ANALYSIS

OF THE LATE

CORRESPONDENCE

BETWEEN OUR ADMINISTRATION

AND

GREAT BRITAIN & FRANCE.

WITH AN ATTEMPT TO SHEW

WHAT ARE THE *REAL CAUSES*

OF THE

FAILURE OF THE NEGOCIATION.

" Misera, dum cupit pacem, belli metu in bellum incidit."

FLORUS.

" Wretched administration! which, desiring peace, from a dastardly dread of *war*, plunged itself into the very *war* which it wished to avoid."

" Cavendum saltem est, nequid fiat, quod prodat majorem favorem ergà partem unam quàm alteram, ne justa detur parti uni de neutralitate non exactà servata, querela." WOLFIUS.

We should take care, that nothing be done which should shew more favour to one party than the other, lest we should give just cause of complaint that our *neutrality* is not observed."

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INTRODUCTORY REMARKS.

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THE following pieces, containing an Analysis of the late correspondence between our Government and those of Great-Britain and France, were first published in the Columbian Centinel, but as the subject is deeply interesting, and from its nature requires a connected course, both of argument and attention, it has been thought expedient to republish them in this form.

It is a matter of deep regret, that some of those superior and enlightened statesmen, of whom we have yet a few, who have been educated in diplomatic life, have not thought it their duty to enter into this discussion, and to point out the errors of our Administration, and the ruinous consequences which will inevitably follow from them.

The writer of this Analysis has waited anxiously for such a display, but in vain.

The Publick mind, excited to the highest degree, by real distress, and more dreadful prospects, has sought in secondary *causes, the sources of the public calamities. The arrestation of our commerce, the total annihilation of external as well as internal trade, are* effects *not causes. They are the instruments employed to scourge and afflict us. But the secret and hidden causes of the infliction of this punishment are to be sought elsewhere. Remove our commercial restraints, and our evils are not cured—Our malady will only become the more inveterate. Measures will succeed, so much more disastrous, as to make us look back to our present sufferings, and to hail them as blessings. This is not prophecy—Our rulers have raised the curtain, and have invited us to look behind the scenes. They already threaten us, that if our clamours should compel them to abandon their present system, they have evils in store for us which will make us repent our ungracious interference with their policy.*

What then are these hidden causes which impel our rulers to our mutual ruin?

They will be found in the secret journals of the revolutionary Congress—in motions to impeach or censure our ministers for daring to restore peace to their bleeding country without the concurrence of France.

They will be found in the private minutes of Genet, Fauchet, Adet, and Turreau..in the clamours against neutrality in 1793..*in Madison's resolutions for a commercial war..in the opposition to Washington's proposed pacifick mission to Great-Britain..in the violent and revolutionary attempts to prevent the adoption of the treaty which resulted from that mission.*

They will be found, in short, in the whole history of the diplomatick intercourse of Mr. Jefferson..in one unvaried course of submission to France, and hostility to Great-Britain, of which the dispatches now analysed form no mean and undistinguished part.

They, who read only to be amused, who expect to find an ornamented and polished style in the following Analysis, will be disappointed. Perspicuity alone has appeared to the writer to be indispensable, when employed in exposing the sophistry of men, who to cover their real designs, veil them in language, always ambiguous, and frequently impenetrably obscure.

ANALYSIS.

Of the late Dispatches and Correspondence between our Cabinet and those of France and Great-Britain.

No. 1.

AT last it would seem, to the eye of superficial observers, that the court of Washington had determined to abandon that suspicious and insulting system of secrecy, which, while it contradicted all their former principles and professions, was calculated to rouse the jealousy, and excite the indignation of every independent man. If this were true, little credit would be due to the government, as it is well known, and will be long recollected, that this information was withheld until it could no longer be of use; that it was suppressed until the United States were, against their own sense and wishes, plunged into a state little short of actual hostility with the two most powerful nations of Europe, into a desperate and forlorn situation, in which retrograde movements involve eternal disgrace, and perseverance, or progressive steps, inevitable ruin.

