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THE
PATRIOTICK PROCEEDINGS

OF THE
LEGISLATURE OF MASSACHUSETTS,

During their Session from Jan. 26, to March 4, 1809.

CONSISTING OF

The Lieutenant Governour's Speech,	Report on the Lieutenant Governour's Military Orders, with three Speeches,
Answer of both Houses,	Memorial to Congress,
Report of the Joint Committee on Petitions,	Address to the People.
Gore's Report on Crowninshield's Resolutions,	

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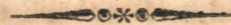
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the premises, the conclusions, as expressed in the resolutions, follow of course—I need not repeat them. The responsibility must rest with the commander in chief. He is amenable to the people, and to this their legislature, for an abuse of power.

But, sir, we have not proposed an impeachment; although it was his duty to have been better informed upon this subject, even as a lawyer. Though his deviation from all law and all military usage has been “gross, open, palpable,” yet candour would dictate that His Honour, having never been a military officer, may not have seen the extent and tendency of these measures. Although we were bound by oath to support the constitution; although we were compelled by duty to vindicate the honour of our violated laws, and to assert the rights of our insulted sovereignty, we are not obliged to pursue crimination after the danger of deviation, by being developed, has ceased to exist.

Mr. speaker, I ought to apologize for the tedious course of investigation into which I have been almost necessarily led, and to thank the house for their patient attention. I shall close with a few words, which are extorted by the remarks of the gentleman from Dorchester. He considers the spirit which animates the federalists of this day as totally different from that of the whigs of '76. It is hardly necessary to repeat what was said within these walls, within a few days, and I regret that the gentleman introduced the subject. But, sir, we must be permitted to say, that if the spirit of '76 was that of opposition to tyranny, so is that of the present moment. If that was a spirit of defiance to foreign tyranny, this is a spirit of opposition to domestic usurpation. If there be any difference, it is not in kind, but in degree. If our fathers rose at little more than the theory of unjust taxation, we have borne the accumulated evils of a long suspended, I had almost said annihilated, commerce. They disdained to pay an inconsiderable tax on stamps and tea, because they de-

tested the principle of the demands. We have borne the incalculable losses of a fourteen months embargo, because we have fondly hoped for relief—because the oppression has come from among ourselves, and we shudder at the horrors of civil war. The wound has been inflicted by men who obtained the confidence of the people and then betrayed it. No, sir, the spirit of our fathers disdained to submit to oppression. But they did not rush madly to the conflict. They petitioned—they remonstrated—they implored. Let us then invoke their spirit to inspire our councils. Let us fan the pure flame of patriotism till it inspire us as a people. Let the freemen of the north, “in conscious virtue bold,” regardless of insidious whispers of division and empty threats of exasperated power, pursue the cool, decided and dignified course which they have commenced—the government shall be regenerated—the country is saved.



MEMORIAL.

To the Honourable the Senate and House of Representatives of the United States.

THE MEMORIAL AND REMONSTRANCE OF THE LEGISLATURE OF MASSACHUSETTS.

WHEN the government of a free people is felt to be oppressive on the community; when its measures appear to originate in imperfect conceptions of the interests of the whole, or inattention to the important concerns of any considerable portion; a decent respect for the opinion of their fellow citizens, and a

just sense of their own rights, require of that part of the society which feels oppressed or alarmed, a prompt and explicit declaration of their opinions. Such a course of proceeding, by producing early and frequent publick discussions, is calculated to support all such measures as are wise and expedient; and on the other hand, it furnishes a seasonable opportunity to the government to abandon all such as are found to be impracticable or injurious; it is calculated at once to silence the murmurs of the people if they are unfounded, and to remove all their just causes of complaint.

The citizens of Massachusetts are firm and zealous in the vindication of their rights; but their habits and their principles equally forbid a resort to violent, disorderly or unconstitutional means for that purpose. They indulge a pride in the belief that the constitutions of government under which they live, are so framed as to afford a peaceable remedy for every grievance to which they may be subjected. They have accordingly, by petitions from various parts of this state, expressed to the president of the United States their sentiments on the oppressive operation and destructive tendency of the embargo laid on their ships and vessels in December, 1807. This legislature also, in the same spirit, have heretofore endeavoured, through their senators and representatives, to communicate to the government of the United States their opinions and views of the system of policy lately adopted and pursued by the administration. They have seen with regret that these peaceable and respectful efforts have not produced any relaxation of the rigorous measures complained of; but that, on the contrary, it has been thought proper to enforce the embargo by a late act, exceeding in severity all that preceded it; an act which, if continued in operation, will, as we apprehend, not only complete the destruction of the commercial prosperity, but prove highly dangerous to the publick liberty and domestick peace of this people. This le-

gisature have also felt the most serious alarm from perceiving the other measures lately proposed and contemplated in the Congress of the United States. At this awful and momentous crisis we ought not to affect ignorance of those events, which on ordinary occasions a sense of decorum might forbid our noticing. It would be a base dereliction of duty, if at such a moment as the present, we should permit a too scrupulous regard to mere forms to prevent our attempting every thing possible for the security of our constituents, and for the peace and happiness of our common country. This legislature therefore, with the plainness and sincerity which becomes the representatives of a free people, and with all the respect which is due to the honourable body which they address, do present this, their solemn remonstrance, against the course of measures which is now oppressing this part of the United States.

