

THE RALEIGH MINERVA.

THREE DOLLARS PER YEAR.

RALEIGH, N. C.—PUBLISHED (WEEKLY) BY LUCAS AND A. H. BOYLAN.

[HALF OF WHICH IN ADVANCE.]

VOL. 18.

FRIDAY, JULY 16, 1813.

No. 902.

Mr. Gaston's Speech

ON
MR. WEBSTER'S RESOLUTIONS.

Mr. GASTON said, that when he entered the house that morning he had no expectation of taking a part in this debate. He was perfectly conscious of the disadvantage under which he must appear, in attempting without the benefit of previous reflection, an examination of the argument contained in the extraordinary harangue of the gentleman from Tennessee—an harangue evidently studied and elaborate. But, as the question had been called for; as no other gentleman seemed disposed to occupy the floor; and as part of that argument demanded notice; he felt it his duty to claim the attention of the chair for a few minutes. However unequal the contest, yet in the cause of truth and of the best interests of his country, he could not hesitate to engage in it. Provided these were advanced, he was little solicitous as to the light in which he might appear.

The gentleman had occupied no inconsiderable portion of the time of the house, with invectives against those who had discouraged loans and enlistments. To the part of the country (said Mr. G.) which I have the honor to represent, such invectives are without the possibility of application. With us loans and enlistments have been considered as acts purely voluntary, in which every individual has been left free to pursue his inclinations. Indeed, in these days of distress, few of us have been able to lend—and the temptations to enlistment have not been strong enough to carry off many beside those whom all were willing to part with.

The gentleman has also indulged himself in insinuations, where more seemed meant than met the ear, of a disposition to take the part of Great Britain, and of prepossessions in favor of the enemy. These, he has indeed said, were not designed to apply to any gentleman occupying a seat on this floor. My experience, sir, has been too limited to enable me to ascertain whether I owe this exemption to the gentleman's sense of justice; or whether I am to consider it as a mere form of Parliamentary decorum. In this state of doubt as to the precise meaning of the gentleman, I will content myself with saying, that any charge of partiality to the cause of the enemy as contrasted with that of my country, so far as regards me, would be utterly untrue. The bare supposition of it is intolerable. It will not be deemed egotism, I trust, to add, that baptised an American in the blood of a martyred Father; bound to my native land by every moral and natural tie that can fasten on the heart of man; with not one motive of interest, of passion or prejudice to seduce the loyalty of my affections; never can I separate myself from the cause of my country, however that cause may have been betrayed by those to whose care it was confided.

Without commenting on the delicacy of the course which the gentleman has in this respect pursued, its art and address are sufficiently obvious. It reminds me of the mode of escape which naturalists inform us, is observed by the Cuttle fish in time of peril.—When his adversary is fast gaining upon him, and destruction seems inevitable, he muddies the water through which he glides, and finds safety in confusion. Thus it is with the gentleman from Tennessee. He would escape from this discussion—he would elude the enquiry how far we owe this war to French imposition, by raising a tumult about British predilections and British arguments. But the stratagem cannot take. No gentleman will suffer himself to be diverted from the investigation which these resolutions fairly suggest; and such inquiry deliberately pursued, must terminate in the discovery of the necessary, tho' melancholy truth.

Mr. G. remarked, that whatever might be the issue of the resolutions, he cordially congratulated the nation that they had been introduced. It was due to the national honor, always involved in the honor of the national agents; and it was due to the best interests of the country, that the mystery which enveloped this subject should be dissipated.

A formal authentic decree of the government of France, bearing date the 28th of April, 1811, and purporting to be an absolute retraction of the Berlin and Milan decrees, was exhibited by that government to our representative, Mr. Barlow, in May 1812. On his expressing surprise at the decree, and its ancient date, the French minister assured him that this decree had been communicated to his predecessor, Mr. Russell, and had been sent on to the French Ambassador at Washington, with orders to lay it before the President. This information from Mr. Barlow was given to this house at the close of its last session, in consequence of a call on the President for intelligence, about our relations with France—and it came without any explanation, comment or denial. On all hands it must be admitted, that a shameful fraud has been somewhere perpetrated. The reputation of the nation demanded that this fraud should be placed to the account of those who had committed it. Upon this imposture he, in his conscience, believed the war had turned. Nothing can be more important to the future safety of the people, than to learn how and whence this calamity had befallen them. Mr. G. declared himself also highly gratified with the liberal and manly course which had been pursued by the mover of these resolutions, and his honorable

