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SPEECH

John Pickens's
OF

ROBERT GOODLOE HARPER, ESQ.

AT THE

CELEBRATION

OF THE

RECENT TRIUMPHS

OF THE

CAUSE OF MANKIND,

IN

GERMANY.

DELIVERED AT ANNAPOLIS, JANUARY 20, 1814,
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John Dickinson

ROBERT GOULD OF HARTFORD, ESQ.

RESPECTFULLY

RECOMMENDS TO YOUR

CONSIDERATION

THE

WORKS OF THE REV. DR. JOHNSON

ALBANY

SPEECH

OF

ROBERT GOODLOE HARPER, ESQ.

“THE Deliverance of Germany is effected. The emancipation of Europe is secured. National independence is re-established. We are saved from the chains prepared for us ; which the sinister views of some among us, and the infatuation of many, were ready to rivet.”

Such, in the language in which this solemnity was first announced, are the events which we are this day assembled to celebrate. Such are the glad tidings which it is the object of this address to proclaim. They ought to sink deep into our minds, and to fill our hearts with gratitude and joy ; for they come home to our fire-sides and our bosoms ; they touch us in all the dearest relations of life, as citizens and as men.

Among these events the deliverance of Germany claims our first attention ; not only as prior in time, and leading to the others, but on account of the character and sufferings of the nation thus delivered. It was on Germany that the galling yoke of French bondage bore the most heavily. Situated near to the oppressor, she was completely within reach of his arm. On the high road towards his further conquests, she was subject to the perpetual inroads of his armies. They were quartered on her in the intervals of attack. Her substance was consumed or wasted in their support ; her treasures exhausted for their pay ; her fields and villages laid waste by their excesses ; and her cities exposed to perpetual pillage, to enrich their chiefs. Her war-like sons were dragged into the field, to fight in distant climes the battles of her oppressor, or to assist him in fixing chains on such of their countrymen, as still retained some portion of independence. Her governments were converted into engines for rendering her slavery more galling and complete. A nation renowned, in ancient and modern times, for military glory ; excelling in literature science and the arts : justly proud of the illustrious names, which in every age it has numbered among its

sons ; of its successful resistance to the Roman power, and its pre-eminent rank so long maintained ; was compelled to see its rights and liberties every where trampled in the dust, by insolent foreigners, who in the wantonness of power added every species of personal and private outrage, to the overflowing measure of public calamity. In one of its cities* the whole mass of inhabitants, without distinction of age sex or condition and among the rest, a venerable priest of 90 years old, were compelled to work in turn on the fortifications, like common laborers, without the privilege of hiring substitutes, and exposed to the lash of military task-masters. In the same place a decree was made and enforced, condemning females however respectable to be publicly whipt, if they should be seen to the number of four, conversing in the streets. In another city† an order was published, that the inhabitants should be shot, if they were seen conversing with any of their countrymen or friends, who might be brought in as prisoners of war, or were detected in rendering them any office of kindness or comfort. Every where the public institutions were abolished, the domestic asylums violated, the substance of the people wasted or carried off, and their persons subjected to every outrage, which the numberless satellites of a foreign despotism might be impelled, by insolence cruelty or lust, to inflict.

What more worthy of sympathy than such a nation, so oppressed ? What more affecting or delightful than to see it, with it's fetters broken, rising as one man on its oppressor, and driving him from its borders ?

It is not, however, in this view alone that we ought to exult in the deliverance of Germany. It has broken the right arm of the oppressor's power. The wealth of Germany heretofore supplied his coffers. Her war-like legions swelled his ranks. Her fertile fields filled his magazines. Her rich pastures fed horses for his cavalry and artillery, her mines founderies and laboratories supplied his arsenals. Her men of science studied, her artizans and husbandmen labored, and her soldiers fought, for the extension and establishment of his power. Those elements of force, physical and moral, with

* Hamburg, by order of Davoust, after he retook it in May, 1813.

† Leipsic, after the renewal of hostilities by General Arrighi, called in France the Duke of Padua.—Leipsic is a Saxon city, and Saxony was then the ally of Bonaparte.

To these instances may be added, as crowning the climax of insolence and barbarity, the following order of general Turreau, issued at Wurtzburg on the 23d of October 1813, while Bonaparte was on his retreat from Leipsic to the Rhine. Wurtzburg is a city of Germany, lying nearly on the line of his retreat, and on the road by which the Austrians and Bavarians were marching to intercept him.

H. 2. Wurtzburg, Oct. 23.

“ The town of Wurtzburg is declared in a state of siege, and all communications with the enemy are forbidden on pain of death ; and all offences or provocations against the French soldiers shall be punished by a like penalty. (Signed)

Turreau, Gen of Division.”

If offences, and even provocations against French soldiers were punished with death by this worthy satellite of Bonaparte, after the defeat of his master, we may easily conceive what was done in the insolence of victory and uncontroled power.

which she so much abounded, had been placed at his disposal. A series of usurpations, rendered successful more by fraud than force, more by the weakness jealousies and incapacity of her governments, than by his power, had made him absolute master of her means and resources. With these he assailed his stronger neighbors. By the aid of these he subdued or bent them, one after another, till in the fulness of his pride, he attempted to consummate his triumph over the liberties of mankind, by the subjugation of Russia and received from the hand of that gallant and patriotic nation, the blow from which he can never recover. It was on Germany that he placed his hopes of retrieving his fortune. It was in the heart of her empire that he essayed to make his final stand, from this stand he is now driven. Those means of her's which until his late defeat he still controlled, are now turned against him. That numerous and war-like people, smarting under numberless injuries, exasperated by numberless indignities, united by a deep conviction of common danger, and roused by the recollection of the past and the dread of the future, now stands in arms against him, the avenger of its own wrongs, and the bulwark of other nations. When weighed in the ballance, with this mighty weight transferred from his to the opposite scale, he must be found wanting.

But to appreciate justly the deliverance of Germany, in its influence and effects on the great cause of mankind, it is not sufficient that we look merely to the defeat of the oppressor; we must extend our view also to the means by which it was accomplished; and a glance over the operations and events of the campaign will give us the heart-cheering assurance, that we are indebted for this great event, not to any of the chances attendant on war, but to causes intrinsic and permanent; to superiority of force of discipline and of military skill.

When the Russian sword had swept from the earth the mighty host of the invader, and her triumphant Eagles had pursued its flying and scattered remnants from the Niemen to the Elbe, the victors, exhausted by their numerous battles, by the length and rapidity of their march, and the rigours of the season to which they had been exposed, found it necessary to stop for reinforcements and repose. A large portion of the force, with which they had crushed the foe at home consisted of the militia, hastily collected, imperfectly equipped, and unfit for long or distant operations. Much of their regular force was required for besieging the fortresses left by the invader in his rear, to protect his flight, and retard the pursuit. A large part was in the hospitals, recovering but not recovered, from the sickness and wounds of their bloody and laborious campaign. The nearest provinces of their empire, having been the seat of the war, were too much exhausted to furnish the necessary recruits and supplies, which were therefore to be drawn from the remoter parts. Their vast distance from the new scene of action, rendered this operation difficult and slow. Hence the Russian armies were incapable of advancing in force into Germany, several months after their victory in Poland. Their vanguard, indeed, reached Berlin and Hamburg, and rendered the most essential ser-

vices, by affording the Prussian monarchy an opportunity to rise ; but their main body, on which ultimate success depended, could not come up and act with effect, before the spring. Even then its force could not be by any means adequate, either to the power of the empire or the object of the war, for to collect from and bring up the new levies and reserves, would require a much longer time.

Prussia, indeed, united in the cause, with a courage worthy of her former fame, and a zeal proportioned to her recent sufferings. The nation seconded ardently the views of the government ; or rather the government obeyed the impulse of the nation. But her military system had been deranged or destroyed. Her finances were ruined by former military contributions, and the recent exactions of her oppressor. Her arsenals and magazines had been emptied, to supply him with the means of subjugating Russia ; and her remaining forces, which had been compelled to unite with him in the invasion, had shared in the disasters of his defeat and flight. Her troops, therefore, were inconsiderable in number, when by this defeat and flight she was left at liberty to join the good cause ; and with an exhausted treasury, a people impoverished, and territories diminished one half, she was in no condition suddenly to increase them. The zeal and devotion of her people indeed promised to overcome every difficulty, and supply every defect ; but time was necessary, and the force which she could bring into the field early in the campaign, was by no means considerable.

The universal enemy, on the other hand, was preparing with characteristic vigour and activity, for the renewal of the struggle. Carrying to France, himself, the first news of his overthrow, he reached Paris on the 18th of December, 1812. He lost not a moment.—Whatever of disposable force remained in his empire, was marched towards the Rhine. Forty thousand veteran troops, and his best generals, were drawn from Spain, and ordered to the same points. A new conscription of 300,000 was called out, one third of which was taken from the National Guards, a body already organized and trained. The assemblage and equipment of this great force, was pressed on with the utmost industry. France, though much exhausted, was still rich. Her male population, though much thinned, was still sufficient for further levies. A recent harvest had supplied the means of forming magazines. The labours of more than a year, in the founderies and manufactories, had filled the arsenals. He was still in possession of three fourths of Spain.—Italy was wholly under his dominion ; and he occupied and governed half of Germany. From these countries he could still draw troops and supplies, in aid of all that France herself could furnish. In fine, though his overthrow had been terrible, and the recovery of his former ascendancy was not to be much apprehended, his power was still vast, and his natural vigour and energy, in preparation and action, were goaded on and exasperated by the stings of wounded pride, and the thirst of vengeance.

He was thus enabled to take the field early in the spring, with a powerful army. He took his stand on the Elbe and the Saal, making the strong fortress of Magdebourg the centre of his operations,

and extending on his left towards Hamburg, and on his right towards the frontiers of Bohemia, thus he every where faced the Russians and Prussians, who held possession of Hamburg, and having united their forces in Brandenburg and Silesia, had entered Saxony, occupied Dresden, crossed the Elbe and the Mulda, and led by their monarchs in person were advancing to seize the line of the Saal.

They were not conducted by their renowned commander the venerable and illustrious Koutousoff, rendered forever famous by his campaign of 1812, and his triumph over the French Chief, till then deemed irresistible. He had seen the rescue and triumph of his country. He had hurled her thunders on the head of the proud invader, whose discomfited and flying legions had fallen beneath his avenging sword. He had seen Prussia rise from her bondage, and join with renovated spirit and strength in the good and great cause. He had seen the dawn of emancipation and independence in Germany. But he was permitted to see no more. Like the Prophet of old, who led his people from Egyptian bondage to conquest, and freedom, he viewed the promised land from afar, but could not enter it. His aged frame sunk under the efforts of his glorious career, and he descended to the tomb full of years and of glory, carrying with him the love of his own country, the admiration of Europe, and the benedictions of the wise and good in every clime.

His mantle descended on his disciple and successor, the gallant and skillful Witgenstein, who had conducted the advancing army from the time when Koutousoff fell sick, and now received the chief command. On the river Elster between Mulda and the Saal, near Lutzen, celebrated for the victory and death of Gustavus Adolphus, and not far from Leipsic, lately rendered so famous, the opposing armies met.† The allies attacked. They hoped by a vigorous onset to break the force of the enemy, not yet fully organized, and to finish the campaign at a single blow. Had they been completely victorious, Germany would have then been free; Austria would have joined the common cause; the usurper would have been driven back on France, where there was reason to hope, in the state of his affairs at that time, that he would meet his destruction, and the world find freedom and peace. It was therefore wise to make the effort; but would have been ruinous to push it too far. The contest was skillful obstinate and equal. The allies gained the field, but their forces were not then sufficient to pursue the advantage. The position of the enemy was too strong to be attacked, without exposing themselves to the danger of a defeat, which might have produced the most disastrous effects. The arrival of fresh troops the next day gave him the superiority. They then retired slowly and in good order, with a view of receiving their reinforcements. He advanced and claimed as usual the victory.

The plan of operations then adopted by the allies was profoundly wise, and proved that although the person of Koutousoff was no longer with them, his mind and spirit transfused into his successors

† On the 2d of May, 1812.

were still there. Avoiding general actions, in which the hopes and strength of their adversary lay, they resolved to pursue a war of posts, to fall back on their resources and supplies, and draw him away from his own; to remove the subsistence and forage as much as possible out of his way; to occupy every strong position one after another, and compel him to purchase them all by sanguinary battles; in which he attacked, and they fought behind entrenchments, his loss must be far greater than theirs, and his army must be weakened and wasted away, while their's grew stronger and stronger, by uniting continually with reinforcements in their rear.

The first fit occasion which occurred for executing this plan, was at Bautzen, about twenty miles east of Dresden, on the 19th of May 1813.—There they made a stand, which produced a series of obstinate and bloody actions, for four successive days. In the end he drove them from all their positions, but with immense loss on his part. They fell back according to their plan, at leisure and in good order. He followed, and boasted of new decisive victories. They soon prepared for another stand; but he was too much crippled in the former operations to repeat them, without waiting for large reinforcements. To gain time for this object, and for refreshing his harrassed and exhausted army, he proposed an armistice for six weeks, which should leave the parties in possession of the ground which they held at its commencement.

The pretext for this proposition was to negotiate for peace: its real object was to prepare for war. Of this the Allies could not have been ignorant; but they too wanted time. Prussia had not yet mustered, organized and trained her forces. The reserves and new levies of Russia had not come up. The Swedes had not reached the scene of action. Much was in preparation and forwardness: comparatively little was completely ready. And above all, Austria had not finally resolved on her part; or what is much more probable, did not find herself quite ready for action. She wished to gain further time for preparation, or to furnish herself with a fair pretext for the intended rupture, by proposing terms of general accommodation, which she well knew would be rejected. Probably she had both objects. The Allies therefore, who had a perfect understanding with her, consented to the armistice. The arch deceiver was himself deceived; his insidious policy was turned on himself; and he became the victim of his own artifice.

This interval of temporary peace was employed by both parties in the most active preparations for renewed hostility. The military plans of the Allies were as profound, as their political conduct in agreeing to the armistice had been adroit. Austria, without declaring herself, and still endeavouring to negotiate, imperceptibly formed a powerful corps in Bohemia. To this were added from time to time strong bodies of Russians, and Prussians. This was destined to form the grand army of the Allies, operating upon the enemies right flank and threatening his rear should he remain in a very advanced position at the renewal of hostilities; and here the Russian Austrian and Prussian monarch's took their stand.

In Silesia, in front of the enemy, they formed a strong army of

Russians and Prussians, commanded by the Prussian general Blücher, justly celebrated for his operations after the battle of Jena, in which he alone maintained the military renown of his country, and proved himself a worthy pupil of the great Frederick. Behind this army was posted the grand Russian army of reserve, under the veteran Benningsen, famous for the battles of Pultusk, Moringhen, and Eylau, in the last of which the grand French army commanded by Bonaparte in person was repulsed, and would have been totally defeated, had the commissary department of the Russian army performed its duty.

To the North, on the left flank of the enemy a third army was formed, commanded by the crown prince of Sweden, and composed of Russians Prussians and Swedes. This army extended along the Southern frontier of Prussia, from the Oder to the Elbe. It was destined to press on the left flank of the enemy, to threaten his rear by movements on its right, to interrupt his communications, and to fall on his flank or rear, in case of his advancing in force against the armies of Silesia or Bohemia.

A separate corps of Russians, commanded by Walmoden, and under the orders of the Crown Prince of Sweden, operated lower down the Elbe, to hold Davoust in check, and cover the North of Germany.

The great principle of this vast and comprehensive plan, was to harass and irritate the common enemy, by attacks in his front; thus to pique his pride and draw him on in that direction; to close on his flanks and rear, as soon as he should be sufficiently advanced, cut off his retreat, crush him between surrounding armies, and finish the war and his career at once. If he should avoid this snare, the next object was to compel him to retreat, by operations on his flanks and rear, by interrupting his communications, cutting off his supplies, and cramping his movements; to attack him in his retreat, after his army should be weakened by desertion, sickness, fatigue, frequent actions, and want of supplies; and to crush him before he could effect his escape.

The object and tendency of these skilful and formidable arrangements, could not escape so experienced a commander. He was not wanting to himself in this great emergency, but exerted his utmost skill and power, to frustrate the plan. He brought up vast reinforcements. He withdrew his main army to the Elbe, and fixed the centre of his operations at Dresden, which he fortified with the utmost care. He strengthened and strongly garrisoned the fortresses below it on the Elbe, to cover his rear, keep open his communications, and favor his retreat in case of need. He opposed a strong corps under M'Donald to Blücher in Silesia; and a still more powerful one under Ney, to the Crown Prince of Sweden. He reinforced Davoust on the lower Elbe. With the main body of his army he took post himself at Dresden, opposed directly to the grand army of the Allies, and ready to act in every direction, as occasion might require.

Such was the state of things, and the situation of the contending parties, when on the 10th of August Austria declared openly for the Allies, and the termination of the armistice was announced for the sixteenth. The command of the grand army in Bohemia, was given to the Prince of Schwartzenberg, an Austrian general; the king of Prussia was declared generalissimo of all their forces; and Moreau, who had recently arrived, acting under him with the rank of major-general and head of the staff, was in fact, though not in name, the commander in chief.

Alexander, the soul the heart and the arm of the confederacy, strove to appear a secondary character. Fearful of wounding the pride or awakening the jealousy of those whose battles he had come to fight, he bestowed the chief distinction on his Ally, whom he had rescued from bondage, and who had recently been in arms against him. Wishing to set an imposing example of disinterestedness and moderation, and to remove all cause of apprehension from the greatness of his power, he bestowed the command of his troops on Austrian Prussian and Swedish Generals, and distributed them among all the armies. His generals, imitating his magnanimity, served with alacrity and zeal under officers who were, in some instances, their inferiors in military rank and reputation. To promote that mutual confidence which he perceived to be so indispensable to the success of the GREAT CAUSE, he sacrificed all that, to inferior minds, would have appeared most desirable. How sublime a spectacle does such conduct present to us! How far does it raise its author above the level of the vulgar great!

The termination of the armistice was the signal for action, to the gallant and indefatigable Blucher. He instantly attacked M'Donald, and drove him from Silesia. Bonaparte hastened, with some choice troops, to the relief of his general. Blucher then retired, according to the plan of operations, hoping to draw after him the arch enemy, in whose absence the grand army of the allies advanced from Bohemia to attack Dresden. He flew back to defend that position, which it was all-important for him to maintain. He arrived the night before the attack, which took place on the 26th of August, and was renewed on the 27th, without success.

Then fell the great and good Moreau, removed by Providence, whose ways are past finding out, at the moment when his great talents were called into the highest usefulness; when his innocent and virtuous life was devoted to the cause of mankind and his country. I say of his country; for to rescue his bleeding country from the bondage under which it had so long groaned, was the first of duties, and the highest of merits. This duty he might have performed had he been spared; but Providence has otherwise ordered, and it becomes us to bow with submissive reverence to its decree. Yet while we kiss the rod we must feel the smart. Without arraigning the wisdom of this dispensation, we may lament the untimely fate of the hero; on whose grave every friend of humanity, every lover of virtue, every admirer of talents, shall drop a tear; and whose me-

mony shall be embalmed, through future times, in the respect and affection of the virtuous and the wise.

