

9"71.034

T 469

s 2

HISTORY *of the* LATE WAR

Between

Great Britain

and the

United States of America

*With a retrospective view of the causes
from whence it originated*

BY

DAVID THOMPSON

Republished under the auspices of :
Social Science Research Council of Canada
Maison des Sciences de l'Homme, Paris
Humanities Research Council of Canada
Toronto Public Library

S.R. Publishers Limited
Johnson Reprint Corporation
1966

PHIL:7A CE.

ALTHOUGH many books have been circulated throughout the continent of America, purporting to be histories of the late war between Great Britain and the United States, it must be acknowledged that none has yet appeared, in the British North American Colonies, which could be considered as generally authentic. Whatever other causes may have existed to which such a total want of veracity may be ascribed, there is little doubt but a strong desire on the part of the authors to place every circumstance regarding that contest in a favorable point of view as respected their own country, leaving the adverse party as far in the shade as possible, constituted the most prominent—a propensity confessedly to which, American writers, on this topic, have betrayed themselves uncommonly subject. It may, therefore, be fairly presumed, that an apology for the appearance of the following sheets would be quite superfluous.

A faithful and impartial account of the late **war**, with a review of the causes from whence it originated, must be hailed with the most exalted enthusiasm by all who can boast the name of a Briton, and are worthy of the title. In such a work, generations yet unborn—will trace the footsteps of their ancestors in that glorious struggle for the salvation of their country, and emulate their virtuous example, should they ever be called upon for that purpose.

But in the following detail of the events of the war, the present generation, the majority of whom bore so conspicuous a part, will be enabled to review the lei

rifle glories of those fields of blood and carnage : the widow and the fatherless will survey the transcendant achievements of their husbands and their fathers, and, in ecstasies of triumph, like the sun shedding forth his radiant beams after being obscured for a while by a dense cloud, will smile through their tears. Our British youths, too, whose minds have been endangered by the poisoned shafts of designing malevolence which have been every where discharged through the country, by the many erroneous accounts of the late war with the causes which led to it that have been hitherto published—in perusing a true statement of those events, they will catch that patriotic flame -which glowed with an unequalled resplendence in the bosoms of their fathers, and animated to action that noble few who stepped forward to oppose a relentless enemy invading their hitherto peaceful fire sides, and evinced a willingness to endure every privation incidental to the " tented field," in defence of their King, their laws and their country.

That these momentous objects might be fully consummated, the writer has spared no expense to collect the most authentic materials for the work, neither has he shrunk from any labor (however arduous,) that might contribute thereto : official documents, periodicals and volumes of historical matter on the subject, from both the countries interested, which were marked for settled integrity, have been studiously consulted ; and in addition to all this, together with the author's personal knowledge of most of the transactions detailed, he has acquired much information on the subject from persons of unquestionable veracity who were present on the field of action in several engagements during that struggle.

As regards talent, in the execution of this work, the writer would beg leave to say, that to such he disclaims all pretensions. The humble sphere in which he has moved did not probably afford any of those bright and flowery avenues to the temple of literature to which many more fortunate individuals have had access: his primary aim, through the whole, has been the acquisition of truth to lay before his readers—for this he has incessantly labored, and which he flatters himself he has so far accomplished that a candid and generous public will indulgently overlook every other imperfection ; he only laments that a more competent hand had not ere, this period, taken up the subject.

Niagara, April, 1832.

HISTORY

OF THE

LATE WAR, &c. •Sac.

CHAPTER I.

Effect of the American Rebellion on the public Mind in that Country--French Intrigue with America—Power of Buonaparte—American Interposition in the Peninsular War—American Reasons for declaring War—Propriety of the Right of Search—Extract from the American Exposition of the Causes of the War—Extract from the President's Message—Concurrence of Congress by declaring War—Revocation of the British Orders in Council—Its Effect in America—Extract from the Prince Regent's Proclamation.

THE causes from whence originated the rebellion which terminated in the separation of the British North American Colonies (now the United States,) from the mother country, had engendered such a spirit of prejudice, distrust and rancour against Great Britain, in the minds of Americans, that for either the government or the people of that country to judge impartially of any subsequent act of the British government, blindfolded as was America by French policy and French intrigue, seemed to be an exertion far beyond, their power to accomplish. While, then, Great Britain was engaged in a war against a powerful usurper who was daily becoming more and more the scourge and terror of the world ; when the tyranny of that despot over the

surrounding nations seemed to mock all resistance ; when his armies had humbled some of the greatest monarchies, and completely blotted others from the list of independent states ; when a general feeling of submissive terror seemed to fill the minds of European continental rulers at the power of his arms ; it becomes, then, no matter of astonishment to see, by Americans, every means of policy which Great Britain employed to ensure her own success, in that eventful war, warped and construed into acts of aggression and tyranny against neutral nations.

At the head of the list of reasons assigned by the American government for declaring war against Great Britain, stood the Orders in Council regarding neutral commerce, and the right of search as claimed and practised by Great Britain upon American vessels navigating the high seas. True, indeed, Great Britain exercised that right—a privilege she never yet had yielded, nor to which her right had ever been questioned, until America had willingly chained herself to the car-wheels of Buonaparte ; and then, and not till then, when the creed was faithfully taught to America by France, to answer her own political purposes, did the shouts of tyranny and commercial oppression resound from all the surrounding shores of the Atlantic But for whom did Great Britain search, when she committed this pretended act of tyranny on America ? Was it for American citizens ? surely not, but for her own deserters, a description of people who, it is well known, on board of American shipping, had ever found an *insecure* but ready shelter. Had Great Britain once relinquished her right to search vessels of the United States, both her army and navy, by desertion alone, would have suffered materially.

In a work published since the late war, under the authority of the government of the United States, entitled "An Exposition of the Causes and Character of the

War with Great Britain," it is stated, that " up to March, 1811, Great Britain had impressed from the crews of American vessels, peaceably navigating the high seas, not less than six thousand mariners who claimed to be citizens of the United States, and who were denied the opportunity of verifying their claims." And in the same work it is further added, that " when war was declared, the Orders in Council had been maintained with inexorable hostility, until a thousand American vessels with their cargoes had been seized and confiscated under the operations of these edicts "

Another reason assigned, in the work above cited, for declaring war, was stated to be " an open violation of the American waters and an infraction of the fundamental principles of the law of nations by the " pretended " blockade." However, to these might justly be added, together with a few considerations of minor import, the idea of an additional stripe to the national escutcheon *by the Conquest of Canada.*

In a message from Mr. Madison, the American president, dated June 1st, 1812, recommending immediate war with Great Britain, as the only available means of satisfaction to which they could now resort, for the numerous insults and indignities which the American flag had sustained—all other causes were but as a drop in the bucket, compared with the Orders in Council, both in the extent of the injustice of the measure and in the mischief arising from them to neutral nations. It is there stated, that " these orders were evidently framed so as best to suit the political views and commercial jealousies of the British Government. The consequences which would result from them to neutral nations had never been taken into the account ; or, if contemplated or foreseen as highly prejudicial, that consideration had no weight in the minds of those by whom they were imposed."

The United States congress perfectly concurred with the sentiments held forth in the president's message, and followed it up, on the 18th of the same month, with an act of that body (carried by large majorities,) declaring war against Great Britain, &c. offensive and defensive, in due form. On the 23d of the same month, the British Government rescinded the Orders in Council so bitterly complained of ; but the arrival of that repeal in America, did not, in the slightest degree, tend to restoring public tranquility. The genius of war, the demon of destruction had already gone abroad, and no concession on the part of Great Britain was sufficient to allay it. It was stated in the public documents of the United States, that " the Orders in Council had not been repealed because they were unjust in their principles and highly detrimental to neutral commerce—on the contrary, the motive of their repeal was obviously selfish and had no reference to the rights of neutral nations. America, to protect herself, and to avenge her wrongs, had prohibited all commercial intercourse with Great Britain. The latter power, thus deprived of her best customer, had no longer a sufficient and regular market for her manufactures and colonial produce ; her merchants and manufacturers were nearly ruined ; distress and poverty spread themselves over her territories; complaints and petitions poured in from all quarters; and the Orders in Council were repealed, not to render justice to America, but to rescue a large portion of the British people from absolute starvation." Yet, notwithstanding all this, it is stated in the document above alluded to, that, "-if the Orders in Council had taken place sufficiently early to have been communicated to the United States government before they had actually declared war, the repeal of these decrees against neutral commerce would have arrested the resort to arms ; and that one cause of the war being removed, the other essential cause—the practice of impressment—would have been the subject of renewed negotiation. But the declaration of war having announced the practice of impressment as one of the

principal causes, peace could only be the result of an express abandonment of that practice."

In opposition to the reasons assigned by the American government, it was stated in a speech of the Prince Regent of Great Britain, bearing date the 9th day of January, 1813, a few months after the declaration of war, that " the real origin of the contest was to be found in that spirit which had long unhappily actuated the councils of the United States : their marked partiality in palliating and assisting the aggressive tyranny of France ; their systematic endeavor to influence the people against the defensive measures of Great Britain, and their unworthy desertion of the cause of other neutral nations. =-=-

It is through the prevalence of such councils that America has been associated with France, and committed in war against Great Britain. And under what conduct, on the part of France, has the government of the United States tints lent itself to the enemy ? The contemptuous violation of the treaty of the year 1800, between France and the United States ; the treacherous seizure of all American vessels and cargoes, in every harbor subject to the control of the French arms ; the tyrannical principles of the Berlin and Milan decrees, and the confiscations under them ; the subsequent confiscations under the Rambouillet decree antedated or concealed to render it more effectual ; the French commercial regulations, which rendered the traffic of the United States with France almost illusory ; the burning of the merchant ships at sea, long after the alleged repeal of the French decrees—all these acts of violence, on the part of France, produced, from the government of the United States, only such complaints as end in acquiescence and submission, or are accompanied by suggestions for enabling France to give the semblance of legal form to her usurpations, by converting them into municipal regulations. This disposition of the government of the United States; this complete subserviency to the ruler. of France ; this

hostile temper towards Great Britain—are evident in almost every page of the official correspondence of the American with the French government, and form the real cause of the present war between America and Great Britain." Such might be said to form the prominent features of the discordant views taken by the two governments, as regarded the conduct of each other, and from which source emanated the incessant acrimony and re- crimination that so strongly marked their diplomatic relations for a number of years, and ultimately involved the two nations in a most unnatural war.

But before we enter into details, it may not be improper in this place to take an impartial retrospect of the causes which led to an event so much lamented by the enlightened men of both countries, that we may be the better enabled to decide upon the justice of those pretensions held out by the executive of each nation, and to those who have been accustomed to hear only the one side of the question it will be especially instructive

CHAPTER H.

*Onciliatory Disposition of the British Government towards America—Reasons for the same—An uncommonly hostile Disposition manifested by the American Government towards Great Britain—Reasons for the same—Grand commercial Treaty between Great Britain and France, before the Revolution—Commercial Treaty completely overthrown on the Accession of Buonaparte—The unrivalled commercial Greatness of Great Britain, cause of bitter competition :9 France.**

It seems to be a general opinion that the Americans, whether right or wrong on the principles of public law on which they so obstinately insisted, (a point which shall be afterwards examined,) might have brought matters to an amicable arrangement, without any material sacrifice even of the doubtful maxims for which they contended; for never was the spirit of conciliation carried farther than by the British government in its intercourse with the ministers of the United States.