Commerce has been one of the chief employments of the people of New England from the first settlement of the country; and its success has promoted and abundantly rewarded the labours of agriculture. This latter, in its turn, has extended and encouraged commerce; and from the joint operation of these causes, New England, without any great staple, and without any peculiar local advantages, has constantly and rapidly increased in wealth, prosperity and power. If, however, the advantages of commerce were less obvious and less important, yet the habits of the country, so long and firmly established, could not be suddenly changed, without producing consequences the most distressing and destructive. Our husbandmen and mariners cannot by an act of government be converted into manufacturers; nor will our merchants and mechanicks ever consent to abandon their cities, and retire from the sea shore, to clear up and cultivate the wilderness. The history of the world has demonstrated that even the most despotick governments have hardly ever succeeded in changing the habits of a great people;

and most certainly in a free country it cannot be attempted with any prospect of success. The measures adopted by the British government, to interdict or controul our commerce, were among the most powerful causes of the revolution. The power of establishing commerce, is enumerated, in the declaration of our independence, among the essential rights of sovereignty; and in the articles of confederation, trade, religion, and the sovereignty of the states, are mentioned as the three principal objects which that compact was intended to protect. In the present constitution of the United States, while the government are intrusted with a greater and more adequate power for the protection and extension of commerce, the caution and jealousy of the people have imposed various restrictions on that power. The government are prohibited from imposing any tax or duty whatsoever on exports, lest in virtue of that authority they might in any degree embarrass the exportation of our produce. The people have manifested a similar disposition in other articles of the constitution; and if at the time of framing and adopting that instrument, any question had arisen as to the extent of the power or the duty of the government in this particular; there can be no doubt that a clause would have been inserted, most explicitly declaring the interests of commerce to be one of the principal inducements for forming the Union, and its encouragement and defence to be one of the first duties of the government; while the right to annihilate or obstruct it would have been explicitly denied. For a long time after the establishment of this government, the fisheries, navigation and trade of the country were protected and widely extended. They furnished almost the whole revenue of the United States, and encouraged universal industry. When in the year 1794, the commercial rights of the nation were assailed by Great Britain, the immortal Washington, by dignified, fair and impartial negotiation procured for his country ample compensation

for past injuries, and security against further aggressions. In the year 1798, our government, under similar circumstances, attempted, in the same manner, to obtain from France indemnity for outrages, and a recognition of our rights; and when fair negotiation was found to be fruitless, they did not hesitate immediately to adopt measures of defence, becoming an independent and powerful people. The success of these wise and patriotick measures, and the universal satisfaction manifested by the people in their effects, seemed to have decided forever the true policy of the United States. But in the year 1806, when our commercial rights were again attacked by the same nation which had but imperfectly atoned for her injuries in 1798, and in a manner more unwarrantable, insolent and outrageous than before, the people expected that the government would have recourse to the same policy which had formerly been crowned with such signal success. Instead of prompt and vigorous measures of defence, they have seen the government retire from the conflict; and by annihilating their whole foreign commerce, tacitly confess that they are unwilling or unable to protect it. This apparent inability or indisposition to resist aggression, has furnished a pretence to another prince to retaliate on his enemy through our unprotected rights. Thus the United States are placed in a situation, unprecedented it is believed in the history of the world, being involved at the same moment in serious controversies with two most powerful nations, who are themselves at war with each other.

The interdiction of foreign commerce for an indefinite period, by perpetual laws, is justly considered as a total annihilation of it. The people of this country are not accustomed to class among their rights, such enjoyments and privileges as depend on the will of any set of men whatever; under such circumstances they would cease to be the *rights* of a free people. Yet it is obvious that the acts laying

an embargo have suspended their commercial rights; and if those acts are constitutional, these rights can never be restored without a concurrent act of all the branches of the federal government. The events now passing at the seat of government strongly exemplify the force of this remark. If one branch of the Legislature should be unanimously inclined to remove the embargo, and even if one other branch should concur, yet the President of the United States may prevent the passing of an act for such a purpose: and if afterwards only twelve members of the Senate should adopt his policy and unite in supporting his measures, the embargo must remain in force. Most certainly the people of this country never intended to subject to the discretionary power of thirteen men, one of their most essential and invaluable rights. If the existence or the apprehension of war would justify a temporary embargo, the spirit of the constitution would demand that it should be imposed for a short and definite period; so as to require from time to time the same concurrence of opinion to continue it, which now is required for its removal.

In the act of Congress passed on the ninth day of January last for enforcing the preceding embargo act, this Legislature see with extreme pain a perseverance in the system, which has proved so injurious to the country. But they are still more alarmed from examining some of the provisions of this act, which appear to them hostile to the dignity and independence of this Commonwealth, and subversive of the civil liberty and constitutional rights of its citizens. They see there, the rights of individuals subjected to the arbitrary will of an executive officer, instead of being defined and secured by standing laws: secret and variable instructions and orders of the President, entitled to equal respect with the laws of the land: an indefinite and almost unlimited authority given to the officers of the customs, without any warrant from a civil magistrate, to search for and seize the property of the citizens: excessive sureties required of men

who are not even charged with any offence; and excessive fines and penalties imposed: individuals exposed to losses and penalties, for actions which were lawful at the time of committing them: and the benefits of a trial by jury in too many cases virtually denied. If any citizen who is aggrieved should apply for redress to the laws and judicial courts of the commonwealth, their processes may be impeded, their officers resisted, and their authority put at defiance, by the standing army of the United States under the command of any inferior officer, empowered by the president. Thus whenever a petty officer shall be found hardy and adventurous enough to exercise the authority conferred by this act, the sovereignty and independence of the state will be humbled in the dust; or its government must vindicate by force its dignity and its honour, and may be consequently involved in a civil war.

This legislature cannot review without the most painful emotions the measures of the general government which they have here been considering. They cannot, without the most gloomy apprehensions, contemplate the probable consequences of a perseverance in those measures. They are constrained respectfully, but most unequivocally, to declare their conviction that the several laws before referred to, which interdict the foreign commerce of the United States, and which have imposed numerous embarrassments on the coasting trade, must have originated in a misconstruction of the federal constitution; that they are contrary to the spirit and intention of that instrument: and are not warranted by any of the powers therein given by the people to the Congress of the United States. In the hope of preventing any further evil consequences from these measures, and with the most ardent desire to preserve inviolate the constitution of these states, and to remove every source of discontent and jealousy among the different members of the Union, this legislature do solemnly remonstrate against the several

acts of Congress for imposing and enforcing the embargo; and do earnestly request your honourable body to take the same into your most serious consideration, and by repealing them to restore this people to their former enviable state of freedom, prosperity and happiness.

