from his Imperial Majesty the Emperor of France to the United States. The minister embarked at Bayonne on the 1st of January on board the ship Commodore Rogers, bound to New York. The ship meeting with adverse winds off the coast of New York, bore away for the Chesapeake, which she entered on Saturday, and the minister, his suite, and some passengers came up in a pilot boat; the ship proceeded immediately to New York. M. Serrurier has engaged Walker's packet, in which he proceeds as soon as possible for Washington.

We are sorry that we could not procure any newspapers by this vessel, indeed we are informed that none were brought up; our information is therefore verbal, and in substance amounts to what follows—

The Berlin and Milan decrees were not revoked, on the contrary privateers were fitting out with the utmost activity, which capture all American vessels, whose condemnation follows with certainty. In the Commodore Rogers are passengers, ten or twelve American Captains, whose vessels and cargoes had been condemned and sold. The internal state of France is represented as deplorable beyond conception. Great discontents are manifested, and nothing has more tended to increase them than the war in Spain and Portugal. Accounts had reached Bayonne that *Masena* had retreated out of Portugal and was at *Ciudad Rodrigo* in Spain. His army was in the utmost distress for provisions, before he left Portugal; it is not stated that he was followed by lord Wellington. The information from *Masena's* army, might be to the 20th or 22d of December, much later than our Lisbon advices. A gentleman who was at Bayonne for many weeks previous to the departure of the Commodore Rogers, states that no reinforcements for the armies in Spain had passed through that place for some time. It was a common observation in France, that as the French armies suffered more for want of provisions, than for want of numerical force, reinforcements of men would only increase the distress. There are some who are so malicious as to insinuate that the Emperor, would not be sorry for the loss of the armies in Spain, in which (and in high command) are some of the most notorious Jacobins in France, a character of all others, now, more dreaded and detested.

A new conscription has been lately made of 150,000 men for the marine, which indicates a disposition on the part of France to once more try her strength on the ocean—of the result no one can doubt.

The *Essex* frigate arrived at L'Orient in 30

days, consequently the intelligence of her having been first in England was incorrect. She sailed immediately for England.

The marine conscription, (spoken of in another place) in France, for the years 1811, 1812, 1813, 1814, 1803, and 1816, are to be put at the disposal of the minister of marine. The minister of war required 120,000 men of the conscription of 1811, to be at his disposal.

#### PRIVATE CORRESPONDENCE.

BORDEAUX, Dec 29, 1810.

I had the pleasure of addressing you on the 11th August and 8th October. The American vessels that were confiscated at Bayonne, have been sold; several lately arrived from the United States loaded with colonial produce have been put under sequester; whether merely until a strict examination of their papers takes place, or as a sinister measure, is not yet known. It is hoped however, that in consequence of the President's late proclamation, they may be permitted to depart. It does not appear to have been the emperor's intention to permit the unrestrained introduction of West India produce, notwithstanding the rescinding of the Berlin and Milan decrees; such a facility he doubtless conceived would thwart, if not render abortive his system of excluding English produce from the continent. What tends to corroborate this opinion is, his continuing to grant *open licenses* to import colonial articles, accompanied with particular certificates of origin, from the ports of New York and Charleston, on the condition of exporting their value here in the products of France. In a short time we shall know the nature and extent of trade that will be permitted.

"Gibraltar, December 8.—The Cortes of Spain have passed a decree, ordering the erection of a splendid monument in honor of their sovereign.

"Massena's original report to Bonaparte of the battle of Bussaco, has been intercepted. He states, that he had lost 3000 of his *gallant fellows* and four generals, and acknowledged, that his troops could not get possession of the two points which they attacked. He bitterly complains of the want of provisions, and that the towns and villages are deserted by the inhabitants. The enemy's men continue to desert; they fly to the English by hundreds.

"The enemy have twice attempted to cross the Tagus, and in both instances have failed. By two or 5 and 6000 French deserters have been shipped off for the ports of England.

"Squill is carrying on his preparations against Cadiz and la Isla with the utmost activity and perseverance. A piece of ordinance of a new description was casting at Seville in November, and if it answers the wishes and promises of the inventors, every other work was to be laid aside, immediately to cast fifty of the same kind. An order had been issued for building 150 gun boats—50 were already completed, and 50 more were expected to be ready to go to sea at the beginning of this month. Timber had also been sent down the river from Seville, for building an immense raft on which it was intended to place no fewer than 15 mortars. It was not yet known where it was to be stationed.—Means were taking at the same time, to remove to the Trocadero all the gun boats in the gulf of Saneti Petri.

"Accounts had been received at Cadiz, that the Bulwark was to sail from Vera Cruz in the beginning of October, with seven millions of hard dollars—four for government and three for the merchants. The official reports on the public health in that city were every day more and more satisfactory; but it had been made known, that a contagious disease had broken out in the island of Teneriffe."

#### Waleigh:

THURSDAY, FEBRUARY 14, 1811.

