whose ' romantic'* feats, instead of being allowed to shine forth, bedizened out as—' Sir Tristian,' Don Belianis,' - the Peers of Charlemagne,' * or any other tale of fiction' or mock-heroic, are presented to the world under the specious garb of ' FAITHFUL HISTORY.'

Analectic Magazine and Nay. Citron. Vol. VII. p. 296>

London, May 16th, 1818.

MILITARY OCCURRENCES,

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CHAPTER I.

Origin of the late war with the .United States--President's message—American declaration of war Pacific views of the British—Determined hostility of the Americans—Prince regent's manifesto in answer to the president's 'message—Impressed Americans—Native and naturalized citizens—Case of Elijah Clarke—A resident in the Canadas shot as a deserter by an American officer—Acquittal of the officer—An opposite principle afterwards broached by the American government--Cause of Indian hatred, to the Americans. - 1 ,,

THE defensive measures adopted by the British government, in contravention of the Berlin and Milan decrees, no longer permitting the subjects of the United States, under the disguise of tientrals, to be the carriers of France, the ablest politicians in the republic were engaged to prepare a

specious manifesto, representing the United States as the aggrieved, and Great Britain as the aggressing party. A moment of continental pressure upon the latter was deemed the fittest for promulgating this angry state-paper. Accordingly, on the 1st of June, 1812, Mr. Madison, the American president, sent the following message to the two Ilk uses of congress :

" Without going back beyond the renewal, in 1803; of the war in which Great Britain is engaged, and omitting unrepaired wrongs of inferior magnitude, the conduct of her government presents a series of acts hostile to the United States, as an independent and neutral nation.

" British cruisers have been in the continued practice of violating the American flag on the great highway of nations, and of seizing and carrying off persons sailing under it ; not in the exercise of a belligerent right, founded on the law of nations, against an enemy, but of a municipal prerogative over British subjects. British jurisdiction is thus extended to neutral vessels, in a situation where no laws can operate but the law of nations, and the laws of the country to which the vessels belong ; and a self-redress is assumed, which, if British subjects were wrongfully detained ;'nd alone concerned, is that substitution of force for a resort to the responsible sovereign, which falls within the definition of. war. Could the seizure of British subjects, in such cases, be regarded as within the exercise of a belligerent right, the acknowledged laws of wars, which forbid an article of captured property to be adjudged, without a regular investigation before a competent tribunal, would imperiously demand the fairest Arial, where the sacred rights of persons were at issue. In place of such trial, these rights are subjected to the will of every petty commander.

• " The practice, hence, is so far from affecting British subjects alone, that under the pretext of searching for these, thousands of American citizens, under the safeguard of public laws, and of their national flag, have been torn from their country, and from every thing dear to them ; have been dragged on board ships of war. of a foreign nation, and exposed under the severities of their discipline, to. be exiled to the most .distaut and deadly climes, to risk their lives in the battles of their oppressors, and to be the melancholy instruments of taking away those of their own brethren.

" Against this crying enormity, which. Great Britain Would be so prompt to avenge, if committecbagainst herself, the United States have in vain exhausted remonstrances and expostulations.: And that no proof might be wanting their conciliatory disposition, and no prete-

left for a continuance of the practice, the British government was formally assured of the readiness of the United States to enter into arrangements; such as could not be rejected, if the recovery of British subjects were the real and the sole object. The communication passed without effect.

" British cruisers have also been in the practice of violating the rights and the peace of our H coasts. They hover over and harass our entering and departing commerce. To the most insulting pretensions they have added the most lawless proceedings in our very harbours, and have wantonly spilt American blood within the sanctuary of our territorial jurisdiction. The principles and rules enforced by that nation, when a neutral nation, against armed vessels of belligerents hovering near her coasts, and disturbing her commerce, are well known. When called on, ne-Nertheless, by the United States, to punish the greater offences committed by her own vessels, her government has bestowed on their commanders additional marks of honour and confidence.

" Under pretended blockades, without the presence of an adequate force, and sometimes without the practicability of applying one, our commerce has been plundered in every sea ; the great staples of our country have been cut off

from their legitimate markets ; and a destructive blow aimed at our agricultural and maritime interests. In aggravation of these predatory measures, they have been considered as in force from the dates of their notification ; a retrospective effect being thus added, as has been done in other important cases, to the unlawfulness of the course pursued. And to render the outrage the more signal, these mock blockades have been reiterated and enforced in the face of official communications from the British government, declaring, as the true definition of a legal blockade, that particular ports must be actually invested, and previous warning given to vessels bound to them, not to enter.'

" Not content with these occasional expe. clients for laying waste our neutral trade, the cabinet of Great Britain resorted, at length, to the sweeping system of blockades, under the name of orders in council, which has been moulded and managed as might best suit its political views, its commercial jealousies, or the avidity of British cruisers.

To our remonstrances against the complicated and transcendent injustice of this innovation, the first reply was, that the orders were reluctantly adopted by Great Britain, as a necessary retaliation on the decrees of her enemy, proclaiming a general blockade of the British isles, at a time when the naval force of that ene-

my dared not to issue from his own ports. She was reminded, without effect, that her own prior blockades, unsupported by an adequate naval force, actually applied and • continued, were a bar to this plea ; that executed edicts against millions of our property could not be retaliation on edicts confessedly impossible to be executed; and that retaliation, to be just, should fall on the party setting the guilty example, not on an innocent party, which was not even chargeable with an acquiescence in it..

