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LETTER

FROM THE
HON. HARRISON G. OTIS.

TO THE
HON. WILLIAM HEATH.

Philadelphia, March 30, 1798.

SIR,

YOUR favour of the 21st instant, inclosing a vote of the town of Roxbury, upon the subject of permitting the arming of private vessels, was received by me on the 28th, too late to be presented to the house on that day; but on the next morning it was read and committed to a committee of the whole house on the state of the Union. I thank you, sir, and your colleagues of the committee, for the honor done me by confiding to my care a petition, which it was probably known would not comport with my own sentiments. Although I had long since formed an opinion different from that of my fellow-citizens of Roxbury, under a due impression of the magnitude of the subject; yet the vote of that respectable town had a claim upon my attention, which induced me to review the course of my own reflections upon the subject, and to weigh the principal argument suggested in their memorial. It is still my misfortune to dissent from this intelligent portion of my constituents. My principal consolation is derived from your remark, that the meeting was assembled at a very short notice. The unanimity of the decision may therefore be possibly imputed to a sincere and laudable anxiety for peace, rather than to a deliberate examination of the arguments relating to the subject. Without this presumption, I should still hesitate to declare, that after much enquiry and reflection, more perhaps than every individual at that meeting found time to bestow upon the question, I do believe it highly expedient and essential to the commercial interest of this country, that our merchants should be permitted to arm their vessels; or, in other words, that they should not be restrained from so doing by law, except perhaps in certain special cases.

A sense of duty, and a hope of removing doubts from the minds of some of the inhabitants of Roxbury, induce me to submit to their consideration a sketch of certain reasons, which justify this conclusion to my own mind, preceded by a summary of principal facts.

The law of nature and of nations authorize the right of carrying arms for self defence, by sea as well as by land, and no law has ever prohibited to our citizens the exercise of this right. In practice it seems to have been regulated by the measure of danger incident to navigation in different latitudes and seas. The private ships of all nations destined for the coast of Africa, or beyond the Cape of Good Hope, generally, if not always, carry guns, and the same practice obtains in the Mediterranean.

The intrigues of Mr. Genet, who, you will remember, came to this country with instructions to implicate us in a common cause with the French republic, required all the vigilance of government to counteract them. He had scattered his commissions for the equipment of privateers throughout our sea ports, and vessels were daily armed and fitted out, to cruise against one of the belligerent powers. To defeat a stratagem evidently calculated to commit our neutrality, an act of Congress was passed June, 1794, making it penal to fit out and arm any vessel in our ports with an intention to cruise or commit hostilities against any of the powers at peace with the United States; and in the month of July following, a circular order was sent to the collectors from the late president, in which, among other things, it was observed, "that the United States being a neutral nation, the vessels of their citizens in such cases do not require to be armed; the arming such vessels, therefore, raises a presumption that it is done with a hostile intention and contrary to the prohibitions of the act of Congress. Some special cases may indeed occur in which arming may be proper and necessary, but these cases ought always to be examined and ascertained, lest they should cover collisions with the powers at war." These collisions here intended, must have embraced principally the cases of French privateers fitted out to cruise against the British—there being at that time, but little inducement for the British, to fit out privateers against the French, as the navigation of the latter nation was then withdrawn from the ocean, excepting only a few vessels of war and privateers.

After the decrees of the French Directory of July 1796, and March 1797, the depredations of that nation upon our commerce, which had never been entirely discontinued, increased to a most alarming extent; insomuch that it became highly dangerous to risk a voyage to any part of the globe. The president adhering to the system of his predecessor, still thought fit to restrain the sailing of armed vessels, not bound to the East Indies; Not as he expressed in his speech

to both houses, at the last session of Congress, "from any doubt of the propriety of permitting our vessels to employ means of defence while engaged in lawful commerce, but merely to prevent collision with the powers at war," at the same time, recommending to Congress to prescribe such regulations as would embrace both objects. For such regulations, I then was, and still am an advocate, and have no doubt but that they be so framed, as to obviate the principal cause of apprehension assigned by the town, which refers to captains who are not citizens of the United States. Congress did not however, think proper to interfere upon this occasion—At the commencement of this session the president still repeated and enforced his opinion of the necessity for this precautionary measure, our losses by French captures then amounting to upwards of fifteen million of dollars—On the 26th December, a bill was reported to the house conformable to this view limiting and restraining the right of arming to certain cases, the consideration of which has been postponed. The depredation on our trade still increased, and by a late decree of the directory are sanctioned in another immense description of cases; under circumstances which demonstrate an intention to proceed to still greater extremities, and to annihilate our commerce.

The President convinced as he declares in public, that no hope remains of a favorable termination of our embassy to France; after having instructed our commissioners to do all but renounce our national independence, to preserve peace, and finding that an excess of caution to avoid giving offence, produces no other fruit than an aggravation of injury and insult, has decided with that wisdom and prudence which distinguish his actions, no longer to take the responsibility of restraining protective measures upon himself; but by revoking the order of the collectors, has placed the right of arming upon the broad and original basis of the law of nature and nations. A resolution which has been never in the House of Representatives, and which were opposed to take measures on this subject to restrain the right of private armament by law of such cases as have been heretofore prescribed to the collectors. To such a restraint I profess myself to be opposed, believing that it would be highly injurious to our commerce, ruinous to our navigation, and consequently to the landed interest, and that it would rather inflame than appease the spirit of violence and thirst of plunder, which actuate the present Directory of the French Republic.

