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Speech on the War question.

EXTRACTS FROM MR. BAYARD'S SPEECH
IN THE
SENATE OF THE UNITED STATES,

Upon his motion made on the 16th of June, to postpone the further consideration of the Bill declaring war against G. Britain, to the 31st of October.

Mr. BAYARD said that he was entirely sensible of the impropriety in general of entering upon the discussion of a subject which had been a long time under consideration, and upon which it might be supposed that the opinions of members were formed and sealed; but on an occasion so momentous as the present, he should not feel himself justified in submitting even a motion of postponement without offering his reasons in support of it. He would not think in giving a silent vote, that he had discharged the duty of his station. Gentlemen would remark that he had confined his motion to time, in order that members might not be compromised in supporting it, who think the war itself just and necessary.

The motion did not oppose or deny the sufficiency of the causes, or the policy of the war. It went only to affirm what he trusted the course of his observations would render very evident, that this was not a time at which war ought to be declared.

He indulged a confidence that upon so great an occasion the Senate would not be impelled to act by any little passions, nor by any considerations which did not rise out of an extended and distinct view of the interests of the country. It is not enough that we have cause of war, we must see that we are prepared, and in a condition to make war. You do not go to war for the benefit of your enemy, but your own advantage—not to give proof of a vain and heedless courage, but to assert your rights and redress your wrongs. If you commence hostilities before you are prepared to strike a blow, and while your cities, your territory, and your property on the ocean, are exposed to the mercy of a government possessing vast resources of war, what can you expect but to add new distresses, defeat and disgrace, to the wrongs of which you complain. It is a strange motive for war—a wish to gratify the rapacity, to swell the triumphs, and to increase the insolence of the enemy.

Mr. B. said that neither the government nor the people had expected, or were prepared for war. Even at this moment the general opinion abroad was, that there would be no war—the mercantile and trading world had continued to act upon that opinion—nor could people be persuaded, that an unarmed nation was about to attack a nation armed cap a pie. No man had laid out his account for this war, and every one would be taken by surprise and unprepared for its shock. You have at this moment an immense property abroad, a great portion of it in England, and part floating on the ocean and hastening to your ports. The postponement proposed might save a great portion of property, and bring home the seamen now absent from the country. Gentlemen would remember the number of ships which left our ports upon the eve of the embargo—these vessels have not had time to perform their voyages, and the greater part of them were still abroad. He knew that some members had no commiseration for the merchant who dared to escape the embargo, and who had disregarded the salutary precautions, designed, as it was said, for his security. But he did not think it surprising nor culpable, that those whose property consisted in ships, should be averse to seeing them rotting at the wharves, and even disposed to incur risks to find employment for them abroad.

Even, however, if it should be thought that the merchants had acted with indiscretion and folly, it is the part of a parental government, such as this ought always to be, not to punish the citizens for their misfortunes, but to guard them against the effects of their errors. Besides a loss of individual property was a loss to the state, as the public strength was derived from individual resources.

He stated that the question of war had been doubtful till the present moment. He did not believe that the president himself expected war at the opening of the session, nor for a long time after. A menacing language was held out, but the hopes of an accommodation were far from being abandoned. Much was expected from the prince regent's accession to his full powers. A change of ministry was not doubted; and it was thought, that in the change of men, there would have been found such a change of principles and measures, that the differences between the two governments might be compromised and settled. This expectation was protracted, till it became plainly evident that the prince did not intend to change his father's ministers, nor to depart from their principles or measures. When this discovery was made, the administration had proceeded too far to recede.

Desperate as the course was which now alone remained to be pursued, they supposed they were obliged to advance, or become the object of reproach and scorn both to friends and foes. This necessity had been brought upon themselves, but it was too late to consider whether the condition might have been avoided: they were pledged in the state of events to attempt to extort from Britain by force the concession of those points which their arguments had failed in persuading her to yield. He had no doubt, but that some months past, the cabinet had seriously determined upon resorting to hostilities. But the concurrence of congress was to be obtained; and whether a majority of both houses could be brought to take the

daring and hazardous step, no man in or out of the government, without the gift of prophecy, would have predicted.

