



AND

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Ours are the plans of fair & delightful Peace,  
Unwarped by party rage, to live like Brothers.

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Governor Gerry's Speech

TO THE LEGISLATURE of MASSACHUSETTS

The measures, which during the last past were adopted by the Executive and Legislative departments of this state, and which they were solicitous to stamp with impartiality, moderation, and justice, appear to have met the general approbation of the public; and, in most instances, to have allayed that unrelenting party spirit which, when indulged, has never failed, on the ruins of liberty to establish despotism. But a different system has been pursued by a few of our towns, and in particular by our metropolis; where of late, "an assemblage" of a majority of her electors, many of them citizens whose talents, professions, property and influence have placed them in the most respectable grades of society, and in high offices of government, have in the most deliberate manner, "unanimously" passed various resolutions, too important, in their nature and tendency, to be unnoticed. The publication of these measures, which in no instance have been disavowed, is so marked, as to admit no doubt of their authenticity. Had this "assemblage" been content with exercising freely their rights of suffrage; or agreeably to the constitution of the United States, "of peaceably petitioning the government for a redress of grievances; or, in conformity to the constitution of this Commonwealth, "of requesting, in an orderly and peaceable manner, the Legislative body by addresses, petitions or remonstrances, to redress the wrongs done them, and the grievances they suffer," no rational objection could have been urged against them; on the contrary their conduct, if it had even resulted from mistaken zeal, would have been justly applauded. But their open avowal of hostility to the government of the United States demands of us, in support of it, as a sacred official duty, an ingenuous and efficient line of conduct.

The measures referred to were predicated on assertions that our "ancient and respectable metropolis" "was the first to encourage commercial enterprise;" That this was a great source of our national prosperity; that its inhabitants have been distinguished by their quick discernment of all their vigorous opposition to all invasions of their rights; that "at the risk of their lives and fortunes they had opposed the encroachments of arbitrary power;" that they had expected "a domestic government which would protect them in the lawful exercise of their rights;" that "amongst these, the most invaluable was protection in the pursuit of commerce;" that "the government of the U. States has for many years past manifested a disposition alarming by hostile to commerce," "most eminently by the late act of Congress," which under certain pretexts, inflicts a deadly wound on our commerce; that "the only remedy short of an appeal to force is to change our national rulers;" and that "this important measure can only be effected by a correspondent change in the administration of this state."

In regard to these positions it is presumed, that his "assemblage" will not assume all the merit of encouraging commerce, or of opposition to the invasion of our rights, or of opposing, at the risk of life and fortune, the encroachments of arbitrary power; but will admit its fellow citizens of the metropolis and of the state to equal honor with themselves on these subjects. And it is believed, that "the assemblage," in whatever light it may view the federal government, will not deny the sovereign right of its fellow citizens of the United States to exercise their judgment on the conduct of that government; to declare their conviction, that it is a wise, just, impartial and patriotic government; and their testimony, that instead of inflicting, it has warded off by every possible mean a deadly blow, aimed by foreign powers on our commerce; and to applaud, revere and support their government in opposition to those who have proclaimed their disaffection to it, have proscribed it, and doomed it to destruction.

The "assemblage," in the first resolution, declare "that having reviewed with impartiality our foreign relations, they are unable to discover any alteration, in the conduct of foreign nations, which can justify, or even apologize for

