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DEBATE ON FOREIGN RELATIONS.

House of Representatives,

Saturday, February 2.

(CONTINUED.)

Mr. Wright said he was not a little surprised at a gentleman's rising and proposing a direct violation of the plighted faith of the government, pledged in the law of May last in the face of the world. He hoped that such a breach of good faith would receive no countenance in this House. What! said he, after the legislature of the United States have legislated on the object, making a proposition, and one power has so far acceded to it as to revoke her decrees of Berlin and Milan in so many words, are we to shrink from a performance of our contract? Mr. W. felt not a little surprised that, after this, any Representative of the American nation would feel a disposition, upon the receipt of a letter from a Charge des Affaires (which he do not know that he was, by the appointment of the President and confirmed by the Senate as required by law)—that any member would be disposed to slight the nation's promise. What does this gentleman say? That our frigate Essex arrived on the 5th, and that a messenger coming ashore was prevented by the ships being held liable to quarantine; and that the ship N. O. Packet had been seized at Bourdeaux under the Berlin and Milan decrees. Sir, said Mr. W. what information had the French government then received of the proclamation of the President of the United States? None; it was not till the 12th that the proclamation reached Paris, where it was received by the people with great joy. We have no expression of the opinion of the government subsequent to that time. In relation to the seizure of this vessel, whenever an agent does an act violating the law of nations, the government must be called upon and refuse to disavow the act before it can be ascribed to the government.—What then has been done in this case? There is a letter written—no answer to which had been received when it was despatched. We find too that the vessel seized had been to a British port, and was loaded with articles not the growth of this country. Here, sir, we find our Charges des Affaires telling us very hastily that he has written a long letter to the Duc de Cadore and had not received an answer. And before we are informed what were the precise facts in this case, we are to act on a one sided information, and in fact without any information at all, and to impute to the French government an intention, without knowing whether it was their intention or not, to disregard their promise. On this single case, on the true color of which there is no certainty, we are called upon to lay the foundation of a revocation of that law. In what a situation shall we place the country, should we act on the information, and tomorrow learn that the officer who seized the vessel given up; and that the government of France was well disposed? The nation would be much dissatisfied indeed, if after having held out conditions to both belligerents, which are accepted by one, without the least information or reason to expect any thing from the other power, we were to retrace our steps. Are we, upon information that Mr. Russel had written a long letter to the Duke of Cadore, to which no answer was or could have been received, faithfully to repeal a law containing so solemn a pledge? Could any man feel a devotion to the best interests of his country, who would place it in that predicament?

Mr. W. said he was friendly to peace; but if we must have a collision let it be with that nation which continues to injure our rights.—If they should determine to revoke their act, before knowing what France had done; consequent on the proclamation, it would be extraordinary. Here was a hasty letter of a young man just inducted into office, who in his desire to shew his zeal writes a letter to give information which when received amounts to nothing. Besides, Mr. W. questioned the correctness of the fact stated by him of the Essex being ordered to quarantine; because the messenger who went in her arrived at Paris on the 12th, and could not have been detained on board the vessel at quarantine. As to recommitting the bill and waiting for further information, that there could be no objection to it; but as to repealing the law, it was a proposition which ought not under present circumstances to be entertained by the House. Mr. W. said he looked upon our engagement with France in the light of a solemn treaty, and as such binding on us. If he could be satisfied, however, that these things had been done under the authority of France, he should be as ready as any one to denounce the act and go as far as any one to procure redress; for he had been long tired of aggressions on our neutral rights. He would go as far as the gentlemen from Virginia (Mr. Randolph) whose zeal he admired, but conceived he had really overlooked the true merits of this case. Should France slight her faith, he would go as far as any one to avenge it, and to bring those nations who have violated our rights to condign punishment.