The French chief was soon recalled to Silesia, by the operations of Blucher, who had again attacked and defeated M'Donald, and again retired at the approach of Bonaparte. This effort to relieve himself in his front, was accompanied by one on each of his flanks. The first was conducted by Vandamme, on the side of Bohemia, who was totally defeated, and made prisoner, with the capture or dispersion of his whole corps. The second by Ney, with a large army, was directed against the Crown Prince of Sweden, by whom the assailant was beaten and driven back, with very great loss. This severe check recalled Bonaparte a second time from Silesia. He was forced to leave M'Donald to his fate, and return to provide against more serious operations on the Elbe. Blucher again advanced and drove M'Donald before him, almost under the walls of Dresden. The grand army of the allies began to file from Bohemia, into the plains of Saxony, in the rear of Dresden. The Crown Prince crossed the Elbe below, and prepared to cut off the communication with the Rhine, by advancing towards Leipsic. Benningsen, in the mean time, had come up with the Russian army of reserve, to take Blucher's place; and the latter, by a march of unexampled rapidity, crossed the Elbe, placed himself in communication with the Crown Prince, and took post on the Saal.

While these grand movements were going on, which the arch enemy found himself wholly unable to prevent or frustrate, partizan corps from both armies ranged through the country in his rear, intercepted his supplies, and rendered all his communications precarious and difficult.

Thus situated; foiled in all his attempts to extricate himself; driven back on every side upon his central position; his forces wasting away by continual combats, while his enemies daily increased in numbers and spirits; his communications interrupted, and two powerful armies wheeling into his rear; he at length found it necessary to commence his retreat.

Leipsic was his next great point of support, and there he hoped to make another stand. But he was soon encountered by his indefatigable enemies, who brought him to action on the 16th of October. He was attacked on one side by Blucher, and by Schwartzenberg with the grand army on the other. Benningsen and the Crown Prince had not yet come up. Blucher was victorious. On the side of the grand army the battle was equal.

The positions which his enemies had now gained, rendered it impossible for him to avoid a general action, under every disadvantage, for which the allies were concentrating their forces. The 17th was spent in preparation for this mighty and decisive conflict. On the morning of the 18th, the Crown Prince and Benningsen having arrived in their positions, the attack was commenced on every side, and on every side it was completely successful. The tyrant, after a long and desperate struggle, was completely defeated, with immense loss, and driven within the walls of Leipsic for shelter. In that

fastness he was the next day attacked, and a second time owed his escape to a precipitate flight. The place was carried by storm two hours after he left it. His arsenals, magazines, and hospitals, with the sick and wounded of his army, and the garrison of Leipsic, fell into the hands of the victors. Separated by the skilful movements of the allies from the whole line of the Elbe, where he had several strong holds; from all the north-western parts of Germany, where he had troops and supplies; from Erfurth on the direct road to France, a strong post, where large magazines and stores had been laid up for a time of need,* he took, with the shattered remnant of his force, the road to Frankfort and Mentz, by way of the Saale, the only one which remained open. His evil genius, Blucher, instantly commenced the pursuit, on his right flank. A corps of 25,000 Austrians, which, during the great battle of the 18th, manœuvred to the south west of Leipsic, will harrass him on his left. The main army of the allies will press on his rear. His march, with a beaten reduced and dispirited army, lies through a hostile country, where he possesses no magazines; and every effort will be made to remove the provisions and forage out of his reach. Such at least, we may presume, will be the conduct of the allies, judging from what they have already done. Should he escape to the Rhine, which is very probable, though by no means certain, he will reach it little better than a fugitive, and with little more than the skeleton of an army. His pursuers, on the other hand, will gather strength as they advance, by the union of the newly emancipated Germans, every where eager, like the Saxons Bavarians Westphalians and Wirtembergers, to fight for the liberties of their country. They will be abundantly supplied with every thing necessary, and receive every facility in their march which the ardent good will of the inhabitants can afford. Their sick and wounded will be nursed in comfortable quarters, and soon enabled to rejoin their colors. Thus the allied armies will reach the Rhine with augmented strength, and spirits flushed with victory; and they will have the whole of Germany behind them, ready to furnish recruits and supplies.†

It is not then too much to pronounce that "Germany is delivered." The victory was achieved by superior force, directed by superior skill. Before the armistice, the allies were not prepared for action. Their plans were not matured, nor their force complete. To consent to the armistice therefore, was a profound stroke of

* This, from information subsequently received, appears to be incorrect. It is general Stewart's account; and no doubt troops had been placed on the road to Erfurth; but they were not strong enough to arrest the progress of the retreating army, which opened its way to Erfurth, and from thence to Mentz on the Rhine, by the way of Hanau and Frankfort

† It appears from the French accounts, since received, that Bonaparte reached Franfort on the Maine with his army, on the 31st of October. He commenced his retreat from Leipsic on the 19th. The distance from Leipsic to Frankfort is more than 200 miles. Forced marches for twelve days, at the rate of almost twenty miles a day, with one army pressing on his rear, and another endeavoring to intercept him in front, were sufficient to ruin his army, if it had not been ruined before. Such a retreat is a disastrous flight.

policy. It gained the necessary time for preparation, which they employed in the most skilful and vigorous manner. In every operation after the renewal of hostilities, except the attack on Dresden, they were completely successful. They beat the invader in every rencontre, harrassed pressed and distressed him on every side; and finally, by their skilful manœuvres, compelled him to abandon his strong position at Dresden. Intercepting him in his retreat, they cut him off from his boasted line of fortresses on the Elbe, and forced him to a general action on the most unequal terms; in which, for the first time, he sustained a total defeat. He had been repulsed at Eylau, Essling, Borodino, and Lutzen; but he had maintained his ground after each of those great battles, and soon replaced himself in a situation to advance. By a succession of partial actions, his great army in Russia had been at length destroyed. But at Leipsic alone was he completely routed, in a pitched battle, and compelled to fly, with the loss of his hospitals and magazines, and a great part of his baggage ammunition and artillery. This is therefore not an accidental isolated and transient success, but a lasting superiority, gained by wise plans, steadily pursued, and ably executed. As its causes are intrinsic and inherent, we may justly hope that its effects will be permanent.

It may also be pronounced, that the deliverance of Germany, thus atchieved, must draw after it the emancipation of Europe, and the re-establishment of national Independence.

We have already seen how large a part of the tyrants power, was derived from his dominion over Germany. That force is now turned against him. The Russians Austrians and Prussians, too strong for him on the Elbe, will be far stronger on the Rhine; because all Germany between those rivers, with the addition of Bavaria Franconia and Swabia, will be taken from one scale and placed in the other. Pressed hard on the Rhine, and deprived of Bavaria and the Tyrol, it will be impossible for him to maintain himself in Italy. He must be driven from that country, or abandon it to its fate; and its resources will no longer augment his means of attack on other nations. Happy would it be for that delightful region, if it could be freed from all foreign dominion, and united under one great national government. Then might the Italian nation resume its long lost rank among independent States. Then might it become an important and useful member of the great European family, an efficient weight in the balance of power, without the preservation of which national independence cannot exist. But if this most desirable event cannot take place, and the various and complicated interests which enter into the subject almost preclude the hope of it, every sound politician, and every friend of humanity, in every country, must wish to see the ruthless iron handed despotism of France abolished there, and the mild paternal government of Austria restored. Of this event, so devoutly to be wished, the deliverance of Germany authorises us to indulge the most sanguine hopes.

The emancipation of Spain we may consider as already accomplished. What remained to be done of that great work, must speed-

ily follow the Tyrants overthrow in Germany ; and then Switzerland and Holland will alone remain under the yoke. Those interesting countries, too weak to struggle effectually for themselves, must look for their deliverance to the power and magnanimity of the Allies. We may say also to their wisdom : for true policy requires that they should follow up their blows, till the arm of the oppressor is effectually broken, till every nation is restored to its liberty, and he is rendered incapable of future usurpations. Let us hope that in this, as in the other parts of their conduct, they will listen to the voice of true wisdom, which it also the voice of a magnanimous generosity. Then may we see Switzerland and Holland also numbered again among free nations, rising from their depressed and degraded state, and regaining gradually their former happy condition.

But let us not deceive ourselves, in the ardour of a generous enthusiasm. These happy and glorious results are in the highest degree probable. The most important of them are absolutely certain. But the work is by no means finished. Much yet remains to be done, which requires vigour perseverance and above all union, on the part of the Allies. The monster is maimed, but not destroyed : unless the French themselves should rise upon him and crush him, which considering their degraded condition, and their spirits bowed down and broken by long and severe oppression, there is too little reason to hope, he will still make a long and desperate struggle.

While that struggle continues we can hope for no peace, unless made wise by experience or by suffering, we drive from power those who now direct our affairs. Connected with him in views and in feeling, by their interests and their passions, they will continue the contest here, while he continues it in Europe, and they retain their power. His downfall indeed has deprived the serpent of its sting. The war cannot now endanger our liberties. We shall not become his vassals and slaves, after having already become his allies. We shall not see a French Prefect, first under the name of a minister, but soon in his proper colors and title, control our affairs, convert our miserable administration and noisy patriots into the engines of his power, subvert our constitution, and trample our liberties and rights in the dust. In this sense we may as truly as joyfully exclaim, that "we are saved from the chains prepared for us, which the sinister views of some among us, and the infatuation of many, were ready to rivet." Thanks to a merciful Providence, and to its chief instrument in this work the good and great Alexander, this portentous storm has passed over. War we shall still have, till we ourselves shake it off, with its authors. It must be a war of suffering ; it probably will be a war of disgrace ; but it cannot now be a war of slavery. It will leave us with our constitution and liberties entire, or but slightly impaired ; and when we shake off the incubus, as sooner or later shake it off we must, we shall awake as from a troubled and frightful dream, to the cheerful day of prosperity and happiness.

Are there any who doubt the truth of these assertions ? Are there any who consider these charges as harsh or unfounded ? Let

such, if such there be, carry back their minds to the origin of this war. Let them explore its causes, and reflect on the manner and spirit in which it has been conducted. Let them recollect the fate of those unhappy nations, whom guilt folly or misfortune have made his Allies. They will then be at no loss to discern the consequences which this war must have produced, had the destroyer been as successful in Europe, as was hoped and anticipated by its authors. They will discern that its true objects have never been avowed; that its avowed objects were mere pretex^ts; that the cant about "free trade and sailors' rights" was nothing but a bait, to catch the ignorant and unthinking; that the root of the war was inveterate hostility towards England, and its great real object to assist the Arch Usurper in breaking down her maritime power, then considered as the most formidable, if not the only remaining obstacle, to his scheme of universal dominion.

In tracing the origin of this war, it will be useful to bestow some attention on the rise and progress of the political party in this country, by which it was made and is supported. The passions of men for the most part direct their conduct. These passions are themselves directed by circumstances and situations, which bring them into action, nourish and inflame them, till they grow into prejudices and feelings, and almost become a part of our nature. To judge correctly, therefore, of the motives of men, we must look to the circumstances which have brought their passions into play, and out of which their prejudices have grown.

The war party in this country, it is well known, took its rise in the southern states, and especially in Virginia. It found aliment and support elsewhere, but there it sprung up; and it had its root in avarice and selfishness.

Whoever is acquainted with the situation of the southern states, at the commencement of the American revolution, knows that they were deeply involved in debt, to British merchants. This arose from their situation, and the state of property among them. Their wealth consisted of lands and slaves. Their income arose from the annual sale of their produce, which was either exported to the mother country, on their own account, or by merchants here to whom it was sold. Their consumption, except the provisions raised on their plantations, and a few articles of domestic manufacture, was supplied by importations from Great Britain. They purchased these supplies on credit in this country, to be paid for when their crops came in at the end of the year, or imported them on their own account from the merchants abroad, to whom their crops, exported by themselves, were consigned in payment. This last operation was confined to a small number of the most wealthy planters. The great mass purchased their supplies and sold their crops at home; and for the purpose of facilitating this operation, storekeepers, the factors and agents of British merchants, were established in every part of the country. They afforded a liberal credit to the planters, and waited for payment till the coming in of the crop. If that should fall short, or fail entirely, which from the accidents attendant on such a mode of culti-

vation would frequently happen, the annual supply was still furnished, and the credit was extended and continued, till a more fortunate season might enable the planter to make payment.

It is easy to perceive, how necessarily such a system led to the accumulation of debt. The income from the crop, always apt to be estimated too highly, would often sink below its estimate, by the casualties of the seasons. The expences, apt to be calculated on the highest estimate of income, would often swell beyond the actual receipts. This effect would be often produced by improvidence, to which persons who live on credit are peculiarly prone, and still more frequently by the fondness for luxury expence and show, almost inseparable from those who derive their income from land cultivated by others. Estates cultivated by slaves, moreover, become unproductive, and speedily involve their owners in debt, unless managed with economy skill and industry; qualities less likely to be found in the proprietors of such estates, than in persons of almost any other description.

To the operation of these causes the great planters, who exported their own crops, and imported on their own account their annual supplies, were even more exposed than the small proprietors. Their transactions were much larger, their credit more extensive, their temptations to expence far greater, and their taste for luxury and magnificence more strong; while on the other hand, they were much less likely to possess the requisite frugality skill and industry, for the successful management of their estates.

These causes, steady and universal in their operation, produced a perpetual tendency to excess of expenditure over income. Credit supplied the deficiency. But a debt once contracted was likely to remain unpaid; for the income of future years would be wanted for future expence. It was even likely to encrease, by interest often overlooked by persons in this situation, and by a recurrence of the same accidents from which it first arose.

The purchase of slaves was another and more fertile source of debt in the southern states. Lands were easily obtained. Their natural fertility, and the nature of the products to which they were adapted, rendered their cultivation extremely profitable, when conducted with skill. This cultivation was carried on by means of slaves, and the labour of a slave well applied, would soon pay for himself and the land which he tilled. Hence, to purchase lands and slaves on credit, and employ them in raising the rich staples of the country, was the surest and most speedy road to wealth. As related to planters it was the only road. Every man of enterprise and industry, therefore, entered into this career. The credit was liberally supplied by British merchants, who imported slaves for sale. Their profit on the sales was handsome, interest was paid by the purchaser until the principal could be discharged, and the planters grew rich by running in debt. Some indeed employed injudiciously and unsuccessfully the credit thus obtained; but the greater number found the operation highly advantageous. Almost all the fortunes in the country were thus acquired.

Such was the situation of the southern states, when the quarrel commenced between the colonies and the mother country. A very large portion of the men of fortune, almost all those of active enterprising and aspiring tempers, whether men of fortune or not, were deeply indebted, and to British merchants. These two descriptions of men naturally possessed the greatest influence. Nor were the middle and inferior classes by any means free from similar incumbrances.

The influence of such a state of things, in fostering the spirit of resistance and the desire of separation, cannot be doubted, unless we are disposed to doubt the operation of self-interest and passion on human conduct. It is by no means meant or insinuated, that all who engaged in the resistance or promoted the separation in the southern states, were actuated by such motives. Far otherwise. Very many who took the lead in those measures were virtuous and enlightened patriots, acting on the purest principles of public good. But a good cause is often embraced from bad motives; and our knowledge of the imperfections of our nature compels us to admit, that patriotism is not the less ardent or active, when it happens to accord with our own interests. A quarrel with Great Britain, a consequent war, and a final separation, had a direct and obvious tendency to postpone the payment of debts due to her merchants, and might very probably cancel them altogether. That the hope of such a result was the sole motive of some, and a strong motive with many, is well known by all who recollect those times, or have carefully enquired into their history. Indeed it cannot be doubted by any, who have studied the nature of man.

As little can it be doubted, that many who were superior to such motives themselves, or who not being debtors were not exposed to their direct influence, did not disdain nevertheless to employ them for exciting or invigorating the zeal of others, less independent and less honest.

The influence of these motives was felt throughout the southern states; but most powerfully in Virginia; partly from accidental causes, connected with the particular situation of some leading men; and partly because the principal circumstances which produced the British debts, had acted there with the greatest force. In the northern states these circumstances existed, if at all, in a very limited degree. The people were far less indebted, and their debts, with few exceptions, were due to each other.

Here we discern the germ of the war party. It arose out of the British debts, and first appeared as a debtor party. All who were old enough at the treaty of peace in 1783, to observe the course of events, or have accurately studied them since, know what disappointment was felt, and what murmurs were excited, by the fourth article, which provided that "there should be no legal impediment to the recovery of debts, contracted before the war."* The

* The legislature of Virginia instructed her delegation in congress, to vote for no treaty of peace which should contain a provision for the payment of these debts; and under this instruction one of her delegates actually did vote against the ratification of the treaty. (*See appendix No. 1.*)

debtor party would fain have continued the war, in hopes of expunging this article ; but the great objects of the struggle were obtained, the nation had become weary of the war, and the peace, so honorable and so much desired, was received with acclamations, which drowned the murmurs of avarice and private interest.

The debtor party, however, though discomfited and silenced was by no means destroyed. It soon began to raise again its head, and by its influence in the state legislatures threw many obstacles in the way of recovering these debts. The exhausted and impoverished state of the country after the war, and the ruin which the British armies had brought on many of the planters, by carrying off their slaves, furnished plausible reasons for these measures. Those reasons appeared sufficient to many honorable men, who therefore supported the measures from public and disinterested motives. Others were induced to give their support by commiseration for the debtors ; and many were borne along by the influence of the debtor party, powerful active and clamorous, whose favor might be as propitious, as its opposition was likely to be fatal, to the hopes of those who aspired to popularity and power.

To ensure the success of those measures, the debtor party made a loud and constant appeal, to all the prejudices and resentments which had grown out of the recent conflict with Great-Britain. The passions engendered by civil war, which on the return of peace it was the interest of the country, and the anxious wish of every disinterested and enlightened patriot, to repress and extinguish, were kept alive and inflamed, by the ceaseless clamors the exaggerations and falsehoods of those, who wished to find pretexts for avoiding the payment of their debts, and were not only desirous of keeping alive the old quarrel, but ready to plunge the nation into a new one, for this selfish and sinister purpose.

By all these means a current was created, which bore down the public faith, private right, and national honor. The impulse was given by the debtor party ; which, for the better accomplishment of its designs, assumed the more popular and decent guise of an anti-Britannic party.

In this state things remained, till the imbecility of the old confederation, and the want of an efficient national government, which increased with the growth and reviving activity of the nation, produced our present happy constitution. This plan of government, however, the result of profound wisdom, of a thorough knowledge of the national wants character and feelings, and of the most conciliatory spirit of mutual concession, was no sooner submitted to the public consideration, than it encountered the most violent opposition from the debtor party. Why ? The answer is found in two of its provisions. It declared treaties the supreme law of the land, and instituted national courts, superior to state laws and state influence, for enforcing the payment of foreign debts. It therefore confirmed the 4th article of the treaty of peace, and removed effectually the legal impediments, which had been laid in the way of its execution. Hence the animosity and violent opposition of the debtor party.

To aid in this opposition, allies were sought in all quarters. The aristocratic state pride of some, and the democratic principles of others; the ambition of local demagogues, who dreaded the annihilation of their state importance, by the superior powers and influence of a national government, to whose honors and offices they could not aspire; the honest apprehensions of many sincere patriots and friends of liberty, that too much power was transferred to the general government, by which the state governments would be gradually absorbed, and republican principles endangered; the belief of some that the proposed plan was inefficient, and that by waiting till the want of a national government should become more apparent and pressing, a better system might be introduced; and the opinion of many that although this plan was good in the main, yet some amendments were necessary, which by preventing its immediate adoption might soon be obtained; all these various and opposite views and feelings combined, in favoring the wishes of the debtor party, which thus grew into an "anti-federal party," and presented a most powerful active and persevering opposition to the new constitution. Fortunately for the nation this opposition was overcome, and the new government went into operation. Many of the honest objections to it were removed by reflection, and the experience of its benefits; many of its ablest opposers became its advocates and supporters. But the debtor party, though vanquished, was not subdued. Its hostility to England, produced by self-interest, had now grown into passion; and it waited impatiently for a new and more favorable opportunity, for effecting its purposes.

