



Our are the glass of fair, delightful Peace, Unwarp'd by party rage, to live like Brothers.

FRIDAY, FEBRUARY 26, 1813.

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THE NEW ARMY BILL.

CLAY'S SPEECH CONCLUDED.

I am sensible, Mr. Chairman, that some part of the debate to which this bill has given rise, has been attended by circumstances much to be regretted, not usual in this House, and of which it is to be hoped there will be no repetition. The gentleman from Boston had absolved himself from every rule of decorum and propriety, had so outraged all decency, that I have found it impossible to suppress the feelings excited on the occasion. His colleague, whom I had the honor to follow, (Mr. Wheaton) whatever else he might not have proven, in his very learned, ingenious, and original exposition of the powers of this government—an exposition in which he has sought, where nobody before him has looked, and nobody after him will examine, for a grant of our powers, the preamble to the constitution—has clearly shown, to the satisfaction of all who heard him, that the power is confined to defensive war. I claim the benefit of a similar principle, in behalf of my political friends, against the gentleman from Boston. I demand only the exercise of the right of repulsion. No one is more anxious than I am to preserve the dignity and the liberality of debate—no member more responsible for its abuse. And if, on this occasion, its just limits have been violated, let him, who has been the unprovoked cause, appropriate to himself exclusively the consequences.

I omitted yesterday, sir, when speaking of a very delicate and painful subject, to notice a powerful engine which the conspirators against the integrity of the union employ to effect their nefarious purpose—I mean Southern influence. The true friend to his country, knowing that our constitution was the work of compromise, in which interests apparently conflicting, were attempted to be reconciled, aims to extinguish or allay prejudices. But this patriotic exertion does not suit the views of those who are urged on by diabolical ambition. They find it convenient to imagine the existence of certain improper influences, and to propagate with their utmost industry a belief of them. Hence the idea of Southern preponderance—Virginia influence—the yoking of the respectable yeomanry of the north, with the negro slaves, to the car of southern nabobs. If Virginia really cherished a reprehensible ambition, and aimed to monopolise the chief magistracy of the country, how was such a purpose to be accomplished? Virginia alone, cannot elect a President, whose elevation depends upon a plurality of electoral votes and a consequent concurrence of many states. Would Vermont, disinterested Pennsylvania, the Carolinas, independent Georgia, Kentucky, Tennessee, Ohio, Louisiana, all consent to become the tools of an inordinate ambition? But the present incumbent was designated to the office before his predecessor had retired.—How? By public sentiment—public sentiment which grew out of his known virtues, his illustrious services, and his distinguished abilities. Would the gentleman crush this public sentiment—is he prepared to admit that he would arrest the progress of opinion?

The war was declared because G. Britain arrogated to herself the pretension of regulating our foreign trade under the delusive name of retaliatory orders in council—a pretension by which she undertook to proclaim to American enterprise, "Thus far shalt thou go, and no farther"—Orders which she refused to revoke after the alleged cause of their enactment had ceased; because she persisted in the practice of impressing American seamen; because she had instigated the Indians to commit hostilities against us; and because she refused indemnity for her past injuries upon our commerce. I throw out of the question other wrongs. The war in fact was announced on our part, to meet the war which she was waging on our part. So undimble were the causes of the war; so powerfully did they address themselves to the feelings of the whole American people, that when the bill was pending before this House, gentlemen in the opposition, although provided to debate, would not, or could not, utter one syllable against it. It is true they wrapped themselves up in sullen silences, pretending that they did not choose to debate such a question in

secret session. Whilst speaking of the proceedings on that occasion, I beg to be permitted to advert to another fact that transpired—an important fact, material for the nation to know, and which I have often regretted had not been spread upon our journals. My honorable colleague, (Mr. McKee) moved, in committee of the whole, to comprehend France in the war; and when the question was taken upon the proposition, there appeared but ten votes in support of it, of whom, seven belonged to this side of the house, and three only to the other!