Nor ought it to be overlooked, that even this scanty portion of light, which gives us only a glance into our future dark and gloomy prospects, was not voluntarily bestowed, but was extorted by the patriotick exertions of the opponents of our late destructive system.

But it will be seen in the course of this Analysis that even this affected frankness of communication is an illusion. Every thing which may tend to implicate the administration may have been and probably has been withheld, and we are treated with detached fragments, and broken sentences, from the letters of our foreign ministers, which only excite the strongest suspicions of the alarming nature of those which are suppressed.

Is this the language of disaffection only, and unreasonable jealousy? Can it be illiberal to doubt the sincerity of men, who, in earlier and happier times, before they had been so skilled in political cunning, were

declared by a friend who knew them well to have a "language confidential and a language official" ?—[*See Genet's letters*]—Is it ungenerous to suspect men who have been educated in the intriguing politics of France, to be capable of making formal dispatches to satisfy the publick, and of thwarting those dispatches by their *confidential* communications ?

If, for example, it should be necessary to satisfy the British cabinet, and prevent an open rupture, that our administration should preserve the appearance of resistance to the unjust and abominable measures of France, is it not quite conceivable, that with the approbation of Mons. Champagny, an official note may be delivered by our minister, making a formal remonstrance to the decrees of France, in order to give fresh force to our complaints against Great-Britain ? It may be supposed, and our cabinet would have it believed, that France would not consent to such a system, inasmuch as she wished to involve us in an open war with England ; but I am persuaded it will appear that France is fully satisfied with the existing state of things ; that it gives her all the benefits she could hope to derive from our avowed alliance, without obliging her to any pecuniary sacrifices to maintain our cause.

Besides, this half way state between absolute alliance and dependence, and perfect independence, gives her the most favourable opportunity to draw very considerable revenue from us in the form of captures and seizures, which would be vastly more difficult in a state of avowed connection and amity.

This proposition I will venture to state without the dread of contradiction, that it will appear by a close and candid examination of these dispatches, (although they are artfully selected to impose upon the people) that the government of the United States have a perfect *private understanding* with France, and are determined to resist all the honourable and amicable proposals of Great Britain.

The first document published by our government, is a letter from Mr. Madison to Mr. Armstrong, dated May 22d, 1807 ;—and the first inquiry which occurs to us upon it, is, why this letter was not included in the communications of the president in the winter of 1808, when it was pretended that he communicated to congress all the correspondence of any importance between us and foreign courts, and if he had not so declared, it was his duty to have made publick such important papers, in which no matter requiring secrecy existed.

2dly. It appears that our administration chose to consider the Berlin decree as vague and uncertain as to its intentions, or as Mr. Madison in the *cabinet jargon* calls it, "*inarticulate*" and that they chose to presume, and did affect to presume, it was not intended to operate against us, though it is well known to every merchant's clerk, that we were the only neutral nation at that time, and the only one of course upon whom the decree could operate. Overlooking this notorious fact, as well understood by the government as by every body else, the cabinet go still

further, and affect to feel a delight in the explanations of the minister of marine, though every man of sense perfectly understood their duplicity: though that minister expressly disclaimed all authority to decide for Mr. Talleyrand, who was absent: though men of intelligence in our country at the time predicted, indeed were certain of the purposed fallacy of those explanations. The event has proved, not that our government was mistaken, for they never believed the minister of marine sincere, but that the French government adopted that irregular and ludicrous course in order probably to prevent an instant retaliation on the part of Great Britain; but as soon as their policy required, they denied, as was predicted, the authority of the minister of marine, and declared that the decrees had no exception whatever. Indeed if they had no applicability to us, they were perfectly nugatory, as no other neutral nation then existed. This fact is an unanswerable one, and proves the falshood and insincerity of our cabinet.

Mr. Madison goes on to presume that the French orders would be *favourably* expounded. Which he declares to be the most *probable* event.

