

Macon and others. In these measures as unwise, as humiliating, Mr. Madison was not at all seen by his constituents. Not a suspicion was entertained that he had any participation in acts so poorly calculated to effectuate their professed purpose of avenging the insults, of repairing the injuries, and of maintaining the rights of the United States. To account then for the very acute sensibility of Mr. Madison as to these two bills, it has become indispensably necessary to the purpose of this address to draw the mysterious curtain that at first entirely, and yet does in part, veil these transactions, and to state to my countrymen that the reprobated bills usually called Macon's Bill No. 1, and Macon's Bill No. 2, were in fact the special contrivance of Mr. Madison himself; that they were his great and efficient measures of the session; that instead of being recommended to congress by the president himself, as the constitution wisely required, they were severally, through a certain medium, handed to Mr. Macon, to be, it would seem, by him recommended.

Of these two measures which were alike regardless of the prosperity and honour of the United States, I could permit not myself to be the advocate and, especially, as I was well persuaded that the good sense, the honourable principles and the patriotic feelings of my countrymen would utterly condemn them.

Art. 3. During the session of 1809-10, certain members of the legislature not satisfied with the policy of the measure, that had been proposed by Mr. Macon, strongly and repeatedly urged Mr. Madison to recommend to congress by a message, the necessity of bringing forth the resources of the nation for the purpose of avenging the insults, of repairing the injuries, and of maintaining the rights of the United States. Yielding to their importunities, he finally sent to congress the following message.

The President's Message to both Houses of Congress, delivered on the 3d of January, 1810.

"To the Senate & House of Representatives of the U. States. "The act authorizing a detachment of 100,000 men from the militia will expire on the 20th March next. Its early revival is recommended, in order that timely steps may be taken, for arrangement, such as the act contemplated.

Without interfering with the modifications rendered necessary by the defects, or the inefficiency of the laws restrictive of commerce or navigation, or with the policy of disallowing to foreign armed vessels the use of our waters, it falls within my duty to recommend also, that in addition to the precautionary measure authorized by that act and to the regular troops for completing the legal establishment, of which establishments are renewed, every necessary provision may be made for a volunteer force of twenty thousand men, to be enlisted for a short period, and held in a state of organization and readiness for actual service, at the shortest warning.

I submit to the consideration of congress moreover, the expediency of such a classification and organization of the militia, as will best insure prompt and successive aids from that source, adequate to emergencies which may call for them.

It will rest with them also, to determine how far further provision may be expedient for putting into actual service if necessary, any part of the naval armament not now employed.

At a period presenting features in the conduct of foreign powers towards the United States, which involve in them the necessity of precautionary measures, involving expense, it is a happy consideration that such is the solid state of the public credit, that reliance can be justly placed, on any legal provision that may be made for resorting to it, in a convenient form, and to an adequate amount.

JAMES MADISON.

January 3, 1810.

To this Message I had the following objections:

1st. If the honour and the interest of the United States did in fact imperiously call for war, then, instead of the halfway measures contemplated in the message, the recommendation ought to have been, that the abundant physical resources of the nation should be duly organized and brought forth with a tone, that would unequivocally manifest at home and abroad, a determination to take a manly stand, and especially, as such a precautionary measure has, not unfrequently had the effect of averting war.

2d. If war was not the real object, whence was the necessity of filling the public mind with the alarm of war?—Whence the propriety of expending our treasures in calling to arms 20,000 such men? Whence the policy of tritling with the manly, generous feelings of a brave, honourable, enterprising people, as are the people of the United States?

3d. At all events, what ever may have been the real object, the studied ambiguity of the language of the message formed of itself a sufficient objection. Of this ambiguity Mr. Madison was duly apprised. And, as was foreseen, members of congress, not com-

prehending its meaning, applied, but in vain, for the requisite explanation. At length a republican senator, distinguished by his sound principles as a statesman as well as by his independent feelings as a gentleman, did in a very able speech make among other topics, the following pithy comment upon this extraordinary message:

"The President's message of the 3d inst. has been introduced by the chairman of the committee in support of this bill. Feeble must be the aid which this measure can derive from that source. This message in point of obscurity, comes nearer my ideas of a Delphic oracle, than any state paper which has come under my inspection, it is so cautiously expressed that every man puts what construction upon it he pleases. Is he for war? The message breathes nothing but destruction and bloodshed. Is he for peace? The message is mere milk and water, and wholly pacific. Is he for the bill before you? The message calls for its passage. Is he a friend to a large standing army? Why then the message means 20,000 regular troops.— Is he friendly to the militia? The message does not call for regular troops—it means militia. Thus, sir, this message means any thing, or nothing, at the will of the commentator. If this message is oracular in its meaning, it was no less miraculous in its promulgation. The newspapers to the east of this, stated that such a message would be delivered, and stated its contents nearly one week before it reached the two houses of congress. To account for this phenomenon, is neither within my power or province."