It is said that we were inveigled into the war by the perfidy of France; and that had she furnished the document in time, which was first published in England, in May last, it would have been prevented. I will concede to gentlemen every thing they ask about the injustice of France towards this country. I wish to God that our ability was equal to our disposition to make her feel the sense we entertain of that injustice. The manner of the publication of the paper in question, was undoubtedly extremely exceptionable. But I maintain, that had it made its appearance earlier, it would not have had the effect supposed; and the proof lies in the unequivocal declarations of the British government. I will trouble you, sir, with going no further back than to the letters of the British minister, addressed to the Secretary of State, just before the expiration of his diplomatic functions. It will be recollected by the committee that he exhibited to this government a dispatch from Lord Castlereagh, in which the principle was distinctly avowed, that to produce the effect of a repeal of the orders in council, the French decrees must be absolutely and entirely revoked as to all the world, and not as to America alone. A copy of that dispatch was demanded of him, and he very awkwardly evaded it. But on the 10th of June, after the bill declaring war had actually passed this house, and was pending before the Senate (and which, I have no doubt, was known to him) in a letter to Mr. Monroe, he says: "I have no hesitation, sir, in saying, that Great Britain, as the case has hitherto stood, never did, nor never could engage, without the greatest injustice to herself, and her allies, as well as to other neutral nations, to repeal her orders as affecting America alone, leaving them in force against other states, upon condition that France would except singly and specially America from the operations of her decrees." On the 14th of the same month, the bill still pending before the Senate, he repeats: "I will now say, that I feel entirely authorised to assure you, that if you can at any time produce a full and unconditional repeal of the French decrees, as you have a right to demand it in your character of a neutral nation, and that it be disengaged from any question concerning our maritime rights, we shall be ready to meet you with a revocation of the orders in council. Previously to your producing such an instrument, which I am sorry to see you regard as unnecessary, you cannot expect of us to give up our orders in council." Thus, sir, you see that the British government would not be content with a repeal of the French decrees as to us only. But the French paper in question was such a repeal. It could not, therefore, satisfy the British government.—It could not, therefore, have induced that government, had it been earlier promulgated, to repeal the orders in council. It could not, therefore, have averted the war. The withholding of it did not occasion the war, and the promulgation of it would not have prevented the war. But gentlemen have contended that, in point of fact, it did produce a repeal of the orders in council. This I deny. After it made its appearance in England, it was declared by one of the British ministry, in Parliament, not to be satisfactory. And all the world knows, that the repeal of the orders in council resulted from the enquiry, reluctantly acceded to by the ministry, into the effect upon their manufacturing establishments, of our non-importation laws, or to the warlike attitude assumed by this government, or to both. But it is said, that the orders in council are done away, no matter from what cause—and that having been the sole motive for declaring the war, the relations of peace ought to be restored. This brings me into an examination of the grounds for continuing the war. I am far from acknowledging that,