Why presume it? From the past conduct of France towards us? When did she ever perform any stipulation in our favour either under our old treaty or the existing one? Is there one solitary instance of her good faith? Is it to be found in the condemnation of the first captured vessel, the ship Jay, in violation of the stipulation that free ships should make free goods? Shall we find it in the decree which declared all British manufactures on board our ships lawful prize? and which further condemned the vessel and cargo for having any amount of them on board? Is it to be perceived in the inhuman decree which sentenced to death all neutrals found on board enemies' ships, though serving by force? Or was this great confidence derived from the peculiar sense of justice and regard to neutral rights manifested by the present emperour? Was the violation of the Prussian territory, the seizure of the duke d'Enghein in the neutral states of the elector of Baden, and the daily violation of the rights of all weaker states, sufficient pledges to our admiring and submissive cabinet?

No. 2.

IN spite of the constant experience of the infidelity of the French Cabinet, which has in every period of its history made sport of all its engagements with us, Mr. MADISON tells Mr. ARMSTRONG, that it is *probable* that the French decree would be favourably expounded towards *us*.

If this letter had been an official one, directed to the Cabinet of *St. Cloud*, the principles of civility might have induced our government to have adopted the language of insincerity; but in a private letter to our

own minister no apology can be made for this compliment to the upright views of *France*, and it must be admitted to have proceeded solely from a devotion to that Court.

It was the more extraordinary, as it is apparent from the tenor of the *Berlin* decree, that it could have no possible operation except upon the commerce of the United States.

We were the only nation which then visited the ports of *England* :— We were the only people on whom the blockade could operate ; and to admit an interpretation, which rendered the decree absurd and nugatory, is unequivocal proof of a disposition to submit to the grossest deception from the Cabinet of *St. Cloud.*

This very letter of Mr. MADISON, contains the most perfect proof that our government did not, and could not have believed the interpretation given informally by Mr. DECRES, sincere.—For it contains an admission that the French cruisers in the *West-Indies* had enforced the decree against us, and that these depredations constituted just claims of redress.—Have any of these captured ships been restored ? If they have, shew us the case and the decision.

This letter, it will be remarked, is dated May 22d, 1807, and is a full and perfect refutation of an assertion in the report of the committee of congress, just made, recommending a perseverance in our hostile measures. In that report it is stated, that the Horizon was the first case which had occurred of the extension of the Berlin decree to us, and that that decree did not take place till September, 1807.

If it be said, that the West-India cases were only the acts of inferior courts, we may ask whether they have been in any single instance reversed ?

We would also enquire why it is, that Mr. Armstrong's remonstrances on this subject are suppressed ? And whether he has ever made any complaint, or whether, as in another case, he thought the " application would not only be useless, *but injurious* ?"

This recals to our recollection a former instance of subserviency to France, in which one of our ministers told the cabinet of France, that we should not only bear the departure from our stipulated rights " with patience, but with pleasure."

We should not have recurred to this ancient proof of devotion to the views of France, if it had not furnished a fair and natural occasion to remark, that a set of men, who in 1795 could justify and defend the outrageous and unmasked profligacy of France, in its conduct toward us, could not be expected to discover any considerable degree of spirit, against her, now her power is so vastly increased.

The second letter is from Mr. Madison to Gen. Armstrong, and its features are still more strongly marked with servility and devotion to France. It acknowledges the receipt of the evidence of the violation, not only of our treaty, but of every principle of humanity, in the con-

demnation of the Horizon, which had been by the *act of God* stranded on the French coast :—Even barbarians would have respected the claims of humanity ; and the French government, estranged as it is from any honorable and humane sentiment, had it seems, on a former occasion, restored even an *enemy's* property thrown into their power by the *act of God*—But the submissive and humble Americans are not even entitled to the clemency due to enemies. The old feudal principle is revived, and their right to reclaim their property is denied to a nation whose government has placed them in relation to France in the condition of Cerfs.

This letter, which is a private one to our minister in France, goes further, and *admits*, and forever binds us, by its publication, to the admission, that the Berlin decree, if not enforced on the high seas, was lawful as a municipal regulation, and furnished no cause of complaint. As this same dastardly, incorrect and impolitick concession has been made by the late committee of Congress, who make so many professions of patriotism, and regard to our honour, it deserves some little consideration. This single idea is the basis of all their defence of the government, for having tamely submitted without remonstrance, to the decree of Berlin.