Art. 4. The nonintercourse law of the last session was also the device of Mr. Madison. It too was introduced by presidential machinery.

Should this statute be viewed, as it ought to be, in connexion with, and as emanating from, the law of May 1810, then will we have to look for the "fact" required by that law, namely, the actual revocation of the Berlin and Milan decrees.

If this revocation did in fact take place, as declared by the proclamation, then the act of May, communicated as it had been by the executive to the two belligerent powers, did become *ipso facto* a compact between the U. S. and France, and in that case neither party had a right to disregard, or by law to change, its stipulated terms and conditions, as this government confessedly did by the nonintercourse act of the last session.

The act of May 1810, it is a sorrowful truth, did not provide for several obvious cases wherein our merchants must necessarily have been much injured in the event of that law having been carried into effect in the crude form in which it had been passed. Of this improvidence our citizens might, in such case, well have complained against their representatives, executive as well as legislative; but, from it our government most assuredly could not have deduced a right to alter of itself the conditions of the compact. The other party might, indeed, from a sentiment of compassion for our artless simplicity, have consented to such a change; but, without such an acquiescence, it could not, upon any principle of natural or political law, be done.

If however, the emperor of the French did not in fact revoke, as declared by the proclamation, the Berlin and Milan decrees, the act of May did not become a compact between the U. S. and France, and, in that case, his imperial majesty had no claim against this government, founded upon that statute, to enforce the nonintercourse against the other belligerent.

What, then, was the evidence which had induced congress to consider these decrees repealed, and which had accordingly induced them to pass the nonintercourse law? To the president, in this as in every other case touching our foreign relations, the legislature must necessarily have looked for information and recommendation. From him they had in due form received what, they imagined, they were officially bound to consider as satisfactory evidence of the repeal of these decrees, namely, his proclamation and his message containing a recommendation to enforce the act of May 1810. In respect then to this evidence, and in pursuance of this recommendation, did congress pass the act called the nonintercourse law of the last session.

The nonintercourse law, let it be distinctly kept in mind, was passed after the arrival at Washington of the new French minister, viz. on the 2d day of March, 1811. And I have moreover, to entreat my countrymen deliberately and dispassionately to view it in connexion with my letters\* to gen. Armstrong of the 5th of June and 5th of July, 1810, with my letter to gen. Turreau of the 18th Dec. 1810, and with the information hereaf-

\* Extract of a letter from the Secretary of State to Gen. Armstrong, dated June 5th, 1810.

"If however, the arrangement contemplated by the law should be acceptable to the French government, you will understand it to be the purpose of the President, not to proceed in giving it effect, in case the late seizure of the property of the citizens of the U. States has been followed by an absolute confiscation, and restoration be finally refused. The only ground, short of a preliminary restoration of the property, on which the contemplated arrangement can be made, will be an understanding that the confiscation is reversible, and that it will become immediately the subject of dis-

ter detailed in the 6th article of this address. And, then, I trust, they will have a clear perception of the real ground of Mr. Madison's enmity to me with respect to this measure.

Notwithstanding the precise protestation, solemnly communicated to the French government and openly promulgated to the whole world, in virtue of the letters from the state department of June and July, 1810, that "a satisfactory provision for restoring the property, lately surprised and seized by the order or at the instance of the French government, must be combined with a repeal of the French edicts with a view to a nonintercourse with G. Britain," yet it is a fact, that before the passing of the nonintercourse law of the last session, viz. on the 20th February, 1811, the French government did officially and formally through their minister Mr. Serurier, communicate to this government their fixed determination not to restore the property that had been so seized: And, moreover, from the information which had been received by Mr. Madison, prior to the date of the nonintercourse law, it was, at the time of passing it, evident to my mind, that the Berlin and Milan decrees had not been revoked, as had been declared by the proclamation.