had the orders in council been repealed, as they have been, before the war was declared, the declaration would have been prevented. In a body so numerous as this is, from which the declaration emanated, it is impossible to say, with any degree of certainty, what would have been the effect of such a repeal. Each member must answer for himself. I have no hesitation, then, in saying, that I have always considered the impressment of American seamen as much the most serious aggression. But, sir, how have those orders at last been repealed? Great Britain, it is true, has intimated a willingness to suspend their practical operation, but she still arrogates to herself the right to revive them upon certain contingencies, of which she constitutes herself the sole judge. She waves the temporary use of the rod, but she suspends it in terror over our heads. Supposing it was conceded to gentlemen that such a repeal of the orders in council as took place on the 23d of June last, exceptionable as it is, being known before the war, would have prevented the war, does it follow that it ought to induce us to lay down our arms, without the redress of any other injury? Does it follow, in all cases, that that which would have prevented the war, in the first instance, should terminate the war? By no means. It requires a great struggle for a nation, prone to peace as this is, to burst through its habits, and encounter the difficulties of war. Such a nation ought but seldom to go to war. When it does, it should be for clear and essential rights alone, and it should firmly resolve to extort, at all hazards, their recognition. The war of the revolution is an example of a war begun for one object and prosecuted for another. It was waged, in its commencement, against the right asserted by the parent country to tax the colonies. Then no one thought of absolute independence.—The idea of independence was repelled. But the British government would have relinquished the principle of taxation. The founders of our liberties saw, however, that there was no security short of independence, and they achieved our independence.—When nations are engaged in war, those rights in controversy, which are not acknowledged by the treaty of peace, are abandoned. And who is prepared to say that American seamen shall be surrendered, the victims to the British principle of impressment? And, sir, what is this principle? She contends that she has a right to the services of her own subjects; that in the exercise of this right, she may lawfully impress them, even although she finds them in our vessels, upon the high seas, without her jurisdiction. Now, I deny that she has any right, without her jurisdiction, to come on board our vessels, upon the high seas, for any other purpose but in pursuit of enemies, or their goods, or goods contraband of war. But she further contends that her subjects cannot renounce their allegiance to her and contract a new obligation to other sovereigns. I do not mean to go into the general question of the right of expatriation. If, as is contended, all nations deny it, all nations at the same time admit and practice the right of naturalization. G. Britain herself does. G. Britain, in the very case of foreign seamen, imposes, perhaps, fewer restraints upon naturalization than any other nation. Then, if subjects cannot break their original allegiance, they may, according to universal usage, contract a new allegiance.—What is the effect of this double obligation? Undoubtedly, that the sovereign, having the possession of the subject, would have the right to the services of the subject. If he return to the jurisdiction of his primitive sovereign, he may resume his right to his services, of which the subject, by his own act, could not divest himself. But his primitive sovereign can have no right to go in quest of him, out of his own jurisdiction, into the juris-

dition of another sovereign, or upon the high seas, where there exists either no jurisdiction, or it belongs to the nation owning the ship navigating them. But, sir, this discussion is altogether useless. It is not to the British principle, objectionable as it is, that we are alone to look—it is to her practice—no matter what guise she puts on. It is in vain to assert the inviolability of the obligation of allegiance. It is in vain to set up the plea of necessity, and to alledge that she cannot exist without the impressment of HER seamen. The naked truth is, she comes, by her press-gangs, on board of our vessels, seizes OUR native seamen, as well as naturalized, and drags them into her service. It is the case, then, of the assertion of an erroneous principle—and a practice not conformable to the principle—a principle which, if it were theoretically right, must be forever practically wrong. We are told by gentlemen in the opposition, that government has not done all that was incumbent on it to do to avoid just cause of complaint on the part of G. Britain—that, in particular, the certificates of protection, authorised by the act of 1797, are fraudulently used. Sir, government has done too much in granting those paper protections. I can never think of them without being shocked. They resemble the passes which the master grants to his negro slave. "Let the bearer, Mungo, pass and re-pass without molestation." What do they imply? That G. Britain has a right to take all who are not provided with them. From their very nature they must be liable to abuse on both sides. If G. Britain desires a mark by which she can know her own subjects, let her give them an ear mark. The colors that float from the mast head should be the credentials of our seamen. There is no safety to us, and the gentlemen have shewn it, but in the rule that all who sail under the flag (not being enemies) are protected by the flag. It is impossible that this country should ever abandon the gallant tars, who have won for us such splendid trophies. Let me suppose that the genius of Columbia should visit one of them in his oppressor's prison, and attempt to reconcile him to his wretched condition. She would say to him, in the language of gentlemen on the other side, "G. Britain intends you no harm; she did not mean to impress you, but one of her own subjects; having taken you by mistake, I will remonstrate, and try to prevail upon her, by peaceable means, to release you, but I cannot, my son, fight for you." If he did not consider this mockery, he would address her judgment and say, "You owe me, my country, protection; I owe you, in return, obedience. I am no British subject, I am a native of old Massachusetts, where live my aged father, my wife, my children.—I have faithfully discharged my duty. Will you refuse to do yours?" Appealing to her passions he would continue, "I lost this eye in fighting under Truxton, with the Insurgents; I got this scar before Tripoli; I broke this leg on board the Constitution, when the Guerriere struck." If she remained still unmoved, he would break out, in the accents of mingled distress and despair,

Hard, hard, is my fate! once I freedom enjoyed, Was as happy as happy could be! Oh! how hard is my fate, how galling these Chains!"

