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Congress.

MR. HANSON'S SPEECH, ON THE LOAN BILL.

continued.

I will proceed now, Mr. Chairman, according to my original design, to examine the points in dispute between G. Britain and our government, and endeavour to trace the events which have conducted us directly to this war. It succeeded in satisfying those, whose minds are not steered against conviction, that instead of honestly and sincerely endeavoring to adjust our differences with Great Britain, administration has undeviatingly pursued the opposite course of provoking and exasperating England, and I shall at least stand acquitted for the opposition I give this bill.

By referring to documents on your table, sir, it will appear that a negotiation was opened at London in 1804. It continued until 1806, when it was brought to a happy issue by the conclusion of a treaty of commerce and amity signed by Messrs. Monroe and Pinkney. It merits particular notice, that pending this negotiation, and when there was every reason to expect a beneficial result, in the same spirit of insincerity and unkindness which has since characterized every correspondence and negotiation with Great Britain, a law was passed by congress, through Mr. Jefferson's influence, calculated, and as soon intended, to produce a rupture of the negotiation. I allude to the celebrated *Non-Importation Law of 1806*. The avowed object of this act of the government was to coerce Great Britain to concede what we demanded—to obtain by compulsion what was to be secured through friendly discussion and mutual concession. This compulsory measure could have but one effect, if indeed it be not certain, that such was its object—to excite a temper and irritation in the British ministry, which would thwart the efforts of our ministers to obtain a satisfactory and honorable treaty. However it may have been intended and ardently desired, that the measure should be considered as a rod held over the British ministry, to intimidate and compel compliance with our demands, yet so ardent was their desire to preserve the relations of amity and commerce with the United States, that they accepted and signed a treaty binding on their government, and left open for ratification or rejection by our government. This treaty, as I shall hereafter show, was pronounced by our ministers to be honorable for our government, and highly advantageous to its interests. It was nevertheless angrily and contumaciously rejected, without even being submitted to the consideration of the senate, the constitutional advisers of the executive.

I will briefly notice the three points of difference between the two countries, the adjustment of which was confided to Messrs. Monroe and Pinkney:

- 1st. Constructive, or, as they are denominated by the prevailing party, paper blockades.
- 2d. The carrying trade, or the rule of the war of '06.
- 3d. Impressment of British seamen of American merchant vessels.

I will not detain the house by a discussion of the old question of blockades. It would be sufficient for my purpose to show that by the 10th article of the treaty of December 1806, it was honorably and advantageously arranged. But whether it was so or not, the blockades were comprized in the more extensive system of the orders in council of 1807, and as those edicts have been repealed since the declaration of war, it will not be said we are now fighting on account of the blockades. They are now out of the question, as they form no part of the ground for continuing the war. I pass them, to the second point in dispute, to wit, the carrying trade.

I take it for granted, gentlemen know that the right was claimed by the United States to carry on a trade in time of war, which it is admitted we could not enjoy in time of peace—a trade between France, the mother country, and her colonies. Great Britain viewed this intercourse with a jealous eye, as indirectly aiding the great enemy against whom she was struggling for existence. She therefore required the neutral American vessel carrying the products of the colonies to the mother country to enter an American port, and unload her cargo, and to pay upon re-exportation, a duty of 1 per cent. into our own treasury, and a duty of 2 per cent. to be paid upon the manufactures of the mother country, shipped to the colonies, under similar regulations. This rule was inconvenient to the merchant, but left the country in the full enjoyment of the great advantages of that lucrative trade, which enriched so many of our merchants, and poured so much wealth into the country. I shall not trespass upon the patience of the house by noticing the popular uproar raised by the "shackles imposed upon a lawful commerce." It is sufficient to say, an honorable and advantageous arrangement, in the language of Colonel Monroe, upon this point of difference, also was embraced in the 11th article of the rejected treaty.

