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Political.

MR. PICKERING'S ADDRESS

TO THE PEOPLE OF THE UNITED STATES.
NO. XVI.

Fellow Citizens,

Having given you a correct view of the embargo, and exhibited such facts and circumstances as prove beyond controversy, that it was not recommended by Mr. Jefferson, and under his influence passed into a law, for the causes he assigned, but really as a measure of co-operation with the French Emperor, in his system for destroying the commerce, and with it the power of Great Britain, the subject next in course is the Non-Interference law which succeeded the Embargo. But an exhibition of this measure, as foolish and absurd, as to ourselves it was mischievous, must be postponed, while I present to your consideration *The Projected War with Great Britain.*

Our rulers have made frequent and ample professions of their impartiality towards the two great belligerents, France and Great Britain; and to support this pretension, have charged both with violating our neutral rights, and affected to direct their measures for redress equally against both. But I have shewn the falsehood of this pretension. The Embargo, particularly, so well coincided with the views of the French Emperor as to meet his entire approbation. His minister the Duke de Cadore, in his letter of August 5, 1810, to Gen. Armstrong, says, "the Emperor applauded the embargo." But without reciting the numerous instances, which I have observed during an attendance in Congress for the last 8 years, but which it would take too much time to collect and present in their just form and color—of the manifest partiality of our rulers in favour of France; I assume it as a notorious fact, demonstrated by their general course of conduct. With the multiplied proofs of such partiality before me—when I saw our rulers shutting their eyes to the greatest enormities, to the most atrocious acts of piracy, robbery and swindling practised by the great Emperor against my fellow citizens; while all the acts of Great Britain which they complained were monstrously aggravated and distorted, in order to alarm and irritate the people against the only power which stood between us and subjection and slavery to France; I was led to apprehend it was their design to involve the United States in a war with Great Britain. But having since witnessed only a repetition of hard words, the mere swaggering of bullies—with abundant evidence of ill-will—but without any solid preparations for such a war; knowing also that the Treasury was empty; and that with their mischievous interruptions and restrictions of commerce, the public revenues were constantly diminished;—knowing further their utter dread of imposing new taxes which would hazard or destroy their popularity; and believing that a large addition to the old taxes, consisting wholly of duties on goods imported, by the temptation it would offer to smuggling, might rather lessen than increase the actual receipts of revenue; knowing, moreover, the disposition of the people of the United States to remain at peace: From all these considerations I have, for a good while past, been disposed to believe our rulers were really as willing as the people were averse, to engage in any war, even with G. Britain. In the actual state of things, I have even considered it fortunate that the absurd principle of Mr. Jefferson, that the public treasury ought not to be rich, because an accumulation of money might tempt the nation to go to war, was literally exemplified; he having so managed our public affairs as to empty the treasury, and to compel his successor to borrow several millions of dollars, for the ordinary payments and expenses of government.

But a late occurrence, the hostile act of Commodore Rodgers, in his encounter with a British sloop of war, has led me into a new train of thought. This encounter having excited much public sensibility, and being, in my view, pregnant with serious consequences, no other subject demands such immediate consideration.

The meeting of the American frigate *President*, commanded by commodore Rodgers with the British sloop of war *Little Belt*, commanded by capt. Bingham, was doubtless accidental; but the circumstances under which the frigate sailed, as mentioned in the government paper at Washington, & the facts stated by commodore R. himself, in his official letter to the Secretary of the Navy, leave no room to doubt that his conduct was the result of previous orders from the Executive: in fact, to pursue the British frigate *Guerrier*, which, not long before, had impressed an American citizen, from one of our coasting vessels. Commodore Rodgers says he was 14 or 15 leagues from that part of our coast called Cape Henry, when a sail was discovered in the East; that he gave her chase, and continued it for more than six hours, before he came up with her; the vessel chased, all that time endeavouring to make her escape; for though the commodore could not see her so clearly as to judge what was her size, it is plain she saw the vastly superior size of her pursuer, or she would not have run from her.—These and some other circumstances, which may afterwards be noticed, prove satisfactorily, that this unwarranted chase was in execution of previous orders, with which Commodore Rodgers, as commanding a neutral armed ship, would not have felt himself justified in making it. The same government paper confirms this conclusion; for the commodore,

having requested a formal inquiry into every part of his conduct in the case, that paper informs us that the President refused to grant his request; because he approved of the commodore's conduct. This, indeed, has not been said in that newspaper under the hand of the President, or of the Secretary of the Navy; because there is a possibility that hereafter it may be convenient to say that the editor made the publication without authority. Certain it is, that although near a month has elapsed, we have heard of no inquiry. I take it for granted there will be none; for if faithfully conducted, the commodore, for his own justification, would be obliged to produce his orders; which might officially expose the Executive to merited censure for authorizing an act of war.