England had many obvious reasons for endeavoring to avert the calamities of an American war at this period: she was engaged in a very arduous contest in Europe; she had the most numerous and formidable enemies to contend with; she had the interests of her commerce to maintain, which are always dependent, in some degree, on a friendly connection with America; and she had,

In order to preclude the necessity of referring to notes for the authorities from whence the following, on the events of the war, has been chiefly collected, which in such a work (especially) is eminently calculated to confuse an ordinary reader; it is conceived most proper in this place to state, that amongst the British and American periodicals and other publications of the day in which the occurrences noticed transpired, the Annual Register, Niles' Weekly Register, &c. &c. have largely contributed their portion.

moreover a natural and generous aversion to conquer, before she could bring herself to draw the sword against a people connected with her by a resemblance of language, laws and institutions. These were motives sufficiently powerful to have restrained English ministers, even if they had not been otherwise remarkable for madness and forbearance. Had the principles of international law, which were invariably- advanced by the Americans, been as sound as an impartial examination of them may perhaps shew that they were unreasonable, still it would have been in the power of America, had she sincerely desired peace, to have preserved it by an honorable compromise on those points which had created the greatest difference of opinion, or almost by any thing short of an absolute surrender of the rights and honour of Great Britain, which it was rather too much in any people to expect. But if there be any one point in recent history which even the arts of faction cannot involve in doubt, it is this : that the government of America was not sincerely desirous of peace with Great Britain ; that it took all possible means to disturb the moderation and provoke the anger of the British ministers ; and that upon all occasions it betrayed symptoms of the most unaccountable partiality to the despotism of France ; those who studied the history of American affairs for three or four years immediately preceding the declaration of war against Great Britain, are well aware of the grounds on which this opinion is formed ; and a very singular inquiry thus suggests itself, how it should have happened, that the only republican government in the world, should, at the greatest crisis of affairs, have combined with the most odious of despotisms against a country which had always been recognised as an illustrious model of practical freedom, and which was, at this very moment, engaged in a grand effort to vindicate the independence of nations.

In attempting to account for this singular political phenomenon, something undoubtedly must be allowed for the yet unextinguished spirit of animosity produced

by our unfortunate colonial war. It may probably be supposed that such antiquated prejudices had long ere the period at which the war commenced, become the exclusive property of the vulgar ; and must have given way in the minds of enlightened men, to considerations more recent in point of time, and more important in their practical influence on American affairs. It is an undeniable fact however, that the government of the United States is, to a more than ordinary degree, under the discipline and control of the rabble ; and if indeed there be any truth in the common speculation as to the motives of their hostility towards Great Britain, it must be very far gone in vulgar absurdity. National prejudices so discriminating and so mischievous, are every where but in America confined to the lowest order of men ; they have long been banished out of the more respectable circles even of private life, and could never find their way into the councils of a great European state, without devoting it to the supreme and unsparing contempt, and ridicule of its neighbors.

With the narrow contracted prejudices of the American democracy, other causes undoubtedly conspired to accelerate a rupture with England. The commercial system, that miserable tissue of blunders, which had so long and so effectually kept down the growing prosperity of Europe, had been wisely exploded by the most enlightened European nations before the revolution of France. The enlarged views and superior talents of those political philosophers who diffused a radiance round the close of the last century, had completely triumphed over every obstacle which ignorance and prejudice could oppose ; and England and France at last discovered that they had a mutual interest in the commercial greatness of each other. They did more than this ; they reduced their principles to practice, and embodied them in a treaty, which, if not unexceptionable in all respects, was at least, a great step towards the triumph of genuine philosophy over the errors and absurdities of the old political

school. The French revolution, however, deranged all the plans of enlightened men ; it engendered a rancour and animosity between the nations more violent and pernicious than the ancient jealousies of the commercial system, and terminated at last in a despotism, which threw France and her dependencies far back in the scale of improvement.

The commercial system was revived by the new French government, with a barbarous and destructive fury, which had never been contemplated at any former period ; the refined and generous principles which so many eminent men had contributed to establish, were forgotten ; their works were neglected or proscribed ; the progress of human improvement was arrested, all seemed about to be sacrificed to the rude genius of an overwhelming despotism. As a truce with that crafty and despotic usurper who had now gained such an absolute ascendancy over the destinies of the French nation, was never any thing more than his passive submission to necessity, until he could recover himself from some untoward dilemma into which his folly and ambition had brought him ; so was it soon discovered to be the case with the peace of Amiens. His invincibles had been driven, by the British troops, from the shores of Egypt ; his fleets had been either taken or locked up in French ports by the immortal Nelson and his compatriots ; and, in order to recover himself, he is induced to accept of the terms of what is called the Treaty of Amiens ; but reckless of all good faith, it was scarcely promulgated to the world, until every term of that treaty was violated, and Europe again convulsed by a relentless war. But even during the short interval of repose which succeeded the treaty of Amiens, the maxims of the new government were sufficiently indicated in the impolitic restraints and prohibitions by which the commercial intercourse of the countries was fettered. England, however, in all this, never pretended that such measures afforded a legitimate ground for hostilities

since every nation being supreme within itself, has a right to determine whether it shall or shall not receive the commodities of foreign states ; but if the commercial mimosity of France could not have justified England in declaring war, it certainly afforded her a just and solid ground for entertaining jealousy against a power thus hostile to her interests, and called upon her to watch all the proceedings of that power with the most scrupulous vigilance.

The unrivalled commercial greatness, to which England had arisen, at this time, surpassing all what history had ever recorded at any preceding period, and all that even the most flattering visions of her statesmen had ever contemplated, was an object of bitter and increasing mortification to the politicians of France ; her naval supremacy, which was founded on the prosperity of her commerce, and promised for it an indefinite duration, filled their minds with jealousy and apprehension. These feelings rose to the highest pitch after the peace of Amiens. Europe seemed to learn, for the first time, that the commercial grandeur of England possessed a stability which had never been supposed to belong to this species of power. It had withstood the shock of the most extended and desolating warfare ; and at the close of a contest of long duration and unparalleled fury, in which the empire had sometimes contend with the combined energies of Europe, it not only remained untouched but had mightily extended itself during every year of hostility. The war had terminated in the establishment of a naval power, which had gathered strength by all the efforts made to weaken it ; and had now risen to that proud eminence, which bid defiance to all rivalry. The rulers of France reflected on these matters with bitterness corresponding to the disappointment of their hopes ; they despaired of being able for this enormous power by any ordinary efforts ; and could think of no way by which its further growth might be checked, but by the entire sacrifice of their

commerce and resources. They hoped that by excluding the productions of British industry from their ports, and by prohibiting the use of British commodities throughout France and her dependencies, they might gradually undermine this overgrown power ; while their depraved policy at the same time sought to inculcate a belief among their subjects, that such measures would promote the industry of France. Thus was a system established, (if indeed so rude and impolitic a thing deserve the name,) in direct opposition to all the views of modern science ; a system, which was in truth but a barbarous extension of the old theories, that so many enlightened men had endeavored to banish for ever from the world.

CHAPTER III.

The Relation in which the affairs of America stood with those of France as regarded Great Britain,—Great Britain fully succeeds in annihilating the Commerce &c of France merely by following the footsteps of that Government—Issuing of the "Berlin Decree"—That Decree executed with inexorable Force—Passing of the British" Orders in Council" in retaliation—The Orders in Council fully justified by the Law of Nations—Blockade of the British Islands an open Violation of the Law of Nations—Rights of Neutral Nations the same in War as in Peace.

MEasures adopted by France, as set forth in the foregoing chapter, had a twofold connection with the affairs of America. In the first place, the American statesman entertained much the same feelings with respect to the commercial and naval greatness of England with their friends in France ; their understandings were in general of the same character, and their tempers equally as violent. They, as well as the French politicians, wished to render their country great by commerce ; and as the established ascendancy of Great Britain appeared to them to stand in their way, they scrupled not about the means which might be employed to remove it. Their minds were not susceptible of a generous emulation ; envy was the only feeling which a near view of the naval and commercial greatness of England could excite in their bosoms. They had no dread of France, who had in the course of the war lost her commerce, her colonies and her ships ; whose power never came into contact with their own ; whose resources of all kinds were exclusively devoted in the prosecution of a war, in the result of which, they vainly thought that America had no interest. But they hated England, her commerce and her power, as cordially even as the members of the

French government did : and had America been as little dependent on commerce as, France, had her citizens been as indifferent to its real interests, or had her rulers possessed the same despotic sway over their fortunes, which the French government had assumed over those of its own subjects, it is probable that Mr. Madison and his auxiliaries would at once have followed the example of Buonaparte, by prohibiting all commercial intercourse with the British empire. But the Americans had not yet been wholly overawed by their rulers ; and it became necessary to pursue a more indirect and insidious course with them, than that which had been followed by Buonaparte in his dealings With a people whom he had entirely sUbdued.

The measures pursued by France in the execution of her anti-commercial system, suspended for a while the international law of Europe, and afforded to the rulers of America the pretext which they had sa long di sired, for gratifying their animosity against England. The commercial hostility of France during the peace, although never considered by Great Britain as a ground for war, was not however forgotten when hostiliCes were renewed: and the English ministers therefore determined to employ the naval power which was at their command, to the annihilation of the foreign commerce of their enemy. These measures Were such as the interests of the British empire demanded, and which a state of hostility fully justified ;' and they completely succeeded in accomplishing the object which they had in view. The foreign commerce of France was annihilated ; her industry checked ; her resources wasted ; and her ruler discovered, when it was too late, how gross were the errors which he had committed. It was however, impossible to retract ; and he resolved to carry his commercial war to the Utmost pitch of fury. In this temper did Buonaparte issue his famous Berlin Decree, which renewed all the old prohibitory regulations, and ludicrously *declared the British Islands to be in a state of blockade, at the very*

moment when the fleets of Great Britain actually blockaded all the ports of France and her dependencies. Neutral vessels bound to, or returning from a British port, were made liable to capture by this singular decree. Matters remained for some time in this state, the French ruler being unable to execute his decree, and the British government being averse to advance further in so barbarous a warfare. But having again proved successful in his northern campaign. Buonaparte resumed with fresh vigor his prohibitory system ; he confirmed all the provisions of the Berlin Decree ; excluded the merchandise of Great Britain and her dependencies, and accompanied these prohibitions with the severest penalties.

Every article of British produce was searched for, seized and committed to the flames ; while the most cruel punishments were inflicted on the subjects of France, who dared to violate these arbitrary laws. This violent system had now reached its height, and it seemed to be the determination of the French ruler to have it executed with the utmost rigor ; the British government, therefore, could no longer, either in prudence or honour, delay the retaliation which its power enabled it to inflict. The famous Orders in Council were therefore issued ; all trade to France or her dependencies was strictly prohibited ; all vessels, of whatever nation, which ventured to engage in this trade, were declared liable to seizure, and France and her dependencies were thus reduced to that state of blockade, with which she had vainly threatened the British Islands. The Orders in Council admitted but of one single exception to this general blockade of the French empire. The French decrees had declared all vessels liable to seizure which had touched at a British port, the Orders in Council, to counteract this provision, declared, on the other hand, that only such ships as were in that situation should be permitted, to sail for France. Thus did the utter extinction of the foreign trade of France result as a natural

consequence of the very measures of her own government; measures, which no despotism, how ignorant soever, would have ventured to adopt, had it not trusted to a power which effectually silenced all popular opinion.

Two questions have been put on these Orders in Council, were they founded in justice, and were they supported by reasons of expediency? On the first point, with which alone foreign powers had any concern, the advocates of these measures had a very easy task to perform; for nothing surely can be more obvious to those who know any thing of the law of nations, than the right of Great Britain to retaliate on her enemies their own violence and injustice. What has been called the rule 1756, forms the first link in that chain of commercial restrictions, which in the sequel became so complicated; and the perfect equity of this rule has always appeared manifest to the most enlightened minds. France, like the other European powers who possessed distant colonies, endeavored to secure for herself the monopoly of their markets; and during peace strictly prohibited all strangers from carrying on trade with them. When she goes to war with England, however, the superiority of her enemy's naval power compels her to relax the rigour of her colonial policy; and she is willing that neutral vessels should bring home the produce of her American settlements. By the interference of these neutrals, however, the British are manifestly deprived of the advantages which their naval power would otherwise secure to them; of the chance of captures, and the certainty of reducing colonies without striking a blow.