the late measures of the Government of the United States." Admitting the fact, that the assemblage could not "discover any such alteration," still it may have existed; and it did exist, in regard to France, in the opinion of the sole constitutional Judge, the national Government; and generally of the State Governments.—The measures alluded to were the President's proclamation of the 2d of November last, and the act of Congress of the 2d of March last: And when it is considered, that the Emperor of France, by his official declarations of a revocation of his Berlin and Milan decrees, had rendered indispensable that proclamation; and that the neglect to issue it would have given just cause of offence to the Emperor, and have hazarded a war; that had this been the result, no apology could have been offered for the President; that even if the Emperor had been strongly suspected of intentional perfidy, the proclamation was wise and politic; as it was revocable in such an event, and would thus have placed him conspicuously in the wrong. When these things are considered, where was the impolicy or injustice of issuing the proclamation, or of renewing our commerce with France? But have the U. S. and Great-Britain, or either of these powers authorized this "assemblage" to be their empire? If not, by what authority did it sit in judgment on the relative measures of the two nations? It constitutes perhaps one part in four hundred of the federal electors; and is so small a portion to govern the whole? The assemblage had a right by the Federal Constitution, not to pass such resolutions, but "to petition for a redress of grievances;" and it is the greatest of all absurdities, and destructive of all order, to admit that three thousand of our fellow citizens, having only equal rights with the rest, can be authorized in proclaiming that our national rulers, in relation to a foreign power, "cannot justify or even apologize for their conduct."—Did this "assemblage" manifest "a quick discernment," pending a negotiation on which may rest our future peace, thus to condemn our national government, whilst supporting our just claims; and to encourage a foreign power in unjust demands, which if persisted in will inevitably produce a rupture? Can it, on any ground, "justify or apologize" for such imprudent conduct? And how will it be viewed when the measures of G. Britain towards us for a series of years have been marked by every species of insult, injury and injustice?

The assemblage affirm "that the first flagrant violation of our neutral rights was inflicted by the Berlin Decree."—This decree was undoubtedly a manifest violation of our neutral rights; but it has been demonstrated to the satisfaction of the Federal and generally of the State Governments, that G. Britain for more than half a century has carried into effect a maritime rule of her own, which has derogated essentially from our neutral rights, as established by the law of nations. And it is well known that the armed neutrality during our revolutionary war, was formed by European powers, for the express purpose of asserting their maritime rights, and for opposing a violation thereof on the part of Great Britain. And of what consequence is it to the United States which of the belligerents was foremost in depredations? In municipal crimes there is no discrimination between convicts, whether first or last in robbing unoffending travellers. And where is the difference on the land or on the ocean, between a public and a private robbery, except that the former is pre eminent in criminality.

Again—it is stated that "no proposal or hope is offered to us, of a restoration of the vast property unjustly surprised by that perfidious [meaning the French] nation." Are the secrets then of our National Government, or ought they, in regard to pending negotiations, to be public? If not, how can it be asserted that "there is no proposal or hope for such a restoration?" The Government of the U. States, on every occasion, with unparalleled ability, has contended for our national and individual rights; and is it not surprising that the assemblage should thus attempt to condemn our national measures without the least knowledge of them?

The assemblage have "resolved" lastly, that they consider "the statute of Congress of the 2d March last, as an unjust, oppressive and tyrannical act," and that "the only means short of an appeal to force, to prevent its calamitous effects, is the election of such men to the

various offices of the State Government as will oppose, by peaceable but firm measures, the execution of laws, which if persisted in, must and will be resisted."

The act of Congress of the 1st May, 1810, interdicted "from and after the passage of it, every British or French armed vessel (with certain exceptions) from entering our harbors or waters"—and provided for its ceasing to operate against either of those powers which should revoke or modify to certain purposes, before the 3rd March, 1811, its obnoxious edicts, and also for continuing in full force against the other power, who should not, within three months thereafter, revoke or modify her edicts in like manner, certain provisions of an act to interdict the commercial intercourse between the United States and Great-Britain and France." The Emperor of France "officially made known to our Government" that "on the first of Nov. 1810, her obnoxious edicts would cease so have effect;" and the President by his proclamation of the 2d of the same month, "discontinued all the restrictions imposed by that act in relation to France"—Great-Britain had three months, by the act, to adopt a similar measure, but refused or neglected it; and our Government, at the end of four months, by its act of the 2d of March last, carried the interdicting act into effect; and this is the statute which the "Assemblage" have declared "unjust, oppressive and tyrannical," and one of the laws, "which if persisted in, must and will be resisted."