Let us, for a moment consider, the act of chasing. In a time of universal peace, if vessels of the same or of different nations were to meet on the high seas, and hail each other, asking their names, and of what nation they were, or any other civil questions, no one will assert that either is obliged to answer. The not answering may be an evidence of churlishness; but the refusal to answer would not authorise the firing of a single shot. Just as if two citizens meeting in the highway, and one civilly accosting the other, is passed without an answer and unnoticed,—no one would justify the former in using his pistol or his cane to kill or beat the other because he was deficient in politeness.—But when a nation is engaged in war, and sends out its armed vessels to cruise on the sea, the common highway of nations, then the right to chase, to hail, to require answer, to board, and to search, and eventually to attack, accrues to the vessel at war—because they have a right to capture those of enemy. For without these rights, a naval war, would be useless—or rather it could not exist. The neutral armed vessel on the contrary, seeing her nation is at peace with all other nations, possesses none of these rights—because not necessary to any of the objects of neutrality and peace; on the contrary she is bound to avoid every hostile act, except in her own defence when unjustly attacked. When she meets a belligerent armed vessel, it is her duty if it be demanded, to make known her neutral character, to prevent the shedding of innocent blood, and the evils of war, hazarded by a refusal to answer. As neutral, she has no evil or inconvenience to apprehend by making her neutrality known. She has no right to chase, to hail and insist upon an answer, to board and to search, because she has no right to make a capture. The American frigate, then, having none of these rights, is responsible for all the evils consequent on the chase and the concealment of her neutral character. Commodore Rodgers assigns but one reason for giving chase; and if he had not another resting on special orders from our Executive, he must be personally responsible for the blood that has been spilt. The chasing of the British vessel being an unlawful act, the killing of her crew, as the direct consequence of that unlawful act, is murder. And the Commodore's conscience would be ill at ease, but for the orders from his government which he conceived himself bound to execute.

By his own official report, it appears, that commodore Rodgers, on the 16th May, 25 minutes past noon, discovered a sail, when he was himself upwards of 40 miles from Cape Henry; and the vessel whose sail he discovered in the east, from his mast head, must have been many miles farther distant from our coast; that the vessel was standing towards him with a press of sail; that at half past one o'clock, the symmetry [or just proportions] of her upper sails [which were then distinguishable from his frigate's deck] and her making signals, shewed her to be a man of war; that fifteen minutes afterwards, the Commodore hoisted his colours: when the other vessel, finding her signals not answered, changed her course, and stood to the southward.

Now we come to commodore Rodgers' assigned reasons for giving chase, "Being desirous of speaking her, and ascertaining what she was, I now made sail in chase;" and he continued the chase until fifteen or twenty minutes past eight when being distant from 70 to 100 yards, says the commodore, "I hailed, what ship is that?" to this inquiry no answer was given, but I was hailed by her commander, and asked what ship is that?—Having asked the first question, (continues the Commodore) I of course considered myself entitled to the first answer. After a pause of fifteen or twenty seconds, I reiterated my first inquiry of what ship is that? and before I had time to take the trumpet from my mouth was answered by a shot.—A shot was returned from the American frigate, and by the Commodore's statement, without orders, though just as he was on the point of giving an order to fire a shot in return. And thus commenced the action, which terminated in killing and wounding about 30 men of the crew of the British vessel. Such is substantially Commodore Rodgers' account of the chase and the action.

I have already noticed the rights of an armed vessel of a nation at war, on the high seas. She has a right to chase, because she is authorized to capture the vessels of her enemy. She has a right to hail and to require an answer, that she may avoid the attacking of a friend or of a neutral. If an answer be refused, she has a right to consider the vessel hailed as her enemy; and consequently to attack and take her if he can, or to defend himself and prevent the capture of his own vessel. But, I repeat, none of these rights belong to an armed vessel of a neutral nation.

