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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.

(CONCLUDED.)

Can it be expected that a nation which depends for its existence upon its naval strength, would yield a principle threatening the destruction of its maritime power? No war, of any duration, or however disastrous, will ever extort this concession—she may as well fall with arms in her hands as to seal quietly the bond of her ruin.

He did not know that our government had ever sanctioned an unqualified abandonment of the right to impress. Our complaints were chiefly of the abuses committed in the exercise of the right. It was a practice frequently attended with violence, insult and gross injustice. Americans were often from design or mistake seized as British subjects, and we have abundant evidence of the fact, that many of our native seamen have been forced into British service. He had always understood, however, that such acts were not justified by the British government. The chief embarrassment arose from the difficulty of distinguishing the sailors of the two countries. But he had no doubt that all and all other difficulties on the subject, might be vanquished without having recourse to war.

The dispute as to paper blockades, was for the present, merged in the orders in council. Those orders were now to be considered as comprehending the whole cause of war.

This subject deserves to be viewed in every light. The orders in council were not at this time supported upon their original ground. The minister, Mr. Canning, had publicly and candidly confessed the fact. They were adopted as measures of retaliation, though they never displayed that character. He had always considered the Berlin and Milan decrees used as a mere pretext in relation to England. The plain design of the British government was to deprive France of the benefits of external commerce, unless the rights of it were divided with herself. This was fully proved by the licence trade. Britain carries on the very trade she denies to neutrals, and having engrossed the whole to herself, she excludes neutrals from participation. No man was more than himself to reprobate the wrong and to denounce the government.

Our government had been pleased to say what he did not think at this time any man in the nation believed besides themselves. They had been pleased to say the decrees are repealed.

This is a fact, and asserted without any proof. The decrees could only be repealed by the same power and in the same manner in which they were enacted. They proceeded from the sovereign power of France and became the laws of the empire. The same power in the solemn form of a law could alone revoke them. We possess the decrees in all the forms of law, but have we ever seen, has the government any reason to believe that the decree in the form of a law has been passed to repeal them? The promise of a sovereign to repeal a law does not annul it, nor would a reference of his minister to its being repealed have that effect. Every sovereign power prescribes to itself a form in which its sovereign will shall be known, when it is to constitute a law of the land.

The decrees teach us what this form is in France, and we have no ground to believe that the decrees are repealed, till we see an act of the sovereign in the same form in which they are found. Such is the course among ourselves. A law is repealed by a law passed in the same form. It is the practice of every nation in Europe, and of every civilized nation on the earth. But even the promise to repeal was only conditional, and it has never been announced to us that the emperor considered the condition complied with on our part by prohibiting the importation of British produce and manufactures. In fact, daily accounts are given of seizures made on the principles of those decrees; and to affirm that the decrees are repealed, was only to add perfidy to the atrocity of the conduct of the French who do not hesitate to plunder, burn and destroy our property on the high seas, even after abandoning the pretence with which at first they are respectful enough to attempt to cover their violence.

Nothing could be more evident than the policy of the French emperor, nor any thing more mortifying than the success which has attended his juggling. He has contrived to satisfy our government that he has repealed his decrees, while to the eyes of the rest of the world they appear to be in force. By these means he has opened our ports to the public and private ships of France, and shut them against those of Great Britain. He denies the evidence of the repeal of his decrees, which he well knows, if furnished to us, would immediately remove the orders in council and facilitate the settlement of our differences with England.—Britain has declared, that the moment evidence is produced of the repeal of the decrees, the orders in council shall ipso facto be annulled. The

emperor, instead of furnishing this evidence, is giving daily proofs, to our sorrow and loss, that the decrees are in force and operation.