The assemblage having declared as the only means to avoid certain calamities, a change of our Government, or, the alternative, force (or resistance) makes use of these as convertible terms,—and they are such, the definite meaning of resistance being the "not yielding to force," or opposing force to force. And why must force be opposed to the execution of these laws? Because, says the assemblage, every citizen had a right to construe the act of the first of May, 1810, "and to govern his conduct accordingly;" and that any law which should have the effect to make his construction a crime, "must not only be an ex post facto act, but unjust, oppressive and tyrannical." This doctrine of the right of every citizen thus finally to construe a law, and to govern his conduct accordingly, is novel; such authority being invested only in the judiciary. If a person charged with having violated a law, has by due process been convicted hereof and received his sentence this will & ought to be carried into effect, his construction of the law notwithstanding. It often happens that a law in some instances operates unjustly, and the effect of it, in such cases, is usually prevented by petitioning the Legislature (whose duty it is) to redress the grievance; or by a recommendation (before sentence) of the Judicial Court, for pardoning the person convicted. If all defective laws are ex post facto acts, be cause in a few instances they may have operated as such, our national and state codes abound with them; and every Legislature has been justly chargeable with injustice, oppression and tyranny. Many laws are of great length and intricacy, and the construction of them by individuals may be right or wrong, or partaking of both these qualities;—still these constructions, according to the opinion of the "assemblage," are to be so many criteria for determining whether the law is an ex post facto act, or unjust, oppressive and tyrannical. If every citizen (according to the declarations recited) has a right thus to put his construction on any law; to declare other laws, if opposed to that construction, unjust, oppressive and tyrannical; to preclude by it all supplementary or explanatory laws of the legislature, and to resist them by force; our constitutions are nullities, our constituted authorities are usurpers, and we are reduced to a state of nature.

Again—if our national rulers are justly charged, as it is stated by this "assemblage," with having passed a tyrannical act, and laws that must and will be resisted, they have rebelled against the sovereignty of the people, are subject to punishment, and have forfeited forever a claim to public confidence. But if the charge is unfounded, if they have conducted agreeably to our national character, which is manifestly the general sense of the nation, have not those who have denounced the government of the United States as oppressive, tyrannical and unjust, and who have declared an intention to resist the execution of their laws, unwarrantably adopted measures,

tending to excite a spirit of insurrection and rebellion, and to destroy our internal peace and tranquility? And is it expected that a correct and well informed people, will rally round the standard of disaffection, hazard their right of self government, which they hold by the charter of God and nature, and present to the world an unparalleled phenomenon, of a sovereign people in rebellion against their own sovereignty? It is believed the people in general of the U. States are incapable of such political suicide. And here it may be remarked that the assemblage have been lavish in their encomiums on Great-Britain, and in their strictures on France. In respect to the conduct of France, no justification or even apology will be offered; but it may still be enquired, why Great Britain has not availed herself, (as France has done) of the benefits proffered to both, by the liberal act of Congress, of the first of May, 1810?—She has condemned the French Emperor for not having been definite in revoking his edicts; and at the same time, in every instance, has refused to revoke her own. If he is culpable for not doing any thing required by justice, why has she not supported her condemnation of him, and raised her own fame, by superior acts of equity and liberality?

Is it because fearful of the competition of the United States, she is opposed to a general renewal of their commerce? Will she only be satisfied by a monopoly of this? Is she not convinced that the mutual interests of the two nations demand an amicable adjustment of their differences? Our Government has given unequivocal proofs of an ardent desire to obtain that object.—But, because of that, does Great Britain expect to draw or drive us into measures, which, contrary to our essential interest, must end in unnecessary war? If so—if she will not listen to her wisest statesmen, but will support an administration inimical to this country, in a system of evasions, pretensions, procrastinations and prevarications, she will too late discover her error; and by enlisting these states in the interest of her adversary, to which all her measures tend, will hasten her national overthrow; and by such a deplorable event, will extend far and wide calamitous consequences.

To diminish, and exterminate, if possible, a party spirit, the Executive of this Commonwealth during the last year, has confirmed in his place, or re-appointed when requisite, every state officer, under its controul, who has been correct in his conduct, and faithful to his trust; and disregarding his politics, and requiring only his support of the federal and state Constitutions, Governments and Laws, with a due regard to the rights of officers and individuals, subject to his official discretion. But it cannot be expected of any Executive, so far to disregard the sacred obligations of duty and honor, as to preserve in official stations, such individuals as would abuse the influence of their public characters, by sanctioning resistance to law, or by such other conduct as will beguile peaceable and happy citizens into a state of civil warfare.