This opportunity was soon presented, by the war which arose out of the French revolution. In this war England was speedily compelled, most reluctantly, to embark. She embarked reluctantly, because the plans of her government, no less than the wishes and interests of her people, required peace. Her great minister, then in the flower of his age, and in the spring tide of his power, placed his glory in restoring and fostering commerce, greatly depressed by the war of our revolution, and in the re-establishment of the finances, which had fallen into disorder and decay. But she was soon driven from her pacific system, by the machinations and aggressions of the revolutionary rulers in France, whose schemes required an universal war, and who proclaimed their determination "to set fire to the four corners of Europe."†

This war revived the hopes and re-animated the activity of the debtor party. If the United States could be brought to engage in it, on the side of France, the payment of British debts would be postponed, the treaty of peace, so far as it remained to be executed, would be abolished, and in a new treaty Great-Britain might be compelled to relinquish this claim. That animosity against England too, which had grown into a passion in this party, and had been fomented and inflamed in the minds of others, by its machinations and clamors, might be gratified.

† See Brissot's address to his constituents, a little before his fall.

But it was early perceived that the views of the American government, then administered by Washington, were pacific, and its policy neutral. Its resistance, therefore, to this scheme of war, was to be expected and overcome. To this end a systematic opposition to it was organized, under the direction of the debtor party and its chiefs, in Congress, in the State governments, and in every part of the country. Under this standard were enlisted all whose enthusiastic minds, captivated by the phantom of liberty in France, could be drawn into the belief, that it was our duty or interest, as republicans, to aid her in her struggle. The cause of France, in other words the cause of war with England, the cause of the debtor party, was artfully connected with the cause of liberty here. While she was attacking or threatening every power, while she was "setting fire to the four corners of Europe," a cry was raised that she was fighting the battles of freedom, against the coalesced tyrants of Europe; that if she were subdued our turn would come next, and that we ought to unite with her. All who wished to retain the nation in more sober counsels, were branded as British partizans, and enemies to liberty. The numbers of the party were augmented, and its strength increased, by the accession of all whose turbulent characters or disappointed ambition naturally impelled them into the ranks of opposition; whose intimate connection with the debtor party, their fear of its influence, or desire to gain its favor and support, inclined them to aid its projects; whose democratic principles, or party feelings or connections, led them to espouse the popular side in politics, and consequently to oppose any administration conducted on correct and rational principles; and all whose animosity against England, however engendered or kept alive, disposed them to embrace any system, or support any measure, which seemed likely to injure her. The popular jealousy was excited against the administration, by loudly accusing its friends and supporters of designs hostile to liberty. Its measures were stigmatized as the fore-runners of aristocracy and monarchy. The aid of the multitude was sought, by making a constant and clamorous appeal to their worst passions and propensities.

The debtor party, nursed in the arms and nourished with the milk of aristocracy, thus became a democratic party. But the better to cloak its real views, and promote its plans, it assumed the name of the "Republican party." This prodigiously increased its force and influence. It soon caught and swept into its vortex, all the light substances that float on the surface of society. The young the superficial and the unthinking; all who possessed imagination without judgement, presumption without knowledge, or talents without character; all whose premature ambition repined at the reasonable and necessary delays in promotion; whose envious minds sickened at the pre-eminence of others; whose unreasonable expectations had been disappointed, or whose favorite schemes had been rejected by the government; naturally turned their attention to a po-

† This last division embraces Mr. Madison, who joined the debtor war party soon after the establishment of the present government, upon the rejection of some

pular party, wearing the seductive garb of "republicanism," and were impelled equally by their feelings principles and views, to connect themselves as leaders with the opposition which it had planned, or to arrange themselves as partizans under its standard.

The proclamation of neutrality presented the first object of attack to this opposition. This measure, so natural and so obviously correct, which did not profess to alter or fix the political relations of the country, but merely to declare them; to inform or remind the nation of its duties as a neutral power, connected by the relations of peace and amity with both belligerents; this measure, which it was no less the right than the duty of the President to adopt; was instantly assailed by the whole force of the debtor party and its numerous auxiliaries, who now, for the first time, appeared in their proper character of a war party. The proclamation was arraigned as an assumption of power, as an abandonment of the cause of liberty, as an act of subserviency to the interests and influence of England. The French minister in the United States, sent here for the express purpose of drawing us into the war, as his instructions afterwards published by himself fully proved, joined his efforts to those of the war party, which in turn acted in concert with him. And then was formed that intimate union, in feelings interests and views, between this party and France, which has grown with its growth, and has long been a principle of its nature.

Whence this zealous and active opposition, to the proclamation of neutrality? Why was it thus arraigned? Whence these unwearied efforts to excite against it, by clamor and misrepresentation, the popular indignation? Because it defeated the plan, and, for a time at least, extinguished the hope, of a war with England; the leading constant and darling object of the debtor party, now converted into a war party.

It was not long, however, before the war, in its progress, gave rise to events, which revived the hopes and renewed the exertions of this party.

The power of England we know is maritime. The source of her greatness, and indeed the pillar of her safety, is her Navy. With this chiefly she must attack her enemies, and therefore she must attack them on the ocean. Her enemy, at the period now under consideration, possessed numerous and rich colonies, the trade of which in time of peace was strictly interdicted to all foreigners, according to the colonial system universally adopted, by the modern nations of Europe. This trade was of great importance to the commerce the finances and the power of her enemy. To interrupt and prevent it

favorite projects; particularly his war of restrictions against the commerce of Great Britain, and his discrimination between original holders of public securities, and their assignees, in funding the public debt. He was strongly predisposed to this course, by the feelings of hostility to England, and fond confiding attachment to France, which he early imbibed; and he signalized his accession to the war party, by writing against the proclamation of neutrality, under the signature of Helvidius.

As to Mr. Jefferson, the soul of the war party, he was himself a debtor, and directed or aided the debtor party, in all its schemes.

was one principal mode, of rendering her force effectual against that enemy. It was her best and indeed almost her only mode, of directly reaching him. Her enemy, on the other hand, naturally endeavoured to screen this trade from her grasp, and for that purpose threw it open to neutral merchants. To counteract this attempt, England had recourse to a principle of maritime law, which was first reduced to form in the seven years war, or the war of 1756, and was therefore commonly called the rule of the war of fifty-six; although it was claimed and acted upon long before, both by Holland and France. The rule is, "that no neutral nation shall be permitted to carry on, with one of the belligerents. in time of war, any commerce interdicted to it in time of peace." It rests upon this principle, that by such commerce the belligerent in fact engages the neutral in his assistance; by means of which his commerce is withdrawn and sheltered from the attacks of his adversary. The neutral consequently, so far as this commerce extends, becomes a party in the war; and his property engaged in this commerce may be treated by the other belligerent as enemy's property. It is not necessary now to examine the correctness of this principle. It is sufficient to explain its nature and define its extent. England had acted on it in former wars. So had her enemy done, in common with other maritime states, when it suited his purpose. She revived it in the war now under consideration, the war of 1793, and proclaimed it by an order in council of November 6th, in that year. This order went the whole length of the rule. It subjected to confiscation all neutral vessels with their cargoes, which should be found laden with the produce of any colony of France, or carrying it supplies: in other words, which should be found trading with it, in any manner whatever.

No sooner had France thrown open her colonies to the commerce of neutral nations, than the American merchants engaged in it, and pushed it to a very great extent. The British order of November the 6th, 1793, consequently, found the ocean covered with American ships richly laden, and American property to a vast amount was seized and confiscated.

This roused the resentment of the nation, already prepared for a quarrel with England, by the artifices of the war party, and the enthusiasm of the times. The people declared with one voice, that they would not submit to this rule of maritime law; which, however logically it might be deduced from abstract principles, they felt to be unjust and ruinous, in its practical effects. They were resolved not to reason about it, but to resist it, at all events and every hazard. The government entered calmly but with decision into the views of the nation. Its minister remonstrated firmly, and the order of November 6th was withdrawn. The rule of 1756 was modified by a new order of Jan. 8th, 1794, which restricted its operation to the direct trade between the colonies of France and the ports of Europe, in the produce of those colonies. All vessels and their cargoes, engaged in such a trade, were declared liable to seizure. Those trading between the French colonies and the United States, were left free from molestation.

Still however great numbers of American vessels, already engaged in the direct trade between the French colonies and Europe, were seized and condemned with their cargoes, under this order. The public resentment therefore did not subside. On the contrary the determination to resist this maritime pretension, so mischievous and oppressive in its operation, daily grew stronger; and things seemed to be verging rapidly to a rupture. The war party fanned the flame, with the utmost assiduity. It called loudly for war, and stigmatized every delay as cowardice and submission. The French minister again seconded its views, which now seemed on the point of accomplishment. The nation stood on the brink of the precipice.

Washington stepped in and arrested its fall. He announced his determination not to submit, but not to draw the sword without another attempt at negociation. This was the signal for an universal rising of the war party. No sooner was this wise and magnanimous determination made known, than a clamor was raised within the walls of Congress and without, from one end of the continent to the other. The war party cried aloud for vengeance. It declared that negociation was to submit; that to send a minister to represent our wrongs and demand redress, holding up war as the other branch of the alternative, was to prostrate in the dust the rights and honor of the nation; that parley was disgrace; and that instant war alone could secure our rights, or heal our wounded honor.

Whence this clamor! Whence this nice and irritable sense of honor, which could brook no delay, and found it disgraceful to demand reparation for an injury, before engaging in war to avenge it! The answer is found in the ruling passion of the debtor war party. War was the object, not reparation or security. Reparation was not to be asked, for fear it should be obtained, and war should thus be prevented. Britain had already yielded much, to a firm and temperate demand of the American government, and it was feared that she might yield more, if the demand were repeated. Hence the clamor against negociation, and that pretended nicety of honor, which has uniformly submitted to every personal and national indignity, on the opposite side of the channel, without daring to do more than murmur out, with tremulous voice, some soft complaints.

Washington however withstood this new attack of the war party, powerfully aided as it was by the public feelings and passions, and the minister was sent. He bore the olive branch and the sword. The peaceful mission was backed by a distinct intimation, which in Washington and his associates was known to be no empty bravado, that war would follow the failure of negociation. The negociation thus conducted, in the spirit of honest conciliation and manly firmness, did not fail. It produced a treaty, by which we obtained reparation for the past and security for the future. Former differences were healed, recent injuries were redressed, and commercial arrangements, honorable for both parties and highly beneficial for us, were established.

No one has forgotten the furious opposition, which this treaty encountered from the war party. It was loudly condemned before it

was read. Its provisions were branded with every disgraceful epithet, before they were known. Orators rushed into the streets the taverns and the market places, with the paper wet from the press in their hands, and cried aloud, that the rights and honour of the nation were surrendered, at the foot of the British throne. The minister who concluded the treaty was burnt in effigy, as a traitor to his country. The Senators who advised its ratification were loaded with obloquy; and hardly did the voice of faction and slander, spare the venerable hero the revered patriot, the friend and father of his country, who had given it his final sanction.

Whence this furious opposition? Because it was believed to be a bad treaty? No, but because it was a treaty. Because it healed a breach which the war party wished to keep open, and prevented that war which they had so long laboured to produce. The war party saw in this treaty the death of their hopes. It put an end to the quarrel. It removed the causes of future strife. It sealed the peace of the two nations. They therefore mustered all their forces, for this last and desperate struggle. They exerted all their powers to prevent first the ratification, and then the execution of a treaty, which considered as a candid liberal settlement of national differences, a fair adjustment of mutual claims and mutual complaints, has no parallel in the history of diplomacy.

Washington however stemmed the torrent, the waves of opposition broke at his feet, and the treaty went into effect. Under its operation we enjoyed peace & unexampled prosperity, till new counsels gave a new and disastrous direction to our affairs.

This accommodation with England, which deprived France of the hope of our participation in the war, excited her indignation and called forth her resentment. She commenced a series of aggressions and insult, which went on encreasing with the forbearance of the American government, till they became altogether intolerable. Their history is sufficiently known, and would be tedious as well as disgusting to repeat. But to understand the true character of the war party, its conduct on the subject of these aggressions and insults must be remarked.

The American government, after repeatedly attempting in vain the peaceful expedient of negotiation, which in the far less aggravated case of England, the war party had so vehemently declared that it was disgraceful to attempt at all; resolved to take a bolder attitude, and prepare to assert by arms the national rights and honor. In every stage of these preparations, the most violent and obstinate opposition was encountered from the war party. It lost on a sudden all that nice sense of national honor, which could brook no delay, & spurned at every pacific overture. No insults or injuries could now provoke its resentment, or rouse its indignation. War was suddenly converted into an object of its abhorrence. It cried incessantly peace, peace, and exclaimed against every military preparation, as an useless and pernicious waste of public money. National honor was declared to be an empty bubble; commerce, for the protection of which this party had been so eager to engage in

immediate war with England, was treated as an useless or mischievous excrement, which either could not be defended, or was not worth defending. War was represented as the greatest of evils, to be avoided by every sacrifice, unless actually declared against us; and to keep our money in our pockets, unless when France chose to rob us of it, was treated as the chief end of our being. Nor could the war party be moved from this philosophic temper of patience and long suffering, even by the contemptuous refusal to receive our ministers of peace, the demand of money from them as the preliminary of negotiation, the price of an hearing, and their expulsion from the French territory, for refusing to submit to this disgraceful condition.

Whence this surprizing transformation, of a chivalrous knight-errant-like war spirit, ready and anxious to fight for every injury, without waiting to demand redress, into a tame submissive spirit of peace, which no wrongs or indignities could move? The answer is found in the vital and governing principle of the war party, hostility to England, and a desire of war with her, at all events, and under any pretext. The party was still the same. Its motives feelings and principles of action were unaltered. Circumstances alone had changed. France had become the aggressor, instead of England. All its hostile feelings, all its resentment, all its indignant sense of injury, all its lofty notions of honor, were reserved for England. Its peace side alone was turned towards France, whom it habitually regarded as its associate ally and supporter.

At length the war party, by its hollow pretences to economy and exclusive republicanism, by working incessantly on the passions and prejudices of the people, wormed itself into power, and obtained possession of the government. Soon after this change took place, the treaty of Amiens^s put an end to the war in Europe; and with it were suspended the causes of collision and irritation, between the United States and G. Britain. They were, however, revived, with new force, after the renewal of the war in May, 1803. The manner of their revival merits particular attention. It is intimately connected with the origin of the present war, and throws a strong light on the views and character of the war party.

The footing on which the British order of January 8th 1794, had placed the colonial trade, was soon found to be very advantageous to the United States. When that order first appeared, our ships were universally engaged in the direct trade, from the French colonies to Europe. They were therefore seized and condemned under the order, which was consequently found equally oppressive with that of November 6th, 1793, or nearly so. But it was soon perceived, that as this order permitted trade to any extent, between our own ports and the French colonies, and the colonial produce, when brought to the United States, was considered by G. Britain as having entered into our commerce, and might therefore be exported by us to Europe, without any violation of what they regarded as our neutral duties,

§ In October, 1801.

the trade might be carried on by this circuitous mode, without any other disadvantage than the delay and expense of landing the produce in our own ports, and re-shipping it to the foreign market. And this delay and expense were amply compensated, to the country at large, if not to the merchants immediately engaged, by the benefit of freight, seamen's wages, commission, wharfage and storage, incident to the importation and re-exportation. This discovery soon reconciled the nation to the order of January 8th 1794. The trade conformed itself immediately to the rule, and was carried on to a vast extent, and with unbounded profit.

On the 25th of January 1798, Spain and Holland having then become parties to the war, on the side of France, the rule was extended to them by an order of that date, with a slight modification, not affecting its principle, nor relating to the United States. It received the same construction with the former order, and from that time till the peace of Amiens, in October 1801, the trade between the colonies of those nations and Europe continued to be carried on by our merchants, through our own ports, without molestation.

A principle indeed upon the subject of this trade, capable of affecting it very deeply as then carried on, was introduced into the British Admiralty Courts, in the year 1800,† but not so extensively acted on then, as to produce much injury, or excite much attention. This principle related to the definition of a "direct voyage." The British order considered and treated the direct voyage as unneutral, and therefore unlawful; but did not declare what should be considered as a direct voyage. It was long supposed, by us at least, that no voyages came within that description except those in which the vessel proceeded directly from the colony to Europe. This new principle declared, that although the vessel might proceed first to an American port, and there unlade the cargo, and it were thence re-shipped to Europe, still the voyage should be considered as a direct voyage, if from the circumstances of the case, appearing in proof, the cargo appeared to have been originally exported from the colony, with a view, and for the purpose of being sent to Europe. The proof might be various, and made out in various ways; but when once it was made out, and this fact established, the voyage, according to this principle, assumed the character of a direct voyage, and the property engaged in it was to be considered and treated as enemy's property. The treaty of Amiens, however, put an end to the war, and to the questions about neutral commerce and colonial trade, before this principle had been sufficiently acted on, to produce much inconvenience or excite much attention.

In May, 1803, the war was renewed between Great Britain and France, and soon extended to Spain and Holland, as the allies of France. The war party in this country were then in possession of the government; but no opportunity was immediately found for renewing the quarrel with England. The colonial trade took the same course as in the former war. The orders of January 8th, 1794,

† In the case of the *Polly*, Laskey, February 1800.

and January 25th, 1798, were not revived in form by England, but their substance and principle were incorporated into an order of June 24th, 1803, which expressly prohibited the capture of neutral vessels, trading directly between the countries to which they belonged and the colonies of enemies, and laden with the property of inhabitants of those countries. The direct trade between the colonies of enemies and Europe, being left to the operation of the rule of 1756, was of course considered and treated as unneutral and unlawful; while the trade between those colonies and the United States was admitted to be neutral and lawful, and was left unmolested. With the state of things produced by this relaxation of the rule of 1756, the American nation was content; because the trade was carried on as before through our own ports, to great extent, and was found upon the whole equally advantageous with the direct trade.

Here then was no cause of controversy of which the war party could avail itself; and as to the right claimed and exercised by England, of impressing her own seamen in our merchant ships, on the high seas, of which such use has since been made, and which is now the sole ostensible and avowed object of the war, no person had ever then dreamt of treating it as a ground of quarrel. Its difficulties had been felt by the former administrations; much had been done and more attempted towards preventing or correcting its abuse; but no rational man supposed that its entire removal could be effected by negotiation, or ought to be attempted by force. It was a subject on which the war party could not then hope to agitate the nation. Therefore little was said about it, and the harmony of the two countries remained for a time uninterrupted.

This calm, however, was not of long duration. The British courts of admiralty began to revive their principle respecting the nature and definition of a direct trade; and to contend that every voyage must be considered as direct, and therefore unneutral and unlawful, which in the circumstances in proof, appeared to have been commenced from the colony, with a view to termination in Europe. Almost all our voyages were of that description. The colonial produce brought here for our own consumption, or even for the purpose of being sold here for exportation, was of inconsiderable amount. The great mass merely stopped here, on its way to the European market, for which it was purchased, and to which it was sent, always by the same person, and most frequently in the same vessel. The revival of this principle therefore excited great alarm, and produced very numerous captures. Its final establishment, in its most efficient and operative form,* swept away American property to a vast amount, and raised a flame in the country, which the war party omitted no means to blow up and extend.