The Bank Charter.—Some faint hopes are still entertained by many, that the U. States' Bank will not yet be put down. It is believed that a bill renewing the charter will be originated in the senate, and finally pass both houses, notwithstanding the recent vote in the popular branch. Several members, two certainly and a third most likely, in favor of renewal, have arrived at the seat of government since the taking of the former question.

It is quite probable, if there be no secret underground setting against the measure, that the house of representatives will change the position it has assumed. This will certainly be the result, should there be any who feel themselves in danger of losing their seats in consequence of their past vote. And indeed it would not be the first time that the fears of these men had operated a cure to the effects of their madness—that partial relief from their folly had been found in their fickleness.

But there seems to us to be an imposing obstacle which the friends of the bank have overlooked in their views of this subject. The President of the U. States' is strongly opposed to the charter. He was so at the time of the first grant; and stands before the public, pledged by his own declarations, a believer in the unconstitutionality and impolicy of the measure. Can he then, in the conspicuous situation to which he has been elevated, tread back from the line to which he formerly advanced? We know not the exact degree of deference which the executive is expected to pay to the legislative department of the government, nor on what scale of inferiority the chief magistracy is to weigh his own opinions against those of congress. But as at present impressed, it is our belief that this would be one of the instances in which a sacred regard to duty must compel the president to withhold from the law his approbation and signature. If, as we understand, the senti-

ments expressed by Mr. Madison twenty years ago, still remain unchanged, and that he has gone out of his usual course to make interest against the bank, he cannot consistent with his duty sanction a measure which he thinks impolitic and founded in error, nor consistent with his oath to support the constitution, put his seal to a law, violating, as he holds, that binding and sacred instrument.

It may, notwithstanding, be possible that we have too exalted an opinion of the president's firmness, and that his conscience may not be so tenderly scrupulous as is imagined. Mr. Madison has certainly heretofore shewn that he is very capable of changing his political creed in particular articles; and if the bank charter finally comes before him, we would rejoice should he do so to gain, and honestly do it. The pride of opinion and political standing of an individual are not to be put in competition with the safety and interests of the community.

Speaking of the foregoing subject, the Baltimore *Whig*, contradicting some members of congress, makes the prefatory exclamation, "is it a party question?" And Marshall's *Life of Washington* is quoted in proof. We admit that the language of the chief justice goes so far as to intimate that the opposition to the charter originated in party motives; and we presume it would not be denied that in the same motives it continues to be founded. Mr. Marshall's expression is that the Bank question contributed greatly to the formation of those dissimilitudes which have since distracted the Union. And in what manner did it so contribute? Why the opposition to the charter assisted in drawing the line between the projected and interested enemies of administration and of commercial measures, and those who honestly and from love of country supported both. Party feeling undoubtedly have now and may hereafter had great influence with the democrats in their hostility to the bank; and if any federalist has said or thought otherwise, it only proves that he entertained too good an opinion of his political opponents. But the charge of these feelings may be returned upon the federalists!—We deny it until it be made to appear that the designs of party originated the institution and are interested in keeping it up. In attempting to prove the introductory assertion quoted from the *Whig*, the editors of that paper only seek for recorded evidence to disgrace their associates and their cause.

The Virginia Legislature, in its late proceedings relative to the Bank, has exhibited a striking instance of the facility with which faction accounts itself to circumstances. The resolutions adopted in that body, instructing and requesting their senators and representatives in congress to oppose the charter, first took post on the constitutional ground. But when it was intimated by the prime movers above, that the breaking up of the old bank was merely a prelude to the establishment of a new one nigher home, they changed front, and intrenched behind *inexpediency*, &c.—The case was altered!

Another word on the bank.—Six of the members from N. Carolina, Messrs. Cochrane, Franklin, Kenan, Kerperly, Macon and Sawyer, voted against the charter. I would gratify us to know how these gentlemen will reconcile their vote with the interests of this state, in which the establishment of a branch was hoped and looked for as an object of the greatest importance in its commercial transactions. Some of these gentlemen will argue that the measure was unconstitutional, and others that it was inexpedient. So between two lame stools the interests of their constituents fall to the ground.

Since penning the above we have seen in the latest National Intelligencer, the outlines of a bill, reported in the Senate by Mr. Crawford, to renew the bank charter: see our congressional head. Accompanying the bill was a letter from the secretary of the treasury, touching upon a few of the prominent advantages of continuing the institution, and concluding with the following paragraph on the constitutional question:

"In these hasty remarks, I have not adverted to the question of constitutionality, which is not a subject of discussion for the Secretary of the Treasury. Permit me, however, for my own sake, simply to state, that the bank charter having for a number of years been acted upon or acquiesced in as if constitutional by all the constituted authorities of the nation, and thinking myself the use of banks to be at present necessary for the exercise of the legitimate powers of the general government, the continuation of the Bank of the United States has not, in the view which I have been able to take of the subject appeared to me to be unconstitutional."

Foreign Relations.—We this week comment on the publication of a recent debate, in the house of representatives, on this important subject. It appears that the immediate measure to be recommended by the committee, in consequence of doubts concerning the repeal of the French de-