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## Congress of the U. States.

### HOUSE OF REPRESENTATIVES.

Friday, January 3.

#### SENATE OF MR. SHEFFEY'S SPEECH.

It was not his intention to disturb the tranquility with which our measures have been so far pursued; but it was his duty to explain the motives by which he was governed, while he wished not and did not doubt the purity of those who had advocated measures which to him appeared pregnant with the most ruinous consequences. He had hoped that the question of peace or war would have been clearly presented as a case in which case he should have gone with the majority in furnishing the means of war, if the honor and interest of the country demanded it.—The causes of war, the means of carrying it on, and the object to be attained, ought to have all been fully and fairly stated. Instead of which he had heard nothing but high colored statements of wrongs. He would openly avow that there was cause of a war against Great Britain, but not less so against the other belligerent. The orders in council are not founded in justice: they are causes of war; nor are these orders beneficial to Great Britain herself. The decrees of France blockading the British Isles were nominal; nor was there on the part of England any just ground for her retaliating orders. The orders of November, 1807, were calculated not to benefit Great Britain but solely to injure us.

Of what has been said of the impressment of American seamen, a part is true; but not to the extent stated particularly by the gentleman from Kentucky (Johnson) who painted in the most glowing colours the distresses of fifty thousand American citizens in slavery. Mr. S. said he would never go to war for any other than American native citizens or such as were here at the time of the revolution.—We are not bound to protect British subjects.—They owe allegiance to their government, and that government will claim it. When British subjects come here and stay a given time, they become if they choose citizens of the United States, and we are bound to protect them while under our jurisdiction; but to say that our flag shall protect both property and men is claiming more than can be granted. The right of a belligerent to search for contraband goods &c. cannot be denied. Before we go to war we ought to consider whether it will permit any but our own citizens to go on board our own merchantmen. She needs her subjects and she will obtain them if possible.

There is a great difference between a cause of war and an object of war. Why was our blood and treasure without a substantial object of national benefit? We claim the right of trading to the continent. Of what value is this? Is it worth a war? The trade to the continent is now of little value, and is daily diminishing. Such is the policy of the French government that foreign trade is to be destroyed. What is the value of all your commerce to France and her dependencies? Your export commerce there before the orders in council or French decrees was but \$2,700,000 out of above \$48,000,000—and even this would now be far less. Coffee and sugar are wholly forbidden. How tobacco? Only one fifth part of the tobacco used in France can be of foreign growth. Is this not intended to amount to a total prohibition? It is a part of the system of total exclusion. Of cotton, in a little time none will, by this system, be admitted.—Including Holland and Italy your commerce to France and its dependencies is not worth two millions of dollars. If the orders in council were this moment repealed commerce to France & her dependencies, so shackled by duties, and being bound to take certain articles in return, would not be worth having.

In 1807, our export trade to Great Britain was about \$28,000,000, besides nearly \$5,000,000 to places since fallen into the hands of Great Britain. Shall all this be sacrificed for a commerce of two millions, and that not worth having? Till it can be proved that we shall have a market elsewhere, he would not relinquish the commerce we now have, or could have.

We have been told that this is to be a war of honor. The civilized world has assumed a new aspect; neutral rights will not be permitted to flourish till there is a change. We have thought our trade of too much consequence to foreign nations. Belligerent claims will interfere with neutral rights. Public law has been consigned to the grave by French domination. There are now no neutral powers, except ourselves and you say we are shortly to relinquish that position; it cannot be supposed that neutral rights will be protected in the hands of an hundred millions of belligerents.

If we do not understand beforehand, we must understand practically.—Why did we not go to war long ago, when France gave us such provocation; or why not before with Great Britain? Prudence forbade, let the same prudence operate now. Shall we be overwhelmed with the calamities of war, with probable ruin, for this ideal honor? It is a question of prudence, of calculation; what are your powers for maintaining this honor. If after a seven years war for the defence of our honor, after the waste of wealth and blood you are at last obliged to sit down under the continued orders in council, what becomes of your honor.—You buy off Algiers with money. Where is your honor in this case.

You have purchased from France the right of going to Great Britain, not by money but a con-

tract. When the Berlin decree was issued why did you not go to war? Prudence dictated otherwise. Where is that prudence now.