Remonstrances against this principle, and the condemnations under it, were made in England. And to support them a partial non-importation act was passed on the 15th of April 1800, to take effect on the 15th of Nov. following. This measure met with a more

* In the case of the *Essex*, Ornc, May, 1805. Affirmed on appeal, June, 1805.

conciliatory spirit, in the British government, than was probably either expected or desired. Fox was then at its head, sincerely desirous of doing justice and preserving peace, he devised a singular and happy expedient, for reconciling the interests and claims of this country, with the prejudices and passions of his own; for he had passion and prejudice to contend with on that side of the Atlantic, as well as on this. He issued an order in council, which under the form of a blockade contained, in substance and effect, an abrogation of the obnoxious principle relative to direct trade. This instrument bears date on the 16th of May, 1806, when the coercive measure of non-importation, adopted here on the 15th of April, could not have been known in England; and it merits particular attention, no less for its real object and operation, than for the use to which it was afterwards perverted by the war party.

At the date of this order the ports of France from Ostend to Havre, at the mouth of the Siene, were in a state of blockade. This blockade, being supported by an actual and adequate maritime force, could not properly be, and was not, complained of by the American government; which had always admitted the right of blockade, provided an adequate force were actually applied.

The order of May 16th, 1806, professed to extend this blockade, so as to embrace all the ports from the Elbe to Brest, both inclusive; but it expressly declared that neutral vessels, laden with goods which were neither enemy's property nor contraband of war, might enter any of the ports thus blockaded, except those from Ostend to the Siene, provided they were not laden "at any port belonging to or in the possession of the enemies of Great Britain." It further declared that neutral vessels, laden with the property of neutrals, not contraband, might sail from the same ports, unless they had previously broken the blockade, or were destined to any port of the enemies of Great Britain, or in their possession.† These provisions took from the order altogether the character, and operation of a blockade, which it was never intended to have and gave it the effect of an order in council, protecting from British capture all American vessels, laden in American ports, with colonial produce belonging to Americans, and bound from those ports to any port in France, north of Brest, except the ports from Havre to Ostend, actually blockaded, to any port in Holland; or to Hamburgh; Bremen or any other German ports, in the Elbe, the Weser, the Ems, or the Jade. These ports were the great, and indeed almost the sole marts, for our trade in colonial produce. It centered almost entirely in Holland Hamburgh and Bremen, from whence Germany and the north of France were supplied. By this order our trade with the French ports from Havre to Brest, a very extensive line of coast, was protected from molestation. The only conditions required, for enabling us to go safely with colonial produce to these ports of France, all those of Holland,

† This order, with extracts from Mr. Monroe's letters relating to it, is subjoined at length. It ought to be continually kept in view, by all who wish to understand this subject. (See appendix, No. 2 & 3.)

and the ports in the north of Germany, outside of the Baltic, & to return with such cargoes as we might think fit, either to the United States or any British or neutral port, were that the goods composing the cargoes outward or inward should neither be enemy's property nor contraband, that the outward cargoes should be shipped in our own or some other neutral ports, and that the return cargoes should be destined to our own or some neutral country, and not to places belonging to or held by the enemies of Great Britain. Consequently the colonial produce, which formed the great subject of controversy, though purchased in the belligerent colony with the view of being sent to Europe, though brought to this country with that view, and re-shipped from hence to the port of its original destination in Europe, by the same person, and in the same vessel, went safely under the protection of this order; which thus operated as a complete abrogation of the principle established by the British Admiralty Courts, relative to direct trade. It declared in effect that no trade should be considered as direct, whatever might be the circumstances or the proof, if the cargo was laden in our own ports. Well might the American minister then in England, to whom this order was particularly communicated, declare to his government, that "it seemed clearly to put an end to further seizures on the principle which had heretofore been in contestation." How a cabinet of which that minister formed a part, came afterwards to represent it in so different a light will soon be seen, with that indignation which paltry trick and deceitful artifice must ever excite, in honorable minds.

The American nation was satisfied with this arrangement, which removed the cause of its complaints, and the war party was disarmed, and obliged to appear satisfied also. Accordingly the first act of congress, at its next session, in December 1806, was to suspend for a limited time the non-importation act, which had gone into operation before the session commenced. This suspending act received the president's approbation on the 19th of December, 1806. The suspension was till July 1st, 1807, with power to the president further to suspend it, but not beyond the 2d Monday in December 1807, when congress would be in session, and might act on the subject.

To suspend the act instead of repealing it, and to leave that suspension after a short period dependent on the pleasure of the president, who might thus be enabled to enforce the non-importation before congress should meet again, was all that the war party thought fit to attempt at this time. Probably it was all that could have been effected, in the pacific state of the public mind, produced by the British order of May 16, 1806.

A change, however, about this time took place in the plans of the French emperor, which soon produced a corresponding change in the views of the war party here, and gave new activity to its spirit of determined hostility against England. When the war was renewed in 1803, he resolved to invade and crush her at a blow. To this end he made immense preparations, by land and sea; and for a long

time threatened her with numerous armies on the opposite shore. Despairing at length of success in this project, he sought a quarrel with Austria, whom he attacked and humbled. Turning his arms against Prussia, he broke her power, and over-ran her territory. When the barrier which protected Holland and the commercial cities in the north of Germany was thus overthrown, he found or thought himself in a situation to renew his attack on England, in a different and, as he supposed, a more effectual mode. He proclaimed in his Berlin decree, issued on the 21st of Nov. 1806, from the capital of the Prussian monarchy, that system of commercial war on Great-Britain which has obtained the name of "The Continental system," and to enforce which has been the object or pretext of so many acts of violence and usurpation.

This decree not only declares the whole of the British Islands in a state of blockade, but interdicts to all nations all commerce or correspondence with them, even by letter. It forbids all trade in English merchandize; pronounces all merchandize belonging to England, or coming from its manufactories or colonies, good prize; and declares that "no vessel coming directly from England, or from the English colonies, or having been there since the publication of the decree, shall be received in any port."

Those who had not carefully studied the temper and principles of the war party in America, then at the head of affairs, believed that a stand would be made by the American government, against this outrageous and undisguised attack on the independence of all nations. How great was their mistake? The war party, far from resisting, was ready to join in the attack. While the French emperor was engaged in direct hostility and threatened invasion against England, he did not want, and probably did not require, the aid of this government. It would have been of no use to him; and the American nation moreover could not have been prevailed on to join in such a war, into which there were no means of cheating it. But when the mode of attack was changed, and England was to be destroyed by the destruction of her commerce, this country became a most important ally. Its co-operation was unquestionably required; and the government, identified with the war party, and urged by its blind infatuated and habitual hostility against England, entered with promptitude and zeal into the views of the assailant.

Still, however, pretexts were to be sought, which, by the aid of party spirit prejudice and passion, might beguile the nation, and enable the jugglers to lead it blindfold into the meditated measures. The great cause of irritation and resentment had been removed, as we have seen, by the order of May 16th, 1806. No new one immediately presented itself. The British government indeed, as a mitigated measure of retaliation against the Berlin decree, issued an order in council on January 10, 1807, interdicting to neutrals the coasting trade of France and her allies, and the trade from the ports of one of them to the ports of the other; but this was a trade in which we had so little concern, that we felt little inconvenience from its interruption, and

the order produced no sensation among us. It was not deemed of sufficient importance by the administration, at the time when it appeared, to justify or require the enforcement of the non-importation act; which accordingly, on the 24th of March 1807, was further suspended till the second Monday in December, by a proclamation of the President founded on the act of December 19th 1806. The nation was not considered as ripe for the continental system. The conduct of the administration therefore, as manifested by the proclamation of March 24, 1807, continued pacific.

It was not long, however, before an event occurred, which promised to promote speedily and effectually the views of the war party. This was the attack on the frigate *Chesapeake* to search for deserters, on the 22d of June 1807. This outrage raised at once the indignant spirit of the nation. It pronounced with one voice its determination never to submit to such a pretension, and spontaneously prepared to assert by arms its rights and honor. May such a spirit be always displayed, when the rights and honor of the nation are really attacked, from any quarter whatever!

The administration promptly availed itself of this event, to lay the foundation of a quarrel. Without waiting to demand reparation from the British government, whose officer on a remote station had committed the aggression; without waiting to ascertain whether this aggression had been committed by the orders, or would receive the sanction, of that government; without any of those friendly proceedings for obtaining redress, which the comity of nations and of individuals has established, in case of offence or injury by acts capable of explanation; the President, on the 2d of July, within a few days after the outrage was committed, issued a proclamation which excluded from the waters of the United States, and from all the rights of hospitality, for an unlimited time, not only the offending vessel or the offending squadron, not only the fleet commanded by the admiral who might naturally have been supposed to have ordered the aggression, but the whole fleet of Great-Britain; all her armed ships of every description.

Why this harsh and hasty measure? This is the answer. Nothing could be better calculated to wound the pride and provoke the resentment of a proud and resentful nation, prizing its navy as the apple of its eye, this this universal rigorous and precipitate exclusion, while the fleets of its inveterate foe were received and cherished. A quarrel was sought with this nation. It was desirable to wound its pride and provoke its resentment, in hopes that it might thus be induced to refuse reparation, avow the act, or preserve a sullen silence, which might be construed into an avowal. The officer might by this mean be irritated into some new aggression. Therefore this course was adopted. But fortunately it failed of its effect. The British government, with an honorable and manly promptness, no sooner heard of the aggression than it disavowed the conduct of its officer, and gave assurances that if, on further information, the facts should appear as had been represented, proper reparation should immediately be made. This frank and friendly conduct changed en-

tirely the character of the act. From an hostile aggression of a foreign government, striking deeply at our honor and independence, it sunk into the mere outrage of an officer for which he was punished. Yes he was punished, promptly and severely. He was deprived of an honourable and lucrative command. This his government intended, and he felt, as a severe punishment. The popular resentment was greatly assuaged, and men of candor and reflection felt and acknowledged, that reparation was substantially made, and the injury expiated.

Still, however, this event was so managed by the war party, as to keep alive the popular passions, excite apprehension in the people at large, and gradually prepare the public mind for the meditated measure. At the meeting of Congress, in December 1807, the attack on the Chesapeake was brought forward in the President's message, with every possible aggravation of colouring, and without the least notice of the conduct of the British government, in disavowing the act and promising reparation. It was now also judged proper to bring on the carpet, the order in council of January 10th, 1807, which on the 24th of March had not been judged of sufficient importance, to prevent the further suspension of the non-importation act; and it was accordingly introduced into the message, with the most exaggerated picture of its nature and effects. The Berlin decree, which gave rise to it, and made a direct and open attack upon the independence of this and every other nation, was merely referred to; the act of Spain, adopting and enforcing the system of that decree, was slightly mentioned as "a very serious ground of complaint" and it was declared that "with the other nations of Europe (including France) our harmony had been uninterrupted, and commerce and friendly intercourse maintained on their usual footing."

Congress and the public mind being thus prepared, the dangers to which commerce was represented as being exposed, by all these causes, were made the pretext for a very bold and effectual measure of co-operation with France, which was soon brought forward and hurried precipitately into a law. This was the well known embargo of December 22d 1807, which, with its numerous brood of supplements and enforcing laws, was so long the scourge of this devoted country.

It is manifest, that no measure of this government could be more perfectly analogous to the continental system of the French Emperor, or more effectual for promoting its success. It followed that system as soon as the state of things and the distance of places could possibly permit. The continental system was proclaimed at Berlin, on the 21st of November 1806. The unprepared state of the public mind; the want of hostile excitement; the shortness of the session of Congress, which necessarily terminated on the 3d of March following, and did not afford time for the necessary manœuvres; the want of proper pretexts, which the state of things did not so soon furnish; some important elections, especially those of Virginia, which were to take place in the spring of 1807, and might be affected by so bold

and hazardous a measure; all combined to prevent the adoption of the system here, till the next succeeding session of Congress, which, by an act of the preceding session, was to commence on the 26th of October, 1807. Then no time was lost. As soon as the necessary drilling could be gone through, the measure was brought forward; and pressed rapidly into a law.

A little before this accession of the American government to the continental system, the British government had passed their full retaliatory orders in council of Nov. 11th, 1807. So soon as this measure was known here, it was eagerly seized on as a justification of the embargo system, and a reason for continuing and reinforcing it. An attempt was even made to set it up as the cause of that system; and it was pretended that the order, or at least the intention of adopting some such measure, was known here, before the embargo was recommended by the President. Nothing, however, is better established than the falsehood of this pretence. Had the American government possessed any knowledge, or received any intimation, of the intention to issue these orders, or any others of the same character, they would unquestionably have waited for a confirmation of the fact; which would have afforded so much better a pretext or reason for their intended measure of an embargo, than any which they then possessed. Besides, the fact is notorious, that no such intimation had reached this country, at the time when this measure was recommended.

The orders of Nov. 11th 1807, had therefore, and could have had, no agency whatever, in producing the embargo system. Nor had there been, as far as was then known in this country, any such change in the measures of Great-Britain, on the subject of neutral commerce, as could have produced this total change in our policy. It was then known, that the attack on the Chesapeake had been disavowed. There was therefore no increase of danger from that source. The order of May 16th, 1806, was still in operation, and protected our colonial trade. The order of Jan. 10th 1807, interdicting to neutrals the mere coasting trade of France and her allies, and the trade from one of them to the other, as a measure of mitigated retaliation against the Berlin decree, affected us very slightly, because we had little concern in that trade, and consequently had hardly been noticed here by the people or the government; till the latter, having resolved to join the continental system, began to seek a pretext. The embargo, therefore, was a mere act of accession on the part of the United States, under the direction of the war party, to that system; in other words, to the war with England.

It was justly apprehended, however, that the nation might grow weary of this system, and by means of the elections compel the government to shake it off. It was intended, moreover, as the precursor of open and direct war, as soon as the public passions could be wound up to the proper pitch; for nothing but open and direct war could gratify the feelings or accomplish the views of the war party, or satisfy the demands of its ally. The public irritation and resentment were therefore to be kept alive against England, by eve-

ry means. All old breaches were to be kept open, and as many new ones produced as possible. And to this end a series of artifices was played off, which may be safely pronounced, to be without a parallel, in the history of machivellian duplicity.

This series commenced with the negociation arising out of the attack on the Chesapeake. The British government, in order to make the most solemn reparation for this injury, sent a minister* to this country, for the express purpose of offering it here ; but as the American government, without waiting to demand satisfaction or explanation, had taken the redress into its own hands, by its proclamation excluding all British armed vessels from our ports, and from the common rights of hospitality in our waters, the British government deemed it due to its honor, to require the recal of this proclamation, before the intended reparation should be tendered. Its minister had instructions to this effect.

Being a man of a frank and upright character, and supposing that he had to deal with people like himself, he incautiously explained this part of his instructions to the American Secretary of State, in an early stage of their conferences. This circumstance was instantly laid hold of, to defeat the negociation, prevent the redress, and keep up the public irritation produced by the attack on the Chesapeake. It was immediately insisted on, as an indispensable condition, that the redress should be tendered before the proclamation was withdrawn, or at the same moment. Why was this insisted on ? Why was this insignificant and paltry point of etiquette treated as an important national concern ? Because it was thought of any real importance to our national honor ? No, our honor was already saved. The British government had made the first advance, and had repeated it ; had disavowed publicly the act of their officer, punished him by a recal, and sent a solemn embassy to bear reparation to our door. Between governments, as between individuals, when the intention to offend is disavowed, in cases admitting like this of explanation, the offence is substantially expiated. It ceases to be an offence. Why then, I ask again, was this paltry point of false etiquette pertinaciously adhered to ? The answer is found in the plan and determination of the American government, to keep open and widen every breach between the two countries. It was known that by the instructions of the minister he was precluded from yielding this point, and it had been satisfactorily ascertained that he would not depart from his instructions. His doing so therefore was required as an indispensable preliminary ; the redress which he came to make, was thus prevented from being offered ; and the American nation was incessantly told by its government, and made to believe, that reparation for the attack on the Chesapeake had been refused by Great-Britain.

Next in order came the contrivance commonly called "Erskine's arrangement," from the name of the British minister on whom it was practised.

* *Mr. Rose.*

The nation, after more than a year of suffering under the embargo, had grown extremely restive, in the beginning of the year 1809. This temper in the people had been very much heightened, by the outrageous aggressions of the French emperor, whose Milan decree, issued on the 17th of December, 1807,|| had filled up the measure of insult and violence, against all independent nations. The war party therefore found itself compelled, by the fear of losing the government, to make a shew of giving up the system, and of including both nations in its measures of resistance. This was accomplished by the act of March 1st, 1809, which established an universal non-intercourse against both France and England, to continue till the end of the next session of Congress, and repealed the embargo laws after the end of that session. This repeal, to take effect more than a year afterwards, it is easy to see was merely delusive. So was the non-intercourse as it respected France; with whom, in the actual state of commercial affairs, we neither had or could have any trade deserving consideration. These measures were merely intended to allay, by an appearance of impartiality, the rising jealousy of the nation, on the subject of the continental system, and to sooth its growing impatience under the embargo, by the prospect of a repeal, which might be prevented, or suffered to take effect, as circumstances might seem to require.

The act however contained a provision of a very different nature, and destined to produce very important effects. It authorized the President to remove the non-intercourse and embargo as to either of the two nations, France or Great-Britain, which should "so revoke or modify her edicts, as that they should cease to violate the neutral commerce of the United States."

This provision grew out of some unofficial verbal communications, between certain members of the administration and the British minister,¶ a well meaning but inexperienced and incautious young man, little qualified to deal with the persons to whom he was opposed, and of whose cunning artifices he became first the dupe and then the victim. By these communications he was led to believe, that the American government, provided Great-Britain would withdraw her orders in council, was ready to remove the interdiction of our ports to British ships of war, and the non-importation and embargo laws, as related to her; to renounce the claim of a right to trade, in time of war, with the enemy's colonies, in a manner forbidden in time of peace; and to permit British ships of war to aid in enforcing the embargo, against France and her allies.

The minister having made this great discovery, in the autumn of 1808, lost no time in communicating it to his government; which, in a letter of instructions bearing date on the 23d of January 1809, authorised him, on these three express conditions, and not otherwise, to stipulate for the revocation of the orders in council, and he was

|| The co-incidence of this date with that of the embargo, December 22d, 1807, is worthy of observation. Can so many co-incidencies have been accidental!

¶ Mr. Erskine.

farther authorised to communicate the letter, in full, to the American government.

It is not probable that this letter was, although it might possibly have been, received before the introduction of the provision in question, into the act of March 1st, 1809; but there can be no doubt that some instructions on that subject were expected, and that this provision was introduced to meet them. The minister would naturally inform those with whom he had held the communications, that he had transmitted an account of them to his government, and expected an answer. The session of Congress that year was to end on the 3d of March; and as the answer did not arrive, and the session was drawing to a close, it became necessary to vest the President with power to act on the subject, in the recess. The power was therefore given with a view to this very answer, then daily expected, and with no other view.