The public mind had been so repeatedly distracted and deceived by boisterous speeches and bold but ephemeral resolutions, that it had sunk into a state of apathy, and was no longer excited even by the sound of war echoed in the ministerial paper from the proceedings of government.

When the bill before us was first brought up from the other house, it was the opinion of very few that it would obtain the support of a majority of this body; and even now, it was likely to pass, not because it was approved by a majority, but of the differences of opinion which existed among gentlemen as to other courses which had been proposed.

If, with the light and information possessed in this body as to the views and designs of the cabinet and of congress, it has been doubtful among ourselves whether the government would resort to war, how was it to be known by our merchants, or any other class of society unacquainted with the intentions and secret proceedings of those exercising the powers of the government, that the nation would be wantonly plunged into a sudden war.

He had heard it said that the embargo was sufficient notice of the design of the government to resort to hostilities upon its expiration; and that people must be infatuated, who, after such warning, were not apprized of the approaching crisis. But it is too recently and deeply in our recollection to be forgotten, that this is not the first embargo we have experienced, and which, though of longer duration, we saw pass away without being followed by war.

The language held here as to people out of doors who have doubted of the war, is retorted by the public voice with equal confidence and on better grounds. They rely upon your integrity and wisdom, and say that congress cannot be so infatuated, destitute as they are of the means of aggression or defence, to draw upon themselves a war with one of the most powerful and formidable nations of the globe. If a war with Britain be thought unavoidable, yet, as she leaves to us the time of commencing it, surely we ought to select that time, when the first shock shall be least disastrous and can best be resisted. Why should we hurry into a war from which nothing but calamity can be expected? There is no danger that the redress of our wrongs or the assertion of our rights will be barred by the limitation of time. No time has existed for years past when we had less cause to complain of the conduct of G. Britain. Her vessels of war had all been withdrawn from our coasts, as he presumed, to avoid collisions and hostility. If the war be suspended till November, the government and people will both be better prepared to sustain it. He was not a friend to the restrictive system, but with a choice only of evils, he should prefer the embargo to war. Postpone the war, and we will submit to the embargo till November. This will furnish time for the return of our ships and seamen; and if at the same time you will abandon the non-importation act, you will replenish your treasury with at least twelve millions of dollars, and restore to your citizens sixty millions now abroad and in danger of being lost. It appeared to him that the course which had been pursued was the most preposterous imaginable.

For eighteen months past we had been sending our property out; and while contemplating a war with G. Britain we saw our effects to an immense amount accumulating in that kingdom, liable any moment to fall a prey to the government, and to be employed in support of the war against us. He asked, why rush with this precipitancy into the war? Are you provided with means to annoy the enemy or to defend yourselves? Have you an army or navy which can make any impression? exposed towns fortified and garrisoned? Was any nation ever less prepared for war? It would require the whole military force you possess to constitute an adequate defence for New-York and Newport. It is very well known that the general who will command at New-Orleans, has declared to the government, that he will not be answerable for the security of the place with a less force than ten thousand men, which is equal to all the effective troops yet raised. It would be natural to suppose that no government would declare war till it was prepared to attack its enemy. In peace we require no defence, and shall we declare war in order only to defend ourselves? But what blow are you prepared to strike? Were you able in the summer to recruit your army of twenty-five thousand men, could it be employed in any service in the course of this year? A soldier is not made in a day. The authority of a foreign officer now in this country of the highest military reputation, he had heard frequently cited that it required at least fourteen months to form a soldier of a recruit. This remark applied to France, where the officers have generally received a military education, and where there are so many models to imitate and so many instructors to teach. But here the officer is to form as well as the soldier.—The officer has to learn his lesson first before he can prescribe the task of the soldier. You may possibly have a herd of men, but you can have no army to lead into service this season.—And if this herd be led against disciplined troops you can expect nothing but defeat and disgrace.