The third, and what is now pronounced the vital point in contest, although the war was declared on account of the repealed orders in council, is the claim to impress British subjects from American merchant vessels. The Secretary of State, in a celebrated report, has taken occasion to avow that a repeal of the orders in council would not have prevented the declaration of war. Is this true? then I am at a loss to know why Mr. Foster, for the last few weeks preceding the declaration of war, was so closely pressed to stipulate their revocation, while the grievance of impressment, if alleged as a cause of war, as it never was before the war, was kept far in the back ground of the frightful picture, so often presented to the view of the people. But for once, I am willing to take the assertion of the Secretary upon trust. Although it was pronounced a federal misrepresentation and falsehood at the time, to say a repeal of the orders would not satisfy the administration and prevent war, yet I am free to admit, I do believe such a repeal would not, under the then auspices of France, have dissolved the bonds which connected us with that government. Bonaparte was urgent in his demands. He was to be put off no longer. We could not avail ourselves of the "new chances," when the Russian empire was overthrown, which the armies of the conqueror were ready to invade, unless we formally acceded to the continental confederacy. However, Mr. Chairman, I find myself imperceptibly sliding into a course of reasoning to which there are no limits this side the contemplated termination of the present session.

I come back, sir, to the question of impressment and the rejected treaty. But before I enter upon the examination of this question of vital importance, a few words in relation to the treatment and conduct of Col. Monroe upon his arrival in America, after his treaty was rejected.

The question naturally presents itself, what could have induced Col. Monroe, "one of the pillars of Mr. Jefferson's happiness," to sign a treaty sacrificing the honor of the nation, and compromising its best interests? What could have tempted him to negotiate a treaty so palpably bad as to demand an instant rejection? so flagrantly dishonorable as not to merit the ceremony of being laid before the Senate? so obviously disgraceful as to call forth the censure and condemnation of his employer? Good easy man, he little thought, at that time, for Mr. Jefferson entrusts to few the secrets of his bosom, that a treaty was the last thing that was expected or desired. He did not know that a treaty with England would be deemed equivalent to a war with France, and that in no event was offence to be given to France. He supposed instructions would not have been sent to England to negotiate, unless in sincerity and good faith a favorable result was desired for that negotiation. He was soon undeceived upon his arrival. He was sent into retirement upon his farm in Virginia, loaded with the reproaches of the republicans, for having basely "abandoned the rights and honor of the country"—for having done what was infinitely more unpardonable; for having endangered the integrity and existence of the democratic party. A treaty with England would deprive democracy of its food, of its natural aliment, without which it would pine and die. It would heal and hush animosity and clamor against that country. British antipathies, upon which the ruling party subsists, would be removed. This was his inexpiable offence: to a tone for which, he was driven from the presence of the court, into banishment, in the ancient dominion. He retired with those feelings which wounded honor excites—for he yet retained his honor. In his retirement he attracted the sympathy and compassion of the least zealous of all parties. The plan was conceived, and upon suggestion gained daily proselytes, to put him in nomination at the next election, in opposition to the present incumbent of the palace. The moment was critical and interesting. Mr. Jefferson who has so long governed the country in secret, and who only retired after he had gathered a storm whose frightful aspect overpowered his nervous sensibilities, could not view unconcerned the dangerous schism which threatened the democratic party. The Great Magician ascended the pinnacle of his favorite mount, and waved his wand over Richmond. It had an electrical effect. The parties were immediately brought to the famous conference at Monticello. All was instantly arranged. The disgraced minister was reconciled and again taken into favor. His aberrations were pardoned. He returned to Richmond, and there received the requisite whitewashing, in the modern political mode. He was quickly exalted to the gubernatorial chair of the great state, as a preliminary step to a regular induction to the office of state, which he now fills. Having sat out his appointed period upon the patent stool of political repentance, he then passed from his probationary state of governor to his allotted station in the direct line of Virginia succession, and is ere long to mount the throne. Yes, sir, James the second is ripe and ready to undergo the ceremonies of coronation, whenever James the first shall see fit to abdicate in his favor. That the house may judge how far the present conduct and principles of the heir apparent are reconcilable with his former professions, I beg to be indulged while I read a few pertinent paragraphs from the book which he found it necessary to write in his vindication, while he was yet under the royal displeasure.

"I have on the contrary always believed, and still do believe, that the ground on which that interest (impressment) was placed by the

paper of the British commissioners, of Nov. 8, 1806, and the explanations which accompanied it, was both honorable and advantageous to the United States; that it contained a concession in their favor, on the part of Great Britain, on the great principle in contestation never before made by a formal and obligatory act of the government, which was highly favorable to our interest," &c.