Now suppose there had been no order or declaration of blockade, but simply a declaration, that all vessels entering the ports of France and her allies, having touched in England, or having on board merchandize of the growth and manufacture of England or her colonies, should be seized and confiscated :—Is not this a violation of the law of nations, and a direct breach of the convention between France and us ?

Does not the 12th article of our convention with France secure to us this privilege ?—or, if that may be doubted, which perhaps it may, could France, without *previous notice*, not only interdict the entry, but order the confiscation of property, *bona fide* American, which had entered her ports, or those of her vassal and even neutral states, in full confidence of protection under the law of nations, and of our existing treaty, solely on the ground that the property was originally of British growth or manufacture, though *bona fide* transferred to a neutral friend ? If she lawfully might so decree, and so enforce her decrees, then all the seizures at Leghorn, Naples, and in France, are at once legitimate acts. On this ground they are defended by one of our public guardians, Mr. Madison ; and this official letter, being thus imprudently published, will form a perpetual bar to any reclamations for their unprecedented injuries. If the decree had been confined to an interdiction of entry into the ports of France, some little color might have been afforded for Mr. Madison's humble apology ; though, even in that case, it would have been the ground of just representation and complaint, that the prohibiting the entry of ships laden with American produce, for the single cause of their having touched at a British port, was a violation of that freedom of trade, of which France has been, in late years, the professed champion, but the most outrageous violator.

It is in small points we discern the temper and views of men ; and we intreat our readers to examine carefully the strain of this apology for French outrage.

Towards the close of this letter, Mr. Madison chooses to anticipate that France will complain of *antecedent* violations, to the injury of France, by the government of Great-Britain ;..he goes further..he says, "*the fact cannot be denied ;*" that is, in plain English, it is true that G. Britain has been the *aggressor*, and to the injury of France, and adds, "that the French decree may be pronounced a retaliation on the preceding conduct of Great-Britain."..This we do most solemnly deny ; and as it forms the basis not only of this letter, but of the report of the committee in favor of non-intercourse..of Mr John Q. Adams' letter to Mr. Otis, and of all that has been or can be said, in extenuation of the attrocious conduct of France ; we shall devote to it our next and more particular attention...We shall, however, make in this place this serious remark, that even if it were true, it is a concession which it was extremely impolitic to make, and more so to publish, since it puts to an end forever, all our claims on France for the effects and depredations committed under the Berlin and Milan decrees.

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No. 3.

"The French Decree might on the *same* ground *be pronounced* a retaliation on the preceding conduct of Great-Britain."

See MADISON'*s letter to Gen.* ARMSTRONG.

THE concession contained in the foregoing extract, is full as mean, and ought to excite as general indignation, as the same gentleman's declaration to Mr. Randolph, "*France wants money, and must have it.*"

The effect of the publication of this concession will be, to bar forever all our claims for redress for captures or injuries sustained under the Berlin and Milan decrees, and to furnish the French with not only pretexts but justifications for any future violations of our rights. It is not, however, my present purpose to display the rashness and impolicy, if not TREACHERY of this conduct ;—it is sufficient to say, that in any other government it would cost the officer his character and employment, if not his life.

It is at present proposed to prove, that this argument and concession furnished to France is wholly unfounded ; and that France herself has never set up any such pretensions, except through the medium of her American servants.

Before we examine the truth of this proposition, it may be useful to consider the force of the terms used by Mr. Madison.

The evident object of our Secretary, as well in this letter as in the late report of the committee, probably furnished by him, is to place the injuries of France and Great Britain on an *equal* footing ; or, even to give a darker shade to those of the latter. He had just been speaking of the principle of retaliation urged by Great Britain in justification of her orders of Nov. 11, 1807, and then adds, that the "French decree might on the *same ground* be pronounced a retaliation on the preceding conduct of Great Britain." That is to say, that the French decrees might with *equal justice* not simply be *pretended* to be, but *pronounced*, a retaliation on the British conduct. In still simpler language, France can as justly defend her Berlin decree on the ground of retaliation as Great Britain can justify hers of Nov. 11th, on the same ground.