But you have not got, nor can you get the men during the present year. These are not the days of Cadmus. It will require great patience and industry, and a considerable length of time to collect twenty five thousand men. Have you the

least prospect, if you declare war, of attacking Canada this season? It is impossible that you can do it with effect.—You will be sufficiently occupied in defending your frontiers against the savages.

It is not on land then that you expect immediately to assail your enemy. Is it on the ocean that the impression is to be made? You have twenty vessels of war—Britain has upwards of a thousand. What will avail the activity or gallantry of your officers & seamen against such disparity of force. Your little navy must fall immediately or be driven from the ocean.—Some gentlemen indulge great expectations from privateers; but has Great Britain any unarmed or unprotected trade which they can attack? Privateers have no other object than plunder and booty. They avoid armed vessels—and defended as is the British commerce in every part of the world by her great naval force, it is little to be expected that privateering will be attended with much success or encouragement.—But while we are searching for the means of annoying the commerce of Britain, does it become us to overlook at this moment the condition of our own. A valuable part of the trade from beyond the Cape of Good Hope has not yet arrived. Of the numberless vessels which sailed upon the eve of the embargo few have returned. Your merchant vessels are without convoy and utterly defenceless. Your condition, therefore, is, that with more commerce exposed, your adversary will possess greater means of annoyance, and the consequence must be, that we shall lose infinitely more than we can expect to gain.

Under such circumstances what should hurry us into the war? Are gentlemen afraid if they wait till November, that the world will not last long enough to afford them time to gratify in war their mighty resentment against Britain? He believed as he hoped that there was no honorable gentleman on the floor who would not live long enough to have a complete surfeit of the war, though it should be postponed for a few months.

He said he was greatly influenced in his motion for postponement by the combined considerations of the present defenceless condition of the country and the protection which providence had given us against a maritime power in the winter season.—During the winter months you will be defended by the elements. Postpone the war till November, and we shall not have to dread an enemy on our coast till April. In the meantime go on with your recruiting, fill up discipline, and train your army, take the stations if you please which will enable you to open an early campaign. Your trade will all have time to return, before hostilities commence, and having all your ships and seamen at home, you may be prepared to put forth all your strength upon the ocean on the opening of the ensuing spring. Shall we by an untimely precipitancy yielding to a fretful impatience of delay, throw our wealth into the hands of the enemy, and feed that very rapacity which it is our object to subdue or to punish.

We can lose nothing by delay; much will be certainly saved; and at a moment pregnant with great events, it was most evidently our true policy to temporize. You give up no right, yield no pretension and profit by every day in rendering the condition of the country more secure and its attitude more formidable. The just appreciation of time is among the highest points of political sagacity. To know what step the times will warrant, and to take the step at the proper time, is generally a matter of more important and difficult consideration than the nature of a proposed measure. Without enquiring whether war was the right course for the nation to take under existing circumstances, he did most confidently assert that this was not the time when war ought to be commenced.

Mr. B. said it belonged to the motion he had submitted to bring under review the alleged causes of war, and to enquire into the probability of our attaining the objects for which we were to embark in the war. If we are to come out of the war as we enter into it, after having wasted the blood and treasure of the nation, and loaded the country with debt and taxes, it would certainly be more rational to submit at once to the wrongs we endure. If we expect to extort any concession from Britain, we must be prepared for a long, obstinate and bloody conflict.

Britain at this moment certainly does not court the quarrel. She has reduced the catalogue of our complaints; and though not disposed to surrender her pretensions, she has evidently made advances towards conciliation. The recent orders in council were designed to be so considered, and she has removed a great source of umbrage in withdrawing her armed ships from our coasts.—She had offered satisfaction for the affair of the Chesapeake, which our government had accepted—which must therefore be taken to be honorable and sufficient, and the offence which had been given completely expiated.