But no neutral can, upon any pretext, claim greater Advantages *after*, than she enjoyed *before* the war; she has, a right to insist that her relative condition to the belligerents shall not be rendered worse by the hostilities in which they may engage, but she can have no right to demand that it should be improved. By admission,

however, to the colonial trade of France during war, a trade from which neutrals are excluded by France herself during peace, the condition of the neutral is manifestly improved; it is improved at the expense of England, who is deprived of the chance of captures and conquests, which her power would otherwise give her; and it is improved to the great gain of France, whom the interference of neutrals protects against the overwhelming power of her enemy. There can be no doubt as to the equity of the rule of the war 1756, that rule of which France and America have so loudly complained. The Orders in Council of January, 1807, which was not issued till after the Berlin Decree had been published by Buonaparte, was also justifiable on the very same principles; it went merely to exclude neutrals during war from a branch of the enemy's trade to which they had no access in time of peace. So far then the measures adopted by the British government rested on the clearest principles of international law.

And what were the measures adopted by France? had they any foundation in the acknowledged principles and usages of public law? The decree of Berlin prohibited all commerce in British commodities; France indeed had a right to do this, however fatal the measure might be to her own interest, and that of her dependencies; and had the Berlin Decree gone no further, although it might have had the effect of embittering the hostile spirit of the two countries, it neither could have justified, nor would it have been met by any specific act of retaliation on the part of England. **But** the French ruler, in a moment of despair, ventured to declare the British islands in a state of blockade, and to interdict all neutrals from trading with a British port. This was a violent infringement of the law of nations; a daring insult on neutral rights; an act of mad injustice, which loudly called upon all parties to avenge themselves of its authors. The honour of Great Britain pre-eminently demanded that she should repel this outrage

with becoming spirit ; and although she at first seemed willing to treat so impotent a measure with contempt alone, and to wait its result on the conduct of America, ydait will not be denied that the right still remained to her of ' exercising retaliation when the proper season should arrive. The date of the publication of the Milan Decree appeared to her to be that season ; time enough had been allowed to the different neutral powers to remonstrate against the enemy ; they had failed to improve the opportunity afforded them ; and England could no longer remain silent when a new decree was issued, more unjust and insulting than its predecessor, more absurd and barbarous than any thing which had ever occurred among civilized nations. She therefore, issued her Orders in Council, which in effect reduced the French empire to a state of blockade, and cut off the whole commerce which neutral nations had hitherto ea ad on with the enemy. Of these measures France of course had no right to complain, and a very little reflection will suffice to chew that if America had any just grounds of remonstrance, she should have offered them to France alone, and not to England, against whom she was so prompt to bring forward her accusations.

France was the first of the belligerents to violate the law of nations. She issued the Berlin Decree, and followed it up by the other, dated at :Milan, by both of which, the Americans and all other neutrals were prevented from maintaining their usual intercourse with England. These measures were in their principle a direct invasion of neutral Tights, and it was therefore the duty of neutral powers to have remonstrated against them with firmness. But America did not thus resist ; and she in this manner committed herself with the enemy. It was a principle tenaciously maintained by Buonaparte on all occasions, that those who did not resist an injury offered them by either of the belligerents, were no longer to be considered as neutrals ; that by their acquiescence, they made themselves parties' to the cause of

the enemy, and that of course, they were to be treated in the same way as if they had actually declared war against the nation to whose interests they stood opposed. It was on some principle of this kind, that he declared the ships, of all neutrals which submitted to what he called the tyranny of the English, *denationalized*—an uncouth and barbarous word invented to serve the occasion of these unhappy times, when Europe was no longer under the guidance of wise and sound principles.

To submit to any thing which France pretended to call a departure from the international law of Europe, was therefore held sufficient to denationalize the ships of neutral powers ; and although the application of this principle may frequently have been erroneous, there-eau be no doubt that the principle itself was just. If France violated the law of nations, as she unquestionably did by her Berlin Decree ; and if America calmly acquiesced in this insulting invasion of her rights, there can be no sort of doubt that she thus made herself a party in the quarrel which France had with England; that she in effect conspired with the common enemy, and that her ships were, to use the jargon of the French government, clearly " d-nationalized." Had England therefore meditated hostility towards America ; had she been anxious to avail herself of a pretext for a quarrel ; had she been desirous of exacting from a secret enemy the full penalties of her accession to the cause of the other belligerent ; slie might very well have proceeded, on the simple fact of American acquiescence in French violence, at once to have treated the Americans as enemies.

A candid exposition, therefore, of the rights and duties of belligerents and neutrals, must completely exculpate England from all blame in issuing her Orders in Council. It is the doctrine of all jurists, that the rights of neutrals during war are exactly the same as during peace ; the neutral powers are entitled to demand of either belligerents that in their intercourse with the other, they shall

not be subjected to greater restraints than they experienced during a season of tranquility ; but no neutral is, by any means, entitled to require more than this, or can expect that a belligerent should sacrifice to the convenience of the neutral, any of the just rights she may acquire by a state of war. The principle of this doctrine is obvious ; no nation can expect that a foreign power is to sacrifice its own immediate interest to her convenience or advantage. When we come to consider these general principles, with reference to the case of America, their force seems to be irresistible. Suppose that America had been entirely out of the question, that her names were unknown in Europe, and that she had still remained in her ancient state of dependence on the British empire ; 5. 11. 1775 for a moment, that the question had arisen entirely between Great Britain and France ; that Franco had violated the law of nations, by presuming to declare the British islands in a state of blockade, and then let any impartial person say what is the policy which Great Britain would have been entitled and called upon to pursue ? She would clearly and evidently have had a right to do the same thing to France, which France had attempted to do to her, that is, she would have been entitled to declare the French empire in a state of blockade with all possible vigor. Such then was her undoubted right ; and will it be pretended that America—that a foreign nation was entitled to interfere with her, in the exercise of her rights ? It is of no importance to the thing in hand to enquire, whether the blockade of France was, or was not, on the whole beneficial to England ; that was a matter for England alone to consider ; it was a question with which America had no sort of concern ; and it is of the rights of America alone that we now speak. America, then, had no right to complain of the exercise of the powers which England possessed by her superiority, as one of the great European belligerents ; which she derived immediately from that state of hostilities, in which she, and *not America, was* involved, and

which, of course, she had a right to improve to her own advantage, and the annoyance of her enemies.

There is still another light in which this momentous question may be considered, with reference to the established law of nations. It is in the power of England to exclude America or any other nation from trading with herself, and it is in the power of France to do the same. Suppose, then, that both nations had mutually agreed to treat America in this manner, could she have ventured to complain ? But it is the same thing whether these powers do so directly, and in conjunction, or indirectly by means not less efficacious ; whether they exclude the Americans by the operation of a peaceful league between themselves, or by series of measures adopted during war. If France, by attempting to exclude all neutrals from British ports, communicated to her enemies a right to retaliate, can the Americans interfere ; or are they in a worse condition than if the belligerents had separately, and in a time of profound peace, determined to renounce all commercial intercourse with them ? Surely not ; they could not, with the slightest appearance of justice, complain ; they could not demand that their condition should be improved by a state of European warfare ; they could not claim the forbearance of England towards her enemies, for the sole purpose of conferring a favor upon neutrals ; they could not, in short, upon any sound principle, object to the Orders in Council.

Different opinions were entertained on the question as to their expediency ; and although these famous measures are said to have been, in the first instance, strongly pressed upon ministers by the mercantile interest, there can be no doubt that the government was ⁱⁿ some measure deserted by this powerful body, before the Orders in Council were finally repealed. The discussions which at intervals ensued on this subject,

were signalized by the uncommon zeal and acuteness of the advocates on both sides ; and an account of them, in the order in which they occurred, will, it is believed, form an interesting subject to introduce the history of the war, and will tend to exhibit the agitated state of the public mind on this question, at this period in Great Britain; and show from whence the American government inferred the extreme poverty of the British mercantile and manufacturing interests, from the effect of those edicts.

CHAPTER IV.

An extremely hostile Disposition manifested towards Great Britain by the President and Congress of the United States—Affectation of Impartiality in the Discussions of the American Congress, on the Conduct of Great Britain and France—Effect produced on the public Mind in England, in Consequence of the hostile Attitude America had assumed—Serious affair between the crews of two French Privateers Si American Seamen at the Port of Savannah—Vaunting Language of America—Implicit Confidence of the British Government in the Loyalty and firm Attachment of the People of Canada—That Confidence confirmed—Various Discussions in England • on the Propriety or impropriety of going to War with America.

ALTHOUGH the question arising out of the Orders in Council formed, at first, the chief subject of dispute between Great Britain and America, yet many other points, in the course of discussion, were introduced, scarcely less difficult of arrangement. At the meeting of the American congress, in the end of the preceding year, the speech delivered by the president gave evident indications of a very hostile spirit towards Great Britain ; and as this speech was followed by a report of the select committee of congress for foreign affairs, which was no less warlike, the hopes which had been entertained of an amicable arrangement seemed to vanish. The committee, with a wonderful affectation of impartiality, began by a general complaint as to the wrongs which America had sustained, both from France and England, in the seizure of the property of the citizens of the United States, when peaceably pursuing their lawful commerce on the high seas; and reprobated the defence which had been offered by each party, that its acts

of violence were merely retaliatory, on similar acts committed by its antagonist. The Americans, it was said, violently assailed, by both these European States, withdrew their citizens' and property from the ocean, expecting redress from the justice of the belligerents; but having failed in this object, they had recourse to the non-intercourse and non-importation laws. To induce the European powers to return to a system of justice, they had offered commercial advantages to the belligerent which should first revoke its commercial edicts; and had to impose more severe restrictions on the other. But here did the mask fall to the ground; here did all semblance of impartiality cease, from the report; which proceeded to announce that France, profiting by the friendly offers of the United States, had, on the 1st November, 1810, declared the repeal of the decree of Berlin; that the British were thus bound to have revoked their Orders in Council, but instead of this, they had advanced still bolder pretensions; they had affected to deny the practical extinction of the French decrees, and had insisted that France should renounce the whole system of her commercial warfare against Great Britain, of which these decrees originally formed a part. That the exclusion of British produce and manufactures from France and the states in alliance with her, was a means of commercial warfare with which the United States had no concern; and that France would never concede to the unauthorised demands of America, those rights which she considered as the most powerful engine of the war; that the outrages of England had not been confined to the commerce alone of the United States; that by the seizure of American seamen, which was still carried on with unabated rigor and severity, the greatest insult was offered to America; and that the only question now was, whether the Americans should tamely submit, or resist by those means which circumstances had placed within their reach. That it had now become the sacred duty of Congress to call forth the patriotism and resources of the country; and the committee, therefore,

earnestly recommended, " That the United States be immediately put in an armour and attitude demanded by the crisis, and corresponding with the national spirit and expectations."

As soon as the accounts of the warlike preparations in America were made known in Great Britain, it became an universal opinion that war with that country was now inevitable. The report of the committee of Congress certainly breathed an uncommonly hostile spirit towards England, and left no room to expect an amicable or conciliatory arrangement. Its reasonings were wholly founded on the assumption that the prohibitory decrees of France had really been repealed, Whilst the daily conduct of that power, and the experience of the government of America, positively and peremptorily contradicted that assumption.* The committee attempted to avail themselves of a captious and quibbling distinction between the international law asserted by France, and the municipal regulations established for the government of the commerce of that country; still the French government continued to declare that no British goods

*The justice and fairness which have been evinced on the part of the United States towards France, both before and since the revocation of her decrees, authorised an expectation **that** her government would have followed up that measure by all such **others** as were due to our reasonable claims, as well as dictated **by its** amicable professions. No proof, however, is yet given of an intention to repair the wrongs done to the United States; and particularly to restore the great amount of American property seized and condemned under edicts, which, though not affecting our neutral relations, and therefore not entering into the question between the United States and other belligerents, were nevertheless founded **in** such unjust principles that the reparation ought to have been prompt and ample.

in addition to this, and other demands of strict right, on that nation, the United States have much reason to be dissatisfied with the rigorous and unexpected restrictions to which their trade with the French dominions had been subjected.