Art. 5. At the session of congress, 1809-10, a law passed making some new regulations to ministers and Barbary consuls. To this law Mr. Madison saw strong objections—so strong, indeed, that he has hitherto utterly disregarded its provisions. Not having deemed it advisable, at the time this bill was submitted to him for his approbation, to return it with his negative, and not having considered it expedient at the last session to recommend, as the constitution requires, its repeal or its modification; he, at a late period of the session, pressed me much to prevail upon some member to introduce with that view, a bill into congress. I remarked to him as respectfully as I could, that I had powerful objections to every kind of private intermeddling with the business of members of the legislature, and especially, to such secret modes of recommending public measures to the consideration of congress. He received my remark with great perturbation and was evidently much displeased.

Owing to the untoward provisions of this law, and to the unfortunate rules of Mr. Madison's calculating policy, six at least of our functionaries abroad, not holding their appointments as this law directs, are not entitled to and cannot receive the compensation provided by law for their services.

Art. 6th. Sensible as I ever have been, to the insults and injuries which the United States have received, again and again, from Great Britain, I have at no time been blind to the reiterated outrages of France. And whatever may have been my view of the edicts and proceedings of either of these powers compared with those of the other; I, in my discussions with their respective functionaries, have invariably had my eye steadily on the rights, the interest and honour of the United States. Never have I felt a disposition to identify my country with either of the belligerent nations. Never did I abstain from asserting the rights or from vindicating the honour of the United States from an apprehension that either France or Great Britain might thereby be exhibited to the world in an odious point of view. The following draught of a letter to general Armstrong was accordingly prepared by me immediately after the letter\* of the duke of Cadore to which it refers, had been received. It was in the usual form laid before the president in connexion with a reasonable prospect of justice to our injured citizens."

Extract of a letter from the Secretary of State to Gen. Armstrong, dated July 5th, 1810.

"As has been heretofore stated to you, a satisfactory provision for restoring the property lately surprised and seized by the order or at the instance of the French government, must be combined with a repeal of the French edicts, with a view to a nonintercourse with G. Britain; such a provision being an indispensable evidence of the just purpose of France towards the U. States."

\* The letter of Feb. 14th, 1810, from which the following is an extract.

"His majesty could place no reliance on the proceedings of the United States, who having no ground of complaint against France comprised her in their acts of exclusion, and since the month of May have forbidden the entrance of their ports to French vessels under penalty of confiscation.—As soon as his majesty was informed of this measure, he considered himself bound to order reprisals on American vessels, not only in his territory, but likewise in the countries which are under his influence. In the ports of Holland, of Spain, of Italy and of Naples, American vessels have been seized, because the Americans have seized French vessels. The Americans cannot hesitate as to the part which they are to take. They ought either to tear to pieces the act of their independence, and to become again, as before the revolution the subjects of England, or to take such measures as that their commerce and industry should not be taxed by the English, which renders them more dependent than Jamaica, which at least has its assembly of representatives and its privileges. Men without just political views, without honour, without energy, may allege that payment of the tribute imposed by England may be submitted to, because it is light; but why will they not perceive that the English will no sooner have obtained the admission of the principle than they will raise the tariff in such way that the burthen at first light, becoming insupportable, it will then be necessary to fight for interest after having refused to fight for honour.

for his approbation. He, however, objects to the sending of it. And, as there is no reason to believe, that this very letter contained part of the ground of the holding Mr. Madison to me, it is but proper to publish it publicly.

Copy of the draft of the letter proposed to be sent to gen. Armstrong.

Department of State, June 11, 1810.

GEN. ARMSTRONG,

Your letters of the — with their relative enclosures were received on the 21st of May.

In the note of the duke of Cadore both can be perceived to justify the seizure of American property in the ports of France in those of her allies. The facts as well as the arguments, which it has assumed, are refuted by events known to the world, particularly by that moderation of temper, which has invariably distinguished the conduct of this government towards the belligerent nations. After a forbearance equalled only by our steady observance of the laws of neutrality and of the immutable principles of justice, it is with no little surprise to the president discerns in the French government a disposition to represent the U. States as the original aggressor. An act of violence which under existing circumstances is far less than an act of war, necessarily required an explanation, which would satisfy only the United States, but the world, in the note of the duke of Cadore, instead of justification, has not furnished even a plausible palliation or a reasonable apology for the seizure of the American property.

