

Edenton Gazette

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IMPERIAL PARLIAMENT.

HOUSE OF LORDS, January 23.

ORDERS IN COUNCIL.

Lord AUCKLAND stated, that a noble friend (Lord Grenville) whose absence, on account of illness, he had to regret, but whose illness would not be hoped to be long, had requested him to state to the House, that if he (Lord Grenville) had been enabled to be present, he should have read in every tribute of applause to the merits of Sir Arthur Wellesley. His noble friend had also requested him to move, that the Lords be summoned for this day fortnight, when it was the intention of his noble friend to bring forward a motion to address his Majesty to rescind the Orders in Council; and he found that motion upon the letter which had been published from Mr. Pinckney, the American Minister, to our Government; and the answer of the Secretary of State, was requisite that those papers should be laid before the House, and his Lordship, therefore, moved for the production of the correspondence between the Ministers of the two Governments.

The Earl of LIVERPOOL wished to confine the production of papers to those which had been published by the American Government, and observed, that no communication was made to Parliament respecting America, because our existing relations with the United States were not in that state which would authorize such a communication.

Lord ERSKINE expressed his decided opinion, that if the proposition of the American Government, respecting the rescinding the Orders in Council, were agreed to, there would be war between the United States and France in a month.

Lord AUCKLAND moved, that there be laid before the House copies or extracts of such correspondence as may have taken place between his Majesty's Ministers and the Government of the United States of America, since January, 1808. Agreed to.

February 17. AMERICA.

The order of day being moved, Lord Grenville rose to bring forward his long expected motion for the repeal of the Orders in Council, as far as they affect the United States of America. His Lordship began by calling to the recollection of the House, the opinion he had invariably expressed during the course of the last session on that subject; the intention he had avowed of bringing forward a motion grounded on the evidence then recently taken at the bar, and which motion would have been similar in many respects to that which he should have the honor this day of submitting to their Lordships. If he had forborne to bring forward that motion, it was because reports had gone abroad at the time, as grateful to his feelings as, if realised, they have proved beneficial to the interests of the country, viz. that Ministers had altered their mind respecting America, and were disposed to resort to measures less calculated to alienate from us the good disposition of the American government and people. Sorry he was that such reports had no foundation in fact. Sorry he was that his Majesty's government should have persisted in a system, which he had no hesitation in saying was a direct violation of the laws of nations, a flagrant infringement of the eternal principles of justice. Such is the light in which he had all along considered that system; but when he found it persevered in after the proposal of the American government in August last, he must now, moreover, designate it as an act of the most egregious folly, the result of the most unexampled ignorance. In August last, America proposed to you to repeal or suspend her Embargo, as far as it affected British commerce, if you would rescind your Orders in Council as far as they affected the commerce of America. That proposition you have rejected, and you find by rejecting it, you incur the odium and the blame of being the cause of the Embargo, and of the continuance of all the evils consequent upon that measure. All that has been argued upon this question, and all that he had advanced respecting it at different times, it was by no means his intention now to repeat it. He should confine himself simply to the statement of two questions, viz. Was it just, politic, and wise, to refuse the offer made by America in August last, and thereby prolong the existence of the evils that must arise from the present state of our relations with America? Or, is it prudent now to revise that fatal determination, and return to sounder councils, and less hazardous measures?—By the unjust and shameful procedure we had adopted, we put a stop to the neutrality of Europe, we enabled the enemy more effectually to exclude our commerce from the continent, than perhaps he ever

imagined he should be able to effect; but America still remained, and opened to us in another quarter of the globe, a mart for all our commodities, a supply of all the materials of our industry, from which the enemy, with all his immense power on the continent of Europe, had no means of depriving us. Yet, instead of pursuing a policy that must have attached America to our alliance and our interests, we have done every thing to enflame and exasperate her, every thing to estrange her affections, and indispose us towards her interests. Such is the direct tendency of the policy which his Majesty's present Ministers seem resolved to pursue. How different is it from that which the wisdom of Mr. Pitt adopted in the year 1783, which since that period has been pursued and acted upon, which, when he had the honor of being recalled to his Majesty's Councils, he had endeavored to re-establish, by the adjustment of a commercial treaty, founded upon the reciprocal interests of the two nations. But now, instead of cultivating that connection; instead of fostering that system of reciprocity, it would appear to be now the plan of Ministers to alienate America, and force her into the arms of France. If this was impolitic and unwise from the beginning, how much must it be less so since the offer of America, in August last.—Respecting the nature of that offer, the strongest misrepresentations have been made. It has been asserted in that House, that in her negotiations with France and this country, respecting the repeal of the French decrees, and of our Orders in Council, America had manifested a decided partiality in favor of France. By these assertions, he had himself been entrapped into a belief that they were well founded, and in consequence of that conviction, he had made use of expressions respecting men and measures, which he was now most anxious to retract. What could be the motive of the misrepresentations of this matter, which was so easily sent abroad, and so industriously propagated, he would not take upon himself to say—but he felt it his duty fully and accurately to inform himself upon the subject, and the result of his enquiries has abundantly satisfied him that the misrepresentations he alluded to, had nothing in the world to warrant them. He should undertake to prove that not only the words of the President of the United States, relative to the pending negotiations, were misrepresented, but that from irrefragable documents he would demonstrate that there were no grounds whatsoever for the charge of partiality on the part of America towards France, to the prejudice of this country. The noble Lord then proceeded to read the passage in the speech of the President of the United States to Congress, which related to the negotiations with the two governments of France and England.