As it is always best to simplify propositions as far as possible, before we proceed to prove the total falsity of this position, we shall remark, that even if it had been true that the two decrees stood in this respect in *pari delictu*, (in equal fault) still the circumstances under which they were respectively issued, ought to have excited ten times the indignation against France as against Great Britain, instead of drawing forth labored apologies in favour of the former.

First. With France we had a COMMERCIAL TREATY, purchased at an immense price, the sacrifice of the claims of our citizens to the amount of at least TWENTY MILLIONS of dollars.—This treaty *expressly* FORBIDS this precise form of injury which Bonaparte has adopted. This was the *first* instance in which we had ever had any occasion to resort to the stipulations in our favour ; and in this first instance are they shamelessly and without apology violated :—Nor does France pretend a violation on our part to justify the outrage. Let the government shew any formal complaint on the part of France, prior to the Berlin decree ; and without such complaint no such measure could legally have been resorted to, even if in other respects justifiable.

With Great Britain we were not only united by no treaty, but we had rejected under the most extraordinary circumstances, a convention which had been agreed to by our own ministers, and which would have placed our commerce and prosperity on the most secure footing. We had moreover done every thing to force that government into a declaration of war, and our existing state at the moment of issuing her orders was at least on our side, that of an enemy, or one disposed to be an enemy. We had interdicted the entry of her public ships, while we admitted those of her enemy ; and we had gone as far as it was thought our people would bear in the system of coercion, by *non importation* of her manufactures. So far then, we had no right to expect friendship from that Cabinet ; and of course, much less reason to be irritated at any measures she might adopt of an unfriendly nature.

Secondly. France not only gave us no notice prior to the operation of her Decrees, but by a policy truly Gallican, she allured us into her ports,

by pretending that they should not operate against us ; but when she found she had a competent quantity of game within her reach she sprang the trap, and seized our unwary and deluded fellow citizens. This seizure and loss must be attributed to the inconceivable blindness, or wilful submission of our Cabinet to the views of France. They affected to consider, or really believed this *half* veiled and syren like declaration of France sincere ; they, by this conduct, assisted to decoy our unhappy citizens ; and ashamed to avow their errors, they even at the present moment choose to consider that France has changed her views, rather than has intentionally deceived.

But Great Britain, far from imitating the detestable perfidy of France, frankly notified our government the preceding year, that unless resisted, she should be obliged to retaliate upon France those decrees, which through neutrals, were aimed at her existence. She not only did this, but after waiting in vain for the smallest movement on our part, when she actually issued her orders she gave the most ample time and notice to all neutrals, to avoid falling within their purview and effects.

Thirdly. The decrees of France were without limitation as to extent ; they embraced every dependency and colony of Great Britain, throughout the world.

But those of Great Britain left open to us the extensive colonies of her enemies ; and in short, every source of trade which was essential to our comfort and even prosperity.

It has been represented, for party purposes, that all this trade is upon the condition of paying her a "tribute," and even the late committee of Congress have given a colour to this assertion. It is, however, not true.— The duties demanded by her, and which are falsely called a "tribute" are only demandable in case we voluntarily go to Great Britain, and request a clearance for the continental ports of her enemies, which she blockades. This is merely *nominal*—a mere point of *honour* between her and France— because if Great Britain permitted you to go, France would not. Her decrees confiscate your property for the single crime of having been in a British port. The case, therefore, can never happen ; and she knew well that it never would happen. Why then was it imposed ? As a point of honour between her and her enemy. Her enemy said, No neutral shall ever enter the ports of England—I will capture and condemn them. Great Britain, in reply, says, No neutral who has submitted to this usurpation of France, shall go thither without first entering my ports ; and I will tax the products bound to my enemy, which will enhance the price, if he chooses to admit it. And yet, strange to relate, this qualification or modification is represented, *gravely represented*, by our impartial government, as more oppressive, more insulting than if it had been an absolute prohibition ;—than the decrees of France, which are an absolute prohibition ! But I repeat it, this is merely a *nominal* provision ;—for it can operate only in case France should repeal her decrees, in which case the whole fabric is destroyed :—But it

does not apply to the vast commerce of Spain, Portugal, Sweden, the East and West Indies, and all the neutral ports of the world.

