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For the NATIONAL INTELLIGENCER.

TO THE PEOPLE,

THE DEFENCE.

No. XIX.

(Subject of Foreign Relations, Continued.)

But fortunately neither the dignity of the government nor the interests of the people required, in this case, a resort to arms.

Let it be recollected that the dignity of the government was, in no small degree, propitiated by the assurance of the agents of Spain and France, that the act of the Intendant was unauthorised, and that there existed the strongest reason to expect its disavowal. Let it also be recollected that the pacific course of explanation and negociation was already commenced. To have used force, before time had been allowed for explanation, would have been not only an abandonment of the course taken by the American government, but would have exposed her to the reproach of violated faith. It would have been said, and justly too, that the pending negociation covered a treacherous design to attack an ally in the unsuspicious moments of security, which we, in commencing the negociation virtually promised.

The dignity of the American government is founded exclusively and entirely on the promotion of the interests of the people. We shall not, therefore, draw any distinction between them, by considering them apart—They are one and the same. May they ever remain so!

Good advice, even from an enemy, should not be disregarded. The advice of Hamilton, given during the discussions arising out of the British treaty, are full of wisdom, so far as it impresses the importance of preserving peace. There is, it is true, no novelty in it. The same sentiments are to be found in the writings of every good civilian; but we prefer quoting him, in order to shew that we are not swayed by party motives. If we were, we should recur to other authorities. Among a great deal, said on this occasion, he observes,

"When one nation has cause of complaint against another, the course marked out by practice, the opinion of writers, and the principles of humanity, the object being to avoid war, is to precede reprisals of any kind, by a demand of reparation. To begin with reprisals is to meet on the ground of war and puts the other party in a condition not to be able to recede without humiliation."

"Few nations can have stronger inducements than the United States to cultivate peace. Their infant state in general—their want of a marine in particular, to protect their commerce, would render war in an extreme degree, a calamity. It would not only arrest our present rapid progress to strength and prosperity, but would probably throw us back into a state of debility and impoverishment, from which it would require years to emerge. Our trade, navigation, and mercantile capital would be essentially destroyed. Spain being an associate with Great Britain, a general Indian war might be expected to desolate the whole extent of our frontier—our exports obstructed, agriculture would of course languish; all other branches of industry would proportionably suffer; our public debt instead of a gradual diminution would sustain a great augmentation, and draw with it a large increase of taxes and burthens on the people."

"It was therefore in a peculiar manner the duty of the government to take all possible chances for avoiding war. The plan adopted was the only one which could claim this advantage.

"To precipitate nothing, to gain time by negociation, was to leave the country in a situation to profit by any events which might turn up tending to restrain a spirit of hostility in Great Britain, and to dispose her to reasonable accommodation."

"By taking the ground of negociation in the attitude of preparation for war, we at the same time carried the appeal to the prudence of the British cabinet, without wounding its pride, and to the justice and interest of the British nation, without exciting feelings of resentment.

"This conduct was calculated to range the public opinion of that country on our side, to oppose it to the indulgence of hostile views in the cabinet, and in case of war, to lay the foundation of schism and dissatisfaction.

"But one of the most important advantages to be expected from the course pursued, was the securing of unanimity among ourselves, if, after all the pains taken to avoid war, it had been forced upon us.

"As on the one hand, it was certain that dissention and discontent would have embarrassed and enfeebled our exertions in a war produced by any circumstance of intemperance in our public councils, or not endeavored to be prevented by all the milder expedients usual in similar cases. So, on the other, it was equally certain, that our having ineffectually exhausted those expedients, would cement us into a firm mass, keep us steady and persevering amidst whatever vicissitudes might happen, and nerve our efforts to the utmost extent of our resources.

"This union among ourselves, and disunion among our enemies, were inestimable effects of the moderate plan, if it had promised no other advantage."

"But is it unimportant to the real friends of republican government, that the plan pursued, was congenial with that pacific character which is ascribed to it? Would it have been more desirable that the government of our nation, out-stripping the war maxims of Europe, should, without a previous demand of reparation, have rushed into reprisals, and consequently into war?