I am among the last men in the Senate, said Mr. B. who would justify or defend the orders in council. They violate the plainest rights of the nation. The ground of retaliation was never more than a pretext, and their plain objects to deprive France of neutral trade. It never was contended, nor does Britain now contend, that she would be justified by the laws or usages of nations to interdict our commerce with her enemy.—She covers her injustice with the cloak of retaliation, and insists that she has a right to retort upon her enemy the evils of his own policy. This is a doctrine to which I am not disposed to agree. It is destruction to neutrals.—It makes them the prey of the belligerents. It is a doctrine which we must reject, but the time and manner of resistance ought to be determined by a view only to our own interests. Because we are injured we certainly are not bound to make war, before it is for our own benefit. There is one effect of this war which gentlemen ought to take into view, and which, to him, was a source of grief and humiliation. In making war upon England, we bring the force of the nation to aid of France. We are about to assist a government from whom we have suffered for years past the most humiliating insults and the most atrocious wrongs. We are about to make a common cause with a man who hates us for our language and despises us for our government, and who would to-morrow if he had the means, without seeking a pretence, add us to the list of his conquered provinces. This connexion should not be hastily formed. To other nations it has been the forerunner of subjugation and ruin. Let us take time to consider the consequences of a step upon which the destiny of a nation depends. We may profit by delay but can gain nothing by precipitancy. The war will not hastily remove the orders in council. It is the principle of the orders, rather than their effect, of which we complain. The trade to France, which they interdict, is of little consequence to the country. Its annual amount is less than three millions of dollars, and you find it operated with duties so excessive, and restricted to such articles of exchange, that even if enjoyed in safety, it would be productive of little profit to individuals or to the nation. If, however, you declare war at this time, you lose the trade to Great Britain and her dependencies equal to thirty five millions a year, without gaining the paltry trade with France. The laws of war will operate still more extensively than the orders in council; and though no doubt we shall gratify the emperor of France, we shall enjoy little commerce with his dominions. As it respects the present state of affairs. Some gentlemen consider that the honor of the nation called for immediate hostilities. It is admitted that a country is bound to defend its honor, nor can its interest be well separated from its honor. But what honor can you acquire by going to war in your present unprepared and feeble state. In respect to nations, their glory and their success are nearly allied. A vanquished nation gains no honor, however just its cause may be. You have certainly no force prepared to enter Canada. Your army is still to be formed. It is to be found on paper but not in the field. With militia, no invasion of a foreign territory can be contemplated. They are not bound to pass your frontiers, and denizens they cannot be to shed their blood, in order to add by conquest to the unwieldy territories of the U. States. Is it on the ocean that we have to look for laurels, with twenty ships opposed to a thousand? The most desperate courage cannot command success against such fearful odds. The loss of our navy and of our commerce, must be the consequences of the war upon the ocean—and is this the honor our gentlemen are so impatient to enjoy.

There was reason to believe that Britain would feel the war only through its restrictive effects. At this moment especially, she stood in need of our produce as well as our markets. The embargo and non-importation, which united her both, were unobscuredly felt. The objection to them was their reaction upon ourselves. The great question was, whether we did not inflict upon ourselves a deeper wound than upon our adversary. If such were the case, it was a strange mode of retaliating. But if this be the edge of the war, which is to wound the enemy—had we not better retain our present condition? The war is not necessary to execute the restrictive system; and if restriction be the chief effect of war, can we not better bear with the evils of this system, than involve ourselves at the same time in the calamities of war?

Mr. B. said his motion was recommended by the strong consideration, that by postponing the declaration of war we could lose nothing and certainly would gain a great deal. Hostilities would be suspended during the present year. In the mean time, you will be employed in raising and disciplining your army and providing the munitions of war—your vessels, property and seamen may be brought home, and you have the chance of propitious events which may interpose.

England at this moment is in a convulsed and distracted state. Tumults, little short of insurrection, have happened in different parts of the kingdom.—The present ministry hold their places by a very precarious tenure. The real disposition and intentions of the Prince Regent are not distinctly known.—The Prince may be forced to yield to the popular sentiment. We had lately seen the corporation of London come forward with an address against the orders in council. This

body had great weight in the kingdom, especially in giving an impulse and direction to popular opinion. Let us wait the operation of these domestic causes. A little patience, and triumph will be secured to us, by the people of England, without bloodshed. The minister has already receded one step. He had suffered, the orders to go to a committee. It would be difficult, against the strong current of sentiment which prevailed, for him to recover his former ground.