For our metropolis, I have ever entertained an affectionate esteem and respect; and regret exceedingly, that she has not supported the salutary measures of this government, of the last year. Had this been done, we might have silenced the demon of party discord; have manifested such an invincible determination to preserve our Union, as would have animated our sister states to similar measures; and might have destroyed the germ of every hope to sever the United States. Of late years, "the dismemberment of our Union" has been an avowed object in the ministerial papers of Great-Britain; & to effect it, a war has been urged against these states. How mortifying would it be for any of our fellow-citizens, to find that their proceedings, unintentionally, had promoted such nefarious designs; and had thus entailed on them and on their posterity, an indelible stain? It is seldom admitted as an apology, that individuals, in the adoption of such dangerous means, had laudable and honest views; or that they possessed fair reputations; for these circumstances, serving to increase and extend the evil, excite a proportionate degree of public resentment.

Numerous instances of this kind, existed at the commencement of our revolutionary war, and compelled our fellow citizens to exile themselves, and to spend the residue of their mournful days

in foreign climes. It is remarkable likewise, that such of late years has been the politics of almost every commercial metropolis of our sister states, as to have driven from it, the state Legislature. The reasons assigned have been the influx of foreigners, and a collection in those great seaports, of the declared malcontents of the National and State Governments; individuals, who with the uniform of Washington, have combated the fundamental principles of our revolution, as delineated by that revered Patriot. May our Metropolis, by regaining the high ground which she once held, when Americans throughout Europe were denominated *Bostonians*, and Boston was considered as "the cradle of liberty," sanctify these walls as the permanent seat of the Legislature; and firmly support our National and State Governments, our Union and Independence. But although the great body of the people, will always be careful to preserve internal peace, they must be prepared to meet incessant plots to divide and conquer them. And let me, gentlemen, address your reason, not your feelings, on this important subject. Who can contemplate, without chills of horror, the dismemberment of our Union, and a civil war? What is to be expected from the concomitant evils? We are now blessed by Divine Providence above any other nation. We have National and State Constitutions, which, by securing the freedom and frequency of elections; by the short tenure of legislative and executive offices; by the requisite qualifications of those in office; by the numerous checks required in free governments; and above all, by the entire dependence of those systems, on the sovereignty of the people, are rendered incapable of a sudden change to an arbitrary system of government. We are blessed with the free exercise of our civil and religious rights, with the prompt and due administration of justice—with a country capable of supplying all our wants and wishes—with a flourishing state of universities, and other seminaries of literature and of science in general—with a local situation, distant from the terrific scenes of unpreceded carnage—with an efficient national defence, by a patriotic and powerful militia; rendering unnecessary those expensive military establishments, which are oppressive and dangerous to liberty—with the extension, over the globe, of a lucrative commerce; subject indeed at present, to great and inevitable embarrassments—and with innumerable other benefits. And is it possible for us, by ingratitude of the deepest dye, to that Omnipotent Being who has so favored us, to violate every moral, religious and political obligation? by destroying the greatest of social enjoyments, our internal peace and tranquility; by placing in military array, relatives, friends, fellow-citizens, against each other; by exciting them to ungovernable fury; by urging them to profane our temples, to sack and burn our towns, to ravage our country, to lay waste our cultivated and beautiful fields, to strew them with the bodies of our most valuable citizens, to embroil their hands in the blood of our innocent women and children, and to pursue a ferocious warfare, which would extend through the land, plague, pestilence and famine. This is but a faint picture of a civil war. Ten foreign wars are a luxury, when compared with one civil conflict. At all events, let us preserve peace at home, and wage war, if indispensable, with any nation, however powerful.

John & Robert Stuart

Have just received from their Distillery in Tazeborough, a quantity of SPIRITS OF TURPENTINE, WHICH they offer for sale, by the barrel, gallon, or smaller quantity, on moderate terms. A supply of this article, and also of VARNISH, made at the same Distillery, will be constantly kept on hand. Raleigh, May 30, 1811.

COMMITTED

To the Jail of Wake County, on the 21st Instant, A Negro man who says he belongs to Pen and Harris or Harrison, and escaped from them on their way to Georgia, about the 23rd inst.—says he was purchased in Norfolk, and formerly belonged to Matthew Hubbard. He is a black fellow, about 5 feet 7 or 8 inches high, wears his hair long before and short behind, and has on a red flannel jacket, and a blue round about. The owner or owners are requested to come forward, prove property, pay charges, and take him away. Wm. SCOTT, Jailor, Raleigh, May 22, 1811. St. 9