Mr. BAYARD's SPEECH,

Upon his motion to amend the resolution offered by Mr. Giles, for striking out that part which is in italics; delivered in the Senate of the United States, Tuesday, February 14, 1809.

MR. GILES's MOTION.

"Resolved, That the several laws laying an embargo on all ships and vessels in the ports and harbours of the United States, be repealed on the 4th day of March next, *except as to Great-Britain and France, and their dependencies; and that provision be made by law for prohibiting all commercial intercourse with those nations and their dependencies, and the importation of any article into the United States, the growth, produce or manufacture of either of the said nations, or of the dominions of either of them.*"

It will be perceived, Mr. President, by the motion which I have made to amend the resolution, offered by the honourable gentleman from Virginia, that I do not approve of the course which it seems the government have determined at length to pursue. The honourable gentleman has told us, it is not his plan, and I give him credit for the fairness and candour with which he has avowed the measures to which he would have resorted.—He would have raised the embargo and declared war against England. Being opposed in this scheme, by a majority of his friends, his next proposition was to issue letters of marque and reprisal; finding, however, that the other house had refused to go even so far, he had on the principle of concession and conciliation with his friends, agreed to take the course proposed in the resolution, in hopes that our vessels, going upon the ocean and being captured under the orders in council, would drag the nation into a war; when he presumed the war being made upon us, we would agree to fight our enemy. Sir, it is upon this very ground, and considering this as its object, that I am opposed to the resolution. England is not our enemy, nor does a necessity exist to make her so. I am not going to deny that we have many and heavy complaints to make against her conduct, nor shall I contend that causes do not exist which might justify a war; but I mean to say, that policy forbids the measure, and that honour does not require it.

The gentleman has painted in very glowing colours, the wrongs and insults which we have suffered from British violence; he has recorded in his catalogue the offensive acts of British agents, as well as the injurious pretensions and orders of the government. I mean not to defend, nor even palliate any aggression, public or private, against the right or honour of our country; but, sir, I cannot conceal my surprise, that this gentleman, so much alive to British wrongs, should be insensible to every thing which we have suffered from France. The gentleman has exhausted the language of terms of invective and reproach against the British government and nation, but he has been silent as the grave, as to the French. How can it be, that what is wrong in Britain, is right in France? And wherefore is it, that the same acts of France are borne with patience, which proceeding from Britain, excite such a spirit of indignation? You have the orders of council to complain of, but have you not the decrees of his Imperial Majesty? We are told that the orders in council give us laws, regulate our commerce, and degrade us to the state of colonies; but do they contain more or do they extend as far as the Imperial decrees? Do they make us more the colonies of Britain than the decrees make us the colonies of France? And are we to invoke the spirit of liberty and patriotism in resistance to Britain, while we are [illegible] ourselves to French bondage? We are told of our vessels being forced into British ports and compelled to pay tribute; but nothing is said of their being invited into French harbours, and then seized and confiscated.

With all the complaints against the British orders, and the silence as to French decrees, ought we not to be surprised in discovering that the orders are exceeded in severity and injustice by the decrees? Let it be remembered, that this system of outrage upon neutral rights originated on the part of France in the Berlin decree—that decree in effect, forbids neutrals to trade with England or her colonies, or to purchase, or to carry their manufactures or their produce. On commencing this system, France avowed its principle, and thus compelled her adversary to retaliate by acts of the same injustice against neutrals who submitted to it. Tell me which we have first and most to blame, the one who set the example, or him who followed it?

It is a consideration also of great weight, that at the time when the Berlin decree issued, France was bound to the United States, by a solemn treaty to permit the trade which that decree prohibits—a treaty, signed by Buonaparte himself, and expressly providing for the freedom and security of our commerce with his enemy, in the event of war; and if the orders in council are a violation of the law of nations, they are not, like the French decrees, a breach of plighted faith. The orders leave to us the direct colonial trade. Our intercourse is not interrupted with the colonies and dependencies of France; but the decrees interdict all neutral commerce with the colonies and dependencies of England, as well as with the mother country. Your very ships which enter an English port, are denationalized, and are liable, after the lapse of any time, though performing a voyage otherwise innocent, to seizure and confiscation.

Another feature of injustice and iniquity distinguishes the decrees from the orders. By the orders, our merchants are apprised of the commerce which is interdicted. Full time for notice of the prohibition is allowed, before the property is exposed, by a transgression of the orders, to be confiscated or seized. No such forbearance can be discovered in the decrees, which are to be indiscriminately executed upon the innocent and the guilty; upon those who never heard, or could have heard of them, in the same manner as upon those who knowingly violate them.