" When deprived of this flimsy veil for a prohibition of our trade with her enemy, by the repeal of his prohibition of our trade with Great Britain, her cabinet, instead of a corresponding repeal, or a practical discontinuance of its orders, formally avowed a determination to persist in them against the United States, until the markets of her enemy should be laid open to British products; thus asserting an obligation on a neutral power, to require one belligerent to encourage, by its internal regulations, the trade of another belligerent, contradicting her own practice towards all nations, in peace as well as in war; and betraying the insincerity of those professions which inculcated a belief, that, having resorted to her orders with regret, she was anxious to find an occasion fur putting an end to them.

" Abandoning • still more all respect for the

neutral rights of the United States, and for its own consistency, the British government now demands, as pre-requisites to a repeal of its orders, as they relate to the United States, that a formality should be observed in the repeal of the French decrees, nowise necessary to their termination, nor exemplified by British usage ; and that the French repeal, besides including that portion of the decrees which operates within a territorial jurisdiction, as well as that which operates on the high seas, against the commerce of the United States, should not be a single special repeal, in relation to the United States, but should be extended to whatever other neutral nations, unconnected with them, may be affected by those decrees.

" And, as an additional insult, they are called on for a formal disavowal of conditions and pretensions advanced by the French government, for which the United States are so far from having made themselves responsible, that, in official explanations, which have been published to the world, and in a correspondence of the American minister at London with the British minister for foreign affairs, such a responsibility was explicitly and emphatically disclaimed.

" It has become, indeed, sufficiently certain, that the commerce of the United States is to be sacrificed, not as interfering with the belligerent rights of Great Britain, not as supplying the

wants of their enemies, which she herself supplies, but as interfering with the monopoly which she covets for her own commerce and navigation. She carries on a war against the law- ful commerce of a friend, that she may the better carry on a commerce with an enemy ; a commerce polluted by the forgeries and petjuries which are, for the most part, the only passports by which it can succeed. Ai

" Anxious to make every experiment, short of the last resort of injured nations, the United States have withheld from Great Britain, under successive modifications, the benefits of a free intercourse with their market, the loss of which could not but outweigh the profits accruing from her restrictions of our commerce wit It other nations. And to entitle these experiments to The more favourable consideration, they were so framed as to enable her to place her adversary under the exclusive operation of them. To these appeals her government has been equally inflexible, as if willing to make sacrifices Of every sort, rather than yield to the. claims of justice, or renounce the errors of a false pride. Nay, so far were the attempts carried to over-. come the attachment of the British cabinet to its unjust edicts, that .4. received every encouragement within the competency of the executive branch of our government, to expect that a repeal of them would be followed by a war

between the United States and France, unless the French edicts should also be repealed. Even this communication, although silencing for ever the plea of a disposition in the United States to acquiesce in those edicts, originally the sole plea ibr them, received no attention.

" If no other proof existed of a predetermination of the British government against a repeal of its orders, it might be found in the correspondence of the minister plenipotentiary of the United States at London, and the British secretary for foreign affairs, in 1810, on the question, whether the blockade of May 1806 was considered as in force or as not in force. It had been ascertained that the French government, which urged this blockade as the ground of its Berlin decree, was willing, in the event of its removal, to repeal that decree ; which, being followed by alternate repeals of the other offensive edicts, might abolish the whole system on both sides. This inviting opportunity for accomplishing an object so important to the United States, and professed so often to be the desire of both the belligerents, was made known to the British government. As that government admits that an actual application of an adequate force is necessary to the existence of a legal blockade ; and it was notorious, that if such a force had ever been applied, its long discontinuance had annulled the blockade in question, there could be **no** sufficient

objection on the part of Great Britain to a formal revocation of it ; and no imaginable objection to a declaration of the fact that the blockade did not exist. The declaration would have been consistent with her avowed principles of blockade, and would have enabled the United- States to demand from France the pledged repeal of her decrees ; either with success, in which case the way would have been opened for a general repeal of the belligerent edicts ; or without success, in which case the United States would have been justified in turning their measures exclusively against France. The British government would, however, neither rescind the blockade, nor declare its non-existence, nor permit its non-existence to be inferred and affirmed by the American plenipotentiary. On the contrary, by representing the blockade to be comprehended in the orders in council, the United States were compelled so to regard it in their subsequent proceedings.

" There was a period when a favourable change in the policy of the British cabinet was justly considered as established. The minister plenipotentiary of his Britannic majesty here proposed an adjustment of the differences more immediately endangering the harmony of the two countries. The proposition was accepted with a promptitude and cordiality correspondinc with the invariable professions of this go-

vernment. A foundation appeard to be laid for a sincere and lasting reconciliation. The prospect, however, quickly vanished. The whole proceeding was disavowed by the British government, without any explanation which could at that time repress the belief that the disavowal proceeded from a spirit of hostility to the commercial rights and prosperity of the United States. And it has since come into proof that, at the very moment when the public minister was holding the language of friendship, and inspired confidence in the sincerity of the negotiation with which he w charged, a secret agent of his government was employed in intrigues, having for their object a subversion of our government, and a dismemberment of our happy union.

In reviewing the conduct of Great Britain towards the United States, our attention is necessarily drawn to the warfare just renewed by the savages on one of our extensive frontiers ; warfare which is known to spare neither age nor sex, and to be distinguished by features peculiarly shocking to humanity. It is difficult to account for the activity and combinations which have for some time been developing themselves among- the tribes in constant intercourse with the British traders and garrisons, without connecting their hostility with that influence, and without recollecting the authenticated exanvles

of such interpositions heretofore furnished by the officers and agents of that government.