And if by the refusal of the latter to answer and declare her neutral character, an attack ensues, the blame will rest wholly on the neutral. Whether in the case under consideration, the blame should originally attach to commodore Rodgers or to the President and Secretary of the navy, or to all of them, will depend on the orders given to the commodore. That his orders authorised and required the chase of a British armed vessel I cannot doubt. Unless furnished with positive evidence, I shall not be inclined to believe that commodore Rodgers acted in this case without special orders; and the declared approbation of the President is an evidence that he obeyed the spirit of his orders, and in this approbation the president has adopted, and made his own—that is, the act of the United States (represented by the President) for which he nation is responsible and for which an explanation and satisfaction will be demanded—and by our government refused. The grounds on which I have formed and expressed this opinion and why satisfaction will be refused, will be given in my next address.

TIMOTHY PICKERING.

NO. XVII.

Fellow Citizens,

In my last address I gave an account of the engagement between the American frigate *President*, commodore Rodgers, commander, and the British sloop of war *Little Belt*, captain Bingham, commander; and the reasons on which I pronounced the proceedings on the part of the American frigate unlawful, and an act of war. I also remarked, that those proceedings originated, unquestionably, in the orders of the Supreme Executive power of the United States, for which they consequently are responsible—of which an explanation will be required—and for which satisfaction will, by the British government, be demanded, and by our government refused. I am now to exhibit the grounds of this opinion, and particularly why satisfaction being demanded will be refused.

I again take up the official report of commodore Rodgers. His reasoning at the instant the action commenced, by a shot (as he states) from the *Little Belt*, is not a little singular, and requires particular notice, as indicative of the temper in which his orders were conceived and executed.—When the first shot was fired (says the commodore) being under an impression that it might possibly have proceeded from accident, and without the orders of her commander, I had determined, at the moment, to fire only a single shot in return; but the immediate repetition of the previous unprovoked outrage induced me to believe that the insult was premeditated, and that from our adversary being at the time ignorant of our real force as I was of his, he thought this, perhaps, a favourable opportunity of acquiring promotion, although at the expense of violating our neutrality and insulting our flag."

Here I must take leave to ask a few questions. As the commodore's impression was that the first shot from the *Little Belt* might have proceeded from accident, and he was within speaking distance, why, instead of first asking an explanation, did he determine to return even a single shot?—Was it the part of a commander possessing (as he says of himself & I doubt not truly; but he had orders which he found himself bound to obey) an humane and generous heart, determined not to spill a drop of blood unnecessarily, to return a shot which might spill the blood of more than one man, when a declaration of his neutral character, which it was his duty to have made, would have prevented the spilling of a single drop, and all the serious consequences which ensued, and the still more serious in prospect? Why did the commodore think the firing of the first gun "an unprovoked outrage?" Was it possible for captain Bingham to imagine the Commodore's ship to be a neutral? After having been hard chased by her for more than six hours; and after seeing her, when within a mile and a half, taking the precaution to get the weather gauge, the position to windward the most advantageous for action, which (the commodore says) the commander of the chase (captain Bingham) from his manœuvres, during half an hour, appeared anxious to prevent: in a word, after observing the commodore's movements and conduct, during six hours and a half, to be precisely those of an enemy; after hailing "what ship is that?" to ascertain whether she was a friend or a foe, and the commodore had refused to answer; what other possible conclusion could captain Bingham form, than that the commodore's frigate was an enemy? And by what rule of war, or of common sense, can the firing of a shot at an enemy be pronounced "an unprovoked outrage?" And why, because under such circumstances, the firing was repeated, should the commodore "believe the insult was premeditated?" And why should the commodore imagine that captain Bingham began the attack under the idea that it was "a favorable opportunity of acquiring promotion by violating our neutrality and insulting our flag," when captain Bingham must necessarily have believed the commodore's frigate, to be an enemy? Why should captain Bingham be required to see the American stars in the President's flag, when the commodore states that he had never been able to see the distinctive national marks in the flag of the *Little Belt*?—But although the commodore could not see the size and force of the *Little Belt*, it is certain that captain Bingham saw clearly the formidably superior size and force of the commodore's ship—or he would not have run from her. For this reason, when