I hope, sir, it will not be understood, that I mean to defend the orders in council, or to advise this nation to submit to them; but I could wish to direct some portion of the warmth and indignation which has been expressed against them, against those decrees which produced them, and which exceed them in iniquity and outrage.

The avowed object of the honourable gentleman from Virginia, is a war with England. On this subject, I make but one question—Is it possible to avoid it with honour?

If this possibility exists, the war ought to be avoided. And it is my opinion that it does exist. To this opinion I am, in a great degree, led by a want of confidence in the sincerity of the disposition of our executive to settle our differences with Great-Britain. Your measures have not been impartial as to the belligerents, and your negotiations have not been sincere as to England. The gentleman from Virginia has called this charge of insincerity, a miserable vision. I believe, sir, it is a miserable and melancholy fact—and if you will have patience with me, I will furnish proof enough to support the belief of the most incredulous.

I mean to shew that your government has had it in its power to secure peace with Britain, by the settlement of the differences between the two nations, and that the means have not only been neglected, but means employed to prevent such a settlement from taking place.

It will be necessary for us to consider what those differences were.

They may be referred to three heads:—

1st. The rule, as it is called, of the war of 1756.

2d. Constructive blockades.

3d. Impressment of seamen on board of American merchant vessels.

I do not mean to say, that there are no other causes of complaint arising from the indiscretions and insolence of British commanders; but they had not the character of national differences, and would probably have soon ceased and been forgotten, if the points of controversy between the governments had been amicably arranged. To settle the differences which I have stated, a negotiation was opened in London in 1803, and carried on till December 1806. It is remarkable, that while this negotiation was depending and progressing, our government had recourse to a step in its nature calculated to repel, instead of to invite the British government to a friendly settlement. In April, 1806, they pass a law prohibiting the importation of certain British goods.—The acknowledged object of this law was to coerce Britain to agree to our own terms. Did this law evidence a disposition to be friendly upon our part, or was it calculated to inspire a friendly temper on the part of England.

It was fuel to the flame of discord. The British government is not less high spirited and proud than our own, and the attempt to force them to terms was the likeliest course which could have been pursued, by providing retaliation to widen the breach between the two countries.

This measure enforced, when negotiation was going on, and promised a favourable result, is no small proof in my mind that the executive was satisfied with the forms of negotiation, but wanted no treaty with England.

I proceed to enquire whether our differences with Britain were not of a nature to be compromised; and if our government had been sincerely disposed, whether they might not have retained the relations of amity with that power.

First, as to the rule of 1756. This rule was founded on the principle that a neutral nation could not acquire a right to trade by the cession of one belligerent in time of war, which did not exist, but was withheld in time of peace. The rule was supported on the principle that a neutral could not come in aid of a belligerent and cover its property on the ocean, when it was incapable of protecting itself.

I am not going to defend this rule, nor to enquire into its origin. This much I will say, that if it was the British rule of 1756, it was the express rule of the French maritime code in the years 1704 and 1744. I will not trouble you with reading the decrees of the French monarchs which I have on the table, made in the years mentioned, and which prohibit to neutrals any but a direct trade to the colony of an enemy. Though the rule of 1756 may not be an ancient rule, yet we must admit that it was a new rule introduced in the present war and contrived to ruin or injure the American commerce.

France was unable to trade with her colonies; the United States becomes her carriers, and under our flag the manufactures of the mother country were safely carried to the colonies and the produce of the colonies transported to Europe. This trade was certainly as beneficial to France as profitable to the United States. Britain only was the sufferer, and the rule of 1756 was revived in order to take from French commerce the protection of a neutral flag. Our government were certainly right in claiming the free enjoyment of this profitable trade, but the only question is whether the neutral and belligerent pretension did not admit of adjustment by each side making an equal concession of points of interests.

The treaty of 1806, which the president rejected, fairly compromised the dispute on this subject. The 11th art. of that treaty secured to the United States the carrying trade of France and her colonies subject to terms somewhat inconvenient to the merchants, but rendering it not less beneficial to the nation. The treaty requires that goods exported from France or her colonies in American vessels shall be entered and landed in the United States; and when exported from France through the United States to her colonies, shall be liable to a duty of one per cent. and from the colonies to France of two per cent. to be paid into our own treasury. This regulation of benefit to the government by the duty which it gave to it, was of little prejudice to the trade, and there is no room to doubt that the trade, thus secured from the spoliations to which it was subject, would have flourished beyond its former limits.