President's Message to Congress, 5th Nov. 1811.

should be admitted into French ports, *notwithstanding that these goods may have become the property of neutrals* ; thus were the Americans completely shut out from a branch of commerce, of the peaceful enjoyment of which they had long been in possession, and in which, of course, they had an undoubted right to engage. Even though the Berlin and Milan decrees had, as far as regarded their practical operation on the great highway of nations, been fairly revoked, yet their principle was still retained, to a degree which not only called upon neutrals generally to protest against them, but on account of their practical bearing on America, particularly, demanded from them a firm and decided resistance. The British government did not insist, as was vainly affected to be believed by the committee, that America should at any time interfere with the domestic regulations of France ; but she certainly insisted that America should not, by lending herself to the enemy, or by passively submitting to conditions which had never until now been imposed upon any neutral nation on earth. Nothing could, probably, more forcibly exhibit the hostile disposition of America towards Great Britain, and her servile duplicity towards the ruler of France, than her submission to the blockade of the British Islands—an act of the French emperor which America herself had declared to be an open violation of the public law of nations, and when France did not employ a single vessel to enforce it. Even though the decrees of France had therefore been rescinded, that repeal must have been totally nugatory, since, by a municipal regulation which America strenuously defended, a palpable violation of the rights of neutral nations was still committed ; neutrals were still compelled to comply with the measures of France, to the injury of British commerce ; thus proclaiming to the world a principle of a description altogether new and extravagant. From all these it may be fairly seen that America had no grounds whatever, except her base traffic with the French ruler, for declaring war against Great Britain; nor were they warranted by

an exposition of their finances to hazard a proceeding so violent and unjust.

During the time that the American legislature was engaged denouncing in the severest terms the injustice of Great Britain, and apologizing for the outrages of France, an affair of a very serious nature occurred at Savannah, which had nearly opened the eyes of America to the insolence of the French towards a nation which had so completely debased itself by its servile compliance to the measures of that government. One evening, about the middle of November, 1811, as two French privateers were lying in the port abovementioned, a rencontre took place between a party of American seamen and a party of the crews of the French privateers, in which three of the Americans were stabbed and severely wounded. The American seamen then in the port, being highly exasperated at the conduct of the French, rose, *en masse*, with a full determination to revenge themselves by the destruction of the privateers ; they, therefore, in pursuance of this design, seized and set fire to one of them and burnt her to the water's edge. The other privateer was immediately taken possession of, by a party of the Savannah volunteers, who protected her until between eleven and twelve o'clock at night, at which time the American sailors procured a *lighter-boat*, filled her with tar and various combustible materials, towed her along-side the remaining privateer to which they made her fast, and then set her on fire, which soon forced the guard to abandon their charge, which was speedily destroyed. In this instance, amongst many others, the French were unquestionably the aggressors; their arrogance and insolence towards America on every occasion became absolutely past endurance ; yet had not the spirit of the people urged them here to redress their own wrongs, it is more than probable that the government, as in circumstances of a similar nature, would never have thought of interfering.

The sentiments which were contained in the report of the committee of the legislature, before alluded to, were violently supported in the House of Representatives ; and it was actually declared by one speaker in that house, to be the unanimous opinion of that committee, " That the encroachments of Great Britain were such as to demand war, as the only alternative by which to obtain justice." Others of the members dilated largely on the power which America possessed to harass and annoy Great Britain both by sea and land ; that it was in their power completely to exhaust her colonies, and to annihilate her trade by an active system of privateering. Their vanity even carried them so far as to boast of the *easy conquest would be made of Canada*—a threat which at all times excited ridicule in Great Britain, knowing well how strongly the people were attached to the laws and institutions of the mother country. Indeed so well were the British government aware of the loyalty and valor of the brave yeomanry of Canada, that she actually risked the salvation of the country from the grasp of the enemy into their hands ; and well was that confidence repaid, for they actually appeared to rejoice in suffering every description of privation, to afford them an opportunity of harassing and finally repelling the proud invader in every incursion he made. There were, however, still to be found, in England, many persons who highly deprecated a war with America, as one of the greatest evils which could befall that country ; and who, notwithstanding the length to which the vanity of America had carried her in her unreasonable demands, still entertained a hope that hostilities might yet be averted. No person could certainly have felt a desire of having a war with America, merely on its own account ; but at this period it was impossible to discover by what means the calamities of a war could be avoided, consistent with the honor of the British nation, when the absurd pretensions of the government of America were taken into consideration.

rtt

They had, at various periods, made use of the language of defiance, daily boasting of the ability they possessed of utterly destroying the commerce of Great Britain, and of their power of conquering Canada ; all considerations were therefore set aside, and on war they were fully resolved. Under such circumstances, for Great Britain to have succumbed would have been a sacrifice of her honor, inasmuch as it would have been yielding to menace and insult of the most degrading kind. It would have been no better than cowardice of the most dastardly description, for Great Britain to have rescinded her Orders in Council at this period ; and **it** was a fact proved to a demonstration, that America never intended to stop here, or the French emperor did not intend to allow her to rest satisfied with this concession. The ministers of the British nation therefore determined to act upon the principle so elegantly unfolded by **Mr. Burke** : " That in small, weakly states, a timely compromise has often been the means, and the only means, of drawing out their puny existence. But a great state is too much envied, too much dreaded, to find safety in humiliation. To be secure, it must be respected' Power, and eminence, and consideration, are things not to be begged ; they must be commanded ; and they who supplicate for mercy from others, can never hope for justice through themselves." The conduct of the British ministers, however, in this affair, was not altogether undeserving of reprehension : they had determined, through the semblance of fear, to make no concession to America, and thereby cast on that country the odium of first having recourse to arms. Yet after that nation had declared her unalterable resolution for war, and adding that, notwithstanding this, she was determined to wait until her preparations were complete, for Britain to allow her time for such preparation, and not strike the blow at an enemy whom, from the most palpable evidence, she had ever suspected of the basest political treachery

all the diplomatic relations which occurred between the two countries, and whom she knew to be irreconcilably bitter and rancorous, was honorable to a fault, ^{such} To have attacked them at such a time and under wise circumstances, would have been a policy both and vigorous.

CHAPTER V.

Motion made in the House of Commons, by Mr. Whitbread, for Copies of official correspondence between British and American Ministers, to be laid before the House—Charges in Mr. Whitbread's Speech against British Ministers, for Inattention and Incivility in their Intercourse with those of America—Mr. Whitbread's Motion strenuously opposed in the House of Commons—The Charges against British Ministers by Mr. Whitbread rebutted—Mr. Whitbread's Motion in the house put and negatived.

IN order, however, to avert the calamities naturally attendant on a state of hostilities with America, it was moved in the House of Commons on the 13th of February, by Mr. Whitbread, " That a humble address be presented to the Prince Regent, praying that he would give directions to lay before the House copies of all correspondence which had passed between the British and American ministers, from the 1st of January, 1810, to the latest period, together with the documents referred to in the correspondence. It was urged by Mr. Whitbread, In support of this measure, " That although the governments of -both countries had, from the beginning, professed to be actuated by the most friendly and conciliatory dispositions towards each other, the breach between Great Britain and America had been widening from day to day, till it appeared that war between the two countries must be the inevitable consequence of the perseverance of England in her present system ; that the information demanded by this motion was already before the whole world, with the exception of the two houses of parliament ; that it had been the practice of the House, when she entertained suspicions that the business of the state was not well conducted, to require information from the executive power ; and that the

only ground upon which such information had ever been refused was that a disclosure might disturb or impede the impending negotiations ; as the information required was already before the world, no such plea could in this case be offered."

" From a perusal of the papers, it appeared that the conduct of those who managed the negotiations had been very culpable, yet it was impossible to bring a charge against them until the documents were produced. The British ministers at home had behaved with the greatest inattention to the American envoy, and had shown a neglect amounting to diplomatic incivility, while our ministers in the United States have acted in a manner scarcely less repulsive. The conduct of Mr. Jackson and Mr. Foster, while in America, had not been conciliatory ; while the correspondence of Marquis Wellesley with Mr. Pinkney, which commenced in January, 1809, and terminated in February, 1810, had been such as to raise the indignation of the American government. The behaviour of Mr. Pinkney, on the other hand, had been deserving of great praise. When he entered on the duties of his mission, a strong feeling existed in America in consequence of what had occurred *in* the course of Mr. Jackson's embassy ; and the Americans were naturally anxious as to the character of the person who was to be named by Great Britain to renew the negotiation. On the 2nd of January, 1809, Mr. Pinkney again wrote to the Marquis Wellesley on the subject, but no answer was given to this letter till the 14th of March. On the 15th, Mr. Pinkney again wrote to Lord Wellesley respecting the English system of blockade, a subject most interesting to America ; but to this letter he did not receive an answer for more than a fortnight. On the 30th of April, Mr. Pinkney wrote to Lord Wellesley on the subject of the Berlin and Milan decrees, but to this letter he never received any answer at all ; and a complaint which he made against the infamous practice of forging ships' papers in London, and

making an open traffic of them, was treated with the same neglect. That many other instances had occurred in which the communications of the American minister had been treated in a manner not less contemptuous, and in particular to his letter of the 15th September to Lord Wellesley, on the subject of the blockade of Elsineur by Sir James Saumarez, and stating some circumstances relating to the seizure of four American seamen in the Viola, he received an imperfect answer only on the 6th of December, which noticed the letter so far as it related to the blockade, but said nothing at all on the subject of the impressment. That the latter subject was one of the greatest delicacy ; and although the seamen had afterwards been released by virtue of a judgement of Sir William Scott, yet the secretary of state had considered the original complaint as unworthy of his notice. Such had been the conciliatory spirit of the noble secretary, who permitted the sentence of a court of justice to answer the communication of a foreign minister, whom he himself would not take the trouble of satisfying on so interesting a point. Although Mr. Pinkney had, on numerous occasions, addressed the British minister on the subject of the Berlin and Milan decrees, he had never received any satisfactory answer, and he accordingly demanded his audience of leave."

"Little appeared to have been afterwards done towards effecting the important objects which both governments professed to have at heart. Mr. Foster had been sent out with no new instructions ; he went to offer what had been previously rejected, and to restate what had often before been stated in vain, so that his mission was only productive of disappointment. That it is of the utmost importance to conciliate America ; this object might at one time have been thought unattainable, but from some measure recently adopted by Congress, *for* admitting British manufactures into the ports of the United States, there was reason to believe that it was still the wish of the Americans to avoid a rupture. The prosperity of

America contributed largely to the welfare of this country; and that America had committed no fault, except that, as she was placed in an extraordinary situation as the only neutral in the world, she had endeavored to avail herself of the advantages her situation afforded. The intelligence which had so recently been received from America, made it more important than ever, thoroughly to consider this subject; that the bill spoken of, as likely to pass through Congress, would give umbrage to France; and it was the duty of the British government to endeavor, by conciliation, to avail itself of any difference of this kind, which might arise."