It is impossible to contemplate the repeal of the several acts relating to the embargo, without considering the various substitutes for this measure which have been proposed, and which are now before the publick. This legislature feel bound to express the strong and decided opinion they entertain on this subject, before any of these proposed measures shall be adopted. The expression of this opinion is required by a just sense of their own rights, and those of the state which they represent; and also by a due regard to the sentiments and feelings of their constituents, which are well known to the individuals of this legislature, and which are so strongly displayed in the numerous petitions and memorials daily arriving from all parts of the commonwealth.

The prohibition of all intercourse with France and Great Britain and their respective dependencies, would probably prove fruitless and inefficient, from the extreme difficulty of enforcing its observance; and would thus serve to bring into contempt the laws and government of the country; or if enforced it would impose embarrassments on commerce nearly as fatal as the obstructions created by the present embargo. It would soon become a restriction only on the orderly and well disposed part of the community; and would furnish opportunities and inducements to the officers of government, by occasional indulgence and connivance, to promote the interests of their personal or political friends. But in another view of this measure it appears still more serious and alarming. It is obvious that if the embargo was removed, our citizens would have but little intercourse with France or her dependencies. The total disregard of the laws of nations, and the obliga-

tion of treaties, manifested by that government;—the seizure and detention of neutral property in all parts of her dominions;—the unprecedented decrees against neutral commerce promulgated at Berlin, at Milan and at Bayonne, would deter our citizens from adventuring in commerce with her subjects. The proposed non-intercourse therefore would in effect apply solely to Great Britain. The natural tendency of this measure, which is undoubtedly foreseen if not intended by some of its advocates, would be to involve the nation in war with Great Britain, a measure which would necessarily produce a fatal alliance with France.

The project of arming our merchantmen to resist seizures by either of the belligerents, appears to manifest a spirit, which when excited in a just cause will always be warmly approved and vigorously supported by the people of Massachusetts. They cannot cease to lament, that some portion of this spirit had not been exhibited in resisting the first outrage on our rights by the Berlin decree of November 1806. If our government had at that time expressed a strong sense of this outrage on the nation, and a firm resolution to vindicate and maintain its rights, they would have been most cordially and zealously supported by men of all political parties. This project, if adopted now without limitation, however it may be intended by those who propose it, would speedily and inevitably lead to a war with Great Britain. France has comparatively few cruisers on the ocean, which is covered by the ships of her enemy. Our vessels would be seldom encountered by those of the former power, while hardly one would escape those of the latter. All our actual collisions would necessarily be with Great Britain, who would thus be made to appear to be the only aggressor; and when the publick sensibility was excited by these causes, the dictates of reason, of justice and sound policy would cease to be regarded. It cannot be too often repeated, that such a war would necessarily involve a destructive alliance with France; an alliance which

experience has shewn to be more fatal than any war, and which is universally dreaded throughout this part of the United States, as highly dangerous to the independence of the nation, and hostile to the liberties of the world.

The legislature of Massachusetts express without reserve their sentiments on the conduct of the two belligerent powers of Europe. They cannot be restrained by the audacious and unfounded insinuation, that the people of New England are influenced by undue partiality to either of those powers. They repel with indignation this slanderous aspersion, which cannot be believed even by those who propagate it. It is refuted by the well known spirit and patriotism of this people; it is disproved by the annals of our revolutionary war, and by our whole history to the present day. This state was among the first to resist the encroachments of the British government at that time; her citizens still retain the same spirit to oppose unjust aggressions, from whatever quarter they may be attempted. While they cultivate this spirit, the pledge of their liberties and their independence; they cherish also those moral habits and religious principles, which distinguished their ancestors, the first settlers of this country. While vindicating their own rights, they are admonished candidly to examine, and religiously to respect, the rights of others. They can never cordially engage in any contest which does not appear to them *necessary* to the honour and the essential interests of their country; nor can they appeal with confidence to the God of armies in a war which does not appear to them to be *just*.

With these impressions the legislature of Massachusetts have deliberately examined the several documents respecting the foreign relations of the United States which were published by Congress for the information of the people. They have impartially weighed and considered the dates, and the contents, of the Maritime decrees and orders of France and Great Britain, affecting the commerce of the United

States, and the dispositions of those two governments as manifested in their correspondence with our public ministers. The numerous and repeated aggressions on the part of France, displayed in these documents, are as injurious to the honour of the nation as to the interests of the citizens; violating at once the sacred obligations of our treaty with that government, and the established principles of the law of nations. The remonstrances and complaints of our minister appear to have been treated with contemptuous silence, or answered only with new outrages; and he seems at last to have abandoned all hope and expectation of influencing that government by diplomatic representations; and to have left it to the wisdom and the spirit of the United States to adopt such other measures as may be necessary to cause their rights to be respected. While France shall maintain this contemptuous indifference, and these hostile impositions, it appears hardly possible to attempt any accommodation with her, which shall not tarnish the honour, and endanger the independence of our country.