" Such is the spectacle of injuries and indignities which have been heaped on our country ; and such the crisis which its unexampled forbearance and conciliatory efforts have not been able to avert. It might, at least, have been expected, that an enlightened nation, if less urged by moral obligations, or invited by friendly dispositions on the part of the United States, would have found in its true interest alone, a sufficient motive to respect their rights and their tranquillity on the high seas ; that an enlarged policy would have favoured that free and general circulation of commerce, in which the British nation is at all times interested; and which, in times of war, is the best alleviation of its calamities to herself, as well as the Other belligerents ; and more especially, that the British cabinet would not, for the sake of a precarious and surreptitious intercourse with hostile markets, have persevered in a course of measures which necessarily put at hazard the invaluable market of a great and growing country, disposed to cultivate the mutual advantages of an active commerce.

" Other councils have prevailed. Our moderation and conciliation have. had no other effect than to encourage perseverance, and to enlarge pretensions. We behold our seafaring citizens still the daily victims of lawless violence,

committed on the great and common highway of nations, even within sight of the country which owes them protection. We behold our vessels freighted with the products of our soil and industry, or returning with the honest proceeds of them, wrested from their lawful destinations, confiscated by prize-courts, no longer the organs of public law, but the instruments of arbitrary edicts; and their unfortunate crews dispersed and lost, or forced, or inveigled, in British ports, into British fleets; whilst arguments are employed in support of these aggressions, which have no foundation but in a principle supporting equally a claim to regulate our external commerce in all cases whatsoever.

" We behold, in fine, on the side of Great Britain, a state of war against the United States; and on the side of the United States, a state of peace towards Great Britaith

" Whether the United States shall continue passive under these progressive usurpations, and these accumulating wrongs ; or, opposing force to force, in defence of their natural rights, shall commit a just cause into the hands of the Almighty Disposer of events; avoiding all connections which might entangle it in the contests or views of other powers, and preserving a constant readiness to concur in an honourable reestablishment of peace and friendship, is a solemn question, which the constitution wisely

confides to the legislative department of the government. In recommending it to their early deliberations, I am happy in the assurance that the decision will be worthy the enlightened and patriotic councils of a virtuous, a free, and a powerful nation.

" Having presented this view of the relations of the United States with Great Britain, and of the solemn alternative growing out of them, I proceed to remark, that the communications last made to congress, on the subject of our relations with France, will have shown that since the revocation of her decrees as they violated the neutral rights of the United States, her government has authorised illegal captures by its privateers and public ships, and that other outrages have been practised on our vessels and our citizens. It will have been seen also, that no indemnity had been provided, or satisfactorily pledged, for the extensive spoliations committed under the violent and retrospective order of the French government against the property of our citizens seized within the jurisdiction of France.

``'11 abstain at this time from recommending to the consideration of congress, definitive measures with respect to that nation, in the expectation that the result of unclosed discussions between our minister plenipotentiary at Paris and the French government, will speedily

enable congress to decide with greater advantage on the course due to the rights, the interests, and the honour of our country."

/In seventeen days after the date of this declamatory speech, the two houses of congress formally declared war against Great Britain, and empowered the president to issue letters of marque and general reprisal ; and, on the very day on which this declaration arrived at New York, appeared in the London Gazette the prince regent's declaration, absolutely and unequivocally revoking the orders in council, so far as they related to American vessels. Nothing could better demonstrate to the world the different feelings which actuated the two governments.

The American declaration of war reached the British government on the 30th of July ; but, in the firm reliance that the revocation of the orders in council would produce a pacific effect, no further steps were taken by the latter, than to direct that American ships and goods should be brought in and detained. It was not till the 13th of October, when the American government had disregarded the notified repeal of the orders in council, and refused to ratify the armistice agreed upon between Sir George Prevost and General Dearborn on the Canadian frontier, that the British government published an order for granting general reprisals

against the ships, goodg, and citizens of the United States; and even this order concluded with a declaration, that nothing therein was to annul the authority which had been given to his majesty's commanders upon the American station, to sign a convention for recalling all hostile orders issued by the respective governments, with a view of restoring the accustomed relations of amity and commerce between the two countries. That pacific attempt failing, also, the prince regent, on the 9th of January, 1813, issued the following manifesto in reply to. Mr. Madison's :

" The earnest endeavours of the prince regent to preserve the relations of peace and amity with the United States of America having unfortunately failed, his royal highness, acting in the name and on the behalf of his majesty, deems it proper publicly to declare the causes and origin of the war, in which the government of the United States has compelled him to engage.

" No desire of conquest, or other ordinary motive of aggression, has been, or can be with any colour of reason, in this case, imputed to Great Britain. That her commercial interests were on the side of peace, if war could have been avoided without the sacrifice of her maritime rights, or without an injurious submission to France, is a truth which the American government will not deny.

" His royal highness does not, however, mean to rest on the favorable presumption to which he is entitled. lie is prepared, by an exposition of **the** circumstances which have led to the present war, to show that Great Britain has throughout acted towards the United States of America with a spirit of amity, forbearance, and conciliation; and to demonstrate the inadmissible nature of those pretensions which have at length unhappily involved the two countries in war.

/" It is well known to the world, that it has been the invariable object of the ruler of France to destroy the power and independence of the British empire, as the chief obstacle to the accomplishment of his ambitious designs. /

" He first contemplated the possibility of assembling such a naval force in the channel as, combined with a numerous flotilla, should enable him to disembark in England an army sufficient, in his conception, to subjugate this country ; and through the conquest of Great Britain he hoped to realize his project of universal empire.