Several members strongly opposed the motion of Mr. Whitbread for the production of the copies of the correspondence between the two governments, and he and his friends were highly censured for the allegations they had brought against the government of Great Britain, regarding their conduct towards America, and on their strict adherence to the Orders in Council. "The British government," said they, "instead of having acted unjustly towards America, had the strongest case against that power, that one nation ever had against another; no benefit could result from a premature agitation, in the House of Commons, of the differences between the two countries; but, on the contrary, the greatest inconvenience and mischief might thus be produced. government had uniformly expressed but one sentiment in regard to the dispute with America, and was sincerely desirous that a war with that country might be avoided, if that could be done without injury to the maritime rights of Great Britain, which never could be yielded to the pretensions of France. The prosperity of America was not so essential to the welfare of Great Britain as many persons affected to imagine; all the predilections of America closely united her to France; and partly from the influence of these feelings, partly from more sordid motives, she insisted that England should allow her to take up the whole carrying

trade, nay, even the whole coasting trade of her enemies. It was for America to decide the question of peace or war; she had adopted a new system, and made new and unheard of pretensions, to which she knew well that Great Britain never would, nay, consistent with her honor, never could concede. By moving for papers, it must be intended to create a discussion on them when granted; yet any parliamentary discussion which could take place on the subject, must necessarily increase the irritation on both sides. The spirit of conciliation always professed in the diplomatic correspondence, between the two countries, had been most sincere on our side; but the British government would never abandon these maritime rights, which the country had so long maintained, and which were necessary to her greatness. The Marquis Wellesly had acted wisely in declining to go into details as to the principles of the blockade which we were called upon to abandon. The first letter of Mr. Pinkney, alluded to in the debate, had been written for the purpose merely of asking Lord Wellesley some questions on this point; but the British government was determined not to confound with the discussion on the Orders in Council, this question of blockade; and therefore it was absurd to suppose that England should stand ready to declare to France how much of her rights she would surrender, in order to purchase for the Americans a revocation of the tyrannical and obnoxious edicts of *Buouaparte*. As to the letter of Mr. Pinkney, on the subject of the recall of Mr. Jackson, which was said, with so much emphasis, not to have been answered by Lord Wellesley, the American minister himself had, in his correspondence with his own government, stated that he had had communications with Lord Wellesley- on the subject, and repeated opportunities of personal intercourse; and that he had been informed by his lordship, and had no doubt of the fact, that a minister would be sent out to America without delay. If the letter had not been formally answered, therefore, the omission was fully

explained, and the information desired by Mr. Pinkney had been communicated to him in another manner. The ostensible reason of Mr. Pinkney, for demanding his passport, was that no minister had been sent to America; yet he had been previously informed, that the delay in sending out a minister had been occasioned wholly from the situation in which the government found itself for the two months preceding, in consequence of His Majesty's illness. The Orders in Council did not originate with the present government, the system having been acted upon by those who now complained so loudly of it; no one, in the proper exercise of his reasoning faculties, could dispute the justice of these Orders in Council, who was not, at the same time, prepared to deny our right of retaliating upon the enemy its own excesses; & those who attributed the commercial distresses of the country to the Orders in Council, must have forgotten that the continental system was of itself sufficient to account for the distress which had occurred."

"The late repeal by France of her decrees, was a mere pretence, since the principles of the system were still preserved with vigour; for in a letter lately written by Tureau the French minister to the American government, he declared: That it is to be clearly understood, that France would not consent to alter that system of exclusion adopted by all Europe against the commerce of Great Britain, the wisdom and policy of which system was already clearly developed in its effects against the common enemy; that neutrality was entirely disregarded in every state over which France had any influence. Such was the language of France through her own minister, which openly declared that she had said to each state in succession, I must take away your liberty and independence in order to injure England: and could it be doubted, that Great Britain was thus entitled to call on neutral nations to assert and maintain their rights? The correspondence between this country and America was not finally closed; and while a

hope remained, how faint soever, it should be by all means cherished, and nothing should be done which might increase irritation." The question of Mr. Whitbread, for the production of the correspondence, was then put to vote and negatived by an overwhelming majority.

Whatever might have been the inducements held out by France to America, for pursuing such a line of conduct as she did, does not here form a matter of discussion; but certain it was, that the most monstrous and egregious falsehoods and misstatements were invented, and industriously and indefatigably propagated throughout the United States, obviously intended to widen the breach already existing between the government of Great Britain and that country. It was said, and there were even members of the American congress found who alluded to it in their speeches, that Great Britain had actually demanded of the United States to pass a law authorizing the introduction of the produce and manufactures of the British Islands into the ports of America; and for compelling France to receive such goods as of production. Mr. Foster, in a communication to Mr. Monroe, denied this statement in the most positive and unequivocal terms; and notwithstanding, Mr. Monroe in his answer to Mr. Foster (which, by the bye, was not sent for more than a month afterwards, still harped and talked of what he called "the novel and extraordinary claim of Great Britain, to trade in British articles with her enemy." How wilfully gross was such a misstatement, when made by the chief secretary of the government, and uniting it to the extraordinary demand which that country so often made upon Great Britain, that she should believe the vague declarations made by France, that she had abrogated her Berlin and Milan decrees, when every act of that government explicitly contra-

dieted that declaration.* Mr. Munroe, the American secretary of state, urged a complaint, that ships' papers of America were counterfeited to a large extent in Great Britain, and in a way scarcely capable of detection. Mr. Forbes, in return, very justly complained of the great partiality the United States had ever shown to France and her commerce ; that in all the diplomatic intercourse of America, she unerringly kept in view the

*But the enemy has at length laid aside all dissimulation ; he now publicly and solemnly declares, not only that those decrees still (continue in force, but that they shall be rigidly executed until Great Britain shall comply with additional conditions equally extravagant ; and he further announces the penalties of those decrees to be in force against all nations, whiCh shall suffer their flag to be, as it is termed in this new code, " denationalized."

In addition to the disavowal of the blockade of May, 1806, and of the principles on which that blockade was established, and in addition to the repeal of the British Orders in Council, he demands an admission of the principles, that the goods of an enemy, carried under a neutral flag, shall be treated as neutral ; that neutral property under the flag of an enemy shall be treated as hostile; that arms and warlike stores alone (to the exclusion of stip timber and other' articles of naval equipment,) shall be regarded as contraband of war ; and that no ports shall be considered as lawfully blockaded, except such as are invested and besieged, in the presumption of their being taken [en prevention d'etre pris.] and into which a merchant ship cannot enter without danger.

By these and other demands, the enemy in fact requires, that Great Britain and all civili zed nations shall renounce, at his arbitrary pleasure, the ordinary and indisputable rights of maritime war ; that Great Britain, in particular, shall forego the advantages of her naval superiority, and allow the commercial property, ss well as the produce and manufactures, of France and her confederates, to pass the ocean in security, whilst the subjects of Great Britain are to be in effect proscribed from all commercial intercourse with other nations; and the produce and manufactures of these realms are to be excluded from every country in the world to which the arms or the influence of the enemy can extend.

Extract from the Declaration of the Orders of Council, April 21, 1812.

interests of that nation ; and even carried her partiality so far as to allow French ships of war to enter and clear from her ports, and permit them to expose for sale, in the ports of the United States, prizes taken from British merchants who had actually laded and cleared from those ports at which they were sold. But to this complaint, so well founded as he knew it was, of such base national treachery, Mr. Monroe never found time to reply. Such was the conduct of America, as a neutral nation,—to allow the ships of war of one belligerent to take merchantmen, the property of the subjects of another belligerent, at the very mouths of their harbors, and tow them into their ports and sell as lawful prizes ; and such was the manner in which the negotiation was carried on by the United States government, and on which Mr. Whitbread and his friends in the House of Commons, have been so lavish in their eulogiums



CHAPTER VI.

Mr. Whitbread's Motion again introduced into the House of Peers by the Marquis of Lansdowne, and in the House of Commons by Mr. Brougham—Outline of the Arguments in Favor of that Motion as far as concerned the Relations between Great Britain and the United States.

AT the time when Mr. Whitbread moved to produce the correspondence between the two governments, seyee nil members betrayed a strong desire to unite that subject with that of the Orders in Council, with a view to procure a decision against both measures, without a fair and candid discussion of the subjects. The time, however, which had been so long anticipated, and by many so ardently looked for, at length arrived, when this subject of so vast importance was to be considered. It was introduced in the House of Peers by the Marquis of Lansdowne, and in the House of Commons by *Mr. Brougham.* The motions in both houses were framed in exactly the same terms, calling for a committee to be appointed to take into consideration the situation of the commerce and manufactures of the country, with a particular referenee to the Orders in Council and the trade by shipping licence. As this subject was so intimately connected with the affairs of America, at this time, it shall here have a due consideration.

Those who supported the motion, contended that the commercial calamities of the kingdom had now risen to such *bright, and the complaints and clamor of the intuaufaclusers were so loud and general, that the legislature of the country was bound in duty to listen to those complaints, and to inquire into the cause and existence of the evil, and the manner of providing *a* remedy to remove it ; that it was the duty and interest of all

persons throughout the community to prosecute this enquiry, and to go hand in hand with the movers in its support ; that even the conscientious dissentients to the present motion, with reference to the source and extent of the evils existing, must feel desirous of having the sentiments contained in the motion defended and established . That all with whose approval the system of 1806 met, must certainly be desirous to know to what extent it had been maintained by that of 1807 ; that those persons who did not, in the first instance, actually disapprove of the new system, but felt surprised at its unlooked-for consequences, must feel solicitous to ascertain if there be not sufficient grounds for a change of opinion ; that others who yet entertained a favourable idea of the general policy at present pursued, might conceive some doubt as to the expediency of the manner in which it was followed, and others again who reprobated the new system from its beg,inning, and were even prepared to spew their predictions verified, must feel a peculiar anxiety to avail themselves of an opportunity of unfolding the madness and folly of government, and of repressing the calamities that threatened the whole kingdom. That after a fair and impartial inquiry had been instituted, and it were found that the evils of which the country so loudly complained were without a remedy, the people would then be prepared to bear them with more fortitude.. That it was of the utmost importance to know, since the Orders in Council had ever been represented as being of a retaliatory nature, what that system was on which it was pretended to retaliate. That the course of policy by which France was actuated might be clearly traced to one of the great moving principles of the government of l3uonaparte, namely, that of crushing the commerce of its enemy, even though its own mercantile interests should become the ultimate sacrifice: to this point centered all the measures of that government. That the distresses prevailing among the mercantile establishments throughout France, originating from this very source, were represented by the people

of every commercial city and town in the empire. But what was the reply of Buonaparte to these representations? They were told that it was now too late in the day to speak of commerce ; that France had now become a country of arms, and that it was the desire of the government to see nothing but soldiers and peasantry ; and in view of supporting this principle by means of theory, Talleyrand had published a book in which he struggled to exhibit the encouragement of arms and agriculture as the only sound and natural policy of the French nation, since the time in which the storm of the Revolution had subsided. Now, under these peculiar circumstances, it was asked, did not the true policy of Great Britain demand of her to foster her own commerce ; and in whatever part of the globe the very semblance of neutrality appeared, it was her interest to nurse and encourage it into existence ; but by the measures of retaliation on her enemy to which she has had recourse, she has risked the advantages of both, and has only been inflicting a punishment on an enemy, which, under those circumstances, he was not capable of feeling.