But nations long in peace need war we are told, for the recovery of their martial spirit. Sir, it is not true that nations are injured by long continued peace. Look at what Switzerland so long was. Why plunge into the evils of war, lest we should be miserable without it. A war with Great Britain will be a commercial war. The object is the removal of the orders in council; and this to be effected by taking Canada. Now the first question is, can you raise the men who can achieve this?—He hesitated not to say they could not. Calculations are made on patriotic and ambitious for foreign conquest. We are told that the public spirit is low, and we are here not seconding but checking it. Look at the fulsome addresses to Mr Adams from legislatures and public bodies, pledging their lives, fortunes and sacred honor: "the finger of heaven points to war." How soon was it discovered that a few such addresses were not the voice of the great body of the people. The people are not now the friends of war; nor will they support a foreign war, or war of foreign conquest.

The gentleman from North Carolina, (Mr. Stanford) has shown you, what you cannot deny, that the provocations to war were far greater in '68 than now. Why did not you then go to war?

Much has been said of Volunteers. Mr. S. had not known one who would volunteer as a private; as officers there would no doubt be enough. Will your farmers sons, or any that can get a living at home turn out as privates to go and fight Canada? In '98 when no fighting was expected, during a year and a half recruiting, not half the army was filled up. Such is the prosperous state of society in this country, that you cannot get men for such a war. He rejoiced it was so; and hoped the time was far distant when society should be such as to afford proper characters for such a war. If you pass this bill you will not in three years procure 25,000 men.

We have none of the means or materials of war: not even blankets. But perhaps the army is to march in dog days and come back victorious before the cold weather comes on!

Some suppose if we only go to Canada and protect their liberty, they will all flock to your standard. No so. A great part of the population is from the United States persons who have settled there because they prefer the soil or the government. They will not forsake their allegiance. What will the British Government be doing at the time you are making these preparations? G. Britain, if you go to Canada will soon bring back the army to defend your sacked cities. What do you obtain for your certain losses; immense losses? The frozen lands of Canada, that we do not want. Will not G. Britain attack us in the south, every where indeed along our coast? Will there not be invasions not for territory but plunder and rapine. Yet we are told that if we all go to the bottom this side of the Allegany, liberty will be triumphant still in the west, it was an exchange not to be desired.

What are the pecuniary resources of this country? He would not admit that the means of war could be raised. The 2,000,000 dollars, collected by an internal tax in '98, was considered oppressive. How is it to now? Thirty thousand men (admitted they could be raised) will cost how much? (Mr. Sheffey here made a calculation for one year, (perhaps 1809, of the expenditure for the military establishment, and found it 492 dollars a man.) The estimate (he said) is generally about one half the real expenditure. Under the profuse administration of Mr. Adams, in 1798, the military and naval expenditure was not so great by above a million as under our economical (democratic) republican administration, for the year 1808.

The expenditure, according to this bill, and other preparations, will be about forty-five millions of dollars annually—about one-fifth of the proceeds of the labour of the whole people.—Where will you raise it? Yes, with the naval preparations necessary, and without which there is no system; 45 millions of dollars will be the low calculation. Where is your commerce to be? To the East Indies, or West; pass the iron-bound coast of England to the Baltic, Mediterranean, or to Spain? All these places will be inaccessible on account of the British.—Your whole commerce will not be two millions of dollars. You will borrow? On motion? No man will lend without security; what can you give? You cannot secure even the interest; supposing you would get the money, how long is the war to continue? Three years will be the shortest. This will saddle upon the country a debt of one hundred and thirty millions.

And is there no danger to liberty? Standing armies were formerly dreaded. But now, strange metamorphosis! standing armies are composed of different materials, all patriots. No! standing armies are the same. Never was more virtuous than that of the revolution; yet were it not for one man, whose like we shall never see, at the close of the war, perhaps we should now be acting under a military despotism. Yet we are told there is no danger. Circumstances, if they do not extinguish, may obscure the spirit of liberty. How were we alive when the provisional army was raised: what dangers did we apprehend yet, now we are told there is no danger. But then we were out now we are in.—He feared there was no distinction in political parties. (Mr. Sheffey here noticed the pretensions of patriotism in England of the 17th; who pursued the measures when

in, which they before condemned; and he expressed his fear that the same course was in operation here.)