On the part of Great Britain, there appears from those documents to be a disposition to cultivate a good understanding with this country. They have manifested a strong desire to make atonement and compensation for injuries that were even unauthorized, and unintentional; and to adjust the respective rights and claims of the two nations on such a basis as shall prevent future collisions. If these dispositions on her part are sincere, and we do not see in these documents, any reason to question their sincerity, they should undoubtedly be met by a correspondent disposition on our part. They certainly furnish an opportunity to attempt a negotiation without any sacrifice of honourable sentiment or independent feelings; and this legislature have great confidence, that such a negotiation, conducted in a fair, impartial and candid manner, would speedily restore harmony between the two countries. In considering

the different decrees and orders of France and Great Britain, it is obvious that those of the former have been uniformly first in order of time, and most injurious in their nature. But even if those nations were, as has been sometimes asserted, on the most perfect equality in this respect, and if the conduct of each furnish such a cause of war as would leave only the choice of our adversary, every motive of policy would induce the United States to select France for her enemy. Without condescending to calculate with precision the comparative ability of those two nations to injure and annoy this country, the present state of the world should decide our choice. In one event, we should have the satisfaction of aiding in that glorious struggle now carried on in Europe against the tyranny of France; and of assisting to maintain the cause of that brave and gallant nation which has lately thrown off the yoke of her oppressor; and which was among the first to promote our exertions in a like cause. In the other case, we should immediately be arrayed on the side of France; we should necessarily aid the gigantick strides of her emperor towards universal domination, and assist in annihilating the independence of nations, and the freedom of the world.

ADDRESS

Of the Legislature to the People of the Commonwealth of Massachusetts.

Fellow Citizens,

THE legislature of Massachusetts have found themselves impelled by the existing crisis, and by the impportunity of a large portion of their constituents, to

depart from the sphere of their ordinary duties, and to bestow their serious consideration upon subjects which belong to the constitutional jurisdiction of the national government. In this course, which they have, with great reluctance, thought necessary to adopt, they have not been unmindful of the rights and powers of that government, nor of the dangers incident to an habitual interference of the state legislatures in the great concerns of the nation. They are deeply impressed with the importance of supporting that government as the bond of an union, which experience has shewn to be capable of producing the highest measure of national felicity. They are aware of the embarrassment which may be created in times of peculiar publick excitement, by unreasonable expressions of discontent by individual states. And they readily concede, that a government depending upon the confidence of the people, to be enabled to do right, must have the power sometimes to do wrong; and that a sincere approbation of wise measures, should be accompanied by a magnanimous indulgence for the errors which are incident to human nature. When the national administration ceases to possess the confidence of the people, it will lose confidence in itself; and from the want of this, will always follow a deficiency of energy and stability indispensable to its success.

A system of measures, especially respecting negotiations with foreign nations, must not be assailed by the rash and petulant opposition of a particular state, before its object and bearings are discovered. If a legislature, yielding its dignity to the suggestions of impatience and discontent, proceeding from partial and interested sources, will undertake to decide upon questions exclusively of national cognizance, disturbance and confusion must ensue, both in the general and state governments; and such conflicts, when they become frequent, can terminate only in a dissolution of the Union.

It is with a solemn apprehension and dread of this

deplorable event, and with a most anxious solicitude to avoid any precedent which may, however remotely, tend to produce it, that the legislature of Massachusetts have been influenced in all their deliberations. The caution and forbearance which are naturally imposed by these considerations, would have restrained them under circumstances not absolutely imperious, from expressing their opinion upon the measures of our national rulers.—They would have endured great sacrifices of interest; they would have acquiesced in great violence to their own views of national policy; they would have concealed their fears and suppressed their indignation, if the calamity in which the country is wantonly involved did not threaten absolute ruin in its consequences, and forbid delay in the expression of their feelings. But they have been compelled to inquire for themselves. What can be done, when the whole community which they represent deems itself oppressed, and its local and permanent interests forever endangered; when the administration through pride of system, from misapprehension of the interests of the country, or under the influence of a hostile disposition towards one nation, or undue partiality to another, adopts and deliberately adheres to an infatuated policy, which arrests all the occupations and disturbs all the relations of society, and by sapping the foundations of individual prosperity, drives a whole people to despair?

In this extremity the legislature has endeavoured to conform to unexpected circumstances, and to the claims of their constituents upon their affections and duty. Endeavouring to divest themselves of passions and prejudices; protesting in the sight of God the sincerity of their attachment to the union of the states, and their determination to cherish and preserve it at every hazard, until it shall fail to secure to them those blessings which alone give value to any form of government; and, confident that under a wise administration it will always be adequate to

this object; they have arraigned the measures of our national rulers, not with a spirit of animosity, or a desire to expose them to obloquy and disgrace, but with a single view to stop their career in a course of measures to which it is physically as well as morally impossible for the people of this commonwealth much longer to submit. The most important results of legislative deliberation upon these subjects will appear in two reports of a committee of the House of Representatives, in another report of a joint committee, and in a remonstrance to Congress; *all* of which are laid before the publick. A candid examination of these documents will probably satisfy our constituents that less could not be done consistently with the claims of our fellow citizens, nor more without authorizing a forcible resistance to acts of Congress, an ultimate resource, so deeply to be deprecated, that the cases which might justify it should not be trusted even to the imagination, until they actually happen.

While the legislature insist upon their right, in common with all other lawful assemblies of their fellow citizens, to express their opinion of publick measures, and feel it to be their peculiar duty, as the immediate guardians of the rights of their constituents, to warn them of all unconstitutional acts and usurpations of the national government; and while they, at the same time, readily acknowledge the expediency of exercising this right ought to be restricted to cases of great national emergency, it is but justice to themselves to *demonstrate* that the present state of this commonwealth is within this obvious exception.

The towns which have already presented petitions to the legislature in their corporate capacity, include nearly one third part of the taxable property of the commonwealth, and many of them are towns which at the commencement of the political year, were the supporters of the present administration, and are now represented by its friends. To this number must be

added those who have not petitioned, but whose representatives, with a full knowledge of the wishes of their constituents, have concurred in the measures of the legislature; and the minorities in other towns which still adhere to the administration. Thus it is certain that an immense majority of the people of Massachusetts may be considered as before the legislature, describing the miseries and grievances of their situation, and requiring their interposition to obtain relief.