" By the adoption of an enlarged and provident system of internal defence, and by the valour of his majesty's fleets and armies, this design was entirely frustrated ; and the naval force of France, after the most signal defeats, was compelled to retire from the ocean.

Au attempt was then made to effectuate the same purpose by other means—a system was brought forward, by which the ruler of France hoped: to _annihilate the commerce of Great Britain, to shake her public credit, and to destroy her revenue ; to render useless her maritime superiority, and so to avail himself of his continental ascendancy, as to constitute himself, in a great measure, the arbiter of the ocean, notwithstanding the destruction of his fleets.

" With this view, by the decree of Berlin, followed by that of Milan, he declared the British territories to be in a state of blockade; and that all commerce or even correspondence with Great Britain was prohibited. lie decreed that every vessel and cargo, which had entered, or was found proceeding to a British port, or which, under any circumstances, had been visited by a British ship of war, should be lawful prize: he declared all British goods and produce, wherever found, and however acquired, whether coming from the mother-country or from her colonies, subject to confiscation ; he further declared to be denationalized, the flag of all neutral ships that should be found offending against these his decrees: and he gave to this project of universal tyranny, the name of the continental system::

For these attempts to ruin the commerce of Great Britain, by means subversive of the clearest rights of neutral nations, France endear.

mired in vain to rest her justification upon the previous conduct of his ► fiaj est v 's government.

id Under circumstances of unparalleled provocation, his majesty had abstained from any measure which the ordinary rules of the law of nations did not fully warrant. Never was the maritime superiority of a belligerent over his enemy more complete and decided. Never was the opposite belligerent so formidably dangerous in his power, and in his policy, to the liberties of all other nations. . France had already trampled so openly and systematically on the most sacred rights of neutral powers, as might well have justified the placing her out of the pale of civilized nations. Yet in this extreme case, Great Britain had so used her naval ascendancy, that her enemy could find no just cause of complaint: and, in order to give to these lawless decrees the appearance of retaliation, the ruler of France was obliged to advance principles of maritime law unsanctioned by any other authority than his own arbitrary will. 4

"The pretext for these decrees were, first, that Great Britain had exercised the rights of war against private persons, their ships and goods; as if the only object of legitimate hostility on the ocean were the public property of a state, or as if the edicts and the courts of France itself had not at all times enforced this right with yeculiar rigour; secondly, that the

British orders of blockade, instead of being confined to fortified towns, had, as France asserted, been unlawfully extended to commercial towns and ports, and to the mouths of rivers; and, thirdly, that they had been applied to places, and to coasts which neither were, nor could be, actually blockaded. The last of these charges is not founded on fact; whilst the others, even by the admission of the American government, are utterly groundless in point of law.

Against these decrees, his majesty protested and appealed—he called upon the United States to assert their own rights, and to vindicate their independence, thus menaced and attacked; and as France had declared, that she would confistate every vessel which should touch in Great Britain, or be visited by British ships of war, his majesty, having previously issued the order of January 1807, as an act of mitigated retaliation, was at length compelled by the persevering violence of the enemy, and the continued acquiescence of neutral powers, to - revisit upon .France in a more effectual manner, the measure of her own injustice, by declaring, in an order in council, bearing date the 11th of November, 1807, that no neutral vessel should proceed to France or to any of the countries from which, in obedience to the dictates of France, British commerce was excluded, without first touching at a port in Great Britain, or her depencencies.

At the same time, his majesty intimated his readiness to repeal the orders in council, whenever France should rescind her decrees, and return to the accustomed principles of maritime warfare; and at a subsequent period, as a proof of his majesty's sincere desire to accommodate, as far as possible, his defensive measures to the convenience of neutral powers, the operation of the orders in council was, by an order issued in April, 1809, limited to a blockade of France, and of the countries subjected to her immediate dominion.

" Systems of violence, oppression, and tyranny, can never be suppressed, or even checked, if the power against which such injustice is exercised be debarred from the right of full and adequate retaliation : or, if the measures of the retaliating power are to be considered as matters of just offence to neutral nations, whilst the measure of original aggression and violence are to be tolerated with indifference, submission, or complacency.

"The government of the United States did not fail to remonstrate against the orders in council of Great Britain. Although they knew that these orders would be revoked, if the decrees of France, which had occasioned them, were repealed ; they resolved at the same moment to resist the conduct of both belligerents, instead of requiring France, in the first instance, to

rescind her decrees. Applying most unjustly the same measure of resentment to the aggressor and to the party aggrieved, they adopted mean sures of commercial resistance against both-8 system of resistance which, however varied in the successive acts of embargo, non-intercourse or non-importation, was evidently unequal in, its operation, and principally levelled against the superior commerce, and maratime power 01 Great Britain.

• " The same partiality towards France was observable in their negociations as in their.meto sures of alleged resistance,

" Application was made to both belligerents for a revocation of their respective edicts ; but the terms in which they were made were widely, different.

" Of France was required a revocation only of the Berlin and Milan decrees, although many other edicts, grossly violating the neutral corn merce of the United States, had been promtd, gated by that power. No security was de• manded, that the Berlin and Milan decrees, even if revoked, should not t i nder some other form be re-established: and a direct engagement was 'offered, that upon such revocation the American government would take part in the war against Great Britain, if Great Britain did not immediately rescind her orders. Whereas no corresponding engagement was offered to

Great Britain, of whom it was required, not only that the orders in council should be re-pealed, but that no others of a similar nature should be issued, and that the blockade of May, 1806, should be also abandoned. This blockade, established and enforced according to accustomed practice, had not been objected to by the United States at the time it was issued. Its provisions were on the contrary represented by the American minister, resident in London at the time, to have been so framed as to afford, in his judgment, a proof of the friendly disposition of the British cabinet towards the United States.