"However this may be, it is a well ascertained fact, that our country never appeared so august and respectable as in the position which it assumed upon this occasion. Europe was struck with the dignified moderation of our conduct, and the character of our government and nation acquired a new elevation."

"To under rate our just importance would be a degrading error. To over rate it may lead to dangerous mistakes.

"A very powerful state may frequently hazard a high and haughty tone with good policy, but a weak state can scarcely ever do it without imprudence. The last is yet our character, though we are the embryo of a great empire. It is therefore better suited to our situation to measure each step with the utmost caution, to hazard as little as possible, in the cases in which we are injured, to blend moderation with firmness, and brandish the weapons of hostility only when it is apparent that the use of them is unavoidable.

"It is not to be inferred from this that we are to crouch to any power on earth, or tamely to suffer our rights to be violated. A nation which is capable of this meanness, will quickly have no rights to protect, or honor to defend.

"But the true inference is, that we ought not lightly to seek or provoke a resort to arms; that in the differences between us and other nations we ought carefully to avoid measures which tend to widen the breach; and that we should scrupulously abstain from whatever may be construed into reprisals till after the fruitless employment of all amicable means has reduced it to a certainty that there is no alternative.

"If we can avoid war for ten or twelve years more, we shall then have acquired a maturity, which will make it no more than a common calamity, and will authorise us in our national discussions to take a higher and more imposing tone.

"This is a consideration of the greatest weight to determine us to exert all our prudence and address to keep out of war as long as it shall be possible; to defer to a state of manhood a struggle to which infancy is ill adapted. This is the most effectual way to disappoint the enemies of our welfare; to pursue a contrary conduct may be to play into their hands, and to gratify their wishes. If there be a foreign power which sees with envy or ill will our growing prosperity, that power must discern that our infancy is the time for clipping our wings. We ought to be wise enough to see, that this is not the time for trying our strength.

"Should we be able to escape the storm which at this juncture agitates Europe, our disputes with G. Britain terminated, we may hope to postpone war to a distant period. This, at least, will greatly diminish the chances of it. For then there will remain only one power with whom we have any embarrassing discussion. I allu[illegible] to Spain, and the question of the Mis[illegible]i; *and there is reason to hope that this [illegible]estion by the natural progress of thing[illegible], and perseverance in an amicable course, will finally be arranged to our satisfaction without the necessity of the* dernier resort."

"Citizens of the United States of America! as you value your present enviable lot, rally round your own good sense! expel from your confidence, men who have never ceased to misadvise you! Discard intemperate and illiberal passions! Aspire to the glory of the greatest triumph which a people can gain, a triumph over prejudice! Be just, be prudent! Listen impartially to the unadulterated language of truth! And above all guard your peace with anxious vigilance against all the artful snares which are laid for it!"

The greater part of the principles laid down by Mr. Hamilton are general, and of course applicable to most cases.—— Where this is not the case, there is so close an analogy between the grounds of our difference with England, and those with Spain and France, that what is said in the one is no less applicable to the other; with this variation, that the inducements to a pacific course were much stronger in the latter than in the former case; as the injury of which we complained in the one case was trifling compared with those experienced in the other. In our controversy with England, our grounds of complaint were a most extensive depredation on our trade, the insolent impresment and indignity offered to our seamen, and the detention, by force of arms, of the western posts, seated in the midst of our country. In the last case, we complained of but one act, which, though it invaded an important right, was not so extensively injurious as the British depredations, and did not excite those strong feelings which the invasion of our soil, more than any other cause, must always enkindle.

For the adjustment of our differences Mr. Munroe was specially dispatched to Europe, and particular instructions given to Mr. Livingston.

Events proved the wisdom of the pacific measures of the administration; for on the 30th day of April 1803, a treaty was formed with the French republic, not merely restoring the right of deposit, not merely giving us the sovereignty over New Orleans, but ceding for fifteen millions of dollars the whole province of Louisiana. So far as this measure tended to insure peace it was complete; and this of itself would have been an ample compensation for the purchase money. But it must not be over looked that two serious grounds of dissatisfaction with the French government were also eradicated by this treaty—that arising from spoliations upon our trade, and that from our violated rights on the Mississippi. The continuance of either of these might have constituted the germs of war, and certainly would have disturbed a state of amity between the two nations.