The language of the petitions from various quarters, and from all classes of the people, exhibits an affecting picture of the publick distress. The merchant on the sea coast has abandoned his enterprizes, and the trader in the country has lost his customers, his debts and his credits. The ship owner beholds the silent and certain ruin of property, sufficient to carry on the principal trade of the world. The work shop of the mechanick is deserted, and the ship builder is without employment. The produce of the farmer has fallen in value; while all the articles for which he depends on foreign nations, have risen to a price which places them beyond his reach; and this misfortune will now be aggravated by an unprecedented addition of duties. The creditor from necessity presses on his debtor, and the debtor beholds his property sacrificed at half its value.

All these accumulated evils have been more particularly felt in the eastern part of the commonwealth, where by the annihilation of foreign commerce, and the oppressive restriction on the coasting trade, a hardy people, who enjoyed competence and looked forward to affluence, have been involved in the deepest and most aggravating distress, while their lumber is left to rot on the banks of their rivers.

These existing evils are greatly aggravated by a prospect of the future. The habits of the world change and conform to circumstances. The nations that have hitherto been dependent on us for any portion of the necessaries of life, have learned that no

dependence can be placed on supplies from a people whose experiments or prejudices may at any moment make them their victims. They have learned a secret highly injurious to us, that our commerce is not essential to their permanent welfare, and that nature has furnished them with advantages which will enable them to dispense with all such of our exports as they have hitherto considered of the first necessity. Hence, if this system is longer continued, when the liberty of the sea shall at last be restored to us, we shall find ourselves mere vagrants on the ocean, and excluded from ports of whose commerce we once enjoyed the monopoly. The old channels of trade will be crowded with the ships of other nations: foreign marts will be supplied by the produce of their own fields and fisheries, and foreigners will be their own carriers. Even France, grown desperate by the necessity which her own tyrant imposes on her, feeds her own colonies and receives their produce in their own ships. But if trade should unexpectedly be open to us, and excite our enterprize, the whole machinery of commerce is so disordered, that years cannot restore it to its former activity. Old relations and connexions have been dissolved, and are to be renewed. The credit of our merchants abroad is to be re-established, and the main spring of navigation to be restored. Our mariners have been driven by want and distress into foreign service, and are now fighting the battles of other nations, to escape, perhaps in an honourable death, the inglorious servility and humiliating dependence of helpless poverty. All these evils are aggravated by the consideration that they have been but useless sacrifices to a ruinous experiment, and that they are the result of measures as unavailing in their effect upon foreign nations, as unequal in their operation on our own country.

Such is the faint outline of the situation of this people, as described by themselves in their various petitions. It is the more painful, as it comes into contrast with the unparalleled prosperity which im-

mediately preceded it under former administrations, and which an observance of their policy would still have insured to our country.

The suspension of commerce, although the immediate cause of publick distress, is also to be regarded as the effect of a departure from the system of Washington, and of hostility to those who pursued his politics and enjoyed his confidence.

The limits of this address will not permit a minute examination of the principles of the first administrations, nor of a detailed comparison of them with those of the present. It is, however, undeniable, that the period of the two former administrations was the golden age of America; and such was the impulse given to the publick prosperity, that it continued to influence the first period of the present administration, notwithstanding the errors and deviations which were destined by a slow operation to reduce the nation to its present state. Yet it has not been perceived, that our present rulers have been called upon to encounter greater difficulties and embarrassments, arising from the state of the world, than those by which their predecessors were encompassed. France violated our commercial rights, insulted our government, and availed herself of every art and intrigue to entangle us in an alliance with her; but we escaped, and preserved our peace, our commerce, and our honour. The spoliations of Great Britain on our commerce, excited resentment in the publick mind, and demanded redress, which was obtained by negotiation, and our useful and lucrative connexion with that country was still maintained.

Whatever are the motives that may be presumed recently to influence the conduct of those respective nations towards the United States, it is probable they were then of the same character and description as at present. The sympathy of the people in the French revolution was general and ardent; their irritation against Great Britain, feverish and violent; yet under the pressure of these external circum-

stances, combined with rebellion in the heart of the country, without the benefit of example to guide, or experience to confirm its measures, the new government was enabled to preserve peace at home, and with half its present resources, to prepare for war, and command respect abroad.

By what fatality has it then happened, that the prosperity of our country has experienced this fatal reverse?

A full and satisfactory reply to this inquiry would lead to a review of the whole history of our government, from its commencement to the present time, and is therefore not to be expected in a brief address. But a respectful attention to the complaints of the people requires that the principal causes should be at least suggested.

The first of them is to be found in the love of power and the pride of system, which, united to the spirit of party, have been exerted to secure to one portion of the Union a controuling influence over the other. The people of the United States may be classed under three *general* descriptions; the agricultural, the planting, and the mercantile interests. The first includes the farmers of those states who cultivate their own lands by the hands of freemen. The second comprises the planters of the southern states, who cultivate their lands by slaves. The last may be considered as including the merchants, seamen, mechanicks, manufacturers and all who are connected with or dependent upon trade and commerce. The interests of these three classes are naturally favourable to each other, and may be easily so combined by a wise government as to be instrumental in promoting the prosperity of all, and the greatest attainable degree of national strength; or they may be so severed by a weak and partial administration as to render each a prey to jealousies, strife, and unnatural competitions, which will be equally ruinous to all.

The mercantile class are the principal proprietors

of the active capital of the country, and their welfare is inseparable from the success of commerce and navigation.