Mr. Ewell said that even if he was disposed to repeal the non intercourse law, he should still be in favor of the motion of his colleague, because if some such provision were not made at a period earlier than a law to repeal the act concerning commercial intercourse could pass both Houses, the merchants would be subjected to great inconvenience. It had always been his opinion, Mr. B. said, that it would be improper to adopt the amendments proposed to the intercourse bill; it had been entirely his opinion that the property about to be imported into this country from Great

Britain would belong to American citizens and not to British subjects. The circumstance was evident from the rate of exchange between the two countries. If the fact was undeniable that all property imported for some time to come would belong to American citizens, and it was the object of the motion to recommit to relieve our own citizens, Mr. B. asked where was the necessity of connecting that subject with another which would consume a great deal of time & put our citizens to great inconvenience? Such would be the case, because by the instructions of the Secretary of the Treasury the collectors are directed to consider the prohibition of importation as commencing this day. If Congress did not speedily interfere, the merchants would be exposed to great inconvenience and the officers to vexatious suits. As to the non-intercourse system, Mr. B. said he was perfectly aware that it was one which could not be executed to the extent and in the spirit contemplated by government; that it is a system which tends to diminish the revenue, and demoralize the merchants, he might perhaps say the people, of the country. But he conceived that at the present stage of the business, this question did not properly come into consideration. For, although he might not be able to satisfy any gentleman that the relations between the United States and Great Britain were of the nature of a contract; yet, in his own mind, it was very evident that we had entered into a stipulation which we are bound to respect, provided France fulfilled it with good faith—he said with good faith; for he was determined never to vote for its continuance unless it was executed with good faith. He said he had never palliated her conduct; he had no idea that we could ever consent to abandon the property she had seized without a shadow of reason—property on the restoration of which it appeared to him government ought to insist with a pertinacity never to be relaxed. Our affairs with France had been in such a state of incertitude from the commencement of the session that he had not been able to make up an opinion on them. When he looked to the correspondence, Mr. B. said he was struck with this view; that instead of procuring from the French government a clear definite expression of their intentions in relation to the sequestered property, we are left almost entirely in the dark on the subject. He was not disposed to carry the non-intercourse into effect. This must be the opinion of every man. No man would continue a measure operating against one only of the belligerents, when he was convinced that nothing but public faith was to be expected from the other.

Mr. B. begged gentlemen to permit the original question to be taken on recommitment, and let the present motion lie over for a day or two. If the non-intercourse could not now be repealed without a disregard of our faith, why take a step which would jeopardize all our property in the ports of the continent? This consideration deserved reflection. He feared, do as they would, that this property was not secure. He confessed, if he were engaged in commerce, under present circumstances, he should lie on his oars. At the same time no measure ought to be adopted which was likely to produce a loss of property abroad. In the present state of the country it must be an object with every gentleman in the House, that our farmers, if it were practicable, should enjoy the benefits of the continental market; for it was well known that tobacco and almost every article we exported found an extensive sale on the continent of Europe. The export to England of cotton and tobacco, except of the finest quality of the latter, had been attended with serious loss to the merchants engaged in it; and many of the failures taking place in the United States arose from the return of bills drawn on the faith of these shipments. Every gentleman must be convinced that our trade, if confined to Great Britain, would afford very little encouragement to agriculturalists. It must therefore be an object with every man by all honorable means to secure a trade with the continent; though, much as the individual interest of Mr. B. and of the country at large would be promoted by it, property on the continent was and would be in such a state of insecurity that he did not anticipate any very important advantage from keeping that trade open.

As to the protection of our merchants, Mr. B. said he did believe that they must ultimately be permitted to run their own risk, and, if they encountered ruin abroad, to take the consequences. If such was the state of Europe that we could make no impression there, we must submit to this unpleasant state of things. Mr. B. alluded to a remark made by Mr. Macon at the last session that the belligerents appeared to be fighting every one but themselves. Did we not now get French silks, wines and brandies through England? And was not our tobacco sent to the continent in the same way? Whilst we had been interdicted by each from trading with the other, they had been carrying on an extensive commerce with each other. Mr. B. said he looked forward to the total extinction of commerce. He said it could not exist under such a system of rapine as had been pursued. We must wait for some change in Europe in which we cannot be instrumental, to enable us to act; until which it would not be proper to take any step in relation to either of the belligerents.