"We were therefore decidedly of opinion, that the paper of the British commissioners placed the interest of impressment on ground which it was both safe and honorable for the United States to admit; that in short it gave this government the command of the subject for every necessary and useful purpose. Attached to the treaty, was the basis or condition, on which the treaty rested. Strong in its character in their favor on the great question of right, and admitting a favorable construction on others, it placed us on more elevated ground in those respects than we held before."

"War, therefore, seemed to be the inevitable consequence of such a state of things, and I was far from considering it an alternative, which ought to be preferred to the arrangement which was offered to us. When I took into view the prosperous and happy condition of the United States, compared with that of other nations; that as a neutral power they were almost the exclusive carriers of the productions of the whole world; and that in commerce they flourished beyond example, notwithstanding the losses they occasionally suffered, I was strong in the opinion that those blessings ought not to be hazarded in such a question. Many other considerations tended to confirm me in that sentiment. I knew that the United States were not prepared for the war; that their coast was unfortified, and their cities in a great measure defenceless; that their militia, in many of the states, was neither armed or trained, and that their whole revenue was derived from commerce. I could not presume that there was just cause to doubt which of the alternatives ought to be preferred."

These extracts, sir, speak for themselves, and need no commentary. How far, since he has been restored to favor the Col. has disregarded these opinions and proved worthy of his employers, may be gathered from an important occurrence during the spring session. I claim the undivided attention of the house, while I explain the matter to which I allude.

It will be recollected, that during the spring session, the President nominated the noted Jonathan Russell minister plenipotentiary to the court of Sweden. Mr. Russell's character did not stand very fair before the public, on account of an alleged omission, on his part, to deny the assertion of the Duke of Bassano, that the French repealing decree, of April, 1814, had been regularly, and in due time, communicated to this government, or its accredited agent at the French court. Before acting upon the nomination, the senate conceived it would be proper to ascertain, officially, the grounds of the suspicion against Mr. Russell's fidelity and truth. A committee for that purpose was appointed by the Senate, with instructions to wait on the Secretary of State, and enquire into the fact of the alleged culpable omission to vindicate the honor and veracity of government at the French court. Having performed the duties assigned to them, that committee reported in form to the Senate, that they had called on the Secretary of State, and made the enquiry they were instructed to make, and that the Secretary had given for answer, that no official letter was in the department of state containing the contradiction or communication required; but he informed them there was a private letter in his possession, which he said contained such a contradiction. Here ended the report in substance to the senate; but I have it from the mouth of more than one of that committee, it is no secret, sir, that the said private letter was read to them by Col. Monroe, but it contained no such contradiction.

Well, sir, about this very time, that the senate was engaged in the investigation, the attention of this house was called to the same subject on motion of my distinguished friend from New Hampshire, (Mr. Webster.) After much difficulty, the house adopted the resolution calling for the information. When behold regularly authenticated—Yes, sir, the very identical letter which Col. Monroe had but a few days before solemnly told the senate was not in the department of state—not in existence! I claim permission then to place the secretary on the horns of the dilemma. Either the letter was in existence, and in the department of state when called for by the senate, or it was not. If the affirmative assertion be true, then the Secretary was guilty of a wilful untruth—if the negative, then it must have been fabricated for the occasion; and deposited in the department of state afterwards, to answer the purposes of the parties implicated. There is no evading this result—it is palpable—inevitable. We are brought to it by the testimony of the secretary of state himself than whom there can be no better witness against himself—This one act of legerdemain diplomacy, fixed him in the confidence of his employers. The sin of negotiating a treaty with England was expiated—was more than counterbalanced by a successful extrication of the ministry from extreme difficulty—He won the approbation and applause of his party. The sentiments of Col. Monroe, in relation to a treaty with England, when left to think for himself, and at liberty to act independently, may be found in his letter of vindication. What his sentiments and principles now are, the world must judge from his actions. That judgment impartially formed will not

vary much from the estimate I have made of his character.