Can any one believe that when the answer did arrive, it was not communicated, to those for whom it was specially intended? That the British minister, after having conversed with them on this subject, given an account of these conversations to his government with their knowledge, and informed them that he expected an answer, to enable them to act on which when it should come they had procured an act of Congress to be passed, did not shew them this answer, which he was expressly permitted to do? No, it cannot be believed.

This letter moreover contained his sole authority for treating with them, respecting the revocation of the orders in council. His mere credentials as a minister gave him no such authority. This they well knew; for it is known to every one in the least acquainted with diplomacy, or even with the common principles of agency, in the transaction of business. As well might it be pretended, that a common letter of introduction would authorize the hearer, to sell the estate of the writer. Can it then be imagined, that when they were about to treat with him on so important a concern, they omitted to require a communication of his power! If they did, it was because they had received information of its contents, and knew that its formal production would not answer their purpose. But there can be no doubt of their having seen it.

Had their intentions been honest, they would have immediately said to him, that it required conditions to which they never could consent, and that nothing therefore could be concluded under it. But this was not their object. The scheme was to draw him into an agreement contrary to his instructions, which his government, it was supposed would of course disavow, and the disavowal of which might divert the odium of continuing the continental system, from them to that government. This was the object of the whole trick, from beginning to end; and into this snare the minister was drawn. He was cajoled into an arrangement directly contrary to his instructions, and this was thought sufficient to insure its rejection.

But still there was some danger that the British government, since the arrangement was made, might think it best to accept it, and thus defeat the whole plot. To make assurance therefore dou-

bly sure, an expression personally offensive to the British monarch was introduced into the arrangement, by the President himself, against the opinion and remonstrance of the Secretary of State, who does not appear to have been initiated into the grand mysteries. For this fact we have the evidence of the Secretary himself; who has since revealed the secret, in explaining his reasons for retiring from office.‡

This contrivance succeeded. The rejection thus doubly assured took place, and was employed with great effect as a mean of exciting a hostile spirit in this country, against England. On hearing of the rejection the non-intercourse was reinstated; and the public mind prepared, by the resentment which the rejection excited, to bear it more patiently.

The success of this stratagem emboldened the war party, to new and more daring enterprizes. The minister who made the arrangement being recalled, his successor,* furnished with full powers, commenced a negociation on all the points in controversy. He had not proceeded far before it was ascertained, that he had no instructions to make any *explanation* of the conduct of his government, in rejecting the recent arrangement. And how should he! How could it have entered into the head of any man, that such an explanation would be asked for, after it had been most expressly and formally given, in the act of rejection itself. That act was communicated to the American government, and placed the rejection expressly on the ground, that the arrangement was made contrary to instructions. How then could the British government imagine that such an explanation would be again demanded, or think of giving its minister instructions on the subject? He therefore had no instructions, and the demand was made precisely because he had none. As soon as that fact was ascertained, the verbal conferences were broken off, all communications were required to be in writing, and this explanation was demanded, as an indispensable preliminary to any amicable overtures. Why this demand of a thing so little important at any time, and so utterly nugatory after it had been already done? There can be but one answer. This explanation was demanded because it had been ascertained that the minister had no instructions to make it, and it was supposed that after what had happened to his predecessor, he would adhere scrupulously to his instructions. Thus all danger of accommodation or conciliation would be avoided.

Fortunately however the minister, who had not yet lost his temper, saw and avoided the snare. He took on himself, without instructions, to make the explanation; and it was precisely such as had been made at first. He declared that Erskine's arrangement had been rejected, because it had been made contrary to his instructions. Thus he defeated the machination for that time; and fortunate would it have been for himself, perhaps for this country and his own, had he continued to act with the same circumspection and prudence. But being goaded and perplexed by captious preliminary objections

‡ See appendix, No. 4. * Mr. Jackson.

of all sorts, he at length, as was no doubt intended and hoped, became angry, and permitted an incautious expression to escape him, capable of being tortured by a forced construction into an offensive meaning. It was instantly caught at and pressed upon him, in its most offensive sense, in which it was perfectly manifest that he did not understand it or intend it to be understood.† This mode of attack was undoubtedly chosen, instead of a polite and candid but firm call for explanation, in the customary mode between governments and individuals, for the express purpose of irritating him still further, and thus inducing him indignantly to withhold all explanation. His silence then might be construed into an admission of the offensive meaning; or he might perhaps be impelled to go further, and say something that might be made to look like an avowal. This stratagem had the desired effect. He wrote a reply, in which, instead of disclaiming all offensive meaning, as he might and ought to have done, and no doubt would have done on a proper application, instead of stating what he had said or meant to say, he angrily declared that he had insinuated nothing but what he was able to prove, nor made any conclusions which his premises did not warrant.

Then rose the lofty and indignant spirit of the administration, who had recently submitted, without reply or murmur, to a most insolent letter from the French minister here;‡ and soon afterwards submit-

† The expression was this, "These instructions (the instructions contained in Mr. Canning's letter of Jan. 23d, 1809) I now understand by your letter, as well as the obvious deductions which I took the liberty of making in mine of the 11th inst were, at the time in substance made known to you." (See Mr. Jackson's letter to the Secretary of State of Oct. 23d, 1809). The obvious meaning is, that the three conditions which Mr. Erskine was instructed to obtain, and which therefore formed the substance of his instructions, were made known. This fact the American government had admitted, in the course of the correspondence; and the minister, by appealing to their admission in support of his assertion, proved most clearly, that he did not intend to carry the assertion farther than the admission. He most clearly intended to say what they had admitted, and no more. But they now chose to consider him as having intended to say, not only that the conditions were known to them, which fact they had admitted, but that another and a distinct fact was known to them; namely that Mr. Erskine was forbidden by his instructions to make the arrangement, without obtaining these conditions. This was clearly not his meaning, and had he been plainly and politely asked the question, he no doubt would have said so. But that would not have answered the purpose. The game was not to get him to disavow the offensive meaning, but to provoke him into at least an apparent admission of it. He was therefore peremptorily charged with having made "improper allusions," and with having repeated a language "implying a knowledge on the part of the American government, that the instructions of his predecessor did not authorize the arrangement formed by him." (See the Secretary of State's letter to Mr. Jackson of Nov. 1st, 1809). This construction undoubtedly might be put on the expression. The substance of instructions certainly might mean not only the conditions to be obtained, but the express order not to conclude without obtaining them. But this was not the natural meaning, and it is perfectly clear that it was not the real meaning. It was a case for explanation; but quarrel was sought and not explanation. Otherwise it would have been civilly and explicitly demanded.

‡ Turreau's famous letter, which he refused to withdraw till after Jackson's dismissal, and then withdrew without apology or explanation.

ted to be told in plain terms, by the French government itself, that they were "more dependent than Jamaica;" "men without political system, without honor, and without energy; and might soon be forced "to fight for interest after having refused to fight for honor." This spirit so tame patient and submissive on one side of the channel, was lofty punctillious and untractable on the other. It could brook no insinuation, however vague or uncertain; no constructive offence; however forced; and the minister was dismissed.

The moment for this explosion, November 8, 1809, was well chosen. It was on the eve of that session of Congress, at the end of which the non-intercourse law against France and England was to expire. The embargo, to which it had been found impossible to reconcile the nation, had been suffered silently to go out, with the extraordinary session of May, 1809; but by an act of that session the non-intercourse was continued in force, against both nations, till the end of the succeeding session, which was to commence on the 4th Monday in November 1809. It was indispensable to do something during that session, which might enable the administration to continue the non-intercourse against England alone. For it was found that she did not resent, or show a disposition to retaliate, this measure any more than the embargo, while it extended to her enemy as well as herself; and it was hoped that if it should be confined to her alone she would consider it as an act of hostility, and begin the war, into which it was the great object and aim of the war party to drive or provoke her; because they found it extremely difficult, and were afraid, with reason, that they should find it impossible, to begin themselves. If England were not thus provoked to commence actual war, she might at least be irritated into some measure of retaliation, which would rouse the American people, and enable the war party to begin. Their just fears also of the vengeance of the French Emperor, if they should much longer delay entire obedience to his orders, would naturally stimulate their activity. His fiery temper was little calculated to brook delays in executing his commands, or to submit long to a system of juggling, which, though intended to subserve his plans, held up the appearance of resistance to his will.* Something decisive must therefore be done, and this rupture with the British minister came very opportunely to prepare the way, by inflaming the public mind. In the message therefore which opened the session, the conduct of the minister was blazoned forth, with the

§ In Champagny's note of Feb. 14, 1810. Jackson's dismissal took place on Nov. 8, 1809.

* How well founded these fears were soon afterwards appeared by the Rambouillet decree, passed March 23, 1809; which chastised the tardiness of the American government, by the seizure, under pretence of retaliating the non-intercourse law passed more than a year before, of all the American property in France or the countries subject to her control, to the amount of more than twenty millions of dollars; a greater sum than England had condemned in both the wars growing out of the French revolution, under her rule of 1756, and all her blockades and orders in council together. How meekly this chastisement was submitted to by the American government, and how it quickened their pace in the measures of co-operation with France, is well known.

highest coloring of exaggeration ; the conduct of his government, in disavowing the arrangement into which his predecessor had been tricked, in violation of his known instructions, and the disavowal of which had been designedly rendered inevitable by an offensive expression inserted into it, was represented as hostile and perfidious ; and the depredations on our commerce practised by France, under her Berlin Milan and Bayonet decrees, her burning of our vessels at sea, and her numberless outrages against the persons of our citizens, were glossed over by the gentle phrase of "trespasses on our commercial rights."

Congress and the public being thus prepared, the master machinery was soon put in motion. The object was to remove the nonintercourse from France, and enforce it against England alone. This could not be done openly, under all the outrages insults and aggressions of France. The nation, it was feared, would not yet bear it. Congress would not do it. Some pretext must therefore be found. The object must be approached covertly and indirectly. The plan of operations was to get from France a promise to repeal her decrees, upon some condition with which it should be previously ascertained that England would not comply ; to call this conditional promise a repeal, remove the nonintercourse as to France, and demand from England a revocation of her orders in council. If she refused, which care would be taken to render absolutely certain, the nonintercourse might then, with the appearance of impartiality and independence, be enforced against her alone. France would risk nothing by assenting to this contrivance ; for she could always annex conditions to her promise capable of being explained in her own way, and to which it would be impossible for England to assent.

The plan being thus arranged, no doubt in full concert with the French minister here, a letter was written on December 1, 1809, about a week after the meeting of congress, to the American minister in France, directing him to inquire whether, if Great Britain should revoke her blockades of a date anterior to the Berlin decree, France would revoke that decree.† This pointed to the order of May 16, 1806, which, under the name, but not in the least partaking of the nature of a blockade, was in fact an order in council for the protection of our colonial trade, against the operation of the rule of

† Passed March 17, 1808. It ordered the seizure of all American vessels entering the ports of France after the day of its date, upon the ground, that as our embargo then in operation prevented American vessels from sailing, and none could sail without violating this law, they must be presumed to be British vessels, or on British account. This was one of the "trespasses."

‡ The hint of this notable device seems to have been taken from a note of Champagny's to the American minister, of August 22, 1809 in which he says "Let England revoke her declarations of blockade against France, France will revoke her decree of blockade against England." This note was transmitted by the American minister to his government on the 10th of September, 1809, and received a little before the meeting of congress. The same conveyance no doubt brought full instructions on the subject to the French minister here. The note seems to have been written in consequence of some application from the American minister, which has not appeared. It was probably made with a view to this operation.

1756. It so operated, and was so considered at the time by our government, which had never intimated the slightest dissatisfaction on that subject. It was now laid hold of and brought into play, because Great Britain had no other act previous to the Berlin decree which could be called a blockade; and because it was clearly foreseen that as she considered it as part of her maritime system, warranted by the law of nations, she would never acknowledge its illegality, by revoking it as a condition of rescinding that decree. She had repeatedly declared that her orders of November 11, 1807, were retaliatory of the Berlin decree, and would therefore be withdrawn whenever that should be rescinded; but her rule of 1756, modified by her order of June 24, 1803, and her right to blockade the ports and coasts of her enemy, it was known that she never would or could relinquish. The order therefore, being inseparably connected in principle with that system on which she deemed her existence to depend, would surely be maintained by her, against any demand of its revocation; because by revoking it under such a demand, she would have acknowledged the illegality of her whole system. All this being fully understood & known by the arch jugglers, the revocation of this order was fixed on, as the condition to be required of her.

The enquiry directed by the letter of December 1, 1809, was accordingly made; and the French government, being no doubt well apprized by its minister here of the nature of the plot, and the object of the enquiry, answered of course, that the only condition required for the revocation of the Berlin decree, was the previous repeal by Great-Britain of her blockades of France or parts of France, of a date anterior to that decree; such as that from the Elbe to Brest; meaning the order of May 16, 1806. This answer was given on the 25th of January, 1810, and was immediately transmitted to England, where it was ascertained in due time, as had been clearly foreseen from the beginning, that the order of May 16, 1806, would not be withdrawn, as a preliminary to the revocation of the Berlin decree.

In the mean time the proper machinery was set in motion in Congress. On the 19th of December, 1809, a bill was introduced into the House of Representatives, and passed on the 9th of January following, to continue in force the non-intercourse against Great-Britain and France, with power to the President to remove it as to either nation, which should "so revoke or modify her edicts, as that they should cease to violate the neutral commerce of the United States." Had this bill passed into a law, the scheme, as far as depended on Congress, would have been accomplished. It would only have remained for France to make some such conditional promise as had been arranged, and which might be called a rescision of her decrees. It would then have been declared that she had rescinded them, and the non-intercourse, removed as to her, would have been left in force against Great-Britain.

The Senate, however, was not yet sufficiently prepared. It amended the bill, so as to substitute a system altogether different. The House of Representatives refused to accept the amendment, and the Senate adhered. The struggle continued till the 31st of

March, when the bill was finally lost, and the scheme was threatened with a total defeat.

The war party however soon rallied, and on the 7th of April a new bill was introduced into the House of Representatives, providing a new mode of attaining the object. § This bill repealed the non-intercourse, as to both nations, but provided that in case either nation should, before the 3d day of March, 1811, "so revoke or modify her edicts, as that they should cease to violate the neutral commerce of the United States," the President should have power to declare the fact by proclamation; and that if the other power did not within three months after this proclamation, revoke or modify her edicts in like manner, the non-intercourse should be revived against her. The bill was speedily passed and sent to the Senate, which being now better instructed, agreed to it with some inconsiderable amendments, not in the least affecting its principle; and on the 1st of May, 1810, it became a law.

No time was lost in transmitting it to France, where it was communicated to the government some time before the 5th of August, 1810, but on what day has not appeared. In the mean time, enough had been ascertained in England to warrant a belief, that she would not revoke the order of May 16, 1806. The government, when repeatedly pressed on that subject, had remained silent. The scheme was therefore ripe for execution; and on the 5th of August 1810, the last hand was put to it by the French government. A letter of that date was addressed by it to the American minister, containing the conditional promise to repeal the Berlin and Milan decrees, which was to be set up here as an absolute repeal, and to furnish the necessary pretext for enforcing the non-intercourse against England.

The condition on which the French government had engaged, as has been seen, to promise this repeal, was the mere previous revocation by England of the blockade of May 16th 1806, which it was then confidently believed, and with good reason, that she would not revoke. It was therefore thought to be a very safe game. But when pressed on the subject she had not declared that she would not revoke it. She had merely remained silent. There was consequently room for some apprehension, that when it came to the push she might comply with this condition, and thus defeat the whole of this ingenious contrivance. To guard against this danger the condition was altered and enlarged, to an indefinite extent. Instead of calling on her to revoke "her blockades of France or parts of France, (such as that from the Elbe to Brest) of a date anterior to the Berlin decree," or to revoke her order of May 16th 1806, by name, she was required by this letter, as a condition precedent to the repeal of the Berlin and Milan decrees, on which the repeal was to depend, to revoke her orders in council, "and renounce the new principles of blockade, which she had wished to establish." This rendered the game quite sure. It was impossible for her to comply with this

§ We have it on the authority of Mr. Smith, then Secretary of state, that both these bills were prepared by the President. (See appendix No. 5.)

condition, for she could not possibly know what it was. She could not possibly know what part of her principles of blockade France might choose to consider as new ; and if she recurred to the explanations before given by France on that subject, it was equally clear that she could not yield to them, without relinquishing her whole maritime system.

This conditional promise, therefore, of August 5th 1810, placed the affair on perfectly sure grounds. Nothing now remained, but for the American government to proclaim this conditional promise as an absolute repeal, and the business was done.

To ordinary men this last step might have seemed to be attended with some difficulty. The condition was expressed by the French words "bien entendu," which literally mean, and are always without exception translated "provided" and always import in French, as the word "provided," does in English, a condition precedent. They had moreover been officially translated in that manner, by the president himself while secretary of state, perfectly skilled in French ; and the translation had been officially sanctioned, in a very solemn act, by late president, equally skilled in that language. The step however, difficult as it might seem, must be taken. The repeal must be represented and maintained as absolute, or the whole scheme would fail. The necessity of the case justified, it was thought, any expedient ; and it was boldly resolved to mistranslate the technical appropriate and well understood words "bien entendu" by which the condition was expressed. Thus the true meaning of the instrument might be suppressed, and it might be passed on the nation as an absolute repeal. This was accomplished by translating

|| This incident is so remarkable in itself, and forms so striking a feature in this scene of disgusting duplicity, that it ought to be particularly explained. On the 13th of December, 1800, a convention was made at Paris, between the United States and France, which stipulated in the Second article, that as the plenipotentiaries of the two parties could not agree about the former treaties between the two nations, which the American government had declared void, nor upon the indemnities mutually due or claimed, the parties would negotiate further on those subjects at a convenient time, and till they should come to an agreement the former treaties should have no operation. The Senate advised the ratification of this convention, provided the second article were expunged ; and the President ratified it accordingly. It went back to France to be ratified there ; and Bonaparte then First Consul, thought fit to consider the expunging of the second article as a relinquishment of the claim for indemnities on our part, although it had been expunged for the express purpose of avoiding all pretence of such a relinquishment, by implication. He therefore ratified it with a proviso expressed in these words. "*Bien entendu que par ce retranchement, les deux états renouencent aux prétensions respectives, que sont l'objet du, dit article.*"

When this treaty arrived again in the United States, thus ratified, Mr. Jefferson was President and Mr. Madison Secretary of State. The ratification was accepted, and the treaty with the form of ratification being officially translated into English by the Secretary of State, (that is under his orders and instruction) was promulgated by the President in French and English. The clause annex to the ratification by Bonaparte, is thus translated. "*Provided, that by this retranchement, the two States renounce the respective pretensions, which are the object of the said article.*" See vol. 6 Laws of the United States, appendix. The letter of August 5th, 1810, is subjoined in the original French, that it may be compared with this part of the ratification. (*See appendix No. 6.*)

the words "bien entendu" by the words, "it being well understood; which might be represented and appear as a mere independent stipulation, or what in legal language is called a "condition subsequent;" which if it be not fulfilled gives a right of action or complaint, but does not controul or affect the operation of the preceding agreement.

By this shameful and shameless device, disgraceful even to the lowest class of political jugglers, the intention of Congress in passing the act of May 1st, 1810, was wholly perverted; and while the French decrees remained in full force, were every where executed against our commerce, and publicly declared by France to be the fundamental law of the empire, the President was furnished with a pretext for declaring that they were revoked, and enforcing the act of non-intercourse against England alone. Accordingly the proclamation of November 2d, 1810, was issued.