It has been alleged by the envy of the opponents of the administration that for this great event we are not indebted to the wisdom of the cabinet, but to the accidental circumstance of a war between France and Great Britain. But even, allowing that this event greatly contributed to recommend to France the cession, which, however, is far from appearing, are we warranted in affirming that the administration did not reckon upon war between France and England as a probable event? Is it not extremely probable that at the time the treaty was formed, information, possessed by them but not by the public, justified them in viewing it as an event almost certain?— The same spirit of envy, in ascribing exclusively to Mr. Livingston, the merit of the treaty, has attempted to depreciate the services of the President and secretary of State. But of what consequence is it to the nation whether the treaty emanated directly from the chief Executive, or from his confidential organs? Is it required by the theory of our government that the former shall himself discharge all executive duties? Is it possible? And does he not fulfil all his duties by either doing himself, or through others appointed by him, whatever the Constitution and laws require? The facts, however, are that the Mississippi navigation has steadily commanded the attention of the Executive, and that the securing it has long occupied the deliberations of the cabinet. By what means, it was intended to accomplish this effect, has not appeared. What were the instructions given to Mr. Pinckney, or to Messrs Livingston and Munroe, is unknown to the public. With what degree then of justice can it be said, while those circumstances are unknown, that the President deserves no credit for the treaty?

The presentation of this treaty to Congress at the ensuing session may be considered as establishing a new political era. Hitherto the Executive had claimed an entire command, in participation with the Senate, over the treaty making power. On one memorable occasion the House of Representatives had made a stand against this claim, but the Executive, so far as depended upon him, sternly repelled it. On this occasion the Chief Magistrate unequivocally declared to each branch of the Legislature his opinion that the full ratification of the treaty depended on the joint co-operation of both branches. When we reflect on the vast importance of this power, which from its very motive scarcely admits of constitutional restraint, we cannot too highly appreciate the republican moderation of the man who renounced what he considered dangerous to liberty.

CURTIUS.

(Subject of Foreign relations to be continued.)

FROM THE ENQUIRER.

A SUMMARY VIEW OF THE *RIGHTS OF BRITISH AMERICA.*

Set forth in some Resolutions intended for the inspection of the present Delegates of the People of Virginia now in Convention.

BY THOMAS JEFFERSON.

(Continued.)

That thus have we hastened through the reigns which preceded his majesty's, during which the violation of our right were less alarming, because repeated at more distant intervals than that rapid and bold succession of injuries which is likely to distinguish the present from all other periods of American story. Scarcely have our minds been able to emerge from the astonishment into which one stroke of parliamentary thunder has involved us, before another more heavy, and more alarming, is fallen on us. Single acts of tyranny may be ascribed to the accidental opinion of a day; but a series of oppressions, begun at a distinguished period, and pursued unalterably through every change of ministers, too plainly prove a deliberate and systematical plan of reducing us to slavery.

That the act (*a*) passed in the 4th year of his majesty's reign, intitled "An act for granting certain duties in the British colonies and plantations in America, &c."

One other act (*b*) passed in the 5th year of his reign, intitled "An act for granting and applying certain stamp duties and other duties in the British colonies and plantations in America, &c."

One other act (*c*) passed in the 6th year of his reign, intituled "An act for the better securing the dependency of his majesty's dominions in America upon the crown and parliament of Great Britain;" and one other act (*d*) passed in the 7th year of his reign, intituled "An act for granting duties on paper, tea, &c." form that connected chain of parliamentary usurpation, which has already been the subject of frequent applications to his majesty, and the houses of lords and commons of Great Britain; and no answers having yet been condescended to any of these, we shall not trouble his majesty with a repetition of the matters they contained.