associates. The resolutions had not been introduced at an early day after the session, because of the wish that an opportunity would be taken or made by the administration or its friends to give the desired intelligence, without a call from this side of the house. It was notorious that the public voice demanded a communication. A general curiosity pervaded the country to learn how it was that this decree of 28th April, 1811, had remained unknown here until after the declaration of war, and unknown in England till it was too late, by a repeal of the Orders in Council, to prevent a war.—The public sensibility was alive in requiring full assurance that the charge of the fraudulent concealment of this decree; a charge which the French minister of foreign affairs had advanced against our government and its agents, was not true. Under these circumstances it had been hoped that the task of seeking this information would not be thrown on those, who, although they would yield to none in regard for the honor of the nation, or for the honor of its government as such, could not be presumed to feel a very intense interest in the personal reputation of those who administered its affairs. Mr. G. declared, that for one he had indulged this hope, and had openly expressed it to gentlemen attached to the administration. It was not until time had shown that nothing would be done from that quarter, that the resolutions in question were presented. The same liberal motives which had delayed their introduction, governed in the course which had been afterwards pursued. Day after day was given before the motion was called up, that all who doubted might examine into its propriety. And when the attention of the house was at length claimed to this subject, all discussion was *stipendiis forborne* on the part of the mover and his associates, (under the presumption that a mere call for information would not be resisted) until such discussion had been rendered unavoidable, by the invitation and defiance of its opponents. Such conduct on the part of a minority, Mr. G. believed, was not often witnessed. It evinced a magnanimity which he was proud to behold, and which augured well to themselves and their country.

It was far from Mr. G's intention to travel over the ground which had been occupied by the friends who preceded him, and especially by the hon. gentlemen from New-York, who had addressed the house yesterday. While the impressions of their manly footsteps might yet be seen, he should be satisfied with removing the obstructions with which it had been attempted to conceal them. This investigation, it has been justly urged, is demanded by a regard for the character of our government in the estimation of our own citizens, and of the world. In answer to this we are told its character needs no protection, it is too pure, too unsullied to be affected by any charge. Sir, this is the language of rash, blind confidence! A most important decree of the French government, vitally affecting the commerce, the peace, the independence of this nation, is hidden from this legislature and from the world, for more than twelve months after its date. Our Ambassador requires the cause of this concealment, and he is told by the official organ of the government of France, in substance, that there has been no concealment on their part; but that the suppression has in fact been on the part of our executive or his agent. This charge of fraud is stated explicitly in the correspondence of Mr. Barlow. If this accusation be in no way repelled, what inference will be drawn from the uninterrupted silence of the accused? Sir, your own citizens must doubt, and foreign countries will more than doubt, about the truth of the charge. It is not yet I hope, a maxim of our government that "the king can do no wrong." There is no officer known to our constitution and laws who is to be presumed incapable of misconduct. When an imputation of foul crime is brought against any of them, and from an accuser of high rank, according to the usages of nations, it is emphatically due to his country that the charge should be repelled. A disposition without cause to suspect public men of criminal conduct, and to swallow with credulity all that can be alleged against them, is indeed ungenerous and illiberal. But the opposite extreme, a determination to believe every thing right which is connected with authority, and to applaud without examination, all that has been or may be done by the "powers that be," is the characteristic of servility and folly. Of this temper it has been truly said, that "it is the skreen by which power is concealed in its gradual progress to despotism, its most dangerous, if not its only dangerous approach. And even when nothing worse than imbecility wields the reins, it is by this it is upheld in its course from blunder, to blunder, until it converts national misfortunes into national ruins."

A position, said Mr. G. has been taken by the friends of the proposed resolutions, which has given great dissatisfaction to the advocates of the administration, and against which all the force of assertion and of argument has been directed. No proposition can be more completely established. It is supported by evidence little short of demonstration. The proposition is this, that had the French repealing decree of the 28th April, 1811, been promulgated at the time of its date, or at any time before the fatal resolution, had been taken, it would have averted this dire calamity. Gentlemen in vain attempt to put this question to rest, in vain forbid this position to be taken

It is taken, and it will be maintained with all the obstinacy of right, in the face of the nation, and in defiance of every effort that can be used to expel us.