" Great Britain was thus called upon to aban-don one of her most important maritime rights; by acknowledging the order of blockade in question to be one of the edicts which violated the commerce of the United States, although it had never been so considered in the previous negociations—and although the president of the United States had recently consented to abrogate the non-intercourse act, on the sole condition of the orders in council being revoked; thereby distinctly admitting these orders to be the only edicts which fell within the contemplation of the law under which he acted.

"A proposition so hostile toGreatBritain,could not but be proportionably encouraging to the pretensions of the enemy. As, by their alleging

that the blockade of May, 1806, was illegal, the American government virtually justified, so far as depended on them, the French decrees.

"After this proposition had been made, the French minister for foreign affairs, if not in concert with that government, at least in conformity with its views, in a dispatch, dated the 5th of August, 1810, and addressed to the American minister resident at Paris, stated, that the Berlin and IV1ilan decrees were revoked, and that their operation would cease from the 1st day of November following, provided his majesty would revoke his orders in council, and renounce the new principles of blockade ; or that the United States would cause their rights to be respected ; meaning thereby, that they would resist the retaliatory measures of Great Britain.

" Although the repeal of the French decrees thus announced was evidently contingent, either on concessions to be made by Great Britain, (concessions to which it was obvious Great Britain could not submit), or on measures to be adopted by the United States of America ; the American president at once considered, the repeal as absolute. Under that pretence the non-importation act was strictly entbrced against Great Britain, whilst the ships of war, and merchant-ships of the enemy, were received into the harbours of America.

" The American government; assuming the repeal of the French decrees to be absolute and effectual, most unjustly required Great Britain, in conformity to her declarations, to revoke her orders in council. The British government denied that the repeal, which was announced in the letter of the French minister for foreign afrairs, was such as ought to satisfy Great Britain; and in order to ascertain the true character of the measure adopted by France, the government of the United States was called upon to produce the instrument, by which the alleged appeal of the French decrees had been effected. If these decrees were really revoked, such an instrument must exist, and no satisfactory reason could be given for withholding it.

" At length, on the 21st of May, 1812, and not before, the American minister in London did produce a copy, or at least what purported to be a copy, of such an instrument.

" It professed to bear date the 28th of April, 1811, long subsequent to the dispatch of the French minister of foreign affairs of the 5th of August, 1810, or even the day named therein; viz. the 1st of November following, when the operation of the French decrees was to cease. This instrument expressly declared that these French decrees were repealed in consequence of the American legislature having, by their act of the 1st of March, 1811, provided that British

ships and merchandize should be excluded froin the ports and harbours of -the United States.

" By this instrument, the only dodument produced by America as a repeal of the French decrees, it appears, beyond a possibility of doubt or cavil, that the alleged repeal of the French decrees was conditional, as Great Britain had asserted, and not absolute or final, as had been maintained by America : that they were not repealed at the time they were stated to be repealed by the American government ; that they were not repealed in conf6rmity with a propositition simultaneously made to both belligerents ; but that in consequence of a previous act on the part of the American government, they were repealed in favour of one belligerent, to the prejudice of the other ; that the American government having adopted measures restrictive upon the commerce of both belligerents, in consequence of edicts issued by both, -rescinded these measures; as they affected that power which was the aggressor, whilst they put them. in full operation against the party aggrieved, although the edicts of both powers continued in force ; and, lastly, that they excluded the ships of war belonging to one belligerent, whilst they admitted into their ports and harbours the ships of war belonging to the other, in violation

of one of the plainestiatid most essential duties of a neutral nation.

" Although the instrument thus produced was by no means that general and unqualitied,?-evocation of the Berlin and Milan decrees which Great Britain had continually demanded, and had a full right to claim ; and although this instrument, under all the circumstances of its appearance at that moment, for the first time, was open to the strongest suspicions of its authenticity ; yet, as the minister of the United States produced it, as purporting to be a copy of the instrument of revocation, the government of Great Britain, desirous of reverting, if possible, to the ancient and accustomed principles of maritime war, determined upon revoking, conditionally, the orders in council. Accordingly, in the month of June last his royal highness the prince regent was pleased to declare in council, in the name and VA the behalf of his Majesty, that the orders in council should be revoked, as far as respected the ships and property of the United States, from the 1st of August following: This revocation was to continue in force, provided the government of the United States should, within a time to be limited, repeal. their restrictive laws against British commerce. His majesty's minister in America was expressly ordered to declare to the 'government of the

United States, that this measure had been adopted by the prince regent in the earnest wish and hope, either that the government of France by further relaxations of its system, might render perseverance on the part of Great Britain, in retaliatory measures, unnecessary; or, if this hope should prove delusive, that his majesty's government might be enabled, in the absence of all irritating and restrictive regulations on either side, to enter, with the government of the United States, into amicable explanations, 1br the purpose of ascertaining whether, if the necessity of retaliatory measures should unfortunately continue to operate, the particular measures to be acted upon by Great Britain could be rendered more acceptable to the American government than those hitherto pursued.'