This class is proportionably the most numerous in the eastern states. And in these states, considering them as one section of the country, the interests of the farmer and merchant are, from usage and antient relation, as well as from the nature of things, so blended and connected, that the one has scarcely less advantage from the success of commerce and navigation than the other. This cannot be affirmed with the same precision in regard to the planting interest. To this class commerce is also essential, but it is of less importance whether their commerce be carried on by the navigation of their own, or of a foreign country. A small proportion only of ships and vessels is owned by their merchants. On the contrary, an immense portion of the wealth of the eastern section of the Union consists in shipping. For example, in the year 1805, the aggregate tonnage of the United States was eleven hundred and forty thousand three hundred and sixty-eight tons: of which Massachusetts owned four hundred and twenty-five thousand nine hundred and forty eight tons, including upwards of one fourth of the whole coasting vessels, more than one third of the whalemens, and nearly six sevenths of the cod fishermen. No nation has ever prosecuted a successful navigation without the protection of a naval force; but as such a force would naturally augment the strength and wealth of that part of the Union in which it should be built and manned, it would be an easy task to inspire the planting interest with a jealousy of such an establishment, and to inculcate upon them a belief in the plausible, though fallacious, theory, that commerce, like agriculture, must protect itself. This jealousy, once excited, is naturally ripened into hostility, and extended to those men and states that are principally concerned in commerce. The farmer who lives in a commercial state becomes at first the dupe of these

prejudices, and deceived by the similarity of names, believes his interest to be the same with the planter's, and lends his aid to weaken the commercial system. Thus the planting interest, obtaining an ascendancy throughout the Union, is enabled to aggrandize itself, and give laws to the nation.

The great Washington, considering himself the father of the whole people, was incapable of giving countenance to the jealousies arising from these causes. He was the avowed friend of commerce, and the advocate for its protection by means of a navy.

For the sake of commerce, he concluded a treaty with Great Britain, amid the clamours of opposition. He patronized banks and monied institutions, as indispensable to the general welfare; and felt that the interest of each class and the power and wealth of each state were for the benefit of all. His successor adopted his system, and urged, to the utmost of his power, the provision for a naval establishment.

Far different has been the policy of the present administration. Under it we have seen the spirit of party and of hostility to the interests of navigation, burn with redoubled ardour, and all attempts to protect them abandoned. The navy has been permitted to go to decay, and the commercial treaty with England to expire. The New England farmer has been wheedled into a belief that he has no greater interest in the success of navigation than a Virginian planter. The doctrine has been propagated, that the commerce which cannot protect itself is unworthy of protection; that in time of peace, when no danger exists, it must be used as a source of revenue; but in time of war it must be abandoned, and those engaged in it must betake themselves to other pursuits; and, finally, that it is not an object of protection, but an instrument of coercion.

Ostentatious displays of the payment of the publick debt have created a delusive popularity, which has led the administration to presume upon their

power to coerce the commercial states at their will and pleasure. They have proscribed and displaced all who have dared to give them true information, and thus shut up the avenues to a just estimate of the interests and feelings of this people. They have been deceived by men who were themselves either ignorant or deceived, and they have arrayed the people against each other in an attitude highly dishonourable to the nation, and menacing consequences at which every patriot citizen must tremble.

Another capital defect in the present system, will be found in the total omission to estimate properly the danger and state of our foreign relations.

There has been no period since the French revolution, that has not been pregnant with danger to the peace of this nation. Our collisions with the belligerent powers have been incessant; and we have been in several years repeatedly on the eve of a war with Spain. During the whole term of Mr. Jefferson's administration, the revenue from commerce, owing to the immense capital that had been accumulated under the auspices of his predecessors, was yearly augmented; yet the appropriations for national defence have been truly contemptible.

Our harbours have been constantly exposed to the smallest naval armament. No establishments have been made for naval or military instruction; no serious preparations for a state of war. Every important object has been sacrificed to the pretence of diminishing the publick debt; the merit of which is hardly a theme for exultation, when it is considered that the whole amount of the reduction of the debt, since Mr. Jefferson's administration, is not equal to the additional revenue for the same time, beyond that of the preceding administrations. This false economy and unwarlike attitude has probably conduced to degrade us in the estimation of Europe, and expose us to outrage and insult.

Another and principal cause of our difficulties may be found in the conduct of the administration to-

wards Great Britain and France. It is certainly the misfortune of the party in power, that their professions of strict impartiality towards the belligerent nations have been accompanied by language and conduct which have prevented their being accredited.

That a party existed in this country prior to the conclusion of the late war, which, either from a sense of gratitude or dependence, was disposed to over value the part taken by France in our revolution, is not to be denied. It is equally certain, that the present leading members of the ruling party were reputed to be the firm, confidential friends of the French ministry, and advocates of their policy. It has also uniformly been stated, that these gentlemen, or their friends, at the close of the revolutionary war, did insist on Congress, conformably to the wishes and suggestions of the French cabinet, that neither the express acknowledgement of our independence by Great Britain, nor our right to the fisheries, nor the possession of the western country, and the free navigation of the Mississippi, should be indispensable conditions in the proposed treaty of peace.

It has also been uniformly stated, without contradiction, that these same persons were of the party which procured instructions to be given to our minister appointed to negotiate the treaty of peace, to act only with the consent and concurrence of the French cabinet in every article of the treaty; and that when our ministers, Adams and Jay, in spite of the perfidious intrigues of Vergennes, obtained from Great Britain the recognition of our independence, secured to us the fisheries which France demanded for herself, preserved a right to the navigation of the Mississippi, and obtained a clear title to the western country, this same party endeavoured in Congress to procure a vote of censure against our ministers for this exertion of patriotism and independence.

In the year 1794, this same party, under pretence of securing our rights, proposed a series of resolutions in Congress, founded on their favourite policy

of coercing Britain by our commercial warfare, but which at that period would have inevitably involved us in a war with her, and in consequence an alliance with France, that would have made us a party in all the wars in which she has been engaged, and sharers in the fate which has befallen all her allies.

The same party opposed the mission of Mr. Jay to England, and violently condemned the treaty concluded by that minister, which has so greatly conduced to the unparalleled prosperity of this country. And during the whole of the time that the American people were agitated by the first events of the French revolution, and the cabals of the French ministers, they were regarded by those ministers as friendly to France, and charged with having a language official and a language confidential.