Fourthly. France *disfranchises*, for ever, all American *ships*, which at any time after the decree shall have visited a British port. The effect of this would be, either that a distinct set of ships must have been kept for the trade of each country, or if Great Britain had not issued her orders, in the course of four or five years every *American ship* would have been interdicted the trade of France. The men who are so alive to the degradation of a "tribute," which never has been and never can be exacted, are not only insensible to this insult and violation of our treaty, but our ministers openly, with the countenance of Mr. Madison, justify it, as a mere municipal regulation! What? Are we not entitled by treaty to visit freely the ports of the enemies of France? And are we not equally secured in our *direct* commerce with France? And can these two rights be considered secure, while every one of our ships are interdicted an entry—nay, are *confiscated*, if they dare to enter any French port; or if they shall have visited any British port in a former voyage? No notice is however taken of this outrageous part of the decree.

But Great Britain has made no such arbitrary disqualifications:—If you escape the vigilance of her frigates, and enter your own ports, the forfeiture is avoided, and she does not assume an imperial authority to disfranchise, by standing and permanent laws, the whole of your marine.

Lastly. The French had no power to enforce their blockade;—that the measure had no colourable justification under the law of nations. It had the character of impotency striving to outstrip malignity. They were obliged to resort therefore to cunning to draw us within their fangs, and the unhappy victims, like the visitors of the lion, were seen to enter but never to return.

Great Britain, on the other hand, had the means of enforcing a strict and rigorous blockade, and the very men who brand this blockade as illegal because nominal, have the shameless inconsistency of defending the embargo on the ground that not one of our ships would have escaped capture by Great Britain;—that if the embargo had never been imposed, so wide and effectual would be the operation of the British orders, no portion of safe commerce would have been left to us.

Strange and inconsiderate politicians! Defending by their very concessions the policy they condemn. For if such be the power of Great Britain to enforce her orders, to coerce her enemy, to execute her blockade, the perfect justification of them may be grounded on that power. For on what, may it be asked, rests the acknowledged doctrine of legal blockade, but on the power to coerce and distress an enemy? "This power is declared in the convention of the famous armed neutrality, formed to establish and impose by force, a new, liberal maritime code; to be lawfully exercised whenever a ship cannot enter a blockaded port without imminent danger of being captured." And our politicians condemn the British

decrees, though merely retaliatory while they declare, that *few or none* of our ships could possibly escape the vigilance of the British cruisers.

Thus then from this short view, which might be extended to a variety of other examples of the difference in point of severity between the French and British orders, it is apparent, that nothing but the grossest and most wilful partiality could induce Mr. Madison, our cabinet, our foreign ministers, and the committee of Congress, to place the French and British governments on a footing of equality, or as equally meriting our resentment and hostility. But we propose to prove, that there is not the smallest pretence for the allegation that "*The French decrees can with justice be pronounced as retaliations on the conduct of the British.*

No. 4.

Was France, as Mr. Madison, and the Committee of Congress in imitation of him, declare, authorized to make retaliation on Great Britain, through Neutral Commerce, *as much* as Great Britain was authorized to retaliate on France?

THIS is a most interesting question:—It decides the correctness or incorrectness of the policy of our Cabinet, who affect to treat them both alike;—and professing to consider this subject deliberately, we invite the attention, of every true friend of our country. We are bound to yield an implicit obedience to their decisions, we trust that there is yet sufficient spirit and independence in our country to resist these arbitrary doctrines, and good sense enough to discriminate between a fair and laudable attempt to examine impartially the conduct of the two great belligerent nations, and a wish so often unjustly and illiberally charged upon us, to justify the improper conduct of either of them.

If France was, as Mr. Maddison declares, as well justified as Great Britain in making retaliation through neutral commerce upon her enemy, this right must result from some one of the grounds stated by the late committee of Congress, who appear to be too much attached to France to omit any of her reasonable pretensions.