" In order to provide for the contingency of a declaration of war on the part of the United States, previous to the arrival in America of the said order of revocation, instructions were sent to his majesty's minister plenipotentiary, accredited to the United States, (the execution of which instructions, in consequence of the discontinuance. of Mr. Foster's functions, were, at a subsequent period, entrusted to admiral Sir John Borlase Warren,) directing him to propose a cessation of hostilities, should they have commenced ; and, further, to offer a simultaneous

repeal of the orders in council, on the one side, and of the restrictive laws on British ships and commerce, on the other.

They were also respectively,„empowered to acquaint the American government, in reply to any inquiries with respect to the blockade of May, 1806, whilst the British government must continue to maintain its legality, that, in point of fact, this particular blockade had been discontinued for a length of time, having been merged in the general retaliatory blockade of the enemy's ports, under the orders in council ; and that his majesty's government had no intention of recurring to this, or to any other of the blockades of the enemy's ports, founded upon the ordinary and accustomed principles of maritime law, which were in force previous to the orders in council, without a new notice to neutral powers, in the usual form.'

"The American government, before they received intimation of the course adopted by the British government, had, in fact, proceeded to the extreme measure of declaring war, and issuing letters of marque,' notwithstanding they were previously in possession of the report of the French minister for foreign affairs, of the 12th of March, 1812, promulgating anew the Berlin and Milan decrees as fundamental laws of the French empire, under the false and extravagant pretext, that the monstrous principles

therein contained were to be found in the treaty of Utrecht, and were therefore binding upon all states. From the penalties of this code no nation was to be exempt which did not accept it, not only as the rule of its own conduct but as a law, the observance of which it was also required to enforce upon Great Britain.

" In a manifesto, accompanying their decla. ration of hostilities, in addition to the former complaints against the orders in council, a long list of grievances was brought forward ; some trivial in themselves, others which bad been mutually adjusted, but none of them such as were ever before alleged by the American government to be grounds for war.

" As if to throw additional obstacles in the way of peace, the American congress at the same time passed a law prohibiting all intercourse with Great Britain, of such a tenor aF deprived the executive government, according to the president's own construction of that act, of all power of restoring the relations of friendly intercourse between the two states, so far, at least, as concerned their commercial intercourse, until congress should re-assemble.

The president of the United States has, it is true, since proposed to Great Britain an armistice ; not, however, on the admission that the cause of war, hitherto relied on, was removed, but on condition that Great Britain, as

a preliminary step, should do away a cause of war, now brought forward as such, for the first time; namely, that she should abandon the exercise of her undoubted right of search, to take from American merchant-vessels British seamen, the natural-born subjects of his majesty ; and this concession was required upon a mere assurance, that laws would be enacted by the legislature of the United States, to prevent such seamen from entering into their service; but, independent of the objection to an exclusive reliance on a foreign state, for the conservation of so vital an interest, no explanation Was, or could be, afforded by the agent who was charged with this overture, either as to the main principles upon IA hich such laws were to be founded, or as to the provisions which it was proposed they should contain.

" This proposition having been objected to, a second proposal was made, again offering an armistice, provided the British government would secretly stipulate to renounce the exercise of this right in a treaty of peace. An immediate and formal abandonment of its exercise, as a preliminary to a cessation of hostilities, was not demanded; but his royal highness the prince-regent was required, in the name and on the behalf of his majesty, secretly to abandon what the former overture had proposed to him publicly to concede.

" This most offensive proposition was also rejected, being accompanied, as the former had been, by other demands of the most exceptionable nature, and especially of indemnity for all American vessels detained and condemned under the orders in council, or under what were termed illegal blockades ; a compliance with which demands, exclusive of all other objections, would have amounted to an absolute surrender cf the rights on which those orders and blockades were founded.

" Had the American government been sincere in representing the orders in council as the only subject of difference between Great Britain and the United States, calculated to lead to hostilities, it might have been expected, so soon as the revocation of those orders had been officially made known to them, that they would have spontaneously recalled their letters of marque,' and manifested a disposition immediately to restore the relations of peace and amity between the two powers.

" But the conduct of the government of the United States by no means corresponded with such reasonable expectations.

" The orders in council of the 23d of June being officially communicated in America, the government of the United States saw nothing in the repeal of the orders in council which should of itself restore peace, unless Great Britain were prepared, in the first instance, substantially to relinquish the right of impressing her own seamen, when found on board American merchant ships.

" The proposal of an armistice, and of a simultaneous repeal of the restrictive measures on both sides subsequently made by the commanding officer of his majesty's naval forces on the American coast, were received in the same hostile spirit by the government of the United States: The suspension of the practice of impressment was insisted upon, in the correspondence which passed on that occasion, as a necessary preliminary to a cessation of hostilities: negotiation, it was stated, might take place without any suspension of the exercise of this right, and also without any armistice being concluded ; but Great Britain was required previously to agree, without any knowledge of the adequacy of the system which could be substituted, to negotiate upon the basis of accepting the legislative regulations of a foreign state as the sole equivalent for the exercise of a right which she has felt to be essential to the support of her maritime power.

" If America, by demanding this preliminary concession, intends to deny the validity of that right, in that denial Great Britain cannot acquiesce; nor will she give countenance to such a pretension, by acceding to its suspension, much

less to its abandonment, as a basis on which to treat. If the American government has devised, or conceives it can devise, regulations which may safely be accepted by Great Britain, as a substitute for the exercise of the right in question, it is for them to bring forward such a plan for consideration. The British government has never attempted to exclude this question from amongst those on which the two states might have to negotiate: it has, on the contrary, uniformly professed its readiness to receive and discuss any proposition on this subject, coming from the American government : it has never asserted any exclusive right, as to the impressment of British seamen from American vessels, which it was not prepared to acknowledge, as appertaining equally to the government of the United States, with respect to American seamen when found on board British merchant ships. But it cannot by acceding to such a basis in the first instance, either assume, or admit that to be practicable, which, when attempted on former occasions, has always been found to be attended with great clinicalities ; such difficulties as the British commissioners, in 1806, expressly declared, after an attentive consideration of the suggestions brought forward by the commissioners on the part of America, they were unable to surmount.

