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DOCUMENTS

which accompanied the President's Message to Congress on the 16th—and omitted from the last Minerva.

FROM MR. CANNING.

Foreign Office, 24th Dec. 1808.

My official note of the 23d September, which you might be made in the orders in view to adapt their operation to the altered state of Europe, combine all practicable relief to the more severe pressure upon the

this statement was however only incidental and as I at the same time disclaimed any intention of taking advantage of such alterations in the discussions then pending between us—seeing that if made, they were not to be founded on the admission of any principles for which you were contending. It was perhaps not necessary that I should trouble you with any further communication upon this subject. But the order which I have the honor to inclose a copy of, has been passed by his Majesty in Council on Wednesday last, I am desirous previous to its actual publication, of explaining the grounds on which the more extensive alterations, which were in contemplation, have been suspended.

It was intended to relax in a certain degree the regulations of the orders in council, with respect to such of the powers in hostility with his Majesty as were not, or should not place ourselves, in a state of hostility with Spain; at the same time that this relaxation was extended to other powers, to prohibit absolute, strict, rigorous and unmitigated blockade of intercourse whatever with France. The adoption by these powers, who were the objects of such relaxation, of views and projects of France with respect to Spain, does away all assignable distinction between France & those powers, and that part therefore of the intended relaxation does not take place.

The alteration contained in the inclosed order stands upon a separate ground, and I have more than once understood from the part of the orders in council that this order goes to mitigate that which is most sorely in the United States, I have great pleasure in being authorized to communicate it to you.

I have the honor to be, with great consideration,

Your most obedient,
Humble servant,
GEORGE CANNING.

His Majesty, in virtue of the powers reserved to him, by two certain acts passed in the first year of his Majesty's reign, the one entitled "An act for granting to his Majesty, at the end of the next session of Parliament, a duty on the goods, wares and manufactures therein enumerated, in furtherance of the provisions of certain orders in council."

Another entitled "An act for granting to his Majesty, until the end of the next session of Parliament, certain duties on the goods, wares and manufactures therein enumerated," is pleased, with the advice of his privy council, that it is hereby ordered, that the duties of the aforesaid acts be suspended, so far as relates to articles being produced, or manufactured of any kind, for the time being, in amity with his Majesty, and from the ports of which the flag is not excluded, imported direct into this country into any port or place of Great Britain, either in British ships or ships of the country of which such articles are the growth, produce or manufacture.

His Majesty is further pleased, with the advice aforesaid, to order, and it is hereby ordered, that the said duties on exportation be suspended, as to all goods, wares and manufactures, which have been, or may be produced, as prize until further order shall be therein.

Mr. PINKNEY TO MR. CANNING.
Great Cumberland Place,
Dec. 28th 1808.

I have had the honor to receive your letter of the 24th instant, communicating an order which has been made in Council on Wednesday last; and have transmitted copies of the same to my government. It is perfectly true, as the concluding paragraph of your letter supposes me to believe, that the pretension of this government is a pretension the present order does not assert, without much, if at all, more than a practical effect) to levy imposts

upon their commerce, outward and inward, which the orders in council of the last year were to constrain to pass through British ports.

But it is equally true, that my government has constantly protested against the entire system, with which that pretension was connected, and has in consequence required the repeal, not the modification, of the British orders in council.

I have the honor to be,
With great consideration,
Sir, your most obedient,
humble servant,
(Signed,) Wm. PINKNEY.

Extract of a letter from Mr. Pinkney to the Secretary of State, dated March 10, 1809.

"I have received from Mr. Canning a notification of Blockade of which a copy is enclosed."

Mr. Canning to Mr. Pinkney.

The undersigned, his Majesty's principal secretary of state for foreign affairs, has received his Majesty's commands to acquaint Mr. Pinkney that his Majesty has judged it expedient to establish the most rigorous blockade of the Isles of Mauritius and Bourbon. Mr. Pinkney is therefore requested to apprise the American Consuls and Merchants, residing in England, that the Isles above mentioned are, and must be considered as in a state of blockade; and that from this time all the measures authorized by the law of nations, and the respective treaties between his Majesty and the different neutral powers, will be adopted and executed with respect to all vessels attempting to violate the said blockade after this notice.

The undersigned requests Mr. Pinkney to accept the assurance of his high consideration.

(Signed) GEORGE CANNING.
Foreign Office, March 8, 1809

CONGRESS.

HOUSE OF REPRESENTATIVES.

Tuesday, June 13.