If further proof could be necessary, that the revocation thus solemnly proclaimed to be absolute, was merely conditional, in the strictest sense of the word, it may be found in all the introductory and concomitant acts of both governments.

France began the operation by saying, "let England revoke her declarations of blockade, against France, France will revoke her decree of blockade against England,"¶ (the Berlin decree)

This was surely conditional. The revocation by France, was obviously to depend on a previous revocation by England. The revocation by England was therefore a condition precedent.

The American government so understanding it, but wishing to have the extent of the condition more precisely defined, followed up the business by a formal enquiry "what were the CONDITIONS on which his majesty the Emperor would annul his decree, commonly called the "Berlin decree?"***

All who understand english know, that when we ask on what condition a thing will be done, we mean that unless the condition be fulfilled, the thing is not to be done.

The French government answered, "that the only CONDITION required for the the repeal of the Berlin decree, would be a PREVIOUS revocation by the British government, of her blockades," &c.††

The British revocation was to be PREVIOUS, consequently it was a condition precedent. In other words the French revocation was not to take place, unless it were PRECEDED by that of England.

The American government so understood it. In giving instructions to its minister in England on this subject, it speaks thus, "while it was not known, on one hand, how far the French government would adhere to the apparent import of the CONDITION, as first communicated (by the note of August 22d, 1809) on which the Berlin decree would be revoked," &c. And again, "the precise and formal declaration since made, by the French government, (in

¶ Champagny's note of August 22d, 1809.

** General Armstrong's letter to Mr. Pinckney of January 25th, 1810, informing him that the enquiry had been directed and made.

†† Same letter, informing Mr. Pinckney of the answer.

the answer to general Armstrong,) that the CONDITION was limited to the blockades of France." &c.††

The American government consequently knew, that the repeal of the French decrees was to be ON a condition. The French government had expressly informed them, that the condition required must be PREVIOUSLY fulfilled; in other words that it was a condition precedent; and those who understand language and have common sense need not be told, that when a contract or promise is made ON a condition, it does not bind unless the condition be performed. Thus the French government always understood her contract or promise of August 5th, 1810, which grew out of these communications. One part of the condition was, that if England should not do what was previously required of her, the United States should enforce against her alone the non-intercourse law. When the proclamation of Nov. 2d, 1810, was issued, directing this act to be enforced after the 2d of February following, the French government suspended the operation of its decrees, till it should be seen whether this condition would in fact be fulfilled; expressly declaring that when it was actually fulfilled, those decrees should cease to have effect.§§

And the final repealing decree itself takes up and confirms the same idea. That decree would have been wholly unnecessary, had the act of August 5th, 1810 been an absolute repeal. As it was however not an absolute repeal, but a conditional engagement to repeal, in case either England or the United States should do a previous act prescribed in the condition, the final repeal of April 28th, 1811, was necessary. Accordingly it was made on the express ground, that we had fulfilled the condition on our part, by the act of March 2d, 1811, enforcing the non-intercourse law against England.||

Indeed if the act of August 5th, 1810, had been intended as an absolute repeal, why make it future? As an absolute repeal there was no reason why it should not take effect immediately; but being conditional, time was very properly and indeed necessarily given, for the performance of the condition.

And yet, notwithstanding all this, it was asserted by a solemn act of the government, that the French decrees were absolutely repealed, by the act of August 5th, 1810,¶¶ and had ceased to violate the neu-

†† Letter from the Secretary of State to Mr. Pinkney, of July 2d, 1810.

§§ Letters of December 25th and 26th, 1810, from the French ministers of finances and justice, to the director general of the customs, and the president of the council of prizes, communicated with the president's message of July 10th, 1813.

|| See the decree itself, communicated with the president's message of July 12th, 1813.

¶¶ Numerous attempts have been made to prove, that the condition contained in this act was merely subsequent: in other words, that the repeal made by it was absolute and unconditional. For when we say that a thing is to be done *conditionally* or *on condition*, we always mean that it is not to be done, unless the condition be first performed, which is precisely the definition of a condition *precedent*, as contra-distinguished from a condition *subsequent*. But the last and mightiest effort, in which the whole strength of the cabinet was to be put forth, was reserved for the Secretary of State. "Nec Deus interisit nisi dignus vindice nodus." The Secretary therefore comes forth in his might,

tral commerce of the United States. This assertion, utterly false in fact, and resting on a wilful mistranslation of an official document, has been constantly adhered to and repeated, with matchless assurance, and became as it was intended the principal engine for dragging us into the war.

A formal demand was then made on England, that she should repeal her orders in council, or incur the penalties of the non-intercourse law. She had always declared that she considered those or-

“ Cedit romani scriptores, cedit graii ;
“ Niscio quid magus nascitur iliade.”

And thus he reasons. “ The latter decree, (that of April 28, 1811) acknowledges that the condition had been performed, and disclaims the right to revive it, (1) in consequence of that performance ; and extending back to the 1st of November, confirmed in every circumstance the preceding repeal.”

In other words, “ The first repeal was on a condition. The second, acknowledging that this condition had been performed, confirms the first. Therefore the first was not conditional, but absolute.”

He also contends that Great Britain has herself acknowledged the correctness of this reasoning ; and he proves it thus :

“ In repealing the orders in council on the pretext of the French decree of April 28, 1811, the British government has conceded that it ought to have repealed them on the declaration of August 5, 1810. It is impossible to discriminate between the two acts, or to separate them from each other, so as to justify on sound and consistent principles, the repeal of the orders in council on the ground of one act, and the refusal to repeal them on that of the other. The second act makes the repeal definitive, but for what reason ? Because the non-intercourse act had been put in force against Great Britain, in compliance with the condition subsequent (2) attached to the former repeal, and her refusal to repeal her orders in council (3) that act (4) being still in force, and the decree of the 28th of April, 1811, being expressly founded on it, Great Britain repeals her orders in council on the basis of this latter decree. The conclusion is therefore inevitable, that by this repeal, under all the circumstances attending it, the British government has acknowledged the justice of the claim of the United States, to a repeal on the former occasion. By accepting the latter one, it has sanctioned the preceding one.” (5)

All which, being translated into English, stands thus, “ Great Britain refuses to revoke her orders in council, on the ground of the repeal of August 5, 1810, because it was merely conditional, and not absolute or definitive, but required another act of the French government to make it definitive. Afterwards appeared the repeal of April 28, 1811, which was absolute and definitive ; and then she did revoke, on the ground of the last repeal. Therefore she acknowledges that the first repeal was absolute and definitive, and was a sufficient ground for demanding her revocation.”

The Secretary's reasoning may be made still more plain, by a familiar example. I contract with him for the purchase of an estate, for which I am to pay dolls. 10,000 ; and he promises that when I pay the money he will convey the land. I send him my bond for dolls. 10,000, with condition to be paid when he shall have conveyed the land ; and on this I demand a conveyance, which he of course refuses. Afterwards I actually pay the money ; and then, accepting this payment as a performance of my contract, he performs on his part, by conveying the land. In doing this act he acknowledges that he ought to have conveyed on my giving him the bond.

1. To revive what ? The condition, the first repeal, or the repealed decrees ?

2. If the condition was merely subsequent, and the first repeal consequently absolute, what need of a second repeal to make the first “ definitive ?”

3. The Secretary, it is presumed, can inform us what he wishes to have understood by one party's doing a thing, in compliance with the refusal of another party.

4. Probably the declaration of August 5, 1810.

5. See the report communicated by the President July 12, 1813.

ders as merely retaliatory on the decrees of France, and justifiable on no principle; and that she was ready to revoke them whenever the decrees should be revoked. There was consequently some danger that she might consider the act of August 5th, 1810, as a revocation, and consent to revoke her orders, which would wholly defeat the war scheme; for it was well known that the revocation of her orders would render war impossible here. To guard effectually against this event, improbable as it was, the order of May the 16th 1806, was brought into operation. We have seen that it was in-

The two acts, of giving the bond and paying the money, cannot be separated from each other, so as to justify the conveyance "on the ground of one, and the refusal to convey on that of the other." The last act, the payment, made the first, the bond, final and definitive; and by conveying on the last, he has acknowledged the justice of my claim to a conveyance "on the former occasion."

This conveyance, moreover, according to the secretary's subsequent reasoning on the doctrine of relation, relates back to the time of giving the bond, and gives me a right to sue him and recover damages, for not conveying when the bond was given. Which amounts to this "he contended that he was not bound to convey on receiving the bond; but on receiving payment he was bound, and did accordingly convey. By which he admitted that he was bound to convey before payment, on merely receiving the bond."

Take one further specimen of the reasoning of this report. "If, however, these two acts (the declaration of August 5th, 1810, and the repeal of April 28th, 1811) could be separated from each other, so as that the latter might be made the basis of the repeal of the orders in council distinct, from the former, it follows that bearing date on the 28th of April, 1811, the repeal ought to have relation to that day. In legal construction, between nations as individuals, acts are to be respected from the time they begin to operate, and where they impose a moral or political obligation on another party, that obligation commences with the commencement of the act. But it has been urged, that the French decree was not promulgated, or made known to the British government, until a year after its date. *This objection has no force.* By accepting an act bearing date a year before it was promulgated, it (6) admitted that in the interval nothing was done repugnant to it."

That is "the British government promised to revoke its orders, when the French decree should be repealed. A decree to repeal them passes on the 28th of April, 1811, but for reasons best known to its authors it is concealed till May 10th 1812. It is impossible that it can operate as a repeal till it is promulgated; and in fact it does not so operate. As soon however as it begins to operate by promulgation, that is as soon as it becomes a decree, the British government revoke their orders. Therefore the revocation ought to relate back to the date of the decree, when it did not and could not operate as a repeal, and was not in fact a decree."

But this report contains matter of graver reprehension. False reasoning may be pitied or laughed at. False statements excite very different sensations. The secretary, speaking of the letter of August 5th, 1810, says, in express and unqualified terms, "that the ONLY condition attached to it was, either that Great Britain should follow the example and repeal her orders in council, or that the United States should carry into effect against her their non-intercourse act." When this was written, he had the letter before him, for he annexed it to the report. The condition was present to his mind, for it was the main topic of discussion. And this condition not only requires G. Britain to "repeal her orders in council," but also in express words to renounce "the new principles of blockade which she wished to establish. This, therefore, is not a case of inadvertency, but of willful misstatement.

The secretary moreover knew, that it was this last and infinitely most important part of the condition, which prevented Great Britain from acceding to the arrangement; for he had on the files of his office, and no doubt had carefully read, the ori-

6 Probably the British government.

tended, and did in fact operate, as a protection to our neutral commerce; as a modification in our favour, and a very important one too, of the rule of 1756; as an act of friendship and kindness on the part of that minister, who of all his countrymen was considered, and justly, as the most tender and indulgent towards neutrals in general, and the United States particularly. As such it was received and represented by the American minister in England. As such it was accepted by the nation, and acquiesced in by the government, for several years; and now it was unblushingly brought forward, by the same men, as a violation of our neutral commerce, as an illegal blockade, and its revocation was peremptorily demanded, as one of the indispensable conditions, of our forbearing to enforce the non-intercourse against England alone. Why was it thus brought forward and insisted on? Because these men believed it to be an illegal blockade, or a blockade at all? They well knew that it was not a blockade, nor ever intended to operate as such; though for a friendly purpose, of which they were well apprized, it was called by that name. But it was brought forward and insisted on because they knew, and had taken pains to ascertain, that Great-Britain would not and could not revoke it under such a demand. Such a revocation would have admitted its illegality, and the illegality of all that important part of her maritime system with which it was connected.

Great-Britain, as was expected, refused to revoke not only this order of May 16th, 1806, but her retaliatory orders also, on the ground that the French decrees were not revoked by the letter of August 5th, 1810, which was a mere promise to revoke, on a condition requiring the complete surrender of her maritime system. But she declared, at the same time, that whenever an absolute and authentic revocation of those decrees should appear, her retaliatory orders should fall of course.

ginal letter of the British government, which contains this passage, "Under this explanation (the explanation given by the American government of the nature of the condition) if nothing more had been required from Great Britain for the purpose of securing the continuance of the repeal of the French decrees, than the repeal of our orders in council, *I should not have hesitated to declare the perfect readiness of this government to fulfil that condition.* On these terms the British government has always been sincerely disposed to repeal the orders in council. It appears, however, not only by the letter of the French minister, but by your explanation, that the repeal of the orders in council will not satisfy either the French or American governments. The British government is further required, by the letter of the French minister (the letter of August 5th, 1810) to "*renounce those principles of blockade which the French government alleges to be new.*" A reference to the terms of the Berlin decree will serve to explain the extent of this requisition."

See the Marquis Wellesley's letter to Mr. Pinckney of Dec. 29th, 1810. Which further states that Great Britain refused to withdraw the order of May 16th, 1806, because it was demanded by America, "as a practical instance of our renunciation of those principles of blockade, which are condemned by the French government."

And yet with these documents before him, the American Secretary of state deliberately declares, in an official report to the President, intended for the information of Congress, that the ONLY condition required from Great Britain, was the repeal of her orders in council, and that by REFUSING to repeal them (which she had declared herself ready to do had that been the only condition) she had rendered herself responsible for the war which ensued.

Matters had now arrived at the point, to which it had been the object of so many artifices and stratagems to bring them. It was proclaimed, with every art of exaggeration, that France had done us justice, while Great-Britain refused it in the spirit of insult and hostility; and that there was no alternative but immediate war or disgraceful submission. Every art was put in practice to inflame the nation, which deceived by its false guides, and blinded by its passions, approached rapidly towards the brink of the precipice.

Some doubts and fears, however, arose from the conduct of France. She disdained to countenance the little tricks by which her cause was promoted here. While this government assiduously proclaimed that her decrees were repealed, in the face of fact and common sense, she went on as usual to execute them, and by the most solemn and public acts proclaimed them anew, as the fundamental laws of the empire. This began to produce doubts among the honest unsuspecting people of America, about the reality of this repeal. They began to suspect that their own government had been imposed on, and there was danger that an indignant spirit against France might arise, the operation of which could not fail to be very disadvantageous to the scheme of war.

In these critical circumstances a new French minister arrived in this country, having left France a considerable time after the repeal was asserted to have taken place. He of course could tell whether it had actually taken place or not. It was expected that he would tell; and every thing, in congress and the country, hung in anxious suspense on this expected information. The Secretary of State honestly supposing, good man! that the President wished to be informed on this interesting point, proposed on the 20th February 1811, to write a letter to the minister, explicitly and categorically asking whether the Berlin and Milan decrees were in fact repealed, on the 1st of November 1810, or at any and what subsequent time. He actually prepared the letter, and shewed it to the President; but instead of that approbation which not being in the secret he naturally expected, he was chidden, and received an injunction not to send any such letter.*** This piece of awkward and misplaced honesty no doubt cost him his place. Nothing could have been more natural or proper than such an enquiry, had information, as the Secretary honestly but simply supposed, been really wanted. But it was not wanted. The President knew perfectly well that the decrees were not repealed; but his plans made it necessary to maintain that they were repealed; and he feared that the minister, if questioned on the subject, would reveal the secret, and say that they were not. Hence his refusal to permit the letter to be sent, and his anger at its having been written.

This danger having been thus adroitly avoided, the war plan was prosecuted with renewed vigor. The assertion that the Berlin and Milan decrees were repealed was renewed in every form; a loud outcry was continued against the violence and injustice of England, in

*** See Mr. Smith's publication after his resignation where this fact is disclosed. Appendix, No. 7

refusing to revoke her orders in council; which it was asserted was now without pretext, and could proceed from nothing but a determined spirit of commercial hostility and domination. War was loudly called for to resist this spirit.

During the autumn of 1810, and the following spring, in the midst of the ferment excited by means of this pretended repeal of the French decrees, a new congress was elected. The war party accordingly gained a great accession of strength in these elections; but still congress, when it assembled in December 1811, was found reluctant to take the last step. The time had become pressing. The grand attack on Russia, for which immense preparations had long been making, and which was to complete the triumph of the arch usurper over the liberties of continental Europe, and ensure it over the world, had been fixed for the ensuing spring. The aid of America had been required and could not be refused. The only mode of affording it was to make war on England the ally of Russia, from whose aid a part of her force would thus be diverted. The measures of the war party went hand in hand with those of its ally. While he was drawing his forces, during the spring of 1812, towards the Russian frontier, the utmost industry was employed here, to prepare congress for the declaration of war. On the 9th of May, 1812, his army having arrived on the Vistula, he left Paris to conduct in person the attack, and on the 3d of June the war message came in. So exactly were all the operations concerted between the two governments, that the American minister in Paris confidently stated in the spring, that war would be declared immediately by the United States †††. It did in fact take place on the 18th of June, and on the 2d of July war was also declared by France against Russia.

In the mean time an event had taken place, which marks, if possible, with a deeper and blacker stain, the conduct of those by whose artifices this war was produced.

About the 10th of May, 1812, the French minister for foreign affairs produced to the American minister in France, a formal decree of the French government, revoking absolutely, as far as concerned the United States, the Berlin and Milan decrees. This repealing decree bore date on the 28th of April, 1811, but had not been promulgated or in any manner made known to the public. The French minister for foreign affairs, however, declared to the American minister in Paris, that it had been communicated at the time of its date, to the American charge des affaires then in Paris, and sent to the French minister here, with orders to communicate it to the American government. The charge des affaires denies that he ever saw it. But that it was received by the French minister here, as soon after its date as the usual course of communication between this country and France would permit, is rendered in the highest de-

††† The declaration was made by M. Barlow to captain John White of Boston, who informed his friends in Boston of it, and requested them to make arrangements for his exchange, in case he should be taken prisoner on his return home. They incautiously mentioned the matter to several persons, who made it public. See appendix, No. 8

gree probable, indeed we may say is rendered certain, by several circumstances.

In the first place, there was no conceivable motive for the French government to make this decree about the 10th of May, 1812, situated as affairs were at that time, or to antedate it more than a year, if they had made it then; but it is easy to conceive why it might have been made on the 28th of April, when it bears date, and kept secret, to be produced or not as occasion might require; for on the 28th of April, 1811, the course of things in this country was still uncertain, and such a decree might become absolutely necessary, to prevent the public mind from taking a direction hostile to France. To have published it in France at that time, however, would have produced the revocation of the British orders in council, and thus have defeated the war scheme. It was therefore kept secret.

The same reasons, in the next place, which rendered it proper to make this decree, and keep it in reserve, to be produced and used as occasion might require, rendered it proper to send it to this country; because it was in this country that in case of need it was to be used, and to produce its effect. To confine the knowledge of it to France, would have rendered it the most childish and nugatory act imaginable. Such acts are never done by the French government.

Further; some acts relative to American commerce, and founded, as this decree professes to be, on the act of Congress of March 2, 1811, for enforcing the non-intercourse against England, were done about the same time, April 28, 1811, by the French government, and transmitted to their minister here. This appears by a letter from him to the American government, bearing date July 23, 1811, in which he communicates those acts. Now it cannot be believed that when his government was writing to him about acts affecting American commerce, and founded on the act of Congress of March 2, 1811, it would omit to inform him of this decree, founded on the same act of Congress, and so deeply affecting American commerce. It is impossible to doubt that the decree was communicated to him, with the other acts of the same character and on the same subject; and as he received them, there can be no doubt that he received it likewise.

Hence we may conclude, without fear of mistake, that this decree of April 28, 1811, was transmitted by the French government to their minister here, and that he received it as early at least as July 23, 1811.

