

THE MINERVA.

PUBLISHED (WEEKLY) BY WILLIAM BOYLAN.

TWO DOLLS. PER AN.
Payable in Advance.

Vol. 14.

RALEIGH, (N. C.) THURSDAY, APRIL 13, 1809.

{No. 680.

Mr. BAYARD'S SPEECH, (Concluded.)

This motion to amend the Resolution offered by Mr. Giles, by striking out that which is in Italics. Delivered in the State of the United States, Tuesday, 14.

Mr. GILES' MOTION.

Resolved, That the several laws laying embargo on all the ships and vessels in ports and harbors of the United States, be repealed on the 4th day of March next, excepting Great Britain and France and their colonies; and that provision be made by prohibiting all commercial intercourse with nations and their dependencies, and that of any article into the United States, the growth, produce or manufacture of the said nations or of the dominions of them.

Here is a new and great proof that executive is not sincerely desirous of a friendly settlement of all differences between the nations. It may be difficult to trace the same spirit now, which agitated the nation in 1795—a spirit then subdued by the influence of Washington, but which has risen with increased strength, and dominates.

Consider, sir, that the measures of the administration have been not only insincere, extremely feeble; they will not settle differences with England, and yet have charge openly to quarrel with her; they have a non-importation act to punish the import of seamen and the aggressions upon carrying trade; they exclude, by prohibition, British armed ships from our waters, to avenge the outrage on the Chesapeake, that benefit to ourselves, or detrimental to the adversary have these measures produced? They are calculated to increase the animosity between the nations, but I know of no effect they can produce. So far indeed they have been from constraining Britain to our terms, that they have rendered more regardless of our rights and interests. She has since given us new and more causes of complaint, by her orders in the 7th of January, and the 11th of February, 1807.—These orders take from the trade of nearly all Europe. They are the counterpart of the French decrees. Would that I should justify them! I will admit that France or England have a right to make laws for the ocean: nor shall I, when they insist upon the execution of such laws, to declare myself for war. I am free as any gentleman in this Senate, against submission to the decrees of France, or the orders of England; but is submission to the decrees, as disgraceful as submission to the orders? The gentleman from Virginia said nothing of the declaration of a war with France—his remark was confined to Britain.

Have, sir, to choose our enemy between these two nations. We are hardly engaged in a contention against both at the same

time. Does the case stand in relation to the emperor first issues his Berlin decree, interfering our trade to England and colonies. England then gave us notice, to allow France to prevent your trading with us, we will not suffer you to trade with us. If you are tame enough to submit to the French decree, you will surely not be too proud to yield to a British order. Assure us you will resist the execution of the decree, and we will not retort its principles upon you. This our government declined doing. Her government then issues the order of the 11th of November, retaliating the French decree. I do not defend this order; the administration had resisted, as they had done, the Berlin decree, we had not seen the order. What now? England insists on her orders, measure of retaliation against France, on France to repeal her decrees, or to resist the execution of them; and if she then executes her orders, I will be as any man to go to war with her.

Such course has been taken; but what have we done? Laid an embargo. And for what purpose did we lay the embargo? This subject of conjecture to some; but our government tells us, it was to preserve our sailors, and our mercantile capital. We have said to preserve them from the execution of the orders in council. When the embargo was laid the orders in council were not known in this country.

On this fact, I want no stronger proof, no stronger can exist, than that the President in his message to Congress, in which he recommends the embargo, says not a word of orders in council. No, the embargo was produced by the orders in council, any thing which we heard from England by news which had then been received from France.

We told the embargo was to save our

ships, our sailors and mercantile capital. I do not believe that such was its object, but if such were its purpose, we have been miserably disappointed. The embargo for a short period, might have been a prudent measure. As a step of precaution, to collect our seamen and mercantile capital, I should never have complained of it. But it is insulting to common sense, to propose it as a scheme of permanent security, as it must daily consume, and finally annihilate the objects of its preservation. Your ships once in, and the danger known, you should have left your merchants to their own discretion. They would have calculated the profits and the perils, and been determined by the balance of the account. No class of society is more capable of taking care of itself.

It is said we have preserved our seamen. The President has as gravely repeated this remark in his message, as he recommended to us to devise means to dispose of our surplus revenue, at a moment when it was evident that the situation of the country would drain the treasury of its last dollar.

Where are your sailors? They are not to be seen in your ports. One half that were employed by you have passed into foreign service, and many that remain, are to be found begging in your roads and at your doors.

As to our ships and mercantile capital, the one tenth part of the loss from decay and waste and want of employment, would have paid for an insurance against every danger to which they would have been exposed. It is not my intention, Mr. President, to detain you with any details on this subject, as I should be compelled to repeat the same things which have been stated by other gentlemen on a former occasion. But there are some general views of the subject not undeserving of notice, which yet remain to be taken.