It is not my design to proceed step by step through all the documents which are supposed to be connected with this subject. Few employments can be more stale, flat and unprofitable, either to the Speaker or to the hearer. Indeed, sir, however it may be with others, I am weary of documents. They are so multiplied as to involve every object in obscurity, and to afford to every man, who knows how to wrest a sentence from its plain meaning, a text on which to preach a political sermon, according to his own fancy. I am sick of these documents, because their perusal too plainly shews, what is not unfrequent in private controversies, that we have been *written into* a war. But it is necessary to take a rapid comprehensive view of the state of our foreign relations, and of our course of policy in regard to them, for a few years before the date of this suppressed decree. This will enable us to ascertain the effect which its promulgation would have produced.

The Berlin and Milan decrees were permanent parts of a gigantic system, invented by Napoleon for the destruction of his adversary. The avowed object of this system was to establish a code of maritime laws, in support of which every commercial nation was to be arrayed in a confederacy, whereof he was to be the Protector, Legislator and Judge. Of this code the elementary principles were, that the neutral flag should protect all that it covered—that arms and munitions of war should alone be deemed contraband—that fortified places could alone be blockaded—and that no blockade was effectual which was not also a siege. Great Britain was to be deemed an enemy of the human race, and cut off from human intercourse, until she acknowledged the new Napoleon code. The nation that declined to accede to this confederacy, was viewed as the ally of Britain, and subjected to the most rigorous and barbarous usages of war. Her ships were burnt on the ocean, and confiscated in port—her property plundered wherever found—her citizens made prisoners, and her territories invaded. Britain refused to acknowledge this code; and professing to retaliate on France the consequences of her own insolence, issued orders prohibiting neutral intercourse with a part of the French dominions so long as France enforced these monstrous decrees. These orders she proudly declared should last while the decrees lasted. In the revocation of them she would proceed step by step with the repeal of the decrees. It is foreign from my present purpose to enquire how far the retaliatory plea had any foundation; or if founded, whether it went in justification, or in mitigation only, of the attack on neutral rights.—What was the ground taken by our government? On this point there cannot be mistake. The celebrated report of the committee of foreign affairs of November 1808, unquestionably approved by the executive, and by both branches of the legislature; for on it was founded the law of non-intercourse with France and Britain, shews it fully. France and Britain were viewed as equal aggressors on our rights. The wrongs of both must be redressed, and equally redressed, by the wrongs of neither. Any measure of hostility against one, either through the medium of commercial or of actual warfare, not levelled also at the other, was pronounced to be submission. I do not say that the ground taken was correct. On the contrary, I am convinced, that it was false in fact, and erroneous in principle. But it was the ground deliberately taken by the concurrent voice of every branch of the government, solemnly proclaimed to the world as the true American ground, and which, in theory at least, has never yet been abandoned. The act of May 1810, was an explicit re-assertion of the principles of the report of 1808. It refused to resent immediately the wrongs of either belligerent, but pledged the faith of the legislature, (an idle, rash, unconstitutional pledge!) to become the enemy of that one which should persist in injustice, after the other should have returned from the evil of her ways. If either should cease from the violation of our neutral rights, and on three months notice of the fact, her rival enemy should refuse to imitate the praise-worthy example, then by an interdiction of all trade with her ports, or in her productions, the obstinate foe was to be punished. This law afforded a fit opportunity for French juggling. The famous letter of the 5th of August 1810, of the duke of Cadore, purported to be founded upon it. This letter announced a revocation of the Berlin and Milan decrees, which were to cease to have effect on the 1st of November following, upon one or the other of two conditions, a renunciation by Britain of her maritime doctrines, "her principles of blockade;" or an enforcement by America against Britain of the interdiction of intercourse.

This *equivocal promise* was pronounced by our executive an *actual repeal* of the obnoxious decrees; and Britain was demanded, upon the fact of such repeal, to comply with her engagement, to revoke her orders alleged to be retaliatory. This demand was resisted upon the ground, that the letter, instead of repealing, re-asserted the decrees, the sole objects of which were to compel Britain to renounce her maritime rights, or neutral nations to withhold communion from her. Facts were asserted, and brought forth on each side in support of the respective constructions given to this delphic letter. At this time, and during this conflict of expostitions in the interpre-

tation of the French Puzzle—a conflict which, had it not been followed by consequences the most serious would have been indeed ludicrous—let us suppose, that the repealing decree of April 28, 1811, had made its appearance, as by its date it ought to have done. It must have entirely changed the state of affairs. It must have silenced the controversy as to the construction of the infamous Cadore letter, while it established what was then the fact. It must have forever severed the fatal alliance which the president's proclamation had made between the law of May, 1810, and this pretended repeal of the decrees on the 2d of November. And, sir, whether it had been followed by a corresponding revocation of the British orders, or not, it would, in all human probability, have prevented this calamitous war.