Now let us ask for what purpose was it transmitted to him? Not certainly to be locked up in his desk, and kept wholly to himself, but to be used in case of need; that is, if Congress or the nation should grow restive, and require a formal and absolute repeal of the Berlin and Milan decrees. It was not to be published unless in a case of the last necessity; because its publication would produce a recall of the British orders in council, and prevent the war. Of the existence of this necessity the chiefs of the war party here could alone form a competent judgment. The existence of the decree must

therefore be secretly made known to them, and they must decide whether, and at what time, it should be rendered public by an official communication.

Can any one in fact doubt that it was made known to them? Can any one imagine, that being received by the French minister in July, 1811, as it manifestly was, he did not immediately give the President a hint of its being in his possession? We have indeed been very gravely told, in an official report from the department of state, that it was not communicated to the American GOVERNMENT; that is, it was not officially communicated through the department of state; no trace of it is to be found on the files. No doubt. Neither does any trace of Turreau's letter appear there. It was not certainly communicated officially through the department of state. Neither was it intended to be so communicated, till its publication should first have been ascertained to be necessary. The French minister knew his business better. But might he not tell the President in a whisper, in a corner of the drawing room, that he had such a decree in his pocket, ready to be officially communicated when it might be judged necessary? And might not this whispered information be concealed from every body, even the Secretary of State himself, as we have seen that all the secret springs and wheels of this war machinery were from his predecessor? Is this too much to believe concerning a man in the President's situation? Let those who think so recollect the wilful mistranslation of the letter of August 5, 1810, which was the corner stone of this whole war edifice.*

With these circumstances combined, and distinctly kept in view it is impossible to resist the belief, that in July or August, 1811, the existence, in this country, of this formal and absolute repeal of the Berlin and Milan decrees, was known to the President of the United States. Let us now recollect, that such a repeal was all that was required by the British government, for the revocation of their orders in council; which they had repeatedly declared themselves ready to revoke, as soon as such a repeal should be produced. With this fact in view we shall be able to form an opinion, of the manner in which this confiding and beguiled nation has been cheated into a war tending directly to the subversion of its liberty and independence, and which would have subverted them had not the progress of the grand destroyer, to whose chariot wheels we thus were bound, been arrested by the glorious events which we now celebrate. But we never shall be able to find language strong enough, to express our abhorrence of such conduct.

The manner in which the war was produced will give us a strong, but not an adequate view, of its real objects. To see them in their full light, we must attend to the conduct of its authors since it was declared, and the manner in which they have carried it on.

The great avowed object of the war, without which it is notorious that it never could have been obtained, without which the American government declared officially* that it never would have resorted to

* In Mr. Smith's letter to Mr. Pinkney, of January 20, 1801.

* See appendix, No.

the non-intercourse laws, was the British orders in council. Had these orders been revoked, it is notorious that the war could never have been declared. A few days after the declaration† they were in fact revoked, on the appearance of the French repealing decree; and this revocation was immediately notified to our government, with the offer of an armistice. But no sooner was this ground removed than another was found. The practice of impressment, which nobody had ever mentioned as sufficient cause of war, and for which alone congress could ever have been prevailed on to declare war, was now brought forward as a sufficient motive for continuing it, and the armistice was rejected. The war party might then have made peace with the greatest glory. They would have obtained a complete triumph. Their measures would have appeared to be completely successful; and they would have risen to the pinnacle of popularity. But their secret motives for war were too strong for all these powerful considerations. The great ostensible object of the war was indeed obtained, but its real objects could not be obtained without its continuance: therefore it was continued.

The Emperor of Russia having heard of this war, which was detrimental to the commerce of his people, and injurious to the great cause of mankind in which he was engaged, offered his mediation to bring it to an end. It was impossible not to accept this mediation; for the loan languished, and the elections were coming on; but it was necessary to guard against the danger of its producing peace. The seamen's act, which to keep up appearances, and satisfy the scruples of weaker brethren, it had been necessary to pass, might satisfy the British government, and they might offer to suspend the practice of impressment, so long as that act should be properly enforced. It was therefore necessary to provide a new pretext, which there could be no danger of their consenting to remove. To this end the doctrine that "free ships make free goods" was selected, as a point which the British government never would yield; and in the message of June 1813, immediately after the mission to treat under the mediation to Russia, this doctrine was distinctly though covertly brought forward, in order to prepare the public mind for asserting it as a cause of continuing the war, in case of need, "The British cabinet must also be sensible (the message states,) that with respect to the important question of impressment on which the war so essentially turns, a search for or seizure of British persons or PROPERTY on board neutral vessels on the high seas, is not a belligerent right derived from the law of nations: and it is obvious that no visit or search, or use of force, for any purpose, on board of vessels of one independent power, on the high seas, can in war or peace be sanctioned by the laws or authority of another power."

By the word *property* here is not meant British property, as from a cursory view of the sentence might be supposed. Such a construction would make the sentence absolutely silly. British proper-

† On the 23d of June, 1812. The declaration was on the 18th.

ty, as such, on board of neutral vessels, never could be the subject of capture by British cruisers. No such idea ever entered into any man's head. The word here means property in general; such property as the British were in the habit of taking, in time of war, on board of neutral vessels; the property of their enemies, for which they claimed a right to search neutral ships. If to search for or seize such property on board of neutral ships, in time of war, be not a belligerent right, derived from the law of nations; and if no visit *or search, for any purpose*, on board of vessels of one independent power on the high seas, could be sanctioned in war by the *authority* of another power; which two propositions this message advances, it is plain that the right of search immemorially claimed and exercised by Great Britain, and always explicitly admitted by us, even by Mr. Jefferson and Mr. Madison themselves, can no longer exist, and the doctrine "that free ships make free goods," is established in its stead.

Such are the expressions, contained in this message, and such their necessary meaning, though wrapt up in much verbiage and ambiguity; so that the doctrine if necessary might be disavowed. Does any one believe that these words were inserted by accident; that they are words without meaning or design? Let him recollect by whom they were inserted. Why were they used? To lay a foundation for setting up the right of search, as a reason for continuing the war, if Britain should unexpectedly shew a disposition to accommodate the right of impressment. It was so understood by the war party; and the newspapers attached to it, which like straws "serve to shew which way the wind blows," immediately proclaimed that not only American men, but American *ships*, must be safe on the ocean; † in other words that the right of search must be relinquished, as well as the right of impressment.

It was moreover proclaimed in Congress, by the leaders of the war party, a little before this mission was instituted, and has been frequently repeated since, that no peace must be made without an absolute cession by England, not only of Upper and Lower Canada, but of all her possessions in North America, including Halifax.² And the war papers in Kentucky, by way of making an excuse for the mission, and reconciling the war party to it, declared it to be "*diplomatic manoeuvre*" as it undoubtedly was.³

Are there any who still doubt about the real objects of this war? Let them look for a moment to the spirit and manner in which it has been conducted.

It began, as we all know, with a proclamation, inviting the people of a British province to treason and rebellion, and threatening with military execution those who in defending their country and their homes from invasion, should be found using the assistance of the Indians. Could any thing be more contrary to the usages of civiliz-

† 1. See as an example the Baltimore "American," of August 31st, 1813. Appendix, No. 10

2. Mr. Clay's speech, January 2d, 1813. This is the gentleman now sent to negotiate with England for peace. Appendix, No. 11

3 Appendix, No. 12

ed nations, or better calculated to provoke retaliation, and give a character of barbarous atrocity to the war?† Yes, expedients more effectual still for this purpose were in store, and soon brought into action.

Some British subjects were taken in arms, invading under our standard the dominions of their sovereign. Not naturalized American citizens according to our laws, and therefore having some claim to our protection; for this is not pretended: not inhabitants of our country, compelled by our militia laws to take up arms for its defence, and taken within our territory; who would have an undoubted right to our protection; but unnaturalized British subjects, who voluntarily enlisted in our service to invade the territories of their sovereign, and were taken in arms on those territories. It was therefore as clear a case of treason, by the laws and universal practice of all civilized nations, as could possibly occur. These wretches, who had as little attachment to us as right to our protection, confessed their crime when taken, and offered to atone for it by instantly turning their arms against us. Their offer was indignantly and most properly rejected, and they were delivered over for trial to the civil power.

No sooner were these proceedings known, than an equal number of British prisoners were closely imprisoned, to be held as hostages for the safety of these criminals. The British government, as was foreseen, retaliated in their turn, by imprisoning as hostages double the number of American prisoners. This retaliation was again retaliated by the American government; and so it has gone on, till almost all the prisoners, on both sides, have been placed in close confinement, and their lives are to be forfeited, if a few British traitors should be punished, according to the laws of their own country, and the practice of every other.

Why was this savage system introduced? Why are the lives of brave honorable and useful men on both sides, placed in jeopardy, and their persons in prison? To protect these worthless and profligate vagabonds? No! they are known to be neither worth protection nor entitled to it. But to give a sanguinary and ferocious character to the war, by which the passions of the people may be roused, and they may be reconciled to its burdens its privations and above all its continuance; and the better to accomplish this purpose, the wretches whose threatened and merited punishment is made the pretext for these measures, are designedly mentioned in an official message to Congress, in such terms as to make the impression on the public, contrary to the known fact, that they are naturalized citizens of the United States.*

The same message, still more to inflame the public mind, accuses the British government in Canada, of compelling American citizens who remain there, to bear arms against their own country; whereas

† The atrocious principles and character of this proclamation, which bears internal evidence of having issued from the cabinet itself, are fully displayed in the able and beautiful speech lately delivered by Mr. Miller of New York, on the army bill: a speech which for chaste and fervid eloquence, perspicuous arrangement and elevated sentiment, has rarely been equalled.

* See appendix, No. 13

the regulation on that subject, which was published as long ago as July 10th 1812, and must have been seen and known long before the message was written, permits numerous classes of American citizens to remain, without being compellable to bear arms, and allows all to depart, who chose rather to leave the country than take part in defending it against their own.||

Can any thing, we are ready to exclaim, be worse than all this? Yes, there can be something worse. Hear it and shudder.

The American commander, too weak to maintain his ground at Fort George, against the advancing British force, utterly too weak to defend our own frontier, then threatened in its turn with invasion, determines to abandon Canada, and retreat across the Niagara river. The retreat being resolved on, Fort George is evacuated and destroyed: very properly, because it was a military position. It was also resolved to burn the village of Newark, consisting of one hundred and fifty houses, and inhabited by about four hundred persons, chiefly women and children. The inhabitants had twelve hours notice of this determination, that they might remove their effects and find shelter for their persons; but there was none to be found, for there were no villages near, and but very few farm houses. The order however, was given, and it was executed in the beginning of a winter night, in a most rigorous climate. The wretched inhabitants were compelled to witness the destruction of their property, without any other means of keeping themselves warm during this night of horrors, than the heat of their own burning houses. This barbarous outrage, altogether unparalleled in the history of civilized war, finds no shadow of excuse in any military reason; for the fort was to be evacuated, and the village was more than half a mile distant. Was it to deprive the enemy of quarters? The country abounded with wood, and he could immediately erect huts. Was it the wanton act of the American commander? He has published in his justification that he acted by express order of the government, and the government does not contradict him.¶ Was it to retaliate for the burnings

|| This regulation is subjoined. Let it be compared with the message. Appendix, No. 14

¶ An order, intended no doubt by the government to be understood as the sole order under which M^r Clure acted, has since been published, & makes part of the military correspondence laid before Congress by the President, in compliance with a call of the House of Representatives. It is expressed in terms of extreme ambiguity; which considering that it bears the signature of a man remarkable for perspicuity and precision of style is a very significant circumstance. Without conveying a positive injunction, it is well calculated to leave on the mind of the officer the impression, that Newark was to be burnt. It runs thus;

War Department, October 4, 1813.

“SIR. Understanding that the *defence* of the post, committed to your charge, may render it proper to destroy Newark, you are hereby directed to apprise its inhabitants of this circumstance, and to invite them to remove themselves and their effects, to some place of greater safety.”

M^r Clure certainly understood this as an order to burn Newark, or had other and more explicit orders. Did he understand it correctly, or had he in fact other and more explicit orders? Or had he any hint of the manner, in which it was wished and expected that he should understand this ambiguous order? He publicly asserts that he acted by orders. The government neither deny this assertion, disavow the

at the head of the Chesapeake? There part only of the houses were burnt; they were burnt in the day time; it was summer; the men were present to protect and find shelter for their families; and there was some, though a very insufficient excuse, in the slight resistance made by the inhabitants and militia, at the first landing of the enemy. Was it retaliation for the atrocities at Hampton? They were committed by a licentious foreign soldiery, who to prevent the danger of similar excesses were immediately withdrawn from our coast.** What was it then? It was provocation. The object was to irritate the British to make reprisals, on a frontier known to be defenceless, which must therefore be sacrificed. And sacrificed for what? To exasperate the passions of both parties, to give a character of the utmost atrocity to the war, to insure its continuance by exciting the fury of the people, and engaging their passions more blindly in its support. For this darling object, the continuance of the war, Newark was sacrificed, the national honor was stained, the usages of civilized war were violated, and all the best feelings of our nature were deliberately outraged. For this object our own frontier, a populous settlement, and three flourishing villages, were coolly delivered over to the retaliatory vengeance of a foe purposely exasperated. To this climax of horrors nothing can be added, even by the atrocious policy of the American administration.

Of a war thus produced commenced and prosecuted, what must have been the objects? To glut the long cherished vengeance of some of its authors, by the destruction of Great Britain; to confirm the power, or favor the aggrandizement, of others; to enrich some by the public spoils, and others by the hoped for spoils of the enemy; to deserve the favor and protection of France, and obtain the absolute government of this country under her orders, when her universal dominion should have been finally established; and in a numerous and very active class, the class of patriots by profession, every where venal, and every where the readiest and most suppliant tools of despotism, to earn and receive her wages, as long as she should think proper to pay them. Such were the sinister designs of of some, who stood ready to rivet our chains; but they were comparatively few in number, and their efforts would have been harmless, without the infatuation of many. That infatuation was unfortunately produced, by the long series of profligate arts which we have reviewed. Passions and prejudices long ago excited, and carefully kept alive, irritated to exasperation by the most unwearied efforts of falsehood and fraud, blinded the understandings of a numerous portion of the community; and party spirit, the most formidable engine hitherto discovered for operating on the conduct of men, enslaved the wills of those whom passion could not blind, and dragged them along in spite of the conviction of their own minds,

act, nor arrest him for trial. This conduct may serve to furnish us with an answer to the question.

** They were French prisoners who had enlisted in the British service, and were immediately sent to Halifax.

and the feelings of their hearts. Thus the infatuation of some was made to govern the conduct of others; and a great majority of the nation was either deluded or dragged into the support of the war system. The passions of honest zealots, the erroneous theories of visionary but well-meaning politicians, the cupidity of such as are governed in their political conduct by pecuniary interest, the ambition of demagogues more desirous of distinction than attached to principle, the weakness of honest party-men, and the low prejudices and passions of the vulgar, were all enlisted in the cause; pretexts, adapted to each class, were used as occasion required, and by this united force the nation was swept into the vortex of the arch tyrant's power and views.

What must have been the consequences of a war thus produced, had they not been arrested by his downfall? I shrink with horror from their enumeration. But we see them in the fate of Holland, of Spain of Germany, of every country, which by becoming like us, his ally, has become his victim and his slave. Let those who doubt whether they would have followed here, recollect that even in the moment of defeat, a military conscription has been spoken of by those who direct our affairs, and a proposition to establish martial law, under pretence of punishing American citizens as spies, has been formally made discussed and countenanced. What then might not have been apprehended in the moment of victory? "If these things were done in the green tree, what would have been done in the dry?" That they have been averted from us, let us, with hearts full of unutterable gratitude, in this sacred place, offer up our humble thanks to the Dispenser of all good, who hath, at last, looked in mercy on a suffering world; hath broken the rod of the oppressors, and confounded the wicked in his ways.

APPENDIX.

No. 1.

It has been since stated that this instruction pointed only to such debts as had been paid into the Treasury, under any act of assembly. This, however, makes little or no difference; for the payments into the Treasury were almost universal, and were made, by far the greater part at least, in paper money, greatly depreciated.

No. 2

British order of May 16th, 1806.

"The undersigned, his majesty's principal secretary of state for foreign affairs, has received his majesty's commands to acquaint Mr.

Monroe, that the king, taking into consideration, the new and extraordinary means resorted to by the enemy, for the purpose of distressing the commerce of his subjects, has thought fit to direct that the *necessary measures should be taken* for the blockade of the coast, rivers and ports, from the river Elbe to the port of Brest, both inclusive; and the said coast, rivers, and ports are, and must be considered as blockaded; but that his majesty is pleased to declare, that such blockade shall not extend to prevent neutral ships and vessels laden with goods not being the property of his majesty's enemies, and not being contraband of war, from approaching the said coasts, and entering into, and sailing from the said rivers and ports (save and except the coast, rivers and ports from Ostend to the river Seine, already in a state of strict and rigorous blockade, and which are to be considered as so continued) provided the said ships and vessels so approaching and entering (except as aforesaid) shall not have been laden at any port belonging to or in the possession of any of his majesty's enemies, and that the said ships and vessels so sailing from the said rivers and ports (except as aforesaid) shall not be destined to any port belonging to, or in possession of, any of his majesty's enemies, nor have previously broken the blockade.

(Signed)

"C. J. FOX.

"16th May, 1806."

No. 3.

Extracts from Mr. Monroe's letters to the Secretary of State, on the subject of the British order of May, 16th 1806.

"LONDON, 17th May, 1806.

"Early this morning, I received from Mr. Fox a note, a copy of which is enclosed which you will perceive, embraces explicitly a principal subject depending between our governments, though in rather a singular mode. The note is couched in terms of restraint, and professes to extend the blockade further than was heretofore done; nevertheless it takes it from many ports-already blockaded, indeed from all east of Ostend, and west of the Seine except in articles contraband of war, and enemy's property, which are seizable without a blockade. And in like form of exception, considering every enemy as one power, it admits the trade of neutrals, within the same limit, to be free, in the productions of enemy's colonies in every but the direct route between the colony and the parent country. It cannot be doubted, that the note was drawn by the government in reference to the question, and if intended by the Cabinet, as a foundation on which Mr. Fox is authorized to form a treaty, and obtained by him for that purpose, it must be viewed in a very favourable light. It seems clearly to put an end to further seizures on the principle which has been heretofore in contestation.

"20th May.

"From what I could collect I have been strengthened in the opinion which I communicated to you in my last, that Mr. Fox's note of the 16th was drawn with a view to a principle question with the U. States, I mean that of the trade with enemy's colonies. It embr-

ees, it is true, other objects, particularly the commerce with Prussia, and the north generally, whose ports it opens to neutral powers."

No. 4.

Extract from Mr. Smith's address.

9th. In my letter to Mr. Erskine of April 17th, 1809, Mr. Madison proposed and, contrary to my ideas of propriety, insisted on inserting, the following paragraph, viz.

"But I have it in express charge from the President, to state, that while he forbears to insist on a farther punishment of the offending officer, he is not the less sensible of the justice and utility of such an example, nor the less persuaded that it would best comport with what is due from his Britannic majesty to his own honor."

To this paragraph I had two objections:

1st. It is not reconcileable to that dignified decorum which the comity of governments in their intercourse with each other ought to observe.