On motion of Mr. McKim, the house resolved itself into a committee of the whole, on the report of the committee to whom was referred the petition of the American prisoners in Carthage, and the following resolution, with which the report closes:

Resolved, That the president of the United States be requested to adopt the most immediate and efficacious means in his power, to obtain the liberation of the prisoners, if it shall appear to his satisfaction, that they were involuntarily drawn into the unlawful enterprise in which they were engaged; and that dollars be appropriated to that purpose.

Mr. McKim moved to fill up the blank with 3,000 dollars.

Mr. Randolph said, that this perhaps was the most proper time to express his entire disapprobation of the principle of the resolution. He was unwilling to give one cent of money, as a representative of the people, towards bringing back into the body of this nation any such unfortunate, but guilty persons. He knew it was an invidious thing to appear to lean on the side of humanity; but there were cases in which to lean on the side of humanity was the greatest cruelty to society.

What are we about to do? Are we about to vote an appropriation to defray the extraordinary expenditures of foreign intercourse? Is not the president of the United States already authorized to negotiate with the Spanish government on this subject? Is it presumed that he has tied a deaf ear to the cries and misfortunes of his suffering fellow citizens, taken captive in foreign land? But this was not a question whether we should appropriate a sum of money to ransom American citizens, imprisoned in Algiers? The individuals who now perished, were engaged in the expedition of Miranda and the conspiracy of Aaron Burr. Were the house about to give countenance to these persons? I will not consent to it. They who are above the dull pursuits of civil life, may take for me the lot they have chosen for themselves.

Among the articles of premium for encouragement of domestic manufactures, he was for one, ever willing to lay a duty on importations of such persons. He did not want population of this kind. In fact, our population, although spare in number, could be found sufficiently redundant in quality.

It was but the other day, he had understood that the foreign office in Great Britain had committed, & threatened to commit Aaron Burr, unless he quit the country immediately. In a moral point of view, his case did not differ from that of the petitioners. There was no difference, but such an operation to his advantage. There was undoubtedly an equality of guilt; but the superiority of intellectual qualities lay on the side of Aaron Burr; and if we are to have an accession of such population at all, he should be the preference to intellectual merit.

But will the house pass a resolution holding up a premium to view? Is the disposition manifested in this country towards conducting expeditions hostile and destructive to free government—is it such as to render our interference for the release of these men justifiable? Some new Miranda or some new Burr may easily turn this resolution to his advantage. To those whom he may endeavor to engage in a treasonable enterprise, he may say that if it should prove unfortunate and disgraceful, they have only to plead to their government that they were involuntarily drawn into the enterprise; that they were led to understand it was a lawful one, and one in which the service of the country would be promoted; that, in fine, they were involuntarily volunteers.

Will you tax your fellow citizens—those of them who have not enlarged and liberal minds, who are not above the dull pursuits of civil life—will you tax them to bring back this species of population into the bosom of your country? As a Christian, as a man, Mr. Randolph would be governed by one consideration: as a representative, other considerations were sometimes to govern. There was no justice—there might be much mercy in taking upon themselves to interfere for the release of these men. It was the greatest of all possible cruelties to society to bring back culprits into its bosom.

Suppose these petitioners had been arrested and condemned before they had left the country, what difference would there have been between them and other culprits? Who would then have stepped forward to their relief? If they had escaped justice in this country, they had fallen into its grasp in another. And the house were now about to take upon themselves that responsibility of conduct which the executive refuses; to share with each other that imputation which society would cast upon them, in case the petitioners were restored to their body! He wished the committee instead of telling them of the situation of these unfortunate and miserable wretches, would have shown their peculiar claim to the interposition of this government with that of Spain for their release.

Mr. Emott was in favor of the resolution. He thought a speedy relief ought to be afforded to these unfortunate men. The money which was proposed to be appropriated was not to be given to these men. It was to employ an agent to go and bring them home.

It had been said that the president already possessed the power to interfere with the Spanish government, in behalf of the petitioners. This might be true; but he had not exercised the power, and this resolution was intended to make it a preteritory duty that he should exercise it.

Mr. Emott then gave a detached representation of the circumstances relative to the expedition of Miranda, and read the testimony of Pink and Rose on the trials of Smith and Ogden, to show the petitioners were innocent and ignorant of the nature of that expedition; that they had been induced by statements of the persons who engaged them in the enterprise by the preparations having been carried on in open day, and by some circumstances which apparently appeared to have been known to government, to believe they were to be employed in the service of the United States—some to come to New Orleans for the purpose of guarding the United States mail from that quarter to the seat of government. It appeared too from the statements of Mr. Emott, that after these men were put on board the Leander, and began to suspect the legality of the enterprise, they could not possibly obtain leave or procure a chance of getting back to the place whence they started; and that they could not even have their letters conveyed to shore.

