

BOSTON, JUNE 23.
LEGISLATURE OF MASSACHUSETTS,
JUNE 12, 1813.

The committee of both Houses, appointed "to consider what measures it is expedient for this Legislature to adopt, in relation to the unhappy War in which we are engaged, the means to induce a speedy restoration of Peace, and to restore this Commonwealth to the blessings of a free and unmolested Commerce, and to that influence in the Councils of the Nation to which she is so justly entitled," have attended the service assigned them, and ask leave to report a Remonstrance to the Congress of the United States, which is herewith annexed. All which is respectfully submitted.

T. H. PERKINS, per Order.

REMONSTRANCE.

To the Honorable the Senate, and the Honorable the House of Representatives of the United States, in Congress assembled:

THE Legislature of Massachusetts, deeply impressed with the sufferings of their constituents, and excited by the apprehension of still greater evils in prospect, feel impelled, by a solemn sense of duty, to lay before the National Government, their view of the public interests, and to express, with the plainness of freemen, the sentiments of the people of this antient and extensive Commonwealth.

Although the precise limits of the powers reserved to the several State sovereignties, have not been defined by the Constitution, yet we fully coincide in the correctness of the opinions advanced by our venerable Chief Magistrate, that "our Constitutions ensure to us the freedom of speech, and that, at this momentous period, it is our right and duty to inquire into the grounds and origin of the present War, to reflect on the state of public affairs, and to express our sentiments concerning them, with decency and frankness, and to endeavor, as far as our limited influence extends, to promote, by temperate and constitutional means, an honorable reconciliation."

If then, such are the rights and duties of the people, surely those, who, at this solemn crisis, are selected by them, and who are specially honored with their confidence, may venture respectfully, but frankly, to express the sentiments and feelings of those whom they have the honor to represent.

The States, as well as the individuals composing them, are parties to the national compact, and it is their peculiar duty, especially in times of peril, to watch over the rights, and guard the privileges solemnly guaranteed by that instrument. Certainly then this expression, from the Legislature of the free and independent Commonwealth of Massachusetts, will not be disregarded, by the present Congress of the United States. For although the numerous petitions and remonstrances of the people of this State, in relation to such measures as they deemed dangerous to their rights and ruinous to their interests, have heretofore been received, in a manner little calculated to produce that harmony, and to cement that Union, which ought to be the permanent aim of the General Government; yet we cannot but indulge the hope, that new councils, and a more conciliatory spirit, will distinguish the several branches of the present National Legislature—that they will endeavor, by the exercise of justice and impartiality, to allay the apprehensions and restore the confidence of the Eastern and Commercial States—o remove their actual sufferings, and to replace them in the happy and prosperous condition from which they have been driven, by a succession of measures, hostile to the rights of Commerce, and destructive to the peace of the Union.

It is not to be expected, that a hardy and industrious people, instructed in the nature of their rights, and tenacious of their exercise, whose enterprise was a source of individual wealth, and national prosperity, should find themselves obliged to abandon their accustomed employments, and relinquish the means of subsistence, without complaint; or that a moral and christian people should contribute their aid in the prosecution of an offensive War, without the fullest evidence of its justice and necessity.

The United States, from the form of their Government; from the principles of their institutions; from the sacred professions, which in all periods of their history they have made; from the maxims transmitted to them, by patriots and sages, whose loss they can never sufficiently deplore, as well as from a regard to their best and dearest interests, ought to be the last nation to engage in a War of ambition or conquest.

The recent establishment of their institutions; the pacific, moral and industrious character of their citizens; the certainty that time and prudent application of their resources would bring a seasonable remedy for any transient wrongs, would have indu-

ced a wise and provident, an impartial and temperate administration, to overlook, if it had been necessary, any temporary evils, which either the ambition, the interest, the cupidity, or the injustice of foreign powers might occasionally and without any deep and lasting injury, have inflicted.

With these maxims and these views, we cannot discern any thing in the policy of foreign nations, towards us, which in point of expediency, required the sacrifice of so many and so certain blessings, as might have been our portion, for such dreadful and inevitable evils, as all Wars, and especially in a Republic, entail upon the people.

But when we review the alleged causes of the War against Great-Britain, and more particularly the pretences for its continuance, after the principle one was removed, we are constrained to say, that it fills the minds of the good people of this Commonwealth with infinite anxiety and alarm. We cannot but recollect, whatever the pretences of the Emperor of France may have been, pretences which have uniformly preceded and accompanied the most violent acts of injustice, that he was the sole author of a system, calculated and intended to break down neutral Commerce, with a view to destroy the opulence, and cripple the power of her rival, whose best interest, and whose real policy were to uphold that Commerce, so essential to her own prosperity.