The magnanimous and dignified character of the British nation rendered it a duty for her to have protected and encouraged a neutral nation, like America, in every branch of commerce ; separated as America was from her enemy by a widely extended ocean, which, to him, was impassable. That next to the evils resulting to our commerce from a war between Great Britain and America, would be those arising from a war between America and France ; the designs of the enemy would then be complete, for there is not a port on the continent from which British trade would not then be excluded. That the whole course of policy which we had pursued, had hitherto been marked by an unwarrantable hostility to neutral nations ; and there was but one language spoken by all the measures we had yet adopted, namely, that they must either declare themselves on the side of one

belligerent or the other. That ever since the British Orders in Council had been issued, the commerce of that country had evidently been on the decline ; the returns which were presented of the exports and imports of the year **1809**, shew the amount of exports to the continent of Europe to have fallen short of that of 1808, not less than ten millions, and that to America not less than five millions, making an aggregate failure of that year of fifteen millions. But that in April, 1809, a complete modification of the Orders in Council had taken place; the former sweeping system had been substituted by a blockade of only a limited extent—Holland, the coast of Germany as far north as the Einc., and 'that' part of Italy situated between Pisaro and Orbitello. Thus had the old system' been entirely abandoned, anti" retaliatory measures laid entirely aside. However, the government of France had still had recourse to means, for severity, far surpassing any thing of the kind they had yet adopted ; and so far were they from betraying any embarrassment from the policy of Great Britain, that they had driven the anti-commercial system to its utmost extremity. That a lamentable evidence was afforded of the calamities produced by the commercial Measures to which England had so tenaciously adhered, in the melancholy and distressed state of ^{011 r} commercial and manufacturing towns and cities, and in the enormous increase of the number of bankrupts In one town alone, [Liverpool] in the small space of four weeks, the poor had actually increased to four times their number. These proofs of distress exhibit a fearful and appalling state of affairs, and cannot be met by referring to the custom-house books, whatever may be the account; given by these to the country ; in answer to statements of this description, we have only to direct our attention to our jails overflowing with debtors, our poor-houses filled with mendicants, and moreover, to some of our most populous and hitherto wealthiest counties, where the distress had arisen to so appalling a height as to have driven the people to a state of open rebellion. **That,**

notwithstanding the fallacy of the custom-house accounts, still they did not conceal the lamentable truth of the decrease of the mercantile interest of the country ; that when the exports of 1811 were compared with those of the preceding year, in those accounts, a very great falling off was discovered ; nay, notwithstanding the year 1808 had been the least propitious of any year ever known in the country, yet the year 1811, in the amount of exports, had actually sunk beneath even that. That very little credit is to be placed in the accounts of the custom-house ; as a proof of which we need only revert to the circumstance, that although they exhibited an increase of the amount of exports in 1809 over that of 1807, to the enormous amount of twenty millions, yet it was afterwards discovered that this great increase of exportation had been sent to markets where there was not the least demand for the goods, and consequently the next year the most part of the goods exported were returned upon our hands, and thereby an additional value was occasioned to the imports, in proportion to the value sent back to us. Such proofs as these, staring us in the face, ought to admonish us how little regard the custom-house books are entitled to, in proving the existence of distress with which the manufacturing and commercial interest of the kingdom had been visited. That that system, pregnant with so many evils—the system of granting licenses—had grown out of the unparalleled state of our commercial affairs ; the number of licenses granted in 1807 did not exceed 1,690, but by the year 1810 they had actually swelled to the number of 18,000. It was a fact that all remaining of the principles of the Orders in Council were, by these licenses, conceded to the enemy ; and thus were we pursuing a trade, to a participation of which he was admitted, but from which neutral nations were precluded, unless such as chose to avail themselves of the license system. That a more impolitic course could not be pursued by Great Britain than thus to give encouragement to the commerce of her enemy, and that too, at the expense of neutral nations, since the regula-

tions laid down for the government of those acting under the authority of such license, were shamefully violated in every letter ; they were in fact secretly pursuing a traffic with the enemy, and that in the very way of which he was most desirous, and to prevent which, there was no way whatever, except lining the whole coast of the enemy with British ships of war, and by this means establishing a real and not a nominal blockade. That the result of this license system had been an enormous increase of foreign ships in the ports of Great Britain, and establishing an extensive and well organized nursery of seamen to man the fleets of the enemy. That in Great Britain, the consequences arising from the system of granting licenses had been no less alarming ; that the controul of the commerce had passed entirely into the hands of the executive government. But were this the only danger to which this system was subject, it would yet be comparatively harmless ; but it was subject to abuses of a greater magnitude, and which spoke powerfully in favor of the present inquiry. That prodigious errors had, in the issuing of them, been frequently committed ; that one class of individuals possessed opportunities of information of which others were totally denied, and that it had become necessary for the members of the Board of Trade to hold correspondence with merchants which was calculated to unfold secrets which might be used for the most unworthy purposes. That under this system it was at all times in the power of the enemy to ascertain the articles we were desirous of exporting, and what we might wish to have exported from the continent ; it would certainly then be a fault of his own if he did not turn such information to his own advantage, and reduce our commerce completely under his own controul.

But the greatest evil to which this system was subject, was that which it produced on the morals of the mercantile branch of our community ; they were allured into speculations which, commenced with forgery, are carried

on by a course of perjury, and terminated in the **most** bare-faced frauds. That the very conditions of these licenses were disgraceful to that government that issued them ; that besides the ships' regular papers, the licenses allowed the captains of ships to take on hoard other sets of papers which were forged from beginning to end, and when the ships arrived at their destined ports, these forgeries had all to be confirmed by the most solemn oaths of the captain and all his crew. In support of all this, a letter of a very singular description was then referred to ; it was written by a person who had made a regular profession of the forgery of ships' papers ; it read thus: " Gentlemen, we take the liberty herewith to inform you, that we have established ourselves in this town. [Liverpool] for the sole purpose of making simulated papers, which we are enabled to do in a way that will give ample satisfaction to our employers, not only being in possession of the original documents of the ships' papers and clearances from the various ports, a list of which we annex, but Mr. G.B. , having worked with his brother, **Mr. J. B.**, in the same line, for the last two years, and understanding all the necessary languages. Of any changes that may occur in different places on the continent, in the various custom-houses and other caatees, and which may render a change of signature necessary, we are careful to have the earliest information, 'tot only from our own connections, but from **Mr. J. B.** who has proffered his assistance in every thing, and who has for some time made simulated papers for **Messia. B.** and **P.** of this town, to whom we beg leave to refer you for further information. We remain, &c." Such were the degraded and miserably disgraceful expedients to which this new system had driven the British merchants. It was not a sufficient reply to palliate the guilt attendant on such transactions to say, that had our merchants not committed those crimes, others would certainly have taken the advantage, and perpetrated them ; though the universe besides should commit itself by such a shameful and unprincipled procedure. let not Great Britain, the character of

whose merchants had always in former years been proverbial for probity and honor, descend to this depth of shame and degradation.

A great deal was urged against the Orders in Council relating to the effects they were likely to have on American manufactures ; that they would tend to increase their growth in the New England States, till at length they would supercede the British manufactures in the South American markets. That it was not derogatory to the national character of England to endeavor to conciliate America; that they had not been haughty or violent in advancing their claims ; that it was a natural expectation, since they believed firmly in the repeal of the French decrees, that the repeal of our Orders in Council should follow; that in common courtesy to France, America was bound to believe what had been solemnly asserted by the French government, that her denees had in truth and verity been repealed. Much clamor, and that without the least foundation, had been raised for the security of our maritime rights ; but no question had ever been made by America to those rights in their fair and liberal interpretation. **And finally**, that it was a singular feature in affairs, to hear the advocates of the Orders in Council opposing investigation, who, had these orders been really servicable to the country, had of all others least reason to fear inquiry

CHAPTER VII.

The Distresses in the Manufacturing and commercial Interests of Great Britain chargeable to the Orders in Council, completely disproved—The Distresses in the manufacturing Branches in England only imputable to a Propensity of wild Speculation engendered amongst those Classes, by the unparalleled Prosperity of the British Trade in the years 1809 and 1810.

IN reply to the foregoing arguments, it was said, that the distresses alluded to in the manufacturing and commercial interest, had not arisen from any effect of the Orders in Council; that these distresses were not general; and the papers on the table, so far were they from supporting these assertions, that they actually contradicted them. That the view was the most ridiculous and absurd imaginable, which had been taken of the state of commerce; that the very year in which the Orders in Council had been enforced, which occurred in 1807, the amount of exports was about thirty-four millions and a half, and in the year following it was about the same, but in 1809 it rose to upwards of fifty millions; in 1810 it fell to about forty-six millions, leaving an immense increase since the year 1807, the year in which the Orders in Council were first issued. How ridiculous and unfounded were the reports which those supporting the motion for inquiry had so laboriously circulated; that millions of British property had been confiscated by Buonaparte; and even were they admitted as truth, had not the least relation with the subject of the Orders in Council. That the American non-intercourse law and the other measures adopted by that government, instead of impeding the commerce of Great Britain, had laid open to our merchants a direct trade with the Spanish and Portuguese colonies, and had thus proved of infinite benefit to the commerce of this coun-

try. That in order to dispel that delusion which certain persons have been so studious in imposing on the country, it is only necessary to present a fair account of the exports to America and the West Indies, during the years from 1807 down to the present time. In 1807 the value of exports amounted to nearly fifteen millions; in 1808, notwithstanding that our trade to the United States was partially prohibited, it amounted to nearly sixteen millions; in 1809, the year in which the non-intercourse law was acted upon, it amounted to upwards of nineteen millions; and in 1810, the law of non-intercourse being still in existence, our exports to America, including the West Indies was nearly twenty millions and a half in value. It would appear, then, that in the years between 1807 and 1810, the enormous increase of nearly six millions of pounds sterling had taken place in the export trade of this country to America alone. That the account given of the injury sustained by British shipping, from the effects of the Orders in Council, had been most wilfully and wantonly exaggerated and misrepresented; but which, by a reference to facts, could be very easily contradicted and disproved. In the year 1807, the whole British shipping actually employed amounted to 311,000 tons; in 1808, 436,000 tons; in 1809, 539,008; and in 1810, 609,000 tons; so that in, the years between 1807 and 1810 an increase of 298,000 tons had actually taken place. The number of seamen employed in that shipping also increased from 88,000 to 102,000; and notwithstanding the fact, that foreign shipping also increased, yet let it be borne in mind, that this foreign shipping, in the circumstances of the world, had contributed largely to the prosperity of British commerce.

A complaint has been urged by some, that to the foreign shipping of the continent a partiality had been discoverable, over those of America, to such we would reply, that Great Britain never made any such distinction; and if the Americans did not participate in this

trade lately carried on, they had none but themselves to blame. That from an immediate intercourse with the Spanish and Portuguese colonies in South America, Great Britain derived a very great advantage; that the advantages of commerce, and the objects for which the navigation act was principally intended, were thus equally promoted. If the British Orders in Council had never been issued, France would have remained uninterruptedly in the peaceable enjoyment of a trade with the whole world, and thus been enabled to supply herself with the raw materials of her manufactures, an object for which she was particularly anxious, and to which her whole efforts were unceasingly directed.

It might be enquired, from what cause did' the Orders in Council originate? Parliament issued a decree that there should be no farther trade to England; the natural answer of England was, that nothing should be exported from France but as she permitted. It was by her maritime superiority she had the power of enforcing her mandate. She, too, possessed a right of apprising neutrals, that if they countenanced restrictive edicts of one belligerent, inimical' to all commercial interests, they must likewise submit to regulations which she should dictate in defence of those interests. That the government of Great Britain had ever cultivated a friendly disposition towards America, while on the contrary that of France had been extremely hostile. On every opportunity which presented itself; had France seized and deArroyed the property of American citizens. That the government of France had evinced many proofs of its insincerity in its regulations with America, and more particularly in the repeal of its decrees; and even in the courts of admiralty in England had those marks of insincerity on the part of France manifested themselves. That many persons who support the motion, either from ignorance of the fact, or intentionally to serve some purpose, or other, had drawn a line of distinction between sequestration and condemnation, while with the French

government the difference existed only in name, but in effect they are one and the same thing; and by the easy term of sequestration had France condemned much property of citizens of the United States. That notwithstanding the great length which some had allowed themselves to be carried on the subject of perjury, as connected with the Orders in Council and license trade, and the feeling manner in which the immorality attendant on such a traffic had been depicted, yet let it be remembered that the system of perjury had been in existence long before the Orders in Council, license traffic had been known in the kingdom. That at Embden a house was established for no other purpose whatever but to practise frauds of that description, for which a regular commission of two per cent was charged, and allowed; and even though the license trade and Orders in Council were abolished, the country would have to return once more to the system of neutralization which was mainly supported by tyranny, in the mode by which it was pursued. Many schemes have been called into contribution with a view to impress on the minds of the people, that their distresses were wholly imputable to the Orders in Council; it is true, that subject was most learnedly discussed on, but the picture was most extravagant, and only existed in the minds of those by whom it was propagated, if indeed it had even an existence there. That the exportations from this country in the year 1809 had been returned on our hands, or any part of them, was an assertion founded on some gross error; the very goods of that year's exportation found a ready and profitable market, which market remained open to us until the spring of 1810. With the declaration of the French government staring us in the face, that no repeal of the commercial decrees of that country could take place, until Great Britain should, in the first instance, abandon her right of blockade, how childish it were to talk of the actual repeal of those decrees; under this delusion, too, America has been loud in her claims upon Great Britain to rescind so much of her commercial

regulations, of 1807, as would leave the commerce of that country perfectly free. But let it be first enquired where such a measure would end ; were England to repeal her Orders in Council and abandon the license trade, a trade would at once be opened by which America would be enabled without interruption to carry the produce and manufactures of France and her dependencies to every port in the world ; while England would be entirely shut out from that trade which her enemies were only enjoying by her permission. That no doubt can exist in the mind of any person in the world, who will take pains to consult the evidence we have on the subject, that the commercial restrictions adopted by the French government, although they, in some measure, affected this country, inflicted a severe wound on their trade and resources ; that since the Orders in Council were issued in 1807, the commerce of France had experienced a severe falling off, as appeared evident from the affairs of her national bank, and the transactions in her money market ; and in like proportion has her revenue failed since that period.