At the same time, if we cast our eyes on the continent of Europe, we see every thing in a motion. A series of unparalleled numbers taking the field. Armies of vast magnitude, which might be united in the subject of the war, to the aid of a separate. If however the emperor should avoid the aid of his adversary, the cessation of the ports of all Europe to the British trade, could not be so sensibly felt by that power, and to create new inducements upon her part, to cultivate friendship and peace with the U. States.

At the same time gentlemen would call to mind the unsettled state of affairs between this country and France. The principle of partial and equal conduct as to the belligerents was avowed by all, and he had as yet met with no one who hesitated to declare, that if France refused redress for the wrongs she had done, that the same course ought to be taken in relation to her as to England. It was alleged that negotiation was still pending between the United States and France, and at present we were bound to abstain from acts of hostility as to her. This doubtful state of affairs as to that power was a strong reason for delay. A few months will necessarily realize or disappoint the expectations which are entertained. It could not be the intention of gentlemen to propitiate the emperor, and to secure a treaty by means of a war with England. This would be purchasing his friendship at the expense of our honor, as well as of our blood and treasure. Before we break with England, we ought to know upon what terms we stand with France. If France will concede nothing, in order to induce us to enter into the war, what are we to expect when she is no longer asking our aid, but we are standing in need of her assistance, to carry on the contest. In vain then will you ask for redress, and indemnity for seizures and spoiliations. Let us wait and see what she will do before we throw ourselves into her scale—afterwards it will be too late.

The Wasp will return before Nov. and what is now doubtful with some, will then be certain with all. Some gentlemen were looking for the return of this vessel each succeeding day. But for his return, the expectation of the arrangements, the history of the Hornet, to expect to see the vessel in some months after the time announced for her arrival. In February the government gave out that the Hornet was daily expected, and with a passage of twenty days she did not arrive for three months after. She was detained by the very cause which will detain the Wasp, waiting for a treaty. If she waits for a treaty, which is to indemnify us for the losses sustained under the plundering decrees of Rambouillet, which some gentlemen flattered themselves with the expectation of being granted by Imperial justice, it is much to be dreaded the will never visit the American shores. Do you expect that Bonaparte will restore the booty which he has seized? As well might you expect that the grave would surrender its prey.

If, as was said, indemnity for spoiliations, was to be the basis of amicable relations with France, sure he was, that we need not wait for the intelligence the Wasp might bring. Or, if you expect a commercial treaty, which is to give activity to your commerce, by opening the ports of France to your trade, it is a delusion, which time will dissipate and under which we ought not to act. He knew the source of this delusion. It grew out of the letter of Mr. Barlow, our minister in France, to Mr. Granger, the Post master general. The letter, he understood, was dated about the 16th of February, with an indorsement of the 3d of March. Mr. Barlow expressed the expectation of forming a commercial treaty with the French government and the Hornet was detained for the purpose of carrying it. He believed the country was most grossly deceived and imposed upon by this letter of Mr. Barlow. That gentleman never entertained the opinion which the letter expressed. He knew and was entirely satisfied at the time when he wrote the letter, that a treaty which was to open the ports of France to the trade of this country was impracticable. Mr. B. said, he spoke not on the ground of presumption, nor of any slight evidence.—He had seen a letter of Mr. Barlow to Mr. Latrobe, of which he held an extract in his hand, which was dated on the 29th of February, which in very eloquent terms and on the strongest grounds expressed an opinion, that no commercial arrangement would be entered into by the French government. He would read the extract to the Senate. Mr. B. here read the following extract of a letter from Mr. Barlow to Mr. Latrobe, dated the 29th of February 1812.

"The expectation of yourself and my other friends on my doings here are too high I fear to be realized. It is very difficult to produce a change in a system combined with so many circumstances of vengeance and other strong passions arrayed against an enemy, as is the anticommercial system of Napoleon. Argument and eloquence have but little power in the case. That old fashioned goddess, whom artists represent with banded eyes

and a pair of scales has still less to do. And if you suppose me, with the help of these, capable of overturning a decision which the cries of twenty commercial cities going to decay, and the united voice of all the wise and best men of this nation have not been able to shake or scarcely to modify, I can only wish, and then with little hope, that you may not be disappointed."