The noble Lord also read a report made by Congress, in answer to the President's address, and argued, both from the text of the speech, and the comment upon it, the report to prove that, instead of any partiality towards France, the terms proposed were rather more favorable to England. The tenor of the instructions from the American Government to their Ministers at Paris and at London, the noble Lord likewise referred to, as containing still stronger proofs of the impartiality of America, or rather of her inclination to side sooner with England than with France. From all these documents it appeared, and it was put in a still stronger light in a letter from Mr. Canning to Mr. Pinckney, (which, however, does not appear among the papers on the table) that America held out nearly the same terms, couched nearly in the same language, to both governments—to France she observed, that if the French government did not repeal their decrees, while England revoked her Orders in Council, America must be forced into a contest with France; in other passages of the correspondence, the word "War" was expressly made use of. Indeed not only a perfect impartiality respecting the two governments appear to guide the proceedings of America, but a fair and full consideration of them would induce every unprejudiced mind to think, instead of much being offered to France, and little to England, that the reverse was the case, and that much had been offered to England and little to France. By listening to the offer in August last, England might have secured two advantages—the repeal of the Embargo, and the next to certainty, of having America as an ally in a war against France; while France, in the first instance, had the offer of but one advantage—these were considerations which he could not too strongly recommend to the serious attention of their Lordships. Let the offer of America made in August last, be candidly considered—let the advantages of embracing it, and the evils that must result from rejecting it, be maturely weighed. This was the great object he had in view, and to which he must again implore the serious attention of

their Lordships. In order to attain that object, he should now move an humble address to his Majesty, the drift of which was to pray his Majesty would be graciously pleased, while the door for negotiation was still open, to adopt such measures as might tend to restore our wonted relations with America, and to re-establish the former footing of our commercial intercourse with that country. The address moved by the noble Lord was very long, and refers to most of the transactions which have taken place between this country and America, for the last two years.

Lord Bathurst answered the noble mover, and went into a detail of all his arguments; he contended, that the Orders in Council arose of necessity from the French Decrees, and said, that so far from their being the cause of the American Embargo, that in fact the Orders in Council were not known in America until the 26th of December, and before that day the Embargo had taken place. He next adverted to the accounts laid on the table, and insisted that they proved we had suffered no diminution in our revenue, in consequence of this non-intercourse act, which was a thing totally distinct from the Embargo. With respect to the want of flax-seed, that the noble Lord had stated was an irreparable mischief for the linen manufacture of Ireland. It was true, that at the present moment it might occasion inconvenience, but that would only be of a temporary pressure, for large quantities were in our own settlements in North America; but at present it was frozen up in the river St. Lawrence, and could not arrive until June, which certainly would be too late for the present sowing season. It was, however, an evil not likely to recur, because, in addition to this supply, large tracts in Ireland were now sown with seed designed purposely for future sowings. It would also appear, by reference to the papers before the House, that, although in consequence of the Embargo, and the ports being shut in the Baltic, that the importation from them had been but small; yet to counterbalance it, we had imported from our own colony of Canada, more of timber, lumber, and all those articles which we usually obtained from the closed ports, than we had before imported from those states. This, he need not say, was one advantage arising from the Embargo, as it led us to improve our own resources, and rendered us independent. His Lordship then adverted to the justice and expediency of the Orders, and argued, that they were perfectly according to the law of nations; and that it was the necessary consequence of the state of warfare, that neutrals must suffer in the enjoyment of their commerce, when their neighbors were engaged in a warfare.

Lord Sidmouth defended the legality of the order of the 17th of January, 1806, which related to the coasting trade, which he said a neutral had no right to carry on for the benefit of one of the belligerents, at the expense of the other. For a neutral could acquire no new rights by the state of war; and that was trade which in peace he could not pursue. But he insisted that a new era arose in the question when the Americans offered to rescind their Embargo, with respect to us, and continue it with respect to France if we could abandon our Orders in Council, he then it became the duty of this country to attempt conciliation, &c. to that pacific proposition we ought to assume a suitable disposition to conciliation. He insisted, that as it was not done, Ministers had shewn a hostile disposition, and therefore he concurred in the motion of his honorable friend.