Mr. B. took another view of the subject. He said he had not the smallest doubt, if the French decrees were found to be practically repealed, that the British would repeal the orders in council. He had no doubt in his own opinion that the British government was perfectly sick of the sys-

tem it had been pursuing. That France, not dependent on commerce, should make war on it, was not to be wondered at; but that Great Britain should by a kind of blind fatuous policy unite with France in the extinction of that system which gives her strength and power, was surprising. Mr. B. said he was not in favor of a non-intercourse with Great Britain, unless the promise of France was fully and fairly executed. He would say that no member in the house reprobated more cordially than himself the manner in which our vessels had been seized in France, &c. at the same time he had the same opinion of the injuries that we had received from the other belligerent. Mr. B. concluded by remarking that gentlemen were well favorable to a repeal of the present motion, and for that first made, with a view to the relief of our merchants.

Mr. Gardener expressed his hope that in the present embarrassed condition of our affairs no gentleman was disposed to argue on this question with any thing like party feeling. If ever there was a case in which it was necessary to lay aside party feelings, it was at this time. The few remarks which he should submit to the consideration of the house would have only for their object the public good and general prosperity of the people of the United States. I shall not (said Mr. G.) occupy the attention of the house by bringing to their recollection the different expedients to which the country may have had recourse for the purpose of curing evils which have afflicted it. It is enough to say that however honestly intended, and however much good has been honestly hoped from them, the result expected has not been realized. It is not too much to say that in no one instance has the system which has been in operation for four years past been productive of beneficial consequences to ourselves. It were easy to detail how pernicious has been the influence of that system on ourselves; it has produced no good, but one continued series of evil. At this time, with these effects before us, on one side of the House feeling no disposition to embarrass the operations of the government, and on the other side no disposition to persevere in this fatal system, we should look at our actual condition to provide a remedy for it.

After the first proposed non-intercourse law had failed at the last session; after the failure of the project of the chairman of the committee of foreign relations (Mr. Macon) who reported the bill which every body was for, we adopted the law of the 1st of May. The President has acted on it. Mr. G. here quoted the law, to shew the nature of its provisions. During the recess of Congress, the French government notified this government that the unlawful edicts of France would cease on the first day of November then next ensuing; and on the 2d day of November the President issued his proclamation, not in the words of the act, as I understand it, that France had so revoked or modified her edicts as that they had ceased to violate the neutral commerce of the United States; not as a fact existing in his knowledge; but that it had been officially made known to him that on a certain day they would be revoked. I am not, sir, disposed to find fault with this proceeding. Perhaps it may be considered, the intention being made known to him, that the was, from the courtesy between nations, bound to believe the fact. He was to take for fact that the unlawful edicts were revoked, because it was promised that on a certain day they should cease. But, sir, I submit it to the cool judgment of the House whether, although, from this sort of courtesy necessary and proper to be exercised in a negotiation between the U. States and France, the President was bound to believe that these edicts were so modified as to cease; whether the British government was bound to believe it? To the British government was given by the law three months to abandon her orders in council—after what? After the French government had intimated an intention to rescind its decrees? No; after the French decrees had been so revoked or modified as to cease to operate on the neutral commerce of the United States. The same reason of courtesy which was obligatory on the President would not operate on her rival belligerent, Great Britain, to oblige her to believe it. It may then be questioned whether that state of things existed which Congress had contemplated, three months after which the non-intercourse with G. Britain was to commence. The actual intention of Congress was this: Each nation taking the ground that her edicts were consequent on the unlawful edicts of the other, and each asserting so stoutly, that it was really difficult to know whether either was in the wrong, and, if either of them, which; the law was passed to ascertain which would persist. So far it was a well judged law; so far as it provided that if one ceased to violate our rights, and the other did not follow her example, we should be in a state of non-intercourse with that other. But we should have given that other a fair and reasonable time to know whether she would abandon her system or not. If she did not, it would then appear that that power, supposing it to be Great Britain, was most seriously intent on injuring us. Therefore in that event there would have been but one voice in the nation. For this reason, although I had no agency in it, I was always pleased with this feature of the law.