It is not for us to decide, whether the enemy of France did or did not adopt the most natural and efficacious means of repelling her injustice. It is sufficient that we are persuaded, that the United States might, by a firm and dignified, yet pacific resistance to the French Decrees, have prevented the recurrence of any retaliatory measures on the part of Great-Britain—measures not intended to injure us, but to operate on the author of this unjust and iniquitous system. And, however honorable men may differ, as to the justice of the British retaliatory Orders in Council, we do not hesitate to say, that France merited, from our Government, a much higher tone of remonstrance, and a more decided opposition.

In reviewing the avowed causes of the present War, we would, if it were possible, pass over a series of transactions, imperfectly explained, and calculated to excite our alarm and regret, at the hasty manner, in which it was declared. But the history of the pretended repeal of the French Decrees, which, if our Government was sincere, we are bound to believe was the immediate cause of the War, is so well attested, and has been so often discussed, and is, besides, so important in this inquiry, that mere motives of delicacy cannot induce us to pass it over without notice.

If War could be justified against Great-Britain exclusively, it must have been on the ground assumed by our Government, that the French Decrees were actually repealed, on the 1st of Nov. 1810. The indiscriminate plunder and destruction of our Commerce—the capture of our ships, by the cruisers of France, and their condemnation, by her Courts, and by the Emperor in person—his repeated and solemn declaration, that those decrees were still in force, and constituted the fundamental laws of his empire, at a period long subsequent to the pretended repeal, seemed to furnish an answer, sufficiently conclusive, to this question; and we cannot but lament, that evidence, so satisfactory to the rest of the nation, should have had so little weight with that Congress whose term of service has lately expired.

But this important question is now definitely answered; and the American people have learned, with astonishment, the depth of their degradation. The French Emperor, as if, for the perfect and absolute humiliation of our Government, and for the annunciation to the world, that he held us in utter contempt, reserved till May, 1812, the official declaration of the fact, that these Decrees were not repealed, until April 1811; and then, not in consequence of his sense of their injustice, but because we had complied with the condition he had prescribed, in the letter of the Duke of Cadore, in causing "our rights to be respected," by a resistance to the British Orders; and he has since added, that this Decree of repeal was communicated to our Minister at Paris, as well as to his own at Washington, to be made known to our Cabinet. As the previous pledge of Great-Britain gave the fullest assurance that she would repeal her Orders, as soon as the Decrees, on which they were founded, should cease to exist, and as her subsequent conduct leaves no doubt, that she would have been faithful to her promise, we can never too much deplore the neglect to make known this repeal, whether it be attributable to the French Government or our own.

If to the former belong the guilt of this duplicity and falsehood, every motive of interest, and every incitement of duty call

loudly upon our Administration, to proclaim this disgraceful imposition, to the American people, not only, as it would serve to develop the true character and policy of France, but, to acquit our own officers of a suppression, too serious to be overlooked, or forgiven.

But whatever may be the true state of this mysterious transaction, the promptness, with which Great-Britain hastened to repeal her orders, before the declaration of war, by the United States, was known to her, and the restoration of an immense amount of property, then within her power, can leave but little doubt, that the war, on our part, was premature, and still less, that the perseverance in it, after that repeal was known, was improper, impolitic and unjust.

It was improper; because it manifested, in this instance, a distrust in the good faith and disposition to peace, of a nation, from which we had just received a signal proof of both.

It was impolitic; because it gave countenance to the charge, of a subserviency to the views of France, and of an ulterior design of co-operating, with her, in the profligate and enormous project of subjugating the rest of Europe.

It was impolitic; as it tended to unite all descriptions of people, in England, in favor of the present war, and to convince them, however erroneously, that moderation and fairness, on her part, only laid the foundation of new claims, and higher pretensions, on ours.

It was unjust; because the evidence afforded by the prompt repeal of the Orders in Council, ought to have satisfied us, that Great-Britain was sincerely disposed to maintain and preserve pacific relations with the United States; and all wars are unjust, the objects of which can be attained, by negotiation.

It was unjust; because the whole history of our diplomatic intercourse with Great-Britain shews, that we never induced her to believe, that we considered the impressment of her own seamen, on board our merchant ships, as a reasonable ground of War; and we had never offered her the alternative of War, or a relinquishment of this practice.

It was unjust; because the pretensions and claims, on the one side and the other, although attended with difficulties, were not irreconcilable. Great-Britain did not claim the right to impress our native seamen. She disavowed the practice in all cases when the fact was made known to her—she restored, on legal evidence—she had recently offered to return all who were of that description, of whom a list should be furnished, by our Government, and she had many years before, made such offers of fair and amicable arrangement of this whole subject, as, to two distinguished members of our present cabinet, appeared "both honorable and advantageous."

It was unjust; because we had not previously taken all the reasonable steps, on our part, to remove her complaints of the seizure and employment of her seamen.—This is made manifest, by the conduct of the same Congress which declared the war, they having admitted the propriety of obviating those complaints, by an act passed subsequent to the commencement of hostilities.