" Whilst this proposition, transmitted through the British admiral, was pending in America,

another communication, on the subject of an armistice, was unofficially made to the British government in this country: The agent from whom this proposition was received, acknowledged that he did not consider that he had any authority himself to sign an agreement on the part of his government. It was obvious that any stipulations entered into, in consequenceof this overture, would have been binding on the British government, whilst the government of the United States would have been free to refuse or accept them, according to the circumstances of the moment. This proposition was, therefore, necessarily declined.

"After this exposition of the circumstances which preceded, and which have followed the declaration of war by the United States, his royal highness the prince regent, acting in the mime and on the behalf of his majesty, feels himself called upon to declare the leading principles by which the conduct of Great Britain has been regulated in the transactions connected with these discussions.

" His royal highness can never acknowledge any blockade whatsoever to be illegal, which has been duly notified, and is supported by an adequate force, merely upon the ground of its extent, or because the port or coasts blockaded are not at the same time invested by land.

His royal highness can never .admit,, that

neutral trade with Great Britain can be constituted a public crime, the commission of which can expose the ships of any power whatever to be denationalized.

" His royal highness can never admit, that Great Britain can be debarred of its right of just and necessary retaliation, through the fear of eventually affecting the interest of a neutral.

His royal highness can never admit, that in the exercise of the undoubted, and hitherto undisputed, right of searching neutral merchant. vessels in time of war, the impressment of British seamen, when found therein, can be deemed any violation of a neutral flag. Neither can he admit, that the taking such seamen from on board such vessels, can be considered by any neutral state as a hostile measure, or a justifiable cause of war.

" There is no right more clearly established, than the right which a sovereign has to the allegiance of his subjects, more especially in time of war. Their allegiance is no optional duty, which they can decline and resume at pleasure. It is a call which they are bound to obey ; it began with their birth, and can only terminate with their existence.

" If a similarity of language and manners may make the exercise of this right more liable to partial mistakes, and occasional abuse, when practised towards vessels of the United States,

the same circumstances make it also a right with the exercise of which, in regard to such vessels, it is more difficult to dispense.

`` But if to the practice of the United States to harbour British seamen, be added their assumed right to transfer the allegiance of British subjects, and thus to cancel the jurisdiction of their legitimate sovereign, by acts of naturalization and certificates of citizenship, which they pretend to be as valid out of their own territory as within it, it is obvious, that to abandon this ancient right of Great Britain, and to admit these novel pretensions of the United States, would be to expose to danger the very foundation of our maritime strength.

" Without entering minutely into the other topics which have been brought forward by the government of the United States, it may be proper to remark, that whatever the declaration of the United States may have asserted, Great. Britain never did demand that they should force British manufactures into France : and she formerly declared her willingness entirely to forego, or modify, in concert with the United States, the system by which a commercial. intercourse with the enemy had been allowed under the protection of licenses ; provided the United States would act towards her, and towards France, with real impartiality.

" The government of America, if the differ-

ence between states are not interminable, Ii as little right to notice the affair of the Ches peake. The aggression, in this instance, on th part of u 'British officer, was acknowledged; his condtiet was disapproved ; and a reparation was-regularly tendered by Mr. Foster on the part of his majesty, and accepted by the govern. went of the United States.

" It is not less unwarranted in its allusion to the mission of Mr. Henry ; a mission undertaken without the authority, or even knowledge, of his majesty's government, and which Mr. Foster was authorized formally and officially to disavow.

" The charge of exciting the Indians to offen. sive measures against the United States is equally void of foundation. Before the war began, a policy the most opposite had been uniformly pursued, and proof of this was tendered by Mr, Foster to the American government.

" Such are the causes of war which have been put forward by the government of the United 'States.' ►"But the real origin of the present contest will be found in that spirit which has long unhappily actuated the councils of the United States : their marked partiality in palliating and assisting the aggressive tyranny of France; their systematic endeavours. to enflame the people against the defensive measures of Great Britain ; their ungenerous conduct towards

Spain, the intimate ally 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 in policy 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 thus lent itself to the enemy ? The contemptuous violation of the commercial treaty of the year 1800 between France and the United States ; the treacherous seizure of all American vessels and cargoes in every harbour subject to the controul 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 the more effectual ; the French commercial regulations, which render the traffic of the United States with France almost illusory ; the burning of their merchant-ships at sea, long after the alleged repeal of the French decrees—all these acts of violence, on the part of France, produce 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 a legal form to her usurpations, by converting them into municipal regulations.

This disposition of the government of thti 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.

"Against this course of conduct, the real cause of the present war, the prince-regent solemnly 'protests. Whilst contending against France, in defence not only of the liberties of Great Britain but of the world, his royal highness was entitled to look for a far different result. From their common origin, from their common interest, from their professed principles of freedom sand independence; the United States were the last power in which Great Britain could have expected to find a willing instrument and abettor of French tyranny.