Would it have been followed by a corresponding revocation of the British orders? It is not given to man to pronounce with certainty upon any event which has not happened; but if it be possible to arrive at truth, by inferring from what did take place, what would have taken place had the same causes been brought into earlier operation, there is no reason to doubt but that such a revocation would then have followed. This decree of the 28th of April, 1811, however insulting to the American government in giving it the lie in the face of the world, and however in other respects, the detestable reverse of what ought to have been desired, was a formal and absolute abrogation of the obnoxious edicts, as regarded the United States. Under the hand of the emperor, and with all the solemnities of a fundamental law of his empire, it announced, "the decrees of Berlin and Milan are *definitively*, and to date from the 1st day of November last, considered as not having existed in regard to American vessels." Could there be any motive of interest, any suggestion of pride, to prevent Great Britain from thereupon declaring, that as these decrees were definitively withdrawn from American vessels, so also were her orders in council? So far from it, every inducement must have operated with her to adopt this course. She would find in the edict of the 28th of April, a complete victory over the American government as to the controversy, whether France had theretofore repealed these decrees. It would have afforded to her one of the most desirable opportunities to contrast her good faith with French perfidy. If she regarded her honor it would have urged to the measure.—If she valued *American Trade*, she would not fail to embrace the certain means of its restoration.—If she cared for the *friendship* of America, she had it completely in her power to dissolve the bands which tied her to France.—The president was bound by the act of March, 1811, on which the French decree of the 28th April, professed to be founded, to restore intercourse with Britain on the revocation of her orders, and no man was ignorant, much less the British court, that a restoration of that intercourse must and would have been followed by the resentment of the Tyrant of France. And do we not know, that as soon as this decree was made known to the British Government it did occasion a corresponding revocation of the orders in council? I say as soon—for notwithstanding the objection, that an interval of thirty days elapsed between the communication of this decree and the revocation of the orders, yet my estimable friend (Mr. Grosvenor) has explained this circumstance to the conviction of scepticism itself. The Prince Regent was in fact without a ministry.—By the constitution of that country, the monarch cannot act but through the intervention of his ministers. As he is irresponsible to the law, for "he can do no wrong," he is at liberty to act only thro' those who are answerable for what is wrong. The first moment when a cabinet could be had to deliberate on the French decree of April, 1811, produced the revoking order of the 22d of June, of last year—an order which the president has himself declared, is susceptible of explanations that render it satisfactory.

Since then a knowledge of this decree, in May 1812, was immediately followed by a satisfactory revocation of the obnoxious orders; why are we to believe that a knowledge of it in May, 1811, would not have produced the same consequence? The gentleman from Tennessee, undertakes to inform us, and for this purpose has commented with us much fidelity as is usual with most school-boys on the President's declaration, on what he calls Lord Castlereagh's dispatch, and on the correspondence of Mr. Monroe with the British minister, Mr. F. v. r. These in his judgement, clearly shew that this would not have happened.—I cannot, if I would, follow the gentleman through all these comments.—My lungs already admonish me, that I have spoken long, and there is yet a view of this subject which must not be overlooked. Permit me, however, to say that whatever impression the circumstances referred to were then calculated to make, and with the lights then alone appearing, they fall infinitely short now of supporting the inference which the gentleman attempts to draw from them. The Prince Regent's declaration affords us not the slightest aid in the enquiry. It speaks only of a full and unconditional repeal of the decrees, being followed by a full and unconditional revocation of the Orders. It intimates nothing, as to the effect which would be produced on the orders, by a repeal of the decrees as it regarded one neutral only. And this was the explicit language of my friend from New York, notwithstanding the statement given of it by the gentleman from Tennessee. It is one of the proudest triumphs of truth, that to combat her with success, she must not be met upon her own ground. Is it strange that the de-