If the embargo were ever a measure of precaution it certainly has long lost that character. As a measure of coercion it was hopeless unless completely executed. If the party to be coerced was partially supplied, the object was defeated.

Now I ask you, sir, if your government ought not to have been acquainted with its own powers, its own people, & its own situation well enough to have known that it was impossible for us to confine the whole produce of the country within its limits for any length of time? Ought they not to have foreseen the vast temptations which have arisen and presented themselves, as well to our own citizens as to foreigners, to combine in order to break or elude your laws? Ought they not to have known that with our extent of coast and frontiers, with our numerous waters, that a wretched gun-boat navy, aided even by ten thousand regulars, were not capable of covering our borders and shutting up the numberless outlets of the country? Could they expect that patriotism was to feed and clothe the people of the north; or that thousands would submit to starve in order to contribute to the success of an experiment?

We all know that the opposition to the embargo in the eastern states is not the opposition of a political party, or of a few discontented men, but the resistance of the people to a measure which they feel as oppressive and regard as ruinous. The people of this country are not to be governed by force, but by affection and confidence. It is for them we legislate, and if they do not like our laws, it is our duty to repeal them.

It is madness to talk of forcing submission when there is general dissatisfaction. Your government is in the hands of the people—it has no force but what it derives from them; and your enforcing laws are dead letters when they have once been driven to resist your measures.

It would, sir, be some consolation, amidst the sufferings which this miserable system has caused, if in looking abroad, we could discover that the nations who have offended and injured us felt its oppression only equally with ourselves. But when we find that we have been scourging ourselves for their benefit and amusement, when they can tell us with indifference and contempt, that they feel for us, but that we must correct our own folly; instead of meeting with the poor comfort which we expected, we are overwhelmed with accumulated mortification.

Was this a measure against France? No—the emperor commends the magnanimous sacrifice which you have made of your commerce, rather than submit to British tyranny on the ocean.

His imperial majesty never approves what he does not like—and he never likes what does not comport with his own designs.

I consider it as admitted that the embargo was intended to coerce England; and the gentleman from Virginia now contends that if it had been strictly executed, it would have had that effect. Nothing has happened that common foresight might not have foreseen. The gentleman has read to you extracts from an English pamphlet, published before the embargo was laid, which predicts the very evasions of the law, the discontents it would

produce, & the opposition it would meet with, which we have all had the melancholy opportunity of witnessing. I know the pamphlet was referred to for another purpose—to shew that British gold or influence had corrupted or seduced the Vermontese before the embargo was imposed. The gentleman may believe the fact to be so if he pleases; but I say, sir, that your government here, with all its means of information, ought to have known as much about the condition of Vermont as a pamphleteer on the other side of the Atlantic.

It seems now to be admitted, and the fact is too evident to be denied, that the embargo has failed in its coercive effect upon Britain. The want of bread, cotton, or lumber, has neither starved her subjects, nor excited them to insurrection. Some gentlemen have had the shrewdness to discover an effect in an English price current, which might to be sure have been owing to the embargo, or might have been produced by the operation on the market of some private speculations. But it has enriched Canada, and has taught the islands their policy and ability to live without us.

Would to God, Mr. President, that the embargo had done as little evil to ourselves as it has done to foreign nations!

It is ourselves who are the victims of the miserable expedient. Your treasury will lose at least fifteen millions of dollars, and your country in addition not less than forty. This tax has not been so much felt, though it has not been in fact less paid, because the embargo has not taken the money out of our pockets but only prevented it from going into them. This measure has been not only ruinous to our interest, but it is hostile to the genius of our government. It calls for an increase of your regular army, and a vast augmentation of your military force. Ten thousand bayonets were not sufficient to enforce it, but fifty thousand volunteers (as I have seen by a bill on the table) were to be invited to assist in its execution.

The effect is also to be deprecated, upon the spirit of your military. They are called upon to execute laws they are unable to construe, and in obeying their orders are exposed to the commission to murder.

Your naval forces are sent out to cruise, not for enemies, but for defenceless fellow-citizens, and they return to boast not of a gallant battle, but of a miserable seizure which may bring poverty upon some wretched family in their own country.