The exports of the commonwealth of Massachusetts, for the last year, amounted to seven millions and an half of dollars; of which four millions and an half were the produce and manufactures of our own country. Any stagnation of commerce that should totally impede the exportation of this surplus, would be equivalent to a direct tax upon the landed and manufacturing interests of the commonwealth, of four millions and one half of dollars annually, and though a part of these may still find a way to market in foreign bottoms, and the French have not yet formally comprised these articles in their decrees; yet upon a moderate computation one half of this produce and these manufactures will remain on hand unless some safe mode of exportation can be found in our own bottoms, and this difference alone would amount to a heavier land tax, than would probably be necessary to carry on an open war. The profits arising from this exportation to the class of exporters, estimated, only at ten per cent, will amount to four hundred and fifty thousand dollars per annum. In the same commonwealth, the domestic to man, exclusive of vessels employed in the coasting trade and fisheries is but little short of one hundred and seventy thousand tons, which are worth three millions four hundred thousand dollars, and give employ to ten thousand seamen. The whole of this shipping becomes useless to the owners, unless protected from capture, and worse than useless as it will be subject to heavy damages and charges. An immense number of mechanics in different branches, and of laboring poor, who depend upon the employment of this maritime capital, would be reduced to distress, and the fall of produce would not only operate as a direct tax upon land, but, as the revenue arising from imports and tonnage would be deficient, the deficit must also be levied upon land. To this state of things we are forcibly impelled by the conduct of France, which advances as we recede, which requires our caution and forbearance with renewed outrage which plunders our vessels on the sea, and waits only for a convenient season to follow them to our ports and to ravage our coasts. In a pecuniary view, let me ask, could your situation be worse in time of open war? You, Sir, I am certain you will agree with me that this commercial capital is not to be abandoned. The good people of Roxbury must also be sensible that to the circulation of this capital by means of foreign com-

merce, the augmentation of the value of their land and produce, and the flourishing state of their town are to be imputed. Indeed the vote of the town holds up an expectation that Congress will devise some adequate means to protect our commerce.

Three modes of protection are all that occur to my imagination; an embargo, a public naval armament, and an armament of private vessels. A general embargo would not protect either our commerce or navigation, but destroy both, and produce the evils above enumerated in their full extent. A partial embargo upon our own vessels, while it puts an end to our navigation, would materially effect our commerce, and all that remains would be carried on by the belligerent nations or by neutrals, under great additional charges and expences. France, one of the belligerent nations, would be thus deprived of our commerce in American bottoms, and has no ships of her own engaged in trade. Great Britain on the contrary, having many ships, would derive an immense benefit from becoming our carriers. Her trade would be increased, and thus the only obstacle on the part of France to declaring war against us, which is her want of our commerce, would be removed, as her enemy would monopolize the whole of that benefit, excepting that part which might still be carried on by neutrals. Could you, Sir, as an American, sit patiently and see the ships of Great Britain, or from Sweden, Denmark or the Hanse Towns riding triumphantly in our ports, and by means of a few guns enjoying the whole carrying trade of our country, while our own ships would be lying in our docks, a prey to worms, and their owners and builders idle in our streets a prey to that devouring canker which feeds upon the heat of things! I will not believe that you are willing to submit to this humiliating spectacle.

A public naval armament is in itself the most natural, safe, and I believe fugal defence of American commerce. It is however a mighty bulwark which cannot be created in a day, and which too many will should never be created.—A growing jealousy of commercial freedom and interest must be corrected or subdued, before this noble object can be accomplished. Something, however, might, and I trust will be effected towards it. Resolutions are before us, for the purchase or building of a number of ships that may amount from twenty to thirty guns. In the same degree that evidence is afforded of a sincere disposition to provide a naval force, any objections to multiply restrictions upon the right of private armament will subside. They will not however be entirely removed. A part of this force must be employed in the defence of this coast; the residue distributed among the larger seaports, would be occasionally useful in taking charge of small squadrons of merchantmen, which being also armed, might together display a respectable force; but without this co-operation of private ships, any convoy that can be provided within a reasonable time would be inadequate to the protection of our various and extensive commerce.

The remaining resource, and that which with the greatest facility and dispatch can be put in operation is the armament of private vessels. All objections to this measure are reduced to one, the fear left the individuals with arms in their vessels should afford to the French republic a cause for declaring war against the United States. A distinction between the just and unjust causes of war becomes important in considering this question. To avoid all just causes of war or even of offence to a foreign nation, especially a nation elated with conquest and aspiring to the domination of the world, is an indispensable duty which is treason in a legislator or even a private citizen to violate. No just cause of war can be inferred from an emission on the part of government to restrain our merchantmen from arming while the commanders confine themselves to defensive operations. In such cases they keep within the pale of the law of nations. But suppose they refuse to submit to the claim of search? By our treaty with France, the right of searching for contraband goods behoves to be exercised in a particular mode. The vessel requesting the search is to remain out of cannon shot, and to send only two or three men aboard the neutral, and after examining her passport she is to be permitted to proceed. To this mode the French have never conformed. The decree before quoted and their numerous captures clearly prove that they mean not to conform to it, and raise a presumption that something more than a mere search is attended in all cases. Their treaty with us has been broken and annulled. Our captains therefore stand vindicated in considering their pretences of search, as hostile aggressions, and in defending themselves by force.

But it is said to be probable that the commanders of our vessels may sometimes be disposed to act offensively against the vessels of that republic. Interest, or the