At a subsequent period, the same party in the assembly of Virginia, and other legislative bodies, as well as in Congress, opposed all defensive measures against France, whose indiscriminate robberies threatened the extermination of our commerce, and whose indignities and outrages towards our publick ministers had awakened a sentiment of indignation in all impartial minds.

The same party have permitted the British treaty to expire without attempting to renew it, and have rejected another treaty, framed by their own confidential ministers, which contained a substantial security for our claims to the rights of neutrals, and refused their assent to arrangements which would have obviated the inconveniences and injuries sustained by the impressment of our seamen.

The same party have refused to accept reparation from Great Britain for the outrage committed on the Chesapeake, for reasons of mere punctilio, and thus have preserved unnecessarily this ground of national animosity, and have finally adopted the ruinous system of embargo, which is in substance the same that has been required by the French emperour of his vassal nations, and has received his explicit approbation in official communications to his senate.

If these facts and circumstances were not sufficient to establish the conclusion, that the administration have uniformly inclined to the views and policy of France; their measures and their language, subsequent to the late obnoxious decrees and orders of both belligerents, must remove all doubt upon this subject.

The legislature cannot now attempt an elaborate examination of the documents relative to the negotiation with these powers, which have been submitted to publick inspection; nor is it necessary to repeat the inferences, which will be found in the reports and memorial which they have adopted.

Let it be conceded, to avoid argument, that the administration have exerted all their skill and power in sincere efforts to preserve our neutrality, but that the mutual injustice of France and Great Britain has at length compelled them to withdraw into a retirement, in which they mean not to remain, and whence they cannot emerge without becoming a party in the war; what is the obvious policy, in the prospect and in the event of such an alternative, which might have been expected, and ought to have been foreseen? Should they consume months and years in piteous moans at a fate too common to neutral nations, or in active preparations to meet it? Should they content themselves with invectives and complaints and menaces against both belligerents, or prepare magazines and fleets and armies to encounter one of them?

That a nation sincerely desirous of neutrality, should be forced into a war, is an event always to be deplored, but frequently to be expected. Under this misfortune it is a consolation to have the power of choosing the least formidable enemy, and a duty to make such an election. The situation of the United States and of the world should preclude all hesitation upon their policy, when circumstances shall compel them to an ultimate decision.

That a war with Great Britain would lead to an al-

liance with France, is beyond dispute; and that this connexion must be forever fatal to the liberty and independence of the nation, is obvious to all who are not blinded by partiality and passion. This consideration should be decisive with an American cabinet, admitting all our complaints of British violence and injuries, to be perfectly just. But to judge from the measures and language of the partizans of administration, the reverse of this policy is contemplated, if war becomes unavoidable. The whole system of commercial restrictions now, without its original disguise, is intended against Great Britain. The warlike measures contemplated and proposed, though not yet adopted, are coupled with menaces against the British colonies and commerce.

The halls of Congress and other places in which the administration preserves a majority, resound with the fulminations of rage, and reproach, and revenge against Great Britain and her government, amid which the faint murmurs and occasional exclamations against French unkindness are lost almost before they reach the ear.

Of the motives to this conduct on the part of the national government, this legislature can discern no satisfactory solution, but in an habitual and impolitic predilection for France. Without pretending to compare and adjust the respective injuries sustained from the two nations, it cannot be disguised, that in some instances our nation has received from Great Britain compensation, in others, offers of atonement, and in all the language of conciliation and respect; while from France, our immense losses are without retribution, and our remonstrances are neglected with contemptuous silence, or answered with aggravating insult. While hostility with Great Britain would expose our country and our commerce in every vulnerable point, and afford no hope of honour or indemnity, a war with France would not be very different from the only state of peace which she is disposed to maintain.

Under these circumstances, can it be contended that the policy is either just or wise, which would dictate either open hostility against Great Britain, or a series of irritating measures tending to that state?

Thus, fellow-citizens, has the legislature reluctantly presented you with a general view of the causes which have reduced you to your present calamitous state. But these would have been insufficient, if you, and the people of those states whose interests are similar to yours, had remained vigilant for the common welfare.

The present leading men in the southern states, have beheld with jealousy, your increasing prosperity, and feel neither respect for your pursuits, nor sensibility for your sufferings; yet it can hardly be supposed, that they would willingly drive to extremities a section of the country which they believed to be a united people, who still regard them with fraternal feelings, who claim only a fair attention to their local habits and necessities, and who are willing, in any just or necessary cause, to devote their lives and their fortunes to the common defence. They have been deceived. The spirit of proscription, originating with the present administration, has almost wholly driven from the national councils that description of men who are the natural representatives of your true interests. Their places have been supplied by those who were disposed to flatter the ruling party, and promote their measures and policy. The same spirit of political persecution was introduced into the state governments, and at length in this state openly avowed and displayed, in a written treatise, by the present chief magistrate. The novel doctrine of excluding from power and office all who differed in any article of political faith from the great head of the nation, soon became current. The people were dazzled with the delusive glitter of a full treasury, and deafened by clamours excited against those who first provided the means of filling it. Their confidence was withdrawn from their old and tried friends; and

the politicians of the south were encouraged to hope, by your own representatives, that if your unanimity did not ensure the popularity of their measures, your divisions would prevent their defeat. Thence their apparent union and enthusiasm in favour of a system which appears to you little short of infatuation. Hence their belief that you will acquiesce in a sacrifice of your vital interests, without a perception of necessity, and plunge into war with a certainty of ruin.