It has been often said in defence of the embargo, that the nation had nothing left but that measure, submission or war. Can you distinguish between submission or war? Can you pretend to say that it is a voluntary self restriction imposed as a matter of choice? Can it be denied that it has been forced upon us by the conduct of one or both of the belligerents? And with a full knowledge of the fact, can you describe it as any thing but vile abject submission? France tells you, you shall not trade to Britain; you obey her—Britain then tells you, you shall not trade to France; you submit. You have not resisted the decrees or orders, but have complied with the object of both. We have borne the burthen of the embargo till it has almost broke our backs, and even when we are sinking under it, we pretend to say, it was no task to bear it. In this case it is then said, there only remained submission or war—Submission I put out of the case. I trust in God it never entered into the head of one American! But I deny that war is necessarily the alternative; and I never will admit it till I see sincere efforts made to accommodate our differences with England. The President in his message at the opening of congress, would give us the impression that Britain had refused the last and the fairest offer it was in the power of government to make, in order to preserve peace. It will be important for us to understand the nature and extent of that offer. The proposition no doubt was made by Mr. Pinkney, in conformity to his instructions. To avoid error, I will take the liberty of reading to the senate the words of Mr. Pinkney to Mr. Canning on the subject, in his letter of the 23d of August last:—

"I had the honour to state to you, sir, that it was the intention of the president, in case Great Britain repealed her orders, as regarded the United States, to exercise the power vested in him by the act of the last session of congress, entitled 'An act to authorise the president of the United States, under certain conditions, to suspend the operation of the act laying an embargo on all ships and vessels in the ports and harbours of the United States, and the several supplementary acts thereto,' by suspending the embargo law and its supplements as regards Great Britain. I am unauthorised to give you this assurance in the most formal manner."

Now, sir, what is the amount of this boasted offer? Nothing more than the assurance of our minister of an intention of the president to remove the embargo in case the orders in council were actually repealed. Great Britain

was to repeal her orders, allow the president to make the most of that act, with her enemy, and trust to his executing his good intention when it should suit his good pleasure. The offer to England related only to the embargo, when this experimental measure, so far from being injurious to her, was adding to her wealth and strength. It leaves her navigation without a rival on the ocean, and has restored to her more seamen, than she could have impressed in ten years. Well may Mr. Canning say, there is no assignable relation, between the removal of the embargo, and the repeal of the orders in council.

The President had instructed his minister to assure the British government, that the embargo was designed solely as a municipal regulation, and not as an act in any degree hostile to them.

The orders in council were a measure of hostility against France; and we offer to revoke a municipal regulation operating in favor of Britain, if she will relieve us from the pressure of a measure adopted against her enemy. But let me ask, was there any offer made to rescind the proclamation or to repeal the non importation law? Two measures much more offensive and hostile to Great Britain than the embargo. With these laws in force, it was a mere mockery to offer the removal of the embargo. What more proof do we want, than this transaction affords, that the executive has not been sincere in his endeavors to restore a good understanding between this country and England. And therefore it is, that I contend that war is not unavoidable with that nation. I confess, sir, I should think a war with England, one of the greatest evils which could befall this country, not only from the sufferings which it would inflict upon it; but also from the fatal connection with France to which it would give birth.

We have seen what has been the course of government in relation to Britain; and I will beg a few moments to examine what has been its conduct in regard to France? The last proposition made to Britain is well known—the documents fully disclose it; but what at the same time was proposed to the French government? This we know little of. We have not been furnished with the correspondence with that government on the subject. The transaction is covered with a dark and impenetrable veil. The President tells us in his message that the same proposals were not made to the two belligerents, and it would seem from what he hints, that the offer to France in case she repealed her decrees, was to join her in the war against England. It cannot be denied that we have lost more by the spoliation, and have been more harassed by the arbitrary edicts of France than of England. By the treaty of 1800, we gave up more than twenty millions of dollars which had been seized, and against all right confiscated in France. Since that time we are officially informed that an amount nearly equal has been seized, confiscated or sequestered. She has wantonly burnt our ships on the ocean, and made no compensation. Her Berlin decree of the 21st November, 1806, commenced the present system of outrage upon neutral rights. In effect it interdicts all trade with England and her colonies. This is followed by the Milan decree of the seventeenth of December, 1807. Under this edict an American vessel which has been searched or visited against her will, by a British cruiser or is proceeding to, or returning from England is liable to be captured as good prize. And finally, to complete this monstrous system, comes the Bayonne decree, the 17th of April, 1808, which declares every American vessel found upon the ocean, liable to seizure and confiscation. Opposed to these accumulated violations of our neutral rights, what steps has our government taken against France? Have they passed a non importation act, issued a proclamation, or imposed an embargo? The last measure is general in its terms, but is avowedly against England alone. No, they have contented themselves with memorializing, remonstrating, and protesting. Against England we took every step short of war, against France we have employed nothing but gentle words. Has your government then shewn an equal resentment against the wrongs suffered from these two powers?

It may be from the habit of enduring; but we do not feel an aggression from France with the same quickness and sensibility that we do from England. Let us see, sir, the same conduct observed with regard to both belligerents; let us see the impediments to a friendly settlement with Britain removed; let us witness a sincere effort made, to regulate the intercourse of the two nations by a treaty formed on principles of mutual concession and equal interest and I will answer for it, if G. Britain persists in her orders, that you will find no division in this country on the question whether we shall submit to them or resist their execution.

Permit me, Mr. President, to detain you a few moments longer. I am sensible that I

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