This letter was written after the letter to Mr. Granger which gave the appearance of a commercial treaty and only three days after the Postmaster indorsed on the letter which called the attention of the Hornet to be sent to the United States. It is to be regretted that the account for the contradiction between the letter and the writing prose, which were sent to the rest of the world, but it was a mistake, and the extent of Mr. Barlow's authority, only to say in himself of the authority of the Postmaster, but of course no value could be attached to a message assigned in the letter, that he had a commercial arrangement with France. He would repeat in the language of the letter, if the cries of twenty commercial cities going to decay, and the united voice of all the wise and honest men of the nation had not been able to shake or scarcely to modify the anti-commercial system of Napoleon, what was to be expected from the negotiation of an American minister? For his part, he expected nothing but false promises and delusive hopes.

Can you expect that Napoleon will relax his anti-commercial system in favour of your commerce, when you see him bringing into the field five hundred thousand men, and ready to hazard the imperial crown, in order to compel Russia to adopt and enforce the same system? To indulge the expectation was to make ourselves the sport of the most visionary hope. The Wasp would bring us duplicates of the despatches which had been received by the Hornet, and protracted hope would at last sink in despair. He thought, however, that those gentlemen who still kept expectation alive, that France would do us justice and grant us commercial favors, under the weight of doubt, which must depress their hopes, ought to wait for the ultimate intelligence, which was to determine our relations with France and show us more clearly the course which our interest or our honour required that we should take in relation to Great Britain.

Sir, said Mr. B. before I set down, I will call the attention of the Senate to another ground for postponement, which can never safely be overlooked or neglected in a government like that of the United States. This war is not to be supported by the men only who declare it; its weight will fall upon the great body of the people, and they are to sustain its pressure. Can you maintain the war without the consent of the people? The public sentiment is not at present known on the subject. The people have never yet believed us serious in our intention of making war against Great Britain. Let us wait till we can have a full and distinct expression of their opinion. Are you afraid that opinion is against war? and if so, are you hardy enough to make war? Do you forget your origin, that you are creatures of the people's favor? That it is their power which you are exercising, and that you have no strength of your own? He must be little instructed in the nature of history of our government, who supposes that a war can be long supported against the will of the people. The constitution makes the general will, the basis of the government. That will upon all occasions must be consulted, and must be obeyed. You may commence the war against the will of the people, but how long can you exercise the powers of government against their will? He knew well that some gentlemen calculated much from the war spirit. That war spirit, was at most but the ebullition of the passions; short-lived in its nature and are all the passions.

Taxes and privations will soon extinguish it and you will have to settle your account with a nation in their sober senses. If unfortunately, the spirit of the war should inflame the party passionate to madness, and the people should be willing to sacrifice their country to support a party, then indeed might Ministers calculate upon holding their power. But can we foresee the consequences of thus inflaming the furious passions of a whole people? Have you a saving power in the constitution, which shall bring us out of the mad struggle, an entire nation? Our constitution was designed for peace and protection, but not for offensive war. Its great aim was to preserve among ourselves the principles of civil and political liberty. So cautiously in many cases, he had seen abuses of public authority been guarded against, that the salutary exercise of power has been denied. Against a sovereign power, with a united people, it may not be deficient in energy; but divided among ourselves, it is without force. It possesses no saving principle if the North became arrayed against the South. And if the course of things should lead to this conflict, we should have left only the recognition of having lived under a common government. What is there to insure us against this dreadful event? If the northern states conceive that interests to be sacrificed, and their suffering disregarded, will they long retain an authority which has not power to control them? The authority of the government once successfully resisted, it is afterwards despised and there is an end of the constitution and of the union. With any nation, at any time, war is a hazardous experiment with our government. In peace, we have experienced its blessings. We have seen ourselves, under its one of the most happy and flourishing people on earth. Greatly is it to be dreaded, that the mad passions