"Disappointed in this, his just expectation, the prince regent will still pursue the policy which the British government has so long and invariably maintained, in repelling injustice, "andin.supporting the general rights of nations; and, under the favor of Providence, relying on the justice of his cause, and the tried loyalty and firmness. of the British nation, his royal highness confidently looks forward to a successful:issue to the contest in which he has thus been compelled most reluctantly to engage."

The temperate language, dignified style, and

fair and manly arguments, which distinguish this important document, afford a happy contrast to the petulant complaints and laboured sophisms to be found in Mr. Madison's message. One part of the latter, however, can be more satisfactorily answered now, than it could have been at the date of the regent's declaration. The president protests vehemently against the " crying enormity" of impressing *"thousands* of American citizens;" and the government-editors in the United States have long been in the practice of assuring their readers, that the *real* number of their fellow citizens impressed by the British was 6'257. The following extract, taken from a Boston work entitled—" The Massachusetts' Manual, or Political and Historical Register; by William Burdick," — will exhibit this matter in its true light:

During the debate on the Lott Bill in the United States' house of representatives in March, 1814, Mr. Pickering, of Massachusetts remarked—" I wish, Mr. Chairman, to present one more view of this subject of impressments ; the result of an examination of the public documents, about a year ago, by one of my colleagues. By those documents, the grand total is the well known number, 6257

From which he deducted for the same name, and apparently the same person, twice, thrice, or 548 more times repeated, 757-1305

For an excess arising from some errors between the returns of 1805 and 1808,

Leming, 4952

Brought over ——		9952
From which he deducted acknowledged British subjects,	516	
those who had no protecting documents,	568	
those with insufficient documents,	664	
those who had entered voluntarily,	281	
those with fraudulent protections,	105	
deserters,	95	
those married in Great Britain,	42	
neutral aliens and natives of the West Ind.	50	
prisoriers of war,	21	2432
Leaving,		2520
From this number he deducted one-third, which appeared to him, from the documents, rather less than the full proportion of seamen impressed from British merchant vessels, in which, if not British subjects, the American flag could afford no pretence for protection,		840
Leaving,		1680
Ftom the last number he deducted those who had been discharged, or had been ordered to be discharged,		1524
Leaving, unaccounted for,		156"

In all questions of impressment, the American government has appeared to consider, equally as its subjects, the native, and the naturalized citizen ; analt is too notorious for what a paltry §urn a British soldier or sailor can purchase every privilege of the latter, in pretended abrogation of the allegiance he owes to the country of his birth. It is, however, as a matter of conyenience

only, that the United States' government adopts this novel principle; for, when one Elijah Clarke; who had emigrated from the United States to the Canadas, and there taken the oath of allegiance to the British government, returned to his native country, and 'was, on the 20th of October, 1813, tried, and sentenced to be hung, as a British spy, -the secretary of war, by direc-: tion of the of the United States, ordered him to be discharged, on the principle—" that said Clarke, being considered a citizen of the United States, was not liable to be tried by a court-martial."*

The denial of a nation's right to take deserters is made equally subservient to the narrow policy of the moment ; as appears from the following fact, published in most of the American newspapers of the day:

On the 1st June, 1809, an American vessel, bound from Ogdensburg, New York, to Oswego, anchored in a bay on the British side of the St. Lawrence, having onboard capt. W. **P. Bennet, of** the 6th United States' Infantry, and some of his men. While lying there, capt. Bennet, hearing that a deserter by the name of Underhill was in that settlement teaching school, despatched a serjeant and two men to apprehend him. This they effected, tied his hands behind him, and at the point of the bayonet drove him some dis-

* Burdick's Pol. and Hist. Reg. p. 194.

tance, till the prisoner making an attempt to escape, the party fired at, and killed him: they then fled to their boat, and proceeded to the American side. Capt. Bennet was tried by a court-martial for this offence, and *acquitted.**

This forcible seizure of a deserter from out of the British territory by an American officer, happened just two years subsequent to the affair of the Leopard and Chesapeake; in which all that the British officer required was, to have certain deserters delivered up to him.t How are we to reconcile the acquittal of captain W. P. Bennet with the conduct of the American government, both at the period of the asserted outrage in the Chesapeake's case, and five years afterwards, when it was revived as one of the pre. texts for declaring war against Great Britain ?— Who can help admiring Mr. Madison's profitable versatility, when, in March, **1813,** he could pronounce against us the following specific charge They have refused to consider as prisoners of war, and threatened to punish as traitors and deserters, persons emigrating without restraint to the United States ; incorporated by naturalization into our political family, and fighting under the authority of their adopted country, in :..open and honorable war, for the maintenance of its rights andSafety"?

The charge of exciting the to offensive

* I3urdick's Rehr. p. 16£3. +-James's Naval Occurr. p. 67.

measures against the United States, would not have needed a disavowal, had the system of spoliation, so long practised towards those wretched people, been as well known in Europe as it is in the British parts of America. The Indians cannot exist without their hunting grounds : these are continually cut down, and encroached upon, by the white borderers. It is true, purchases are sometimes made; but it is not less true that, where one acre is held by right, ten acres have been extorted by force. An Indian,— no matter upon what provocation,—kills an American citizen ; a thousand -presses* lend their aid to spread the exaggerated tale, and the whole republic up in arms against the savage and his tribe! An American citizen,— out of mere wantonness, and with as little remorse as if it were a wild turkey,—shoots a poor Indian : the yells of the widowed squaw and her children rend the air in vain ; no publicity is given to the murder, unless the civilized barbarian may choose to disclose to his friends that ..which, he well knows, they will either treat as a jest, or view with indifference;

* Scarcely *a* village in the U. States **is** without one.