it was said that an appointment of a committee of the House of Commons, for the purpose of considering the measure now before them, could answer no good end, without that committee, by an interference with the affairs of America, should controul the deliberations of the cabinet, a proposal not at all likely to find support in this house. At the deliberations of such a committee, persons of conflicting interests were to be examined ; some from whose connection with the trade of America have naturally imbibed certain prejudices in its favor ; others again who stand connected solely with the trade to the continent of Europe, and whose prejudices must therefore stand opposed to those of the first class ; under such a state of things, it would be impossible for a committee to arrive at any conclusion. On the whole, it would be an act both mean and despicable to announce

to the world, that a question in which was involved so much importance to the nation, should be decided on the narrow and sordid principle of profit and loss.

But there is yet a quarter to which we may look, as having produced many of the evils which may have afflicted our commercial and manufacturing interests, viz. the unexampled prosperity of British trade in the years 1809 and 1810, which had begotten such a spirit of wild speculation amongst our merchants and manufacturers, that in the event of the least stagnation, in connection with the French decrees, could not fail of drawing in its train all the evils alluded to. Under such circumstances, is this house to set their seal to a prejudice imbibed by the manufacturers, and no doubt originating from corrupt motives, that all the distresses which befel them have grown out of the bad policy of their own government. That not the least connection exists between the Orders in Council and the license trade ; that the property of British subjects has no other means of admission into the continent of Europe, only under cover of neutrality ; and in order to pursue a trade between enemies, it is necessary to grant neutral licenses, that a treasonable and unlawful intercourse may be prevented, and that neutrals may not be subjected to British seizure. That there is no available means, under the existing circumstances of Europe, by which England could have carried on a trade with the European continent, entirely pure and irreproachable ; but to say that in consequence of the frauds practised on that trade, it ought to be entirely abandoned, betrays a vile hypocrisy. But admitting, for argument's sake, that a repeal of the Orders in Council had taken place, and that Americans, without interruption, had been permitted to carry the sugars of the Island of Cuba into France, and in return to carry back to South America the manufactures of Germany, while the French decrees were still in full operation upon the trade of Great

Britain, there would yet have been as was remarked of the present system, "forgery in the origin, and perjury and fraud in the conclusion of the transactions."

It was ridiculous to imagine from the policy of Buonaparte, that he was inimical to all trade; he undoubtedly was to British commerce, but as regarded that of his own, he seemed to have its interest very much at heart. That the government of the United States had coalesced with him not only in requiring the repeal of the Orders in Council, but also an entire abandonment of the system of blockade practised by Great Britain; it was therefore idle to think, that a repeal of the Orders in Council was sufficient to conciliate America. The principles upon which these orders were founded were entirely retaliatory, and as such were they described by Mr. Canning; it had however been deemed expedient on the part of Great Britain to mitigate them in favor of neutral nations which fully evinced the desire of the British government to confine the evil wholly to the enemy. The injury sustained by the neutral through the operations of the Orders in Council, where the principle of retaliation was closely adhered to, was merely incidental, and which could not be avoided and therefore became, on the side of the government of Great Britain, a matter of deep regret; but on whom had been forced the measures from which it resulted

Persons who raised such strong objections to the principles of retaliation with an enemy, would have done well to have borne in mind that no other method is attainable, by which to enforce obedience to the law of nations. Let a considerable power once presume to hold in contempt every principle of honor which the civilized nations of the world have hitherto held sacred, and to set at open defiance all law, by which nations have as yet suffered themselves to be governed, and to prosecute a war in violation of all this, how is it to be arrested in its mad career but by recurring to measures of

retaliation? A remark had been made, that, should Great Britain retaliate, it ought to be in that manner in which the enemy had inflicted the injury on her; how wild and extravagant would be such a mode of proceeding. If it were the choice of the enemy to violate the law of nations, in a case where his own risk was nothing, (as he had nothing to lose, at the same time we had every thing at stake,) will it be once pretended that we were bound to chastise him in a way in which he would not feel the consequences of his madness and folly? The very object for which the Orders in Council were issued was never intended to destroy the commerce of the continent of Europe, but to compel the continent to trade with Great Britain, and to ensure to Great Britain alone an exclusive right to that trade.

What a mode of reasoning was that which impute to the Orders in Council all the embarrassments which have recently overtaken the commercial interests of the country, when it was incontestibly proved that for two or three years after these orders had been issued, an effect diametrically opposite to this had been the result, and when the commercial difficulties had evidently been traced to causes very different.

In reply to those who complained of the immoral tendency of the system of granting licenses, as exhibited in the form of the licenses themselves, it was observed that the very clause which had undergone such a severe censure had been framed by the previous administration, and that the present ministers in their offices found them prepared and digested by those very persons who now affected to be so much scandalized by the discovery. It was surely a childish idea to imagine for a moment, that the commercial interests of France felt no effect from the British Orders in Council; the impoverished state of her custom was a sufficient proof against such an opinion; if it were not, look to the tenor of an address from her senate to Buonaparte, where it was confessed that no

longer did the people of France enjoy a commerce; except what their canals afforded them ; while it was tully and unequivocally admitted, that, in every respect, they labored under the most unparalleled commercial erribarralsmen*;

That undei no principle of reasoning was Great Britain under an obligation to suff.ir an arrogant power like France to prescribe laws to neutral nations, without making an effort to induce those neutrals to assert their rights ; from which is plainly observable that the leading object of the famous Orders in Council, was, not only the chastisement of France for her insults, but to incite America to disentangle herself from a connection into which, in an evil hour, she had unhappily suffered herself to be involved, and to resume that situation of rank and independence which she had once held among the nations of the world.

Such are the outlines of those celebrated debates on the causes which led to the war with the United States, in both houses of parliament, the result of which was, that the motion introduced into the House of Lords, by the Marquis of Lansdowne, and that into the House of Commons, by Mr. Brougham, were negatived by a large majority.

A

CHAPTER VIII.

The United States Government appears, for a time, more amicable towards Great Britain—Suskcions, on the Part of the British Government, as regarded those Pretensions—Reasons for those Suspicions--Extrava pant Demand of Buonaparte.

THE American government seemed, for a time, bo exhibit a more amicable disposition towards Great Britain, partly, no doubt, in consequence of the increasing *acts* of plunder and piracy perpetrated by the French on their merchant vessels, under the favorite title of sequestration ; and partly in consequence of the recent discoveries made of the impoverished state of the public finances.* Yet there was still much reason to doubt the sincerity of their proposals of pacification, but that

The United States revenue is derived from two sources : the duties on importation, and the sale of public lands. The duties on importation, it was admitted, would be diminished by a war with Great Britain; but, even under such a deficit, they were estimated at six millions of dollars, while the sale of public lands would produce above half a million more. A deficiency, to the extent of two millions and a half in the general revenue, would thus arise ; and to meet this, it was proposed the t an addition of 50 per cent should be made to the duties now in existence. Such was the state of the American revenue, with a view even to the peace establishment ; and it was the principle of the government of that nation, that the increased expenditure, occasioned by war, should be provided for by loans.

In the event of any farther deficiency, the duties on salt were to be restored, and a selection of " external taxes," as they were called, were recommended ; and it was supposed that there would be no difficulty in raising the permanent revenue of the United States to nine millions of dollars per, annum. The difficulty of raising the loans at home was, however, foreseen ; nor did any chance of finding them abroad present itself ; and the American ruinster of finance was aware that an interest far above that

it was merely an illusion to gain time for preparing measures for prosecuting a war with effect. It must be acknowledged that at the time there existed strong grounds for suspicion that the latter reason predominated ; for while the United States government offered for consideration, to the ministers of Great Britain, under other modifications, the treaty which had been concluded by the plenipotentiaries of the two governments, in 1806, but refused to be ratified by Mr. Jefferson, that government was at the same time negotiating a loan of eleven millions of dollars for the services of the current year, with which to carry on the war. The circumstance, that the American government was fully aware that if the British government assented to that treaty in its present form, and at that period, she would have surrendered every pretension she then held forth, taken in connection with that of their treating for a loan for the use of the public service, was a full betrayal of the motives by which they were actuated. These grounds of suspicion were the more strengthened by bills which were introduced about the same time into the American legislature, estimating the loans of 1813 and '14 at eighteen millions of dollars for each year ; and notwithstanding a strong opposition was made to such a measure, a measure which menaced the United States with an overwhelming debt, and of course an intolerable taxation for an indefinite length of time, yet so intent were they on war that it received the sanction of that body.

It was only a short time subsequent to the passing of the above estimates, that a bill of a very uncommon nature passed the legislature of that country. The bill in question provided, that any foreigner guilty of impressing American citizens on board of a foreign ship, should, if arrested, be tried and, if convicted, suffer

the law would be necessary to secure a regular supply of money, that the public service, in the event of war, might not be impeded:

death as a pirate. Now, the intention of this, as well as of many other bills which at that time received the sanction of the legislature of America, could not be misapprehended ; in defiance of all their affectation towards a pacific disposition, the spirit which rankled in the bosom of that government was clearly evident ; and every effort made by the British government to avert the impending hostilities, only seemed to widen the breach between the two countries.

However, it immediately became evident to Great Britain, from the course pursued by the French government about this time, that it was necessary she should make a full and positive declaration of the principles by which she should be governed, as regarded the new state of commercial hostilities into which the trade of the whole world had been drawn.

The French minister of foreign affairs, on the 10th of March, introduced into the conservative senate, an official report by which all doubt was henceforth removed, as regarded the manner in which the ruler of France was determined to persist in the prosecution of his wild and extravagant principles. The government of Great Britain, after this, lost no time in issuing a declaration, stating, that the novel and extraordinary principles to which the French government had recourse, had called for measures of retaliation on the part of England. His Majesty had always been desirous to exercise his undoubted right with as little injury as possible to neutrals, and had at all times professed his readiness to revoke the Orders in Council, so soon as the decrees of the enemy were fairly repealed, and the commerce of neutral nations restored to its accustomed course. The state of Europe, in the year 1809, had enabled His Majesty to reduce these beneficent views to practice, and to confine the retaliatory measures to France and the countries on which the French yoke had been most strictly imposed ; and His Majesty had readily availed himself of so favor-

able an opportunity for abridging the miseries of war. The government of the United States had still remained dissatisfied : it had been pretended by that government that the French decrees were revoked, although ample proofs of their existence at a recent period had been brought forward. The enemy had now, however, laid aside all dissimulation, and had declared that the ships of every power which refused to acknowledge his principles, were (to use the language of his own code,) denationalized. In addition to the disavowal of the blockade of 1806, and the repeal of the Orders in Council, he demanded the admission of the principle, that free ships should make free goods; that neutral property, in the hands of enemies should be treated as hostile ; that arms and warlike stores alone, to the exclusion of ship-timber and other articles of naval equipment, should be regarded as contraband of war ; and that no ports should be considered as lawfully blockaded, except such as were invested and besieged, in the presumption of their being taken, and into which no merchant ship could enter with safety.