But that one other act (*e*) passed in the same 7th year of his reign, having been a peculiar attempt, must ever require peculiar mention; it is intituled "An act for suspending the legislature of New York. One free and independent legislature hereby takes upon itself to suspend the powers of another, free and independent as itself; thus exhibiting a phoenomenon unknown in nature, the creator and creature of its own power. Not only the principles of common sense, but the feelings of human nature, must be surrendered up before his majesty's subjects here can be persuaded to believe that they hold their political existence at the will of a British parliament. Shall these governments be dissolved, their property annihilated, and their people reduced to a state of nature, at the imperious breath of a body of men, whom they never saw, in whom they never confided, and over whom they have no powers of punishment or removal, let their crimes against the American public be ever so great? Can any one reason be assigned why 160 000 electors in the island of Great Britain should give law to four millions in the states of America, every individual of whom is equal to every individual of them, in virtue, in understanding, and in bodily strength? Were this to be admitted, instead of being a free people, as we have hitherto supposed, and mean to continue ourselves, we should suddenly be found the slaves, not of one, but of 160 000 tyrants, distinguished too from all others by this singular circumstance, that they are removed from the reach of fear, the only restraining motive, which may withhold the hand of a tyrant.

That by "an act (*f*) to discontinue in such manner and for such time as are therein mentioned the landing and discharging, lading or shipping, of goods, wares, and merchandize, at the town and within the harbour of Boston, in the province of Massachusetts Bay, in North America," which was passed at the last session of British parliament; a large and populous town, whose trade was their sole subsistence, was deprived of that trade, and involved in utter ruin.— Let us for a while suppose the question of right suspended, in order to examine this act on principles of justice: An act of parliament had been passed imposing duties on teas, to be paid in America, against which act the Americans had protested as inauthoritative. The East-India company, who till that time had never sent a pound of tea to America on their own account, stept forth on that occasion the assertors of parliamentary right, and send hither many ship loads of that obnoxious commodity. The masters of their several vessels, however, on their arrival in America, wisely attend to admonition, and returned with their cargoes. In the province of Massachusetts alone the remonstrances of the people were disregarded, and a compliance, after being many days waited for, was flatly refused. Whether in this the master of the vessel was governed by his obstinacy, or his instructions, let those who know, say. There are extraordinary situations which require extraordinary interposition. An exasperated people, who feel that they possess power, are not easily restrained within limits strictly regular. A number of them assembled in the town of Boston, threw the tea into the ocean, and dispersed without doing any other act of violence. If in this they did wrong, they were known and were amenable to the laws of the land, against which it could not be objected that they had ever, in any instance been obstructed or diverted from their regular course in favour of popular offenders. They should therefore not have been distrusted on this occasion. But that ill fated colony had formerly been bold in their enmities against the house of Stuart, and were now devoted to ruin by that unseen hand which governs the momentous affairs of this great empire. On the partial representations of a few worthless ministerial dependents, whose constant office it has been to keep that government embroiled, and who, by their treacheries, hope to obtain the dignity of the (*g*) British knighthood, without calling for a party accused, without asking a proof, without attempting a distinction between the guilty and the innocent, the whole of that ancient and wealthy town is in a moment reduced from opulence to beggary. Men who had spent their lives in extending the British commerce, who had invested in that place the wealth their honest endeavours had merited, found themselves and their families thrown at once on the world for subsistence by its charities. Not the hundredth part of the inhabitants of that town had been concerned in the act complained of; many of them were in Great Britain and in other parts beyond sea; yet all were involved in one indiscriminate ruin, by a new executive power unheard of till then, that of a British parliament. A property, of the value of many millions of money, was sacrificed to revenge, not repay, the loss of a few thousands.— This is administering justice with a heavy hand indeed! and when is this tempest to be arrested in its course? Two wharfs are to be opened again when his majesty shall think proper. The residue which lined the extensive shores of the bay of Boston are forever interdicted the exercise of commerce. This little exception seems to have been thrown in for no other purpose than that of setting a precedent for investing his majesty with legislative powers. If the pulse of his people shall beat calmly under this experiment, another and another will be tried, till the measure of despotism be filled up. It would be an insult on common sense to pretend that this exception was made in order to restore its commerce to that great town. The trade which cannot be received at two wharfs alone must of necessity be transferred to some other place; to which it will soon be followed by that of the two wharfs. Considered in this light, it would be an insolent and cruel mockery at the annihilation of the town of Boston.

By the act for the suppression of riots and tumults in the town of Boston, passed also in the last session of parliament, a murder committed there is, if the governor pleases, to be tried in the court of King's Bench, in the island of Great Britain, by a jury of Middlesex. The witnesses, too, on receipt of such a sum as the governor shall think