There has never been a period of peace when the United States have ceased to protest against the British orders in council. With regard to the resistance which the United States may have deemed it proper to oppose to such unlawful restrictions, it evidently belonged to the American government alone to prescribe the mode. If a system of exclusion of the vessels and merchandise of the belligerent powers from our ports has been preferred to war, if municipal prohibition has been resorted to instead of a retaliatory, with what propriety can the emperor of the French pretend to see any method of proceeding, any thing else than a lawful exercise of sovereign power?—To construe the exercise of this power in a cause of warlike reprisal is a species of delusion, which could not be admitted, would have a tendency to subvert the sovereignty of the U. States.

France has converted our law of exclusion into a pretext for the seizure of the property of the citizens of the U. States. This statute was also in force against the vessels of Great Britain. If its operation had been considered by the French government as sufficient efficacy to justify this pretended reprisal, that very operation, as it would have been more severely felt by Great Britain, ought also to have been considered as creating a resistance to her orders, and the existence of which resistance has been declared by the duke of Cadore as the pretext for an act of violence exercised on the American property. The United States having filled the British orders, the real ground of complaint would seem to be, not so much that the American government has not refused a tax on their navigation, as that it has refused the French decrees, which have assumed a prescriptive power over the ports of the U. States, as reprehensible as the attempt of the British government to levy contributions on our trade was objectionable. Placed in a situation where a tax was claimed on the one hand, and a rule of exclusion on the other, the United States owed it to their own honour to resist by corresponding measures the cupidity of one and the presumption of the other.—When the American government sees in the provisions of the British orders an assumption of maritime power in contravention of the law of nations, how can it fail also to perceive in the French decrees the adoption of a principle equally derogatory and injurious to the neutral character of the U. States.

The pretension of subjecting American navigation to a tax, as advanced by the British order of November 1807, was in reality withdrawn by the order of the 26th of April, 1809. Yet ten months subsequent to the recall of that pretension, its alleged influence is made the basis of reproach against the American government by the emperor of the French. It would be fruitless to contend upon the disposition to insist upon the prevailing influence of a fact which no longer exists; which, when it did exist, was uniformly combated; and the final extinction of which was the manifest consequence of the measures of this government.

If the American government had seized French vessels as erroneously asserted in the note of the Duke of Cadore, the occurrence could only have been attributed to the treachery of their owners or commanders, who after a previous notification, from the 18th of March to the 20th of May, of the act of exclusion, would have strangely presumed upon impunity in the violation of a prohibitory municipal law of the U. States. Had France interdicted to our vessels all the ports within

the sphere of her influence, as a warning of equal duration by our law, there would have been no complaint on the part of the French government would not the opportunity of exercising a manner as contrary to the spirit of justice, over the citizens of the U. States.

It was, at all times, in France to suspect with regard to exclusion of which France is annulling or modifying propositions to this effect have been government through your grace to be accepted. On the contrary, which was calculated to produce a result than that of leading between the two countries of congress of the last session again afforded to his imperious with the most amicable relations of the U. States and France. or modify his decrees; and a law of the U. States which the president to promote the understanding with France a system of exclusion against the merchandise of G. B. in the event of a nonintercourse with France. In fine as the emperor will not consent to the same just terms as the fact that no French vessel unlawfully seized in the U. States as the law of exclusion a decree of France is no more there can be no longer a folate pretext for protracting the American property, detained government, into the possession of the owners.

These observations you present to the view of the Emperor in order that the emperor may be induced to relinquish his rights, and that they may adjust all differences with France upon a basis equally acceptable to both nations. I have the honour to be

Gen. Armstrong, &c.

(To be continued)

On Saturday morning last, the U. S. Frigate Smith, with Mr. Pinkney (heretofore at London,) and Family, sailed on the 12th March, for the new—Also arrived the Frigate Minerva, with the British minister, and suite, and at this place the far respective things saluting—The ship sailed on to Washington on the 6th of May.

MELANCHOLY A

Yesterday morning, whilst waiting the cornice of the house, Mr. William Sewell, Mr. Boyer, were thrown from the roof, by the falling of the cornice, which they stood by, the unfortunate circumstance materially injured as to the health of the Boy was so serious that he is to be confined to his bed.

Being desirous of giving such assistance as may be necessary excluded from our columns, which

DIED, At Frederick

Col. BAKER JOHNSON.

In George-Town

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July 1, 1811.

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