The enemy thus demanded that the established law of nations should be overthrown, that Great Britain should forego the advantages of her naval superiority, and that her commerce should be excluded from every country Of the world, to which the influence of France might extend. Acting on this principle, the enemy did not hesitate to incorporate, with his own dominions, all states which refused to sacrifice their national honor at his command. The provisions of the treaty of Utrecht, which were founded on a voluntary compact, were referred to as evidence of principles which were to be established by force ; and thus had France departed from the very conditions on which the pretended repeal of her decrees had been accepted by America. It had therefore become the duty of America to relax the measures of severity, which, by misconception she had adopted towards Great Britain ; and as a proof of the desire of the

British government to fulfil its engagements, it was declared that so soon as the Berlin and Milan decrees should be actually and unconditionally revoked, the British Orders in Council should be considered, without any farther declaration, as at an end ; reserving, at the same time, to His Majesty, the most ample powers to re-establish any measures of this kind, should it afterwards appear that the repeal by the enemy had been illusory.

CHAPTER IX.

The Effect produced upon the public Mind in Consequence of the preceding Declaration—Lord Stanley moves in the House of Commons, for a Consideration of the Petitions then on the table, respecting the Distresses—A Discovery of Henry's pretended secret Mission to Boston made to Congress in a Message from the President—That Subject undergoes a partial Investigation.

NOTWITHSTANDING such a display of magnanimity and justice on the part of Great Britain, as was exhibited in the foregoing declaration, even in England, it was looked upon, by those hostile to the Orders in Council, in no other light than as an official answer to the petitions then before parliament, complaining of the disastrous effect which had been produced by the operation of these orders. In pursuance of such a supposition, Lord Stanley availed himself of the earliest opportunity, after the promulgation of this declaration on the part of His Majesty's government, to introduce into the House of Commons, a motion that the house should resolve itself into a committee of the whole, in order to take those petitions into consideration. This motion was sustained by arguments differing but little in tenor from those adduced on a former occasion, the substance of which is contained in the preceding chapters, except in a very few instances. As regarded the declaration itself, it was maintained that the measures of the French government were neither new nor extraordinary but had, in principle, been adopted, although with less rigor, by the British government, in the years 1739 and 1756; and were actually such, as all independent states had a right to pursue. The measures of the French government had proved wholly impotent, till they were supported by the retaliatory system to which the British government had recourse. The petitions on the table

concurrent in attributing the distresses of the country to the Orders in Council; yet the declaration lately issued had announced the determination of government to adhere to its principles, regardless of the general calamity which prevailed in every district of the country. This resolution reduced the measures of the British government, and the prosperity of British commerce, to a dependence on the will of the enemy; and although it had become impossible to obtain employment for the lower orders, and the price of provision was rapidly advancing, there seemed to be no prospect of redress.

Mr. Rose, in reply to this view of the subject, said, "that if British goods were found on board of an American ship trading between America and China, by the Berlin Decree, they must be forfeited; and that it was absurd, therefore to talk of the decree as a mere municipal regulation. Although the Berlin Decree had been in a great measure inoperative until the peace of Tilsit, because the enemy had not till that period the means of enforcing it, yet immediately afterwards, the French had marched their troops into all parts of the continent, for the purpose of carrying their system into effect; and the consequences had been immediately felt in the extreme depression of the commerce of this country. In the event of a repeal of the Orders in Council, in the existing state of Europe, the ports of France would then be open to American commerce, and by which means the enemy would be easily supplied with the raw materials, and thereby enabled to manufacture them and compete with England directly in the 'market of South America, and in every other place to which her precarious trade might extend. The falling off in the direct trade of this country to America had been in a great measure compensated by the increase of our exports to other countries, to which the same commodities had formerly been carried in American ships. Of the exports of America, amounting annually to forty-five millions of dollars, thirty-eight of which went to Great Britain and

her allies, and only two millions to France and her dependencies, whose friendship the government of America seemed so anxious to cultivate. But there was no necessity for a protracted debate ; the distresses of the country were unquestionably great ; the people seemed to look to the Orders in Council as a source of relief ; and in such circumstances the ministers did not think of resisting inquiry, but gave their consent to the motion for appointing a committee."

A very extraordinary occurrence transpired about this crisis. It was communicated to the congress of the United States, in a message from the president, that, " While the United States were at peace with Great Britain, a secret agent of the British government had been employed in certain states, more especially at the seat of government of Massachusetts, in fomenting disaffection to the constituted authorities of the country, for the purpose of seducing the southern part of the Union into a political connection with Great Britain."

In delivering the message to Congress, containing this charge against the British government, the president accompanied it with certain papers purporting to be communications between a person of the name of Henry, the secret agent alluded to, and certain officers of His Majesty's government. Henry, in his communication to Mr. Munroe, the United States secretary, on the subject, pretended to have been employed by officers of the highest authority under the British government, and under the sanction of the British cabinet, for the express purposes stated in the president's message ; and in consequence of the refusal of the British government to allow him a reward commensurate with the nature of the services on which he said he had been employed, he expressed the strongest feelings of disappointment and of revenge toward the government, by whose servants he pretended to have been employed. The first of Henry's pipers alluded to, purported to be a letter

from the private secretary of Sir James Craig, then governor in chief of Canada, &c., from Quebec, dated January, 1809, enquiring whether he [Henry] would engage in a secret embassy to Boston. The second purported to be the instructions of Sir James Craig to Henry, directing him to form an acquaintance with some of the leading Federalists in the southern states, to ascertain what they conceived of a separation from the Union, and how, in such an event, they would be disposed to avail themselves of the aid of the British government to promote their views. The next of these papers produced, was a memorial to Lord Liverpool, in which Henry expatiated largely on the important services which he said he had rendered to Great Britain, while (in his mission to the United States ; that through the influence alone which he had exercised over the governor and legislative assemblies of Connecticut and Massachusetts, the public acts of those bodies had greatly repressed the hostile disposition of the United States government against Great Britain. The envelope enclosing this memorial was a letter to Mr. Peel, from Henry, claiming a large reward for the services performed on his mission. The next in succession was a letter from Mr. Peel, purporting to be written at the request of Lord Liverpool, stating that, as the opinion of Sir James Craig, respecting the merits and services alluded to in the memorial, had not been received, and as no wish had been expressed by Sir James that the claim should be preferred to this country, it has been determined to transmit the memorial to Sir James Craig's successor in the government of North America. There were other papers of the correspondence, but the slight importance of which do not entitle them to notice.

No sooner did the news of this arrive in England, than motion was brought forward in the House of Peers, by Lord Holland, that copies of the whole correspondence connected with the pretended mission of Henry should be laid on the table of that house. " The grounds

upon which this motion was founded," said Lord Holland, " were obvious : a serious charge, affecting the honor of Great Britain, had been made by the United States government, and it was proper to have it investigated. The British ministers had been charged, not merely with employing Henry to procure and communicate intelligence on subjects which might be lawfully inquired into, but to induce some of the states of the Union to cast off their allegiance to their lawful government. What would have been the public feeling in England, or the conduct of the government, if, while Andreossi were here dtfring the peace of Amiens, he had been detected carrying on a secret intercourse with the malcontents of Ireland. Who would have hesitated, if such an event had occurred, to have advised immediate hostilities, unless a satisfactory explanation had been immediately offered ? And what bounds should we set to our resentment against those who had dared to insult the honor, and to intrigue against the peace of the country. It could afford no matter of defence for the conduct of Sir James Craig, or of the government, cif indeed the government had been accessary to these proceedings,) that the American government had been making preparations to invade Canada ; for although such a state of things warranted Sir James in taking all proper means for defence, and in doing every thing to secure the most (=met information, yet it by no means entitled him to attempt the seduction of the American people from their allegiance."

Lord Liverpool's reply to the foregoing was a full and complete defence of the British Cabinet from the accusations which had been thus so unbecomingly preferred against them by the government of the United States. In the course of his Lordship's speech he went on to state, that the employment of Henry, by Sir James Craig, had not been authorised by government ; nor was it even known at home that such a person *was* employed, till many months after the transactions were

concluded. It was necessary, however, to attend to the situation in which Canada was at that time placed, with respect to the government of the United States. In consequence of the embargo act, great heat and clamor prevailed in America at that time; that country assumed a very warlike and menacing attitude ; not only were defensive measures adopted, but on the 25th to November the governor of Massachusetts received orders **to** hold 10,000 men in readiness to march at a **MO.** ment's notice, a circumstance which was quite notorious, and frequently mentioned in the public journals of the day. This army could have but one solitary object, the invasion of Canada ; and such, accordingly, was the impression made on the mind of Sir James Craig, which **a** many other circumstances, and particularly the sudden enrolment of 50,000 volunteers by the government of the United States, tended to confirm. Mr. Erskine, the minister then resident in America, had also entertained the same suspicions, and had sent an express to Sir James Craig, inforrainghirm that Canada or Halifax was **Is** to be immediately attacked. Such were the circumstances in which Sir James Craig was placed, at a moment too, when the separation of some of the states, in the event of a war, had become the subject of general speculation. Sir James had already received communications !tom Henry, a person who professed to be well acquainted with the sentiments of the people of the southern states ; and whatever falsehoods and exaggerations might have been industriously propagated, the object of the governor of Canada, in sending Henry into the United States, was not to excite discontent, but to obtain information, which, in the event of a war, might have enabled him to avail himself of the prevalent temper and disposition of the people in these states.

As a proof that the instructions of the governor, (such as they were,) had reference only to a state of hostilities, no sooner did Sir James Craig learn that the points in discussion had been adjusted, than he sent orders to

Henry to return. Ministers had been more anxious to caution Sir James against the employment of individuals who might disturb the harmony subsisting between Great Britain and America ; and the motives for recommending Henry for a reward were entirely dictated by a wish to make him a fair remuneration for his services, without intimating any opinion as to the policy of the mission with which he had been entrusted.

After all, at the close of this discussion, both parties were decidedly agreed that the conduct of the U. States President (to say the least of it,) was highly unbecoming and indelicate, to lay the papers before congress, posse „sung the eery limited infortliation on the subject which b.e did at the time, without ever requiting an explanation, or in the least apprizing the British government of his intention ; it was therefore said, as no shadow of reason existed for charging the British government with such a mode of proceeding as that mentioned in the American president's message, parliament should reject at once any motion for interference on the subject ; and as the accusation was prepared against ministers, to leave th ministers alone to manage it. The motion was rejecte by a large majority.

CHAPTER X.

America evinces a still more hostile Attitude towards Great Britain—Letters of Marque and Reprisal issued by the American Government against British Property—Movement of a strong American Force towards Detroit ; Perfidy of the French Government more manifest—The Repeal of the Orders in Council again considered.

THE United States government now began to exhibit that warlike disposition towards Great Britain, which had previously indicated itself in so many different ways, with much more violence than hitherto ; and it was obvious that the final declaration of hostilities was close at hand ; though it was evident that a degree of hesitation and fear was the only existing barrier against this last act of folly and madness. A resolution was presented to Congress, to seize all British merchandize in the United States; to detain all subjects of his Britanic majesty, and to grant letters of Marque and reprisal against British property in general ; and it still became a matter of less doubt that these hostile measures of the government of America were but the precursor of resolutions of a more determined cast.

The next act of the American government was to station an army of eight thousand men at Detroit, under the command of a general. The purpose for which it was intended, namely, the conquest of Canada, was no longer made a secret. Many respectable towns and corporate bodies, who had an interest in preserving peace with Great Britain, remonstrated strongly against this last measure ; which probably aided not a little to subdue, for a time, the ardent desire so plainly expressed by Mr. Madison and his partizans to accelierate the war.