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SPEECH

OF
MR. BAYARD,

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 Great
Britain, to the 31st of October.

(Concluded from our last.)

Our government have been pleased to say what he did not think at this time—any man in the nation believed besides themselves. They have been pleased to say the decrees are repealed.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 The decrees could only be repealed by the same power and in the same manner in which they were enacted.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 any 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them?—The promise of a sovereign to repeal a law does not annul it, nor would a reference of his minister to its being repealed have that effect.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The decrees teach us what this form is in France, and we have no ground to believe that the decrees are repealed, till we see an act of the sovereign in the same form in which they are found.—Such is the course among ourselves. A law is repealed by a law passed in the same form.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daily accounts are received of seizures made on the principles of those decrees: and, to affirm that the decrees are repealed, was only to add perfidy to the atrocity of the conduct of the French, who do not hesitate to plunder, burn and destroy our property on the high seas, even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 presence with which at first they were respectful enough to attempt to cover their violence.

Nothing could be more evident than the policy of the French emperor, 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mortifying than the success which has attended his juggling.—He has contrived to satisfy our government that he has repealed his decrees, while, to the eyes of the rest of the world they appear to be in force.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 & 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 object is 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 resist, 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 in 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 their subjugation and ruin. Let us take time to consider the consequences of a step upon which the destiny of the 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 regards therefore our interest, it is found in protracting the present state of affairs? Some gentlemen considered that the honor of the nation called for immediate hostilities. It is admitted that a country is bound to defend its honour, nor can its interest be well separated from its honour. But what honour can you acquire by going to war in your present unprepared and feeble state. In nations, their glory and their success are nearly allied. A vanquished nation gains no honour, 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 desirous they cannot be to shed their blood, in order to add by conquest to the unwieldy territories of the United States. It is on the ocean that we are 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 honour 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 market. The embargo and non-importation, which denied her both, were undoubtedly felt. The objection to them was their re-action 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, had 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 that 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 in 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 and certainly 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 always 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 may be secured to us, by the People of England themselves without bloodshed. The minister had 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 commotion. Armies of unparalleled numbers taking the field. A crisis of vast magnitude existed, which might terminate in the subjection of all Europe to the Power of Bonaparte. If however, the Emperor, of Russia should avoid the shock, and tamely yield to the continental system of his adversary, the effect of this occlusion of the ports of all Europe to the British trade, could not fail to be sensibly felt by that power, and to create new inducements upon her part, to cultivate friendship and peace with the U. S.

At the same time, gentlemen would call to mind the unsettled state of affairs between this country and France. The principle of impartial 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 us, 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 expence 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 spoils. 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 part, he was two well instructed in arrangements, by the history of the Hornet, to expect to see the Wasp for 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 arrive in 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 decree of Rambouillet, which some Gentlemen flatter themselves with, the expectation of being granted by Imperial justice, it is much to be dreaded she will never revisit 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 spoils was to be the first 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. That

letter, he understood, was dated about the 15th of February, with an indorsment 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 and 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 expectations of yourself and my other friends on my doings here are too high 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 anti-commercial 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 honest men of this nation have not been able to shake nor scarcely to modify, I can only wish, and that with little hope, that you may not be disappointed."

This letter was written after the letter to Mr. Granger which gave the assurances of a commercial treaty and only three days before the Postscript indorsed on the letter which alleged the detention of the Hornet to be in order to send the treaty to this country. It did not belong to him to account for the contradiction between the letters; Poets might be entitled to indulgences when even writing prose, which were denied to the rest of the world, but it was his purpose in reading the extract of Mr. Barlow's letter, not only to avail himself of the authority of the minister, but of what he valued more, of the weight of the reasons assigned in the letter for not expecting 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 shew us more clearly the course which our interest or our honour required that we should take in relation to G. 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 nor 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 sustain the war without the general support of the people? The public senti-