These grounds are stated to be,

Firstly. The attack on our rights by Great Britain in impressing American seamen.

Secondly. The extension of the right of blockade.—And,

Thirdly. The doctrine of cutting off the colonial trade, more generally known by the name of the rule of 1756.

With respect to the two first, the Committee of Congress, ashamed to show a downright submission to France, have given one answer—that even if these were wrongs, they affected principally ourselves, and were not the subject of belligerent complaint. But even on these points

the partiality of the Committee was obvious, because they neglected to give other answers which would have been still more conclusive.

As to the impressment of our seamen, they might, and they ought to have said, that Great Britain never claimed the right to take any other than her own seamen ;—that this was a right which not only every *other* nation, but France* in an especial manner, had not only claimed and exercised, but which she would never yield ;—that if inconveniencies and injuries to ourselves had arisen from this claim, they were to be attributed to very natural causes, the similarity of language and manners, the difficulty of discrimination, and the facility afforded by these circumstances to the mariners of Great Britain to fly her service, at a time when the law of nature and nations required their assistance, and authorized every reasonable measure of compulsion to secure it.

As to the British orders of blockade, they might have said, that the history of the present war had offered a new state of things, in which the vast preponderance of one belligerent on the ocean, the total incapacity of the other to enter the lists on that field of contest, had really changed the ancient established rules; or to speak more correctly, had authorized the application of those rules in a more extensive manner. The whole doctrine of blockade is founded upon the idea that a belligerent has the power so to impede the trade of the blockaded port as to render it *dangerous*.—This is the only *limitation* to this power set up by the famous armed neutrality ; and the records of our insurance-offices will shew, that the British blockades have possessed these requisites.—It has been almost impracticable at any premium to insure a vessel bound to any port avowedly blockaded.

If these honourable gentlemen had referred to our former correspondence with France, they would have found, that under the administration of Washington, both these matters were fully discussed ; and as France gave no answer to them, but afterwards made a treaty without any stipulation it is fairly to be presumed that she was conscious they were untenable.

In the answer of our government to Mr. Adet, on the subject of *impressments*, our Secretary remarks, " This, Sir, was a subject which concerned only *our* government. As an independent nation we were not bound to render an account to any other of the measures we deemed proper to adopt for the protection of our own citizens."

An answer similar to that was given on the subject of blockade, to which it was added, that so long as the British Cabinet on those points adhered to the law of nations, there could be no just cause of complaint.

We come then to the doctrine of colonial trade, upon which all the advocates of the present administration appear to rely, as cause of justifica-

* See the Nouveau code des Prises " Decree of the King in Council, dated August 5th, 1676, reciting that where his Majesty had issued a proclamation ordering all Frenchmen in the employ of *foreign nations* to return, under pain of death, it commutes the punishment to that of the galleys." It has been customary for France to issue such an order in every war.

tion for the French decrees. This doctrine has been usually, but improperly, as we shall shew, entitled the rule of the war of 1756: and it is this, that neutrals have no right to exercise or carry on a traffic between the colonies of a belligerent, and the parent country of such colonies, which was interdicted or unlawful prior to the war.

That this is a doctrine enforced by Great Britain, throughout the whole of the present war, from 1793 to this day, we do not deny; but, we say, that *France had no reason* to complain of it, and did not in fact make it the ground of her decrees of Berlin and Milan, we do solemnly contend, in opposition to her apologist and advocate, Mr. Madison, for the following reasons:—

Firstly. Because France was herself the author of that principle, and has never contradicted it in any public act from the moment in which she first introduced it.

On the twenty-third day of July, 1704, as appears by the ordonnances of Louis XIV. commented on by Valin, it was declared by France, "That all vessels which should have, or which should thereafter depart from the ports of an enemy, laden in *whole or in part* with any goods whatsoever, bound to any other ports than those of the country to which such neutral vessel belonged, should be declared good prize." "And it was further declared, that vessels bound even from a neutral port to an enemy's port, on board of which should be found any articles of the *growth* or manufacture of an enemy, such articles should be lawful prize."