The petitioners were several thousand miles from the seat of government, incarcerated in dungeons, and had it not in their power to produce witnesses here to prove their innocence. They were not guilty of any crime. They did not ask large sums of money to purchase their freedom. All the Spanish government asked, that ours should say they wished the prisoners released.

Mr. Bacon understood the objection of the gentleman from Virginia to arise from his belief of the guilt of the petitioners. They did not claim the interposition of Congress as guilty men—they were perhaps guilty to a certain extent—but they had thrown themselves on the humanity of the government. The report of the committee expressly states that they were inveigled into the enterprise. What comparison was there between these men and the grand conspirator Aaron Burr? Burr had his eyes open to the scene in which he was about to act—these men were forced against their wills. The enterprise was recommended to them as laudable. He doubted whether they were guilty or not of any crime deserving of any punishment. The question was as to the *quo animo*, the intention with which they had engaged in the expedition of Miranda?

The house could not expect from the petitioners such testimony as would be necessary

in a court of justice. They were at so great a distance from their country, and generally men of low origin, that it was impossible for them to procure better evidence than that which the committee had reported they believed to be substantially true in the petition.

Mr. Bacon read a letter, which had just been put into his hands, from William Lippincot, one of the men who had escaped from the prison in Carthage, stating the situation in which the prisoners lived, and confirming the representation made by the gentleman from New-York (Mr. Emott.) He trusted the house would turn their attention to the miserable condition of the petitioners, and take some immediate measures to release them from foreign captivity, slavery, despair and perhaps death.

Mr. Pearson felt much sensibility on this subject. The petitioners did not appear to him in so odious a light as they did to the honorable gentleman from Virginia. If they were guilty at all, it was only a secondary guilt.

Let it be recollected, that the prominent features of Miranda's expedition were known to the late administration; that from the trial of Smith and Ogden it appeared that the expedition was either directly patronized or connived at by government. But if it were unknown to the government, how could the petitioners possibly be aware that the enterprise was an illegal one? Had they not reason to believe that they were to be employed in the service of their country?

Offers of a higher nature—treason itself had been committed in this country, and the criminals pardoned by the executive. And were these men, only secondary criminals at worst, to be suffered to remain under the severe punishment in which they now existed? He hoped that this country would not punish men merely for the sake of inflicting punishment! It was not likely that the petitioners would ever head conspiracies. They were generally young men of obscure birth; and they would be pleased to submit to the laws of their country. They were not permitted to have intercourse with their friends on shore, after they had gone on board the Leander. General Miranda, while here, he believed, had the honour of dining with the chief magistrate, and other characters high in the administration. He had communications from England to different persons here, stating that he would be of great service to this government in case of a war with Spain. If the administration knew of the enterprise, they were as guilty as the petitioners; and if the former were deceived, surely the latter might also have been deceived.

It was the policy of every well regulated government to vest the executive with a discretionary power of pardoning crimes; and this power was generally exercised over the first offence. He had no hesitation to take upon himself the responsibility of as much money as would be taken out of the pockets of his constituents, to enable the president to procure the release of the men now imprisoned in the Spanish dungeons. It would reflect a discredit on the national character to suffer them to die in that miserable condition. He trusted the house would exercise that generous humanity which ought always to characterize a nation.

Mr. Smith remarked, that an attempt had been made by many not in the administration to fix the guilt of Miranda's enterprise on that administration; but really he did believe that this charge had been given up, until he heard the bold expressions of the gentleman last up. He did not think that any man could give credit to the imputation.

In a national point of view, it was of the very last importance that this government should act cautiously on this subject. Spain was sensible, was extremely jealous of every thing that looked like a disposition in this nation to injure her in her American provinces. Will you now confirm all her suspicions and jealousies? It was sufficient for him to know that it was better to bear a private than a public evil.

Mr. Pearson explained. He had not meant to say, that the government were concerned in the expedition to any great extent. He wished to be understood as taking the ground that if the administration were ignorant of it, how could the petitioners know it was a criminal enterprise?

Mr. Fisk was glad the gentleman from N. Carolina (Mr. Pearson) had explained his first remarks. It reflected on the understanding of any man in that house to suppose the government were engaged in an enterprise which was so totally incompetent to the object it proposed.

He hoped the house would concur in the report of the committee. He wished measures to be taken to procure a release of the petitioners from a situation so hard and so miserable, that his powers over the English language did not enable him to give an adequate description of it. And how have these men been proved to be guilty?—By the grave assertion of the honorable member from Virginia (Mr. Randolph.) In what consists