Lord Melville said he should not intrude upon their Lordship's time; but he wished to observe, that the question seemed to be wholly misunderstood, both by the noble mover and the noble viscount (Sidmouth.) The one said that his object was to discuss the entire merits of the case; the other, that he was desirous of submitting to the motion of his Majesty the distrust he felt of the persons at the head of government; the former alluding to the transactions, and the latter to those who were concerned in conducting them. He (Lord Melville) should have thought it more manly to have taken a direct course, instead of attempting to pass a vote of censure thus blended, in which the real design was rendered obscure. He resisted this address because it was an unnecessary interposition of the House during a negotiation now pending with the United States. Other motives he had for opposing the motion of the noble Baron, which he would briefly explain: The origin of the Orders in Council was the Edicts of Berlin, which violated all the maritime rights which had been recognized in Europe for centuries. The first proceeding in consequence of those Edicts, was on the 27th of January, 1807; and the nature of it had been misapprehended. The rule of the war of 1756 was supposed to be the effect of the Orders in Council; but if this were all, the Order itself would have been unproductive

and nugatory; if such were the whole result, it would have been incompetent to encounter with the Berlin Decrees, which extended not only to France, but to all nations dependent upon her authority. The rule of the war of 1756 might merely be considered as a coasting regulation; the Orders in Council were founded on the just principle of retaliation, and so they were correctly explained in Lord Howick's admirable letter on the subject. He (Lord Melville) had stated that the Berlin edicts were a violation of all maritime and neutral rights. But there were neutral duties as well as neutral rights. A neutral state should hold the balance even between the belligerent powers; and if this duty were neglected, the neutral rights would be forfeited.—Lord Howick properly contemplated these duties, and seeing the preference which must be given to France under the operation of the edicts, he properly observed, that he could not rescind the Orders in Council until these edicts were revoked; and he added, as fitly, that under any circumstances, to abandon the Orders in Council would be to resign the best principles of our maritime rights. Why should not these just maxims be regarded? Could the flimsy correspondence between Gen. Armstrong and the French minister, at Paris, vindicate their surrender?

It was no wonder that France was mortified and America disappointed; for before the salutary operation of the Order in Council, the whole produce of the colonies of the former was conveyed to Europe by the shipping of the latter. The Orders in Council had undergone a long and laborious discussion; and unless their Lordships meant to abandon all that they before respected, they would not now repeal them, unless admitting the measure to be correct, they had seen so much mischief in the mode of its execution, as to obstruct all its beneficial tendency. But no such objection had been mentioned, and he believed no such existed. It was said, that by the correspondence on the table between Mr. Pinckney and Mr. Canning, it appeared that if the Orders in Council were rescinded, the Embargo would be withdrawn. Were we on such a proposal, to desert what was considered so essential to the preservation of our maritime rights? Were we on such an obscure intimation, to resign what we and our predecessors in office deemed to be so important to our highest interests? He was to advocate for prejudicing America. God forbid that he should ever consider that the adversity of America was the prosperity of Great-Britain; on the contrary he thought that the prosperity of the one was now, and would be for a long while, highly conducive to the welfare of the other. If all Asia, and Africa, and all Europe, this kingdom excepted, were with America, and this country against her, it would not be as advantageous a situation for her as it we were with her, and all the rest of the globe opposed to her, and he hoped that she would so far understand her true interests, and shew her correct view of them by her future conduct towards us. Never was there a period more favorable to a close union between Great-Britain and the American States, than the present, (hear! hear!) but this desirable purpose was not to be obtained by revoking the Orders in Council on the feeble grounds now stated.—He could not coincide with the noble mover, because he could not on this occasion condemn ministers without applying the same condemnation to their Lordships, who had deliberately sanctioned the measure represented in this address as unjust and impolitic.

Lord Auckland, in reply to the last speaker, observed, that the treaty to which he alluded, was in point of fact concluded, tho' not formally published, before any question arose about the Berlin Decree.

The Lord Chancellor took a review of the history of the proceedings which led to the Berlin Decree, the Orders in Council, and the Embargo. He insisted that it was evident the whole was meant to destroy us, through the medium of our commerce, being found unassailable in other points.

Lord Erskine condemned the measures of the administration, and argued, if we had adopted the offer made by Mr. Pinckney, we should have opened an amicable intercourse with America; and that France must either have recalled her decrees, or have been forced into a state of hostility with America.

Lord Liverpool went through the documents before the house, and argued that the Americans had acted with great partiality. He cited the instructions to the ambassadors in England and France, and agreed it was evident that they wished to aid the latter to pursue every hostile measure against us, provided only, they would relax a little; but from us they demanded nothing short of a pre-emptory recall of our Orders. He then then adverted to the state of our West-India, and said the Embargo had proved what before was never believed, namely, that our