I will not imagine the dreadful catastrophe to which he would be driven by an abandonment of him to his oppressor, it will not be, it cannot be, that his country will refuse him protection.

It is impossible to describe the pathetic effect produced by this part of the speech. The day was chilling cold; so much so, that Mr. C. has been heard to declare that it was the only time he ever spoke, when he was unable to keep himself warm with the exercise of speaking; yet there were few eyes that did not testify to the sensibility excited.

It is said, that G. B. has been always willing to make a satisfactory arrangement of the subject of impressment; and that Mr. King had nearly concluded one prior to his departure from that country. Let us hear what that minister says upon his return to America. In his letter dated at N. York in July, 1803, after giving an account of his attempt to form an arrangement for the protection of our seamen, and his interviews to this end with Lords Hawkesbury and St. Vincent; and stating that when he had supposed the terms of a convention were agreed upon, a new pretension was set up (the *mare clausum*.) he concludes: "I regret not to have been able to put this business on a satisfactory footing, knowing as I do, its very great importance to both parties; but I flatter myself that I have not misjudged the interests of our own country, in refusing to sanction a principle that might be productive of more extensive evils than those it was our aim to prevent." The sequel of his negotiation, on this affair, is more fully given in the recent conversation between Mr. Russell and Lord Castlereagh, communicated to Congress during its present session. Lord Castlereagh says to Mr. Russell:—

"Indeed, there has evidently been much misapprehension on this subject, and an erroneous belief entertained that an arrangement in regard to it has been nearer an accomplishment than the facts will warrant.—Even our friends in Congress, I mean those who were opposed to going to war with us, have been so confident in this mistake, that they have ascribed the failure of such an arrangement solely to the misconduct of the American government. This error probably originated with Mr. King, for being much esteemed here, and always well received by the persons in power, he seems to have misconstrued their readiness to listen to his representations, and their warm professions of a disposition to remove the complaints of America in relation to impressment, into a supposed conviction on their part of the propriety of adopting the plan which he had proposed. But Lord St. Vincent, whom he might have thought he had bro't over to his opinions, appears never for a moment to have ceased to regard all arrangement on the subject to be attended with formidable, if not insurmountable obstacles. This is obvious from a letter which his Lordship addressed to Sir Wm. Scott at the time." Here Lord Castlereagh read a letter, contained in the records before him, in which Lord St. Vincent states to Sir Wm. Scott the zeal with which Mr. King had assailed him on the subject of impressment, confesses his own perplexity and total incompetency to discover any practicable project for the safe discontinuance of that practice, and asks for counsel and advice. "Thus you see (proceeded Lord Castlereagh) that the confidence of Mr. King on this subject was entirely unfounded."

Thus it is apparent, that, at no time, has the enemy been willing to place this subject on a satisfactory footing: I will speak hereafter of the overtures made by administration since the war.

The Hon. Gentleman from New-York (Mr. Bleecker) in the very sensible speech with which he favored the committee, made one observation that did not comport with his usual liberal and enlarged views. It was that those who are most interested against the practice of impressment did not desire a continuance of the war on account of it, whilst those (the southern and western members) who had no interest in it, were the zealous advocates of the American seamen. It was a provincial sentiment unworthy of that gentleman.—It was one which, in a change of condition, he would not express, because I know he could not feel it. Does not that gentleman feel for the unhappy victims of the tomahawk in the Western country, although his quar-