It is true, he said, that England is fighting the battles of the world. And what is to succeed the downfall of England? We are told that other objects will employ the attention of Bonaparte. The miser may prefer a British to a French guinea, but he will take both if he can.

We are asked, what are we to gain by peace? (by Mr. Speaker.) He was astonished at the question. We are yet the happiest nation on which the sun ever shone. Liberty and security are ours. Let me these and take your orders in council, or your trade to France. Almost our ail is secured by peace: and what is not risked by war?

England is not to be driven from her purpose by our embargo and non-intercourse. We have proved the folly of that hope. After we have raised the army, and its purpose should be effected, what is to be done if Great Britain still hold on her course? Is the army to be disbanded?

He concluded with returning his thanks to the Speaker and the house for the attention given, and by beseeching that they would not embark in the European contest, nor thus put to sea with the vessel of State, when the winds were up; the horizon overcast; the storm gathering; the billows running mountain high; and thus risk the danger of shipwreck or total loss.

December 23.

### GAG RULE

The house resumed the consideration of the unfinished business of Saturday last, viz: Mr. Nelson's amendment to the rules and orders of the house.—That when the previous question is ordered to be taken, upon the main question being put, every member who has not already spoken shall have liberty to speak once.

Mr. Quincy.—Mr. Speaker, I do not regard this question in the light in which some of its advocates, as well as of its opponents, have considered it; as a mere contest for power between the majority and the minority. It is of an higher character. It affects the essential principles of civil liberty, and saps its hopes at its very foundation. I rejoice that the gentleman from Virginia (Mr. Nelson) has limited his proposition, so as to preclude any mistake concerning the object of it. We are not now advocating an unrestrained privilege of debate. The inquiry is—shall a main question, in this deliberative body, ever be asked and every member, who has not already spoken, shall have an opportunity, if he wishes to avail himself of it, to speak at least once upon the question.—The ground taken by those who oppose the proposition, is that of necessity and convenience. These are the very points, which, in a free country, ought most vigilantly to be guarded. For it is, here, that the spirit of despotism always lies in ambush. Under the cover of necessity or convenience, it steals upon the liberties of the people, and never fails, sooner or later to make them its prey.

It is not to be denied, that the subject is in some respects difficult to manage with any hopes of convincing.—There is a state of feeling, both within this house and out of it, very unpropitious to an impartial debate.—In this house it is argued as a question concerning—who shall have the power, a majority or a minority. And as it is agreed on all hands, that in the exercise of the power, abuse may happen, the present majority, like all other majorities, have a prevailing inclination to reserve in their own hands, the exclusive privilege of abuse. And without doors the subject is of no less difficulty. For, of late years, the popular ear has been so vexed with speech upon speech—wind upon wind—the public patience has been so exhausted in hunting up the solitary grain of sense, hidden in the bushels of chaff, that it is ready to submit to any limitation of a privilege which subjects it to so irksome a labor. The people are almost ready to exclaim, "do what you will with the liberty of speech, provided you will save us from that fresh of words, with which we are periodically inundated."

Now this is the very state of the public mind, in which the corruption of essential principles commences.—Through apparent necessity, or temporary convenience, or disgust at abuse the popular sentiment is made to acquiesce in the introduction of doctrines, vitally inconsistent with the perpetuity of liberty.

I ask the house to consider what is that principle of civil liberty, which is undivided and identified with the very existence of a legislative body. In what does it consist?—And what is its character? It consists in the right of deliberation. And its character is, that it belongs, not to the body, but to the individual members, constituting the body. The body has the power to controul, and regulate its exercise. But it has not the power to take away that right altogether by the operation of any general principle. An individual member may render himself unworthy of the privilege. He may be set down. He may be denied the right, because he has abused it. But when a legislative body assumes to itself the power of stopping, at its will, all debate, at any stage of deliberation, it assumes a power wholly inconsistent with the essential right of deliberation, and totally destructive of that principle of civil liberty which exists, and is identified with the exercise of that right.