But I must say, sir, that it does appear to me that the course pursued has not produced the state of things which must have been the object of the law and of congress; for instead of dating the proclamation from the time these edicts ceased to

violate the neutral commerce of the United States, it was dated from the time when France had promised that they should cease; & as between France and us, I have no objection to the proposition.—But, as between us and Great Britain, to take the 2d of November, when France was to withdraw her decrees, as the time from which to count three months interval, was irregular; because it was not and could not possibly be known whether she had actually revoked them. Whatever France had promised, the fact of revocation could not have been known to the president.

But if, to carry into effect the purpose and what I deem the legitimate object of this bill, it was proper to take this promise of France at the last summer, and because such a promise was made it was right to take that act was done; for the purpose of dealing fairly with both nations, I ask why the proclamation was not issued as to both. Did not G. Britain also promise, if France fulfilled her engagements, that she would also revoke her edicts, declaring that she would wait until that fact was ascertained? Here, sir, is promise for promise. And Mr. G. insisted that if France, in point of fact had ceased to violate the neutral commerce of the United States, so had Great Britain. He contended, at some length, with great ability and ingenuity, that G. Britain had given a pledge of repeal equivalent to that given by France; and that offensive measures should be delayed until it was seen whether an actual revocation by the one would not be followed by an actual revocation on the part of the other. Our present limits, however, compel us to curtail the debate. Mr. G. was against a delay of the question. Our present system has not produced any good, (said he) nor can it; and if France should revoke her edicts, we can re-enact the non-intercourse.

To conclude, sir, I put the question in this plain palpable form. Both belligerents, for aught we know continue in force their unjust edicts. But we are in a state of intercourse with the one and of non-intercourse and inhospitality with the other. Shall this state of things continue? Gentlemen must say no. If so, the next question is, how shall we put an end to this unreasonable state of things? Only by repealing this act, and leaving ourselves at liberty to devise such new system as shall be best suited to our circumstances and the present state of the world.

Mr. Fisk gave a detail of the provisions of the act of May last, and of the propositions made to the two belligerents, which he said had been accepted by France and rejected by England. In this state of things he considered the faith of the U. States, which had never heretofore been violated, as pledged to the party accepting the terms proposed. And rather than that government should by any act merit the imputation, he would see one half of the American property sacrificed. Mr. F. then continued—

The hon. gentleman from Virginia has told us that this law is our own; that it is a rule of conduct. I admit the definition to be correct. All laws, even the laws of gravitation, are rules of action. But this law is not a mere municipal regulation to govern the conduct of the American people in relation to measures confined to themselves, without regard to others. The rule of conduct prescribed by this act, is more extensive; it connects a course of policy we have promised to pursue, with the interest and policy of another government. There are now two parties to be governed by this rule, and we cannot, consistent with good faith, as one of the parties say, that we will not regard this rule of conduct which, on the happening of certain contingencies we are pledged to observe. Has it not been officially announced to us by the French government that their edicts would on the 1st day of November cease to have their effect? Has not this modification been made known by the president's proclamation? Yes, sir, these events have happened, and we are bound in good faith to carry into effect the act prohibiting importations from Great Britain, unless indeed the British orders shall have been also modified or revoked on this day; because we have by a legislative act declared that, on the happening of these events, all importations of British goods into this country should cease.

But it is contended by some gentlemen that the French edicts are not revoked, and the seizure of the "New Orleans Packet" at Bordeaux in November, is relied on as evidence, that the Berlin and Milan decrees were then, and in that instance, enforced against American property. The information contained in the message of the President communicated to this House the day before yesterday in relation to this seizure, renders it doubtful, whether the New Orleans Packet was seized for a violation of the Berlin and Milan decrees, or for some other cause; and we have no evidence, that this seizure was made by the order of the French government. When the despatch of Mr. Russel left Paris, the views of that government in relation to this act, were unknown to our agent. It is uncertain upon what grounds the seizure was made. And in this state of uncertainty, shall we determine the grounds upon which it was made, say that it was made for a violation of the decrees which that government have assured us were revoked, when the next arrivals may bring us information that the French government have disavowed this act of the custom-house officer and restored the property? No, sir, let us wait for further intelligence before we act upon this subject. Suppose that we should pass this resolution, and repeal the act of the 1st of May, and, by the time this repealing act becomes a law, information should be received from France that her edicts vi-

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