We are no longer at variance with respect to the colonial trade. France no longer has colonies, and we have no occasion to contend at present for an empty right which could not be exercised if yielded.

The question, therefore, as to the right of a neutral to be the carrier of the produce of the colony of a belligerent, having been reduced by the course of the war to a mere question of theory, it no longer entered into the disputes of the two governments.

The question as to the impressment of our seamen did not present insuperable difficulties. Britain never contended for a right to impress American seamen. The right she claims is to take her own

subjects found in our merchant service. She exercises the right in relation to her own private vessels. This right she never will nor can give up. If our merchant flag were a secure protection to British seamen who sailed under it, the British navy, must be unmanned by desertion; while our merchants can and do pay a dollar for every sailing a sailor can earn in the naval service of his country.

(To be continued.)

Electoral Law.

EXTRACT

From a series of well written essays, communicated to the editors, under the signature of *Chatham*:

TO THE FREEMEN OF NORTH CAROLINA.

AT the commencement of last session of congress, it was well known that the resolution of Mr. Madison was becoming somewhat doubtful. His partisans took the alarm; and a member of the representation from North Carolina, in his great zeal for the public good, wrote express to some leading democratic members of the legislature, that "the draft was in danger." To stay the tottering fabric, the act generally termed the electoral law was passed. It is almost unnecessary to adduce arguments to prove this act unconstitutional. Many have already been offered to the public. But as a writer under the signature of "One of the People," has obtruded himself with considerable effrontery upon your attention, through the medium of the Register, it may not be improper or impertinent to take some notice of his remarks.

The grand object with this writer appears to be to defend the act upon the ground of constitutionality; and to effect this he appeals to the article of the constitution which delegates the power vested in the state legislature. Here we join issue; and I particularly call the attention of the reader to the words of this article which were not characterized in Italics by the writer in question: "Each state shall appoint." To illustrate the sentence, it will be necessary to ascertain what is comprehended in the term state. By this expression cannot be understood the legislature of each particular state. Such a construction would attach to the sentence an unmeaning tautology in substance, if not in expression, to wit, that each legislature shall appoint, in such manner as the legislature thereof shall direct! Neither can we attach to this phrase a meaning comprehending a portion of territory comprized within certain bounds and limits. If it cannot, then, be understood in either of these senses without manifest impropriety, we must, however unwillingly, adopt the true sense and import of the term, which designates and points out nothing more nor less than the sovereign people of each particular state.

If this interpretation be correct, it is asked in turn, "Can any man read this, and say the legislature shall appoint?"

It is not uncommon for the accused and guilty, in their great anxiety to support a sinking reputation, to suffer their zeal to get the better of their judgment. This is evidently the case with *One of the People*. Anxious to wipe off the odium attached to the friends of the iniquitous and unconstitutional measure, he has by his efforts completely established their guilt, if we consider him as speaking the sentiments of his party. Hear his language:—"What is the reason that North Carolina has been overlooked by every administration in appointments?" The reason:—"We have reduced the state so low that no administration has thought it worth while to pay court to it." Now regard this as being brought forward to defend the policy of the law, and it means precisely this:—"Because we have not evinced heretofore a disposition to go all the desperate lengths of a corrupt administration, [for every administration is corrupt that will pay court in any other form than is prescribed by the constitution] we have been overlooked in the distribution of the loaves and fishes. But now—now we give such ample testimony of our attachment to the system of monopoly, aggrandizement and occlusion, by trampling on the rights and privileges of our injured and passive fellow citizens, surely we shall partake of the riches and munificence dealt forth with such liberal and profuse hand at the city of Washington.

State Bank,

RALEIGH, July 14, 1812.

THE Stockholders of the State Bank are hereby informed, that the fourth instalment of their Shares will become due on the 18th day of August next.—It is expected that punctuality will be observed, and payment made at the several Banks at which the Subscriptions were originally made, agreeably to the act incorporating said Bank.

WM. H. HAYWOOD, Cash'r,
50-4t.

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