The right of every individual member is, in fact, the right of his constituents. He is but their representative. It is in their majesty, that he appears. It is their right, that he reflects. The

right of being heard by their representative is the inherent and absolute right of the people. Now it is the essential character of such a right, that it exists, independent, and in despite of any man, or body of men, whatsoever. It is absurd to say, that any right is independent, which depends upon the will of another. It is absurd to say, that any right is absolute which is wholly relative to the inclination of another; which lasts only as long as he chooses, and terminates at his nod. Now, whether this power be exercised, by one, or many, it matters not. The principle of civil liberty is gone, when the inherent and absolute nature of the right is gone.

Apply this reasoning to the case before us. It is impossible to conceal the fact, that as our rules and orders stand, independent of the proposition, now offered as an amendment, it is in the power of a majority to preclude all debate, upon any question, and force every member of the house to vote, upon any proposition, without giving him the opportunity of explaining his own reasons, or stating the interests of his constituents. This is undeniable. Is it not then, plain & conclusive, that as our rules and orders now stand, according to recent construction, every member of this house holds his right of speaking, not on the principle of the inherent, absolute and independent right of his constituents whose representative he is, but upon the will of the majority of this house?—For that which another may at any time take away from me, I hold not by my own right, but at his will. Can any thing be more obviously at variance with the spirit of the constitution and the first principles of civil liberty?

Let not any man say this power will not be abused. This is the favorite argument of every despotism, and of course, will not fail to be urged, when it is about to plant itself in the very temple of liberty.

I have chosen to consider this subject in relation to the right of the whole body, and of one of its individual members, rather than to that of a majority and minority. The right to speak is an individual right. Limit it as you please, consistent with a single exercise of that right. But when this is taken away, or precisely the same thing so far as it respects the principle of civil liberty, when it is in the power of one or many, at its sovereign will and pleasure, to take it away, there is no longer any right. We have our nature of speech as the slave has his—at the will of a master.

But it is said the legislature must sometimes "act." And I say, first, the exercise of the right as you please, only do not assume to yourselves the power of taking away the whole right at your pleasure.

It is, in this doctrine of "the necessity of acting," that lies the whole mystery of that error, which we are now combatting. Strictly speaking, a legislative body never "acts." Its province is to deliberate and decide. "Action" is alone, correctly attributable to the executive. And it will be found, that all the cases, in which his necessity of "action" has been urged have been cases in which the legislative body has departed from its appropriated duties of deliberation and decision, and descended to be an instrument or engine of the executive. I hesitate not to say, that this position may be proved by almost every instance in which this necessity of action has been urged.—It was an executive haste to its own purposes, which prevailed upon the legislative body to deny to deny to its own members, their privileges.

It has been asserted, that "if this amendment passes, this will be the only deliberative body in the world, which cannot stop debate." On the other hand I assert, that if this amendment does not pass, this will be the only deliberative body in the world, pretending to be free, in which it is in the power of a majority to force a decision without any deliberation. It is not true, that in the British parliament, the previous question stops debate and forces decision on the main question without deliberation. The previous question, there, if decided in the negative, suppresses debate, by postponing the main question. And until 1807, the practice of the British house permitted debate of the main question, after an affirmative decision of a previous question. Whoever undertakes to examine the subject, will find it as I have stated.

It is not true, that this power ever was, or ever can be necessary, in a legislative body. In every case, in which the previous question, according to recent construction, has been pressed upon the house, it will be found that there was no *natural or state necessity* for an immediate decision. That is to say, in every instance it will be found, that it was of no sort of public importance, whether the main question were taken on this day, on the next, or on a third day. Always the question might have been taken at a reasonable time; every individual member, who chose to speak, might have had the privilege, if he pleased, of speaking, at least once. As far as I observed, all these pretences of necessity have been easily resolvable into party running. The subject was one difficult to maintain. It had popular bearing, which it suited not the pleasure of the majority to have investigated. They pressed the minority to instant decision, by refusing adjournment. And as it happens, in all such cases, re-acton is equal to action. The minority were put upon their mettle, and they put to trial the mettle of the majority.

It is undoubtedly true, that this power may be