No State in the union can have a greater interest, or feel a stronger desire, to protect Commerce, and maintain the legitimate rights of seamen, than this Commonwealth. Owners of one third of all the navigation, and probably, furnishing nearly one half of all the native seamen, of the United States, we are better enabled, to appreciate the extent of their sufferings, and must also be presumed, to sympathize with them, more sincerely, than the citizens of States, destitute of Commerce, and whose sons are not engaged, in its prosecution; unless it be admitted, that the sufferers, their parents, relatives and friends, are less interested in their welfare and protection, than those who are united to them, only, by the feeble ties of political connexion.

With all the means of information, furnished by every motive of duty, and every inducement of interest, we are constrained to say, that this evil of impressment has been grossly exaggerated; that we have reason to believe, an honest and fair proposal, as honestly and fairly executed, to exclude the subjects of Great-Britain from our service, would have much more effectually relieved our own seamen, and more essentially advanced their interest, than a resort to War; that the true interests of the United States coincide with the policy, adopted, by all other countries, and that we should be more independent, our seamen would be better protected, and our country eventually more prosperous, by renouncing altogether, the pretension of screening, and employing British seamen.

The doctrine of natural allegiance is too well founded, has been too long established,

and is too consonant with the permanent interest, the Peace and Independence of all nations, to be disturbed, for the purpose of substituting in its place, certain visionary notions, to which the French revolution gave birth, and which, though long since exploded there, seems still to have an unhappy influence in our country.

Having thus found the avowed causes of the War, and especially the motives for a perseverance in it, so wholly inadequate, to justify the adoption of that policy, we have been obliged to resort to other, and more concealed motives. We cannot, however, without the most conclusive evidence, believe, although the measures and language of some high public functionaries indicate the fact that ambition, and not justice, a lust of conquest, and not a defence of endangered rights, are among the real causes of perseverance, in our present hostilities.

Must we then add another example to the catalogue of Republics, which have been ruined, by a spirit of foreign conquests? Have we no regard to the solemn professions we have so often repeated, none to the example, none to the precepts of Washington? Is it possible, either to acquire, or to maintain, extensive foreign conquests, without powerful standing armies? And did such armies ever long permit the people, who were so imprudent, as to raise and maintain them, to enjoy their liberties?

Instances of military oppression have already occurred, among us; and a watchful people, jealous of their rights, must have observed some attempts to control their elections, and to prostrate the civil, before the military authority. If the language of some men high in office—if the establishment of a chain of military posts, in the interior of our country—if the extensive preparations which are made in quarters, where invasion cannot be feared, and the total abandonment and neglect of that part of our country, where alone it can be apprehended, have excited our anxiety and alarm, as to the real projects of our rulers, these emotions have not been diminished, by the recent invasion, seizure and occupation of the territory of a peaceable, and undefending neighbor.

If War must have been the portion of these United States—if they were destined by Providence to march the downward road to slavery, through foreign conquest and military usurpation, your Remonstrants regret, that such a moment, and such an occasion should have been chosen for the experiment—that while the oppressed nations of Europe are making a magnanimous and glorious effort against the common enemy of free States, we alone—the descendants of the Pilgrims—sworn foes to civil and religious slavery, should voluntarily co-operate with the oppressor, to bind other nations in his chains; that while diverting the forces of one of his enemies from the mighty conflict, we should endanger the defenceless territories of another, in whose ports the flag of our independence was first permitted to wave, now struggling for existence beneath his iron grasp.

Permit the Legislature of this Commonwealth, whose citizens have been ever zealous in the cause of freedom, and who contributed their utmost efforts for the adoption of that Constitution, under which, in former times, we enjoyed so much prosperity more respectfully, but earnestly, to entreat and conjure the constituted authorities of the nation, by the regard due to our liberties to our union, to our civil compact, already infringed—to pause before it be too late. Let the sober, considerate and honorable Representatives of our sister States, in which different councils prevail, ask themselves.

Were not the territories of the U. States sufficiently extensive before the annexation of Louisiana, the projected reduction of Canada, and seizure of West-Florida?

Had we not millions upon millions of acres of uncultivated wilderness, scarcely explored, by civilized man?

Could these acquisitions be held, as conquered provinces, without powerful standing armies? and would they not, like other infant colonies, serve as perpetual drains of the blood and treasure of these U. States? Or is it seriously intended to adopt the dangerous project of forming them into new States, and admitting them into the Union, without the express consent of every member of the original confederation? Would not such a measure have a direct tendency to destroy the obligations of that compact, by which alone our Union is maintained?

Already have we witnessed the formation and admission of one State, beyond the territorial limits of the United States, and this too, in opposition to the wishes and efforts, as well as, in violation of the rights and interests of some of the parties to that compact—and the determination to continue that practice, and thereby, to extend our re-