2nd. As in a case of individuals, so in a case of nations, wherein a reparation may be tendered for an aggravated insult; the party insulted cannot consistently accept a reparation in satisfaction, and in the same letter insist that such reparation is not as satisfactory as in honor it ought to be. Such an acceptance would necessarily imply, that the pusillanimity of the party insulted, had, from a dread of a conflict, disposed him to yield to what his logic at the same time told him was not an adequate atonement.

No. 5.

Extract from Mr. Smith's address.

There was a serious difference of opinion between Mr. Madison and myself upon the bill touching our foreign relations, which was introduced by Mr. Macon early in the session of 1809—10.(a) The policy developed in that bill, became at once a subject of universal disapprobation. Not a word in its favor was to be found in any print. It was, therefore, most fortunately not forced upon the nation. In its place, however, was substituted the act of May 1810,(b) which the voice of the people in the expression of their indignation, in derision, called Macon No. 2.

All that odium which these two bills had excited throughout the United States, was, by a certain management, fastened upon Mr. 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

a. The Bill refused by the Senate

b. The act passed May 1st, 1810.

the purpose of this address to draw the mysterious curtain, that had 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; (c) 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 has wisely required, they were severally, through a certain medium, handed to Mr. Macon to be, it would seem, by him recommended.

No. 6.

French declaration of August 5th 1810, addressed by the French minister for foreign affairs to Gen. Armstrong.

"Je suis autorize a vous declarer, Monsieur, que les decrees de Berlin et de Milan sont revoques, et, qu'a dater du 1er Novembre ils iesseront d'avoir leur effect; BIEN ENTENDU qu'en consequence de cette DECLARATION les Anglois revoqueront leurs arrets du conciel, et renonceront aux nouveaux principes de blocus qu'ils ont voulu etablir, on bien que les Etats Unis, conformement a l'acte que vous venez de communiquer, feront respecter leurs droits par les Anglois."

See Gen. Armstrong's letter to Mr. Pinkney, of August 6th 1810, (President's message of Dec. 5th 1810, page 91) and Mr. Pinkney's letter to the Marquis Wellesley of December 10th 1810. (Message of Feb. 19th 1811, page 15.) The first part of the declaration is given in Gen. Armstrong's letter, the second part containing the condition, is supplied by Mr. Pinckney's.

The following is a true translation of this document.

I am authorised, sir, to declare to you, that the decrees of Berlin and Milan are revoked, and will cease to operate on the first of November: PROVIDED, that IN CONSEQUENCE OF THIS DECLARATION the English will revoke their orders in council, and abandon the new principles of blockade which they have attempted to establish; or that the United States, conformably to the act which you have just communicated, will cause their rights to be respected by the English."

Can any one who reads this and understands English hesitate to pronounce, that the operation of the French decrees was not to cease on the first of November, unless the English should previously fulfil the condition, by rescinding their orders in council and abandoning their system of blockade; or the United States should fulfil it on their part, by enforcing the non-intercourse act against England? In other words, that the revocation was purely conditional and contingent, depending on something to be first done by the other party; that is on a condition precedent?

c. Mr. Smith not being in the secret, did not know or suspect the object of these contrivances.

No. 7.

Extract from Mr. Smith's address.

Before his (Mr. Serurier's,) arrival at Washington, and immediately after he had been accredited, knowing as I did, the impatience of Congress and my countrymen, I lost no time in having with him a conference. This conference I concluded by stating, that I would take the liberty of addressing to him a note, proposing the several questions that I had just had the honour of stating to him in conversation; and that thus, by his answer, I should be enabled to lay before the President, with the utmost precision, his communications to me. I accordingly immediately prepared the following draft of a letter; and considering the President's sanction a matter of course, I had it in due official form copied by the appropriate clerk. But waiting on the President with it, and *after having reported to him verbally the result of the conference* I was, to my astonishment, told by him, that it would not be expedient to send to Mr. Serurier any such note. His deportment throughout this interview evinced a high degree of disquietude, which occasionally betrayed him into fretful expressions. Having in view nothing but the dignity of the government, and the prosperity of my country, and, overlooking his peevishness, I *entreated* him, but in a manner the most delicate, not to withhold from Congress any information, that might be useful to them at so momentous a juncture.

The following is a copy of the letter I had prepared, as proper in my opinion, to be sent to Mr. Serurier. It needs no comment.

Department of State, February 20, 1811.

SIR,

Desirous of laying before the president with the utmost precision the substance of our conference of this day, and knowing that verbal communications are not unfrequently misunderstood, I consider it proper to propose to you, in a written form, the questions, which I have had the honor of submitting to you in conversation, namely:

1st. Were the Berlin and Milan decrees revoked in *whole* or in *part* on the first day of last November? Or, have they at any time posterior to that day been so revoked? Or, have you *instructions* from your government to give to this government any assurance or explanation, in relation to the revocation or modification of these decrees?

2d Do the existing decrees of France admit into French ports, with or without licences, American vessels, laden with the produce of the United States, and under what regulations and conditions?

3d Do they admit into French ports, with or without licences, American vessels laden with articles not the produce of the United States, and under what regulations and conditions?

4th Do they permit the American vessels with or without licences to return from France to the United States, and upon what terms and conditions?

5th. Is the importation into France of any articles of the produce of the United States absolutely prohibited? And if so, what are the articles so prohibited, and especially are *tobacco* and *cotton*?

6th. Have you *instruction* from your government, to give to this government any assurance or explanation, in relation to the American vessels and cargoes, seized under the Rambouillet decree?

I have the honour to be, &c. &c.

R. SMITH.

Mr. Serurier, &c. &c.

No. 8.

Mr. Barlows information to White, that there would be war immediately.

Salem, Feb. 8th 1813.

DEAR SIR,

I have made some inquiry respecting White's letter. My father tells me that, as Mr.——, and he were riding in Bridge Street one day (he thinks a little after the war took place) they met Mr. H. White, one of Joseph White's nephews, and stopped to talk with him. Among other questions, they asked him if he did not expect his brother from France soon? No, says Mr. White, and immediately of his own accord mentioned his reason, which was, that they (the owners of the ship commanded by John White, of whom Henry White was one) had just received a letter from his brother, informing them that he had been assured by Mr Barlow that there would be war between the U. States and England immediately, and this would probably detain him (Capt. White,) in France, till he could proceed with more safety than at that season of the year. He requested them in this letter to endeavour to get him exchanged as soon as possible, in case he should be taken. This, my father says, is *substantially* what Mr. White, related though the language may not be *precisely* the same with that he used. Mr.——, account agrees perfectly with my fathers; and both of them say further, that as soon as they left Mr. W. they conversed with each other about it, and spoke of it as a very extraordinary and serious thing, that the war should have been thus predicted, indeed *known of*, in France, so long before it took place.

I find Capt.——, has obtained a statement from Mr.——, and intends this day to get one from Mr.——, who, you probably know, is a very intelligent mechanic. There are several persons who have heard captain White* and his nephews talk about that famous letter; but most of them can state nothing more, than that what has been published concerning it, accords with the impression which the conversation of the White's has left upon their minds. Capt.——, for instance, told me yesterday, he had heard one of them talk about it near the post-office, and as well as he could recollect, it amounted to what was published in the Salem Gazette.

* Capt. Joseph White, the uncle of the other Whites mentioned in this letter.

The persons here mentioned request that their names may *not* be made public.

Respectfully yours.

No. 9.

It might also be added "let him recollect who was the author of the Henry Message."

As this affair, which took place in March 1812, was one of the chief means of inflaming the public mind, and preparing the nation and Congress for the declaration of war, soon afterwards introduced, it merits explanation.

The object of Henry's mission, which took place in January 1809, while a very hostile state of things existed in this country, was to obtain exact and authentic information relative to the state of the public mind in New-England, and to encourage any disposition which might there appear to separate from the union, and place themselves under the protection of England, IN CASE OF WAR BETWEEN THAT COUNTRY AND THIS, which was then expected. This proceeding it is not intended by any means to justify; although it is not easy to perceive upon what ground it can be complained of, by the authors of Hull's proclamation, and of the attempts to excite an insurrection and produce a revolution in Florida.

In pursuance of this plan, Sir James Craig, the Governor of Canada, instructed his agent Henry, as follows: "Although it would be highly inexpedient that you should in any manner appear as an avowed agent. Yet if you could contrive to obtain an intimacy with any of the leading party, it may not be improper that you should insinuate, though with great caution, that if they should wish to enter into any communication with our government through me, you are authorised to receive any such, and will safely transmit it to me: And as it may not be impossible that they should require some document, by which they may be assured that you are really in the situation in which you represent yourself, I enclose a credential to be produced in that view. *But I particularly enjoin and direct that you do not make any use of this paper, unless a desire to that purpose should be expressed; and unless you see good ground for expecting that the doing so may lead to a more confidential communication, than you can otherwise look for.*" [Sir James Craig's letter of instructions to Henry, dated Quebec February 6th 1809.]

On the 1st of May, as soon as Sir James Craig received the intelligence of Erskine's arrangement, being under the impression that an amicable state of relations between the two countries would result from it, he recalled his agent. [Letter of May 1st 1809, from the secretary of the government of Canada to Henry.]

During the whole of Henry's communications with his employer, he gave no hint or intimation of any understanding between him and any person in the U. States, or that he had in any manner developed his views to any person whatever; and on his return to England, when vaunting his services to the government, and claiming a reward, he said "ALL THIS THE UNDERSIGNED PERFORMED, WITHOUT EVER

SHEWING HIS COMMISSION, OR APPEARING AS AN AUTHORIZED AGENT." [Henry's memorial to Lord Liverpool, dated June 23d 1811.]

And in his last letter from Boston to Sir James Craig, dated May 25th 1809, after speaking of the effects produced there by Erskine's arrangement, he says, "In the present state of things in this country, my presence can contribute very little to the interests of Great-Britain. If Mr. Erskine be sanctioned in all he has conceded, by his majesty's ministers, it is unnecessary for me, as indeed it would be unavailing, TO MAKE ANY ATTEMPT to carry into effect the original purposes of my mission."

Hence it is manifest that he made no attempt; that he confined himself to collecting and transmitting information, about the state of parties and of public opinion; and that he did not make himself known, in the character of a British agent, to any person whatever. All that he did was done "WITHOUT EVER SHEWING HIS COMMISSION, OR APPEARING AS AN AUTHORIZED AGENT."

And yet the President, having purchased this man's papers at the price of 50,000 dollars, laid them before Congress with a message, in which he stated that Henry had been employed "IN INTRIGUES WITH THE DISAFFECTED," for the purpose of bringing about resistance to the laws, destroying the union, and forming the Eastern part of it into a political connection with Great-Britain. Thus holding up the idea, contrary to the known fact as proved by this missionary himself, that there were in New-England disaffected persons who, knowing this man to be a British agent, had entered into an intrigue with him as such, for those criminal purposes. It is to be hoped, for the honor of human nature, that few instances have occurred of slander so malignant and profligate.

No. 10.

Extract from the Baltimore "American," of August 31st, 1813.

WE earnestly pray for peace; but on such terms only, as that *American ships* and American men, may freely traverse the ocean on their lawful employments, as God and Nature intended they should.

No. 11.

Extract from Mr. CLAY'S SPEECH on the Army Bill, January 2d, 1813.

Mr. Clay seconded the motion of Mr. Macon to strike out one year and insert five, as the time of enlistment. He said an army ought to be seasoned before it was brought into the field. He had heard much said, he observed, about sickness in our army; much of the sickness sometime ago at New-Orleans; and much lately of the sickness at Plattsburgh. Have you ever heard of an army on earth that was carried into the field before it had been seasoned in the camp? It must, to be good for any thing, be first disciplined in camp, and become inured to the mode of living and the fare of soldiers. It will take some time to season men to the change in their mode of living which must take place on their going into camp. It

will take a year to prepare them for the field. Without discipline they will be useless. Your seamen are brave and successful, because they know what they go to sea for. Take a landsman on board of a ship, and what sort of a sailor will he make. Such as the French have on board their vessels. We take no man into the navy but who understands his business, and the purpose for which he goes there ; and we see the effects of it. I do not wish it understood, Sir, if I vote against the bill, that I am opposed to the war. No, Sir, it is a righteous war, into which I go with hand and heart. We may differ about the mode, but that is all. I speak from experience more than from any thing else. Let us raise a sufficient army to serve during the war. It is absurd to suppose we shall not succeed in our enterprize against the enemy's provinces. We have the *Canadas* as much under our command as she has the ocean ; and the way to conquer her on the ocean is to drive her from the land. I am not for stopping at Quebec or any where else ; but I would take the whole continent from them, and ask them no favor. Her fleets cannot then rendezvous at Halifax as now, and having no place of resort in the North, cannot infest our coast as they have lately done. It is as easy to conquer them on the land, as their whole navy could conquer ours on the ocean. As to coping with them at sea, we cannot do it. We can annoy them, but not meet them on the open sea. I would meet them, and hurt them, however, where we can. *We must take the Continent from them,* " I WISH NEVER TO SEE A PEACE TILL WE DO. God has given us the power and the means ; we are to blame if we do not use them. If we get the continent, she must allow us the freedom of the sea. I hope, sir, the amendment of my friend from North-Carolina, going to make this army efficient, may be adopted.

No. 12.

Extracts from the Kentucky Gazette.

THE RUSSIAN MEDIATION.—To sooth the feelings of some of our political friends, and in some degree to remove the groundless suspicions which had been entertained of Mr. Madison, we ventured an opinion, in a late paper, on the Russian mediation ; and until the affair more completely developes its character, or we shall be convinced that the President has compromised the honor and rights of the nation, by this act, we shall continue to excuse him ; believing as we do that it is one of those DIPLOMATIC MANOEUVRES which continually happen in all countries, but we confess, more often in those where government is administered by avaricious intriguing and mahiavelian statesmen.

As respects the Russian mediation, we beg that the people would quietly await its termination ; by no means suffer themselves to be deluded with the foolish cry of peace ! when not the least prospect exists of a speedy termination of the war.

"Is this a time to negotiate for Peace? surely not, it is disgraceful to think of it, in earnest : and why the interference of Russia in our negociations? As a free nation we should settle our own affairs. England is apprised of the conditions upon which the war can be ended, the ultimatum she has long known, and if disposed to

settle fair, and acknowledge our rights, let her sue for peace and send commissioners to Washington.

It has a mean crouching appearance in our government to be sending out commissioners to treat with the enemy; under present circumstances it is base and cowardly.

Is it not reasonable then to believe, that there is some intrigue in the business some court trick to be played off? Or has Mr. Madison been driven from his firm republican stand, by the unparalleled conduct of Congress?

It may be that the president accepted the *friendly* offer of the Russian minister, through motives of politeness in order to preserve the fashionable dignity and etiquette of his own court and to conform to that of foreign powers. It may also be the fashion now-a-days at Washington, to get rid of worthless servants and suspicious characters, by *management* and rules of etiquette. Instead of kicking them outright from the cabinet, when they transgress, it may be more fashionable to strew with roses the road they have to tread into private life, for which the sort of exile to Siberia, or elsewhere, may be very right to qualify them. Perhaps this mode is not to be pursued with those whose crimes are of such a nature as not to admit of positive proof, and severe punishment.

That Albert Gallatin is a suspicious character, is undoubtedly a fact.

That Bayard is an enemy to republican liberty, is notorious.

Who then can calculate upon any beneficial consequences from a negotiation conducted by such characters? *Mr. Madison we know does not.* Then why send them? *Only with a view of lopping off an unsound member of the cabinet, and of silencing the clamour of the factious opposition.*

We are inclined to believe some such reasons influenced the Executive in the present case. For if it has been determined to conclude a peace with England at this time on the best terms that can be obtained, if administration have determined to abandon Mr. Jefferson's principles; it is well enough to select Gallatin and Bayard; it is quite in character to place the libellers of that great man in the highest offices of state. If they are resolved upon truckling to England, it is still more characteristic for them to send men on a mission for peace who have always *opposed the war*, and have defended on various occasions the pretensions of our enemy. Such motives we earnestly hope have not produced the appointment of *Gallatin, Bayard and Adams.*

No. 13.

Extract from the President's message of December 7th 1813.

The British commander in that province,* nevertheless, with the sanction as appears of his government, thought proper to select from American prisoners of war, and send to Great Britain for trial as criminals, a number of individuals, who had emigrated from the British dominions long prior to the state of war between the two nations, who had incorporated themselves into our political society, *in the modes recognized by the law and the practice of Great Britain*, and who were made prisoners of war, under the banners of their adopted country, for its rights and its safety.

The protection due to these *citizens* requiring an effectual interposition in their behalf, a like number of British prisoners of war were put into confinement, with a notification that they would experience whatever violence might be committed on the American prisoners of war sent to Great Britain.

* Canada.

No. 14.

Extract from the President's message, and the regulation of the governor of Canada.

“In a contiguous British province, regulations promulgated since the commencement of the war, *compel citizens of the United States, being there under certain circumstances, to bear arms*; while of the native emigrants from the United States, who compose much of the population of the province, a number have actually borne arms against the United States, within their limits; some of those after having done so, have become prisoners of war, and are now in our possession.” (See the message of December, 17th 1813.)

Here is a positive assertion that American citizens, being in Canada under certain circumstances, "are compelled to bear arms;" of course to fight against their own country. But the fact is, as appears from the very regulations referred to in this passage, that on the 10th, of July, 1812, after the war was known in Canada, all American citizens of every description, who did not wish to bear arms against their own country, were permitted to leave the province, after a limited time to be specially allowed them, for settling their affairs; and that a very numerous class, including all who had visible property and a good character, without being immediate grantees of the crown, or holders of lands from grantees of the crown or seigneurs, might remain on taking the oath of Allegiance, "without being compellable to bear arms against the United States."

REGULATIONS.

Established by his Excellency the Governor,
*Respecting American Subjects, now residing in the Province of
Lower Canada.*

First. That all American Subjects who shall refuse to take the Oath of Allegiance, and also refuse to take up Arms, must leave the Country, unless they shall obtain the permission of His Excellency the Governor to remain for a limited time, for the purpose of settling their affairs.

Secondly. That all American Subjects, having visible property, of good character, and who will take the Oath of Allegiance, *with the Exception of not being obliged to bear Arms against the United States of America* be allowed to remain, *without being compellable to bear Arms against the said United States*; but subject to leave the Province whenever Government shall deem it necessary.

Thirdly. That all Americans, being immediate Grantees of the Crown, *be allowed to remain* but to take the general Oath of Allegiance to His Majesty, and consequently must bear Arms.

Fourthly. That all American Subjects of good character, holding Lands from Grantees of the Crown, or from Seigneurs, if approved of by a Committee, consisting of not less than three members of his majesty's Executive Council, may remain on taking the general Oath of Allegiance to His Majesty, *and consenting to bear Arms*; but this Oath must be taken in Quebec, Montreal, or Three Rivers, before the Police Magistrates.

Fifthly. Any American subjects of good character may if approved of by a Committee of the Executive Council, as aforesaid, be allowed to remain on taking the Oath of Allegiance, *and consenting to bear arms*; the Oath to be taken before the Police Magistrates as aforesaid.

Sixthly. That the foregoing regulations shall take effect notwithstanding the Proclamation of the thirtieth of June last.

Government house, Montreal, 10th July, 1812.

(Signed) GEORGE PREVOST.

By His Excellency's Command.

E. B. BRENTON, Assistant Secretary."