the commodore came along side, captain Bingham aimed all his shot at the spars and rigging of the *President*, in the hope, by some lucky shot, to disable her, and then to effect his escape.—And are the endeavours of captain Bingham during more than six hours running to get away from the *President*, an evidence to the commodore's mind, that the captain was eager to attack in the hope of acquiring laurels & promotion? and "at the expense of violating our neutrality and insulting our flag?" The commodore says that when the first shot was fired (it being 15 or 20 minutes past 8 in the evening, and the two ships distant from 70 to 100 yards from each other) captain Bingham was as ignorant of the real force of the *President* as the commodore was of the force of the *Little Belt*. How then (upon the commodore's own showing) should captain Bingham dream of acquiring laurels and promotion by his attack, when it might turn out to be an attack on a vessel of much inferior force to his own? The commodore will certainly judge more correctly in his own case, and not expect an admiral's flag for "riddling" the little ship *Little Belt*, and killing and wounding thirty of her crew. But how are we to account for such strange ideas of captain Bingham's motives for his attack, gaining in a moment the possession of the commodore's mind? He declares that "neither his passions nor prejudices had any agency in this affair," and yet he conceived that captain Bingham, though necessarily taking him for an enemy, intended, by attacking him, "to violate the neutrality and insult the flag of the United States!"—After the action was over: after the commodore had made such havoc among the crew of the *Little Belt*, he again hailed, "What ship is that?" and then "learned for the first time, that it was a ship of his Britannic Majesty's." But had the commodore no misgivings, no previous suspicions as to the national character of the ship he pursued? If he had supposed her to be a French or an American ship (and none other except the British were to have been expected to be off our coast) would he have given either a hard chase of six or seven hours, solely to gratify his innocent curiosity "to speak her and ascertain what she was?"—Why should the thought have entered into his head that the ship he had pursued and come up with, meant, by the firing of a shot, to violate the neutrality and insult the flag of the United States, unless he believed her to be a British vessel of war. Surely, neither the commodore nor any of his political friends would entertain an idea that a public ship of our loving friend the French emperor would violate the neutrality of the United States or insult their flag; especially when she was afterwards to find an asylum in our ports. It is true, indeed, that the emperor had told our rulers that they were a miserable pack—"men without just political views, without honour, without energy;" and the unresenting, abject submission with which they have borne this gross and outrageous reproach, proves that the emperor knew well their character, and that his signally contemptuous language was not misapplied. But still, this did not violate our neutrality nor insult the dignity of our flag. The commodore states that "previously he had reason to feel incensed at the repeated outrages committed on our flag by the British ships of war;" and I very much fear that the readers of his own official report of his encounter with the British ship *Little Belt*, will be constrained to suspect, although the commodore himself did not, that during the whole of this affair, he felt that (in pursuance of his orders) he was chasing and fighting a British ship of war, and thus avenging the "outrages" at which he had been previously incensed; and that strongly impressed with this idea, though not himself aware of it, the commodore thought that captain Bingham likewise knew, or was strongly impressed with the idea, that the ship at which he fired belonged to the United States; without which impression capt. Bingham could not have intended to violate their neutrality and insult their flag. If the commodore's own statement will admit of an interpretation different from that I have given, I shall be very happy to see it. But let us look a little further, and consider his reason for giving chase.

Let it be recollected that when first discovered, the *Little Belt* was so many miles distant as to be discerned only from the commodore's mast-head, and standing towards him—and he, I presume, standing towards her; that about an hour afterwards, her upper sails were distinguishable from the commodore's deck; when she made signals, which not being answered by him, she changed her course and stood to the southward. Then, says the commodore, "being desirous of speaking her, and ascertaining what she was, I now made sail in chase."—And so we are to believe, it would seem, that merely from curiosity, to speak a vessel at a great distance from him, on the high seas, and to learn her name and to what nation she belonged, the commodore gave her a six or seven hours chase, and sailed many miles out of his course for the *Little Belt* at some fifty miles distance from our coast, ran to the southward, when the commodore gave her chase; although according to the government paper, he was ordered to put to sea immediately from Annapolis, and return to his former station, [I suppose at New York] for the purpose of guarding our maritime jurisdiction from violations by foreign cruisers."

The commodore, continuing his details concerning the vessel in sight, remarks, that "the symmetry of her sails and her making signals shewed her to be a man of war."—But the com-