If for those evils it was in the power of the legislature to devise any temporary remedy, you are sensible that a concurrence from the present executive magistrate of the commonwealth could not be expected. But as the malady is deep, you will still be deceived by trusting to any momentary relief. You must realize and comprehend the nature of your peculiar interests, and by steady, persevering and well-concerted efforts, rise into an attitude to promote and preserve them. The farmer must remember that his prosperity is inseparable from that of the merchant, and that there is little affinity between his condition and habits and those of a southern planter. The interests of New-England must be defined, understood, and firmly represented. A perfect intelligence must be cultivated among those states, and a united effort must be made and continued, to acquire their just influence in the national government. For this purpose the constitution should be amended, and the provision which gives to holders of slaves a representation equal to that of 600,000 free citizens, should be abolished. Experience proves the injustice, and time will increase the inequality of this principle, the original reason for which has entirely failed.

Other amendments to secure commerce and navigation from a repetition of destrutive and insidious theories, are indispensable.

Towards effecting these salutary reforms, or any other which experience may prove to be fair and ne-

cessary for the prosperity of the commercial states, the restoration of full and entire confidence to those who feel their necessity, and are anxious to promote them, is the first dictate of wisdom. The legislature are aware that their measures and sentiments will encourage their opponents in propagating the foul imputation of a design to dismember the Union. But when did party malice want a theme to excite popular prejudice? When did it have recourse to one more absurd and unfounded? Why should those by whose instrumentality the confederacy was formed, be bent on the destruction of their own work? Why should the disciples of Washington forget the maxims of his government, and the precepts of his school? If the dissolution of the Union would be an evil, have the objects of this calumny less at stake than its authors? Those men and their adherents, who now point out the defects which experience has displayed in the present policy and constitution, are those who invited the publick attention to the deficiency of the old confederation. It was at that time their object to strengthen the Union; it is not less their object at this time. But as the Union itself originated in a spirit of compromise, the administration of the government should be influenced by the same spirit. If the southern states are disposed to avail themselves of the advantages resulting from our strength and resources for common defence, they must be willing to patronize the interests of navigation and commerce, without which our strength will be weakness. If they wish to appropriate a portion of the publick revenue towards roads, canals, or for the purchase of arms and the improvement of their militia, they must consent that you, who purchase your own arms, and have already roads, canals and militia, in most excellent order, shall have another portion of it devoted to a naval protection. If they, in the spirit of chivalry, are ready to rush into an unnecessary and ruinous war with one nation, they must suffer you to pause

before you bid an eternal adieu to your independence by an alliance with another.

There is not a greater diversity of interests between them and yourselves than will be found in the distant provinces of all great empires; none, indeed, that a truly national administration cannot reconcile. It is believed too, that many of your southern brethren accord with you in their estimate of the true interests of their country, and are inclined magnanimously to sacrifice local prejudices to national safety and honour. This happy result may be expected, when New-England, faithful to her true interests, shall speak with one voice, and exclude from her councils those who from misapprehension of those interests, or any other cause, are advocates for the present destructive system. Then, and not till that time, will a temper of mutual accommodation begin to display itself in the measures of government, and a steady, dignified conduct shield the nation from foreign and domestick dangers. The Congress of the United States will no longer be the theatre of base contention and sanguinary threats. The spirit of private combat will no longer be the test of publick spirit, and the denunciations of vanity and inexperience will cease to be vented against powerful members of the common Union.

It would indeed be a grateful occupation to the legislature to apply an immediate remedy to the evils of which the petitioners complain, and which we fear will be aggravated by a continuance of existing commercial restrictions, or substitutes not less oppressive and fatal, though veiled under new titles. But they are compelled to avow that it is with the people themselves that every efficient plan of redress must originate. While the advocates for British war and the contemners of commerce can calculate upon your divisions, they will advance in their mad and presumptuous course, and rely upon your governours and your representatives to neutralize your opposition to their measures. But when they perceive that

you are prepared to break the chains imposed by a fatal and mistaken policy, and that all the constituted authorities of New England are united in sentiment and purpose; when they are sensible that you are able to resist, and that self preservation will make resistance a duty, they will reflect upon your claims, and yield to the justice of your pretensions. They will feel that the confederation is intended for the general welfare, and that it is only by paying some regard to this object, we can maintain that union which common interest should make perpetual.

On the contrary, nothing less than a perfect union and intelligence among the eastern states can preserve to them any share of influence in the national government. Without influence they can expect no regard to their interests, but are exposed to the effects of a policy, whose object will be to secure power and office, with a view to local and personal aggrandizement, and to make them *colonial* governments, subject to the worst form of domination, that of one member of a confederacy over another.

The present state of our connexion is not far from this condition. The late election of representatives to Congress, and the votes for president, plainly demonstrate the disapprobation of the present system by a great majority of the eastern people. Mr. Madison, who was known to favour it, had not a vote in those states except in Vermont; and recent elections there afford evidence that at this moment he would have none. On the other hand, in the southern states, from the artificial popularity of this fatal system, his majority has been triumphant.

The same division is apparent in Congress. The known wishes of the eastern states have been not merely neglected, but rejected with threatenings and contempt.

Politicians of yesterday, from the back woods and mountains, vie with each other in the language of insult and defiance; and the men whom you delight to honour, and the great majority of those who have

the deepest interests at stake, in the welfare of the country, are stigmatized as a corrupt and seditious part of the community. Even when those of your own representatives, who have encouraged this presumptuous conduct by their own countenance, discovering their errors, are desirous to recede, repentance comes too late. Thus, under new names, and with the same views, the embargo system is still rivetted upon our unhappy country, in spite of the opposition of some of those who appear too late desirous of retrieving their constituents from ruin. Thus a bill has already passed one branch of the legislature, authorizing letters of marque and reprisal; a measure calculated either to provoke an open war with Great Britain, or to protract the irritation and controversies subsisting between us. Choose, then, fellow citizens, between the condition of citizens of a free state, possessing its equal weight and influence in the national government; or that of a colony, free in name, but in fact enslaved by sister states.

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