Our differences, therefore as to the carrying trade so much harrassed by the British rule of 1756, not only admitted of compromise, but was actually settled by an arrangement in the treaty of 1806, with which the nation would have been perfectly satisfied.

The second head of dispute regards the practice of constructive blockade. The complaints on this subject was, that blockades were formed by proclamations, and that neutrals were compelled to consider ports as blockaded before which no force was stationed. That the principle of blockades was extended to unwarrantable limits, is most certainly true, and there is no question as to our having just cause to complain of the vexatious interruptions to which it exposed our trade. The present war between France and England is without a parallel between civilized nations; it is not a struggle for [illegible] or for ordinary conquest, but on the part of Britain for her independence and existence. Principles of neutrality or of right have been little regarded upon the land or upon the ocean; and the question with the belligerents has been less what the law of nations permitted them to do, than what their strength enabled them to accomplish. It is unlawful for a neutral to attempt to enter a blockaded port—but a port cannot be considered as blockaded unless a force adequate to the end is stationed before it. The blockades, therefore, which England created simply by a proclamation, were an abuse of which neutrals had just cause to complain.

The United States did complain, and these complaints were listened to by the British government. The 10th art. of the treaty of 1806, has made provision on this subject; and though England has not renounced the principle of which we complain, yet it is qualified by the notice which is required to be given to the vessel attempting to enter a blockaded port, before she is exposed to seizure and confiscation. The provision in the treaty would no doubt have corrected in a considerable degree the abuse from which we had suffered, and it was our policy to have waited for better times for a complete remedy for the evil.

(To be Continued.)

FOR SALE.

The HOUSE and LOTS lately occupied by Mr. George Burgwin, on [illegible] Street—*for terms, apply to*

T. SIMPSON.

March 6, 1809.

THE THOROUGH BRED

AND MUCH CELEBRATED HORSE,

Old Collector,

So well known as an excellent and sure foal getter, and whose Colts have been for many years, and now are proving themselves on the turf, both with speed and bottom, will stand the ensuing season at my stable in Green County, North-Carolina, eight miles below Snowhill, on the old road that leads from the old ford or Miller's ferry across Contentnea to Kinston, and will be let to Mares at the most reasonable and much reduced prices, of Six Dollars the single leap, paid at the time of Covering—Twelve Dollars the season, (which may be discharged by paying Eight Dollars on or before the 25th December next) and Sixteen Dollars to ensure a Mare to be with Foal. Those who put to FAMER last Spring Season, and their Mares failed to be with foal, may have the benefit of this Season to COLLECTOR, for Nine Dollars, which may be discharged by Six Dollars, if paid by the 25th December next.—Any person who will put Four Mares, or who will be responsible for the payment of the season of four, shall have the fifth *gratis*.—If any Mare put by the Season to Collector, should die within the same, I will charge nothing—if the property of any Mare put by the insurance, be changed before the time of Foaling, the person who puts her will be charged with the full amount of the insurance.

I have good & well enclosed Rye Pastures for Mares, and my personal attention will be paid to them, and when ordered will be fed with Corn at the neighbourhood prices; but I will not be responsible for Escapes or Accidents of any kind whatsoever.—Servants sent with Mares will be boarded free from charge.—All kinds of produce will be taken in payment at the Market prices; and from payment being made, [illegible] the very reasonable, and much reduced prices, Collector stands at this Season, and his undoubted superiority as a *Blood Stallion, Racer and Foal Getter!* I flatter myself that my former Customers, and a great many others, will feel much gratified in having it in their power to breed from so valuable a Stallion.

SHADRACH COWARD.

Green County, 15th March 1809.

NOTICE.

The subscriber,

LIVING within half a mile, of where the celebrated Horse OLD COLLECTOR, is to stand this season; [illegible]

LAWRENCE [illegible]

Green County, 15th March, 1809.

THE THOROUGH BRED HORSE,

FARMER,

WAS five years old, the [illegible] of April last; he is a [illegible]

FARMER will stand the ensuing season, [illegible] County, (N.C.) [illegible]

[illegible]

For Sale,

[illegible]

[illegible]

February [illegible], 1809.