After this digression, into which I have been led by Colonel Monroe's expiatory letter, I will return to the question of impressment, which is the only remaining cause of quarrel with Great Britain, and for which the war is continued. England claims the right to impress seamen from our merchant vessels. To take American citizens, she has never for a moment set up the extravagant pretension. The similarity of language and manners between the two people gives rise to many vexatious abuses of the exercise of the right of impressment, and the only possible mode of accommodating the opposite claims of the two governments is by negotiation and mutual concession. Struggling as England has been for existence, depending upon her marine for defence and protection, she could not permit neutral merchant vessels to be converted into an asylum for deserters from her service, without endangering her navy. Her seamen are her right arm. You sever it from her body, or lash it tight to her side, whenever she is forced to permit her seamen to be tempted into neutral service by the higher wages and better treatment they there receive. The facility with which her subjects are naturalized in this country, the barefaced perjury which provides them with protections, without trouble or expense, reduced England to the necessity of exercising, as an act of preventive justice, what she claimed as a belligerent right, or submitting to the growing and alarming evil of losing her best mariners. As it could not be expected of her passively to connive at such an abuse of her rights and attack upon her national safety, nor expected of this country to sit quietly under the abuse of the practice of impressment, the difference could only be settled by treaty. It was so settled, as I have before shown by Col. Monroe, and upon terms precisely such as it is not denied administration is now perfectly willing to accept. Nor can it be doubted they would have come to the same terms before, but from a fear of France, and a habit of submission to that power. A wise and provident ministry would have been content with an arrangement relinquishing the practice of impressment, without stipulating a formal abandonment of the principle.

I will say a few words upon the question of the right of a nation to the service of her subjects during war, and to seize them on a common jurisdiction. There is nothing novel in this claim of a belligerent to call home her subjects to assist in defending their country. She may take them by force to aid in the common struggle for preservation. A belligerent has a right to search neutral vessels. It has never been denied by our government, tho' it has been disputed on this floor. In his famous letter of instructions to Mr. Monroe, Mr. Madison directs him to stipulate, in the treaty he was negotiating, a renunciation of the claim to take from neutral vessels any person "not in the military service of an enemy; an exception (says he) which we admit to come within the law of nations, on the subject of contraband of war." The right of search is then admitted. For what may the belligerent search? For contraband of war, which is lawful prize to the belligerent; for persons in the military service of the enemy, whom she may make prisoners, upon the principle of preventing them from doing her future harm. If, under the acknowledged right of search, Great Britain could search American vessels, and take therefrom whatever was legal prize to the seizing belligerent, and could also make captive enemies' subjects, how much stronger is her claim to her own, to take what is neither enemy nor neutral, but what always belonged to her—her own subjects, whose services are required for the common defence. It being admitted that she may make prisoner of an enemy, to prevent his doing the belligerent future harm, why may she not take her own subjects for the same purpose of strengthening herself and weakening the enemy, by aiding in repelling his attacks? It stands to reason—it partakes of the justice of the principle of search and seizure, that a neutral cannot protect by forcible adversary possession the subject of a belligerent when it cannot protect the property or military subjects of an enemy. This is the dispute between us. We claim the right to protect British subjects out of the jurisdiction of our laws, by giving an extra-territorial operation to municipal regulations. In his letter of instructions to Mr. Monroe, before referred to, M. Madison says, "if the law of allegiance, which is a municipal law," &c. and yet we claim to protect foreigners out of our jurisdiction, who owe but a local temporary allegiance to the U. States, against the prior and permanent claim of their native country. It will be shown hereafter, that the arm of protection is to be extended beyond our territorial limits as well for foreigners of that description, as those who have undergone the legal process of naturalization. That we do claim the right of protecting British subjects, deserters or not, is to be found in every declaration and act of administration. The same letter before referred to, page 11, contains this passage:—"With this exception (contraband of war) we consider a neutral flag on the high seas, as a safe guard to those sailing under it." Thus, an asylum, a secure refuge is to be afforded by American merchant vessels to British deserters. It is for a recognition of this haughty and extravagant pretension, which no British minister dare recognize, that we are at war. A pretension which they have reiterated they could not recognize, tho' they have as often manifested a sincere wish to come to an arrangement, which would be mutually satisfactory. See fourth page.