I forbear to enter into the other parts of that ordonnance, which vastly exceeded, in severity, those now cited; because these are sufficiently broad to support the rule of 1756 *as against France.*

The same rule was still further extended and enforced by France, in 1744. Thus it appears, that France first established this rule, and enforced it, more than 50 years before the British tribunals imitated their example—and, therefore, as it relates to that nation, that rule could not be the ground of just retaliation.

Secondly. This rule, if it can be disputed on fair and honorable grounds, could not be the foundation of complaint on the part of France, because the same answer could be given to it, as was given by our last and even the present administration, to the complaints of France on the subject of impressment, and that is, that it concerns ourselves only and our government, and is an affair in which France has no right to interfere—Because it might be replied to France, that she, by standing and perpetual laws, interdicts all our trade with her colonies;—that these laws are still unrepealed, and are only suspended by temporary orders;—that as she does not admit us to this trade in time of peace, but only in moments of necessity, we are not bound to defend our rights to this licensed and limited traffic, at the moment when her necessities should induce her to change her narrow and restricted policy;—that if this had been a trade we had enjoyed in peace, we should be ready to contend for it; but as it was pre-

carious and arbitrary, dependent wholly on her personal interests, we were not obliged to commit our honour or peace to support it.

Lastly. France has never urged us to support this claim. We have perused with care and attention all the various charges made by that nation against us. Amidst the voluminous and frivolous complaints of Adet and Genet, we find no charge of our submitting to this principle. The reason is obvious ; it is a principle first set up by France, herself, which she enforced during the war of 1793, and which she now enforces by her Berlin and Milan decrees—a principle which she will never relinquish. If it be said, that the case had not occurred, when Genet and Adet made their long and unfounded complaints of our breach of neutrality ; we answer, that Great Britain set it up in 1793, and enforced it more during the first years of that war than she has at any subsequent period.

In the opposition made to our treaty with Great Britain, France never objected to our not obtaining a relinquishment of that principle ; and yet she found every possible fault with that excellent convention. In short, there cannot be produced a single diplomatic paper from the cabinet or officers of France, in which the right to interdict the colonial trade is denied. The motives for this silence I have developed. It is her own—it is her darling principle ; and if ever heaven in its wrath shall re-establish the French marine power, we shall see this doctrine revived and enforced, with a severity and injustice which shall make us think the little finger of France heavier than the loins of Great Britain.

But though France is thus silent, if not indifferent to the doctrine of the colonial trade, it seems she does not want able champions in this country, who dare to set up excuses, that even her ministers have not the audacity to urge. It was reserved for our age and our nation to set the example of men in public office, in offices of trust and confidence, palliating and even justifying the most atrocious and piratical decrees of our enemies, and justifying them upon grounds which those enemies have not the consistency and effrontery to urge.

No. 5.

EXAMINATION

Of these Dispatches, as to the much boasted impartiality of the late offers to Great Britain and France, in relation to their several edicts and decrees.

THIS is the grand point upon which the President and all his friends exultingly rely to prove, that he has at last thrown aside his system of submission to France ; has returned to a sense of our neutral obligations ; and has, for once at least, manifested an impartiality worthy of Washington. If this is true, he would be entitled to a high degree of credit, a degree proportioned to the difficulty he must have felt in over-

coming his deep-rooted prejudices. In judging, therefore, of the late offers to France and Great Britain, we ought to require and receive a very high degree of evidence, before we admit, that Great Britain and France have been treated with a tolerable share of equality.

In analyzing these dispatches, I hold myself bound to prove, that there is not only no evidence of any such impartiality, but that there is proof, not to be resisted, that the offers were perfectly illusory to Great Britain, and so artfully arranged and deceitfully expressed as that while a refusal of them was inevitably foreseen on the part of that Court, they might produce a belief, in the people of this country, that every reasonable measure had been adopted consistent with our honor.

The purport of the President's declaration to Congress, and also of the late report of the committee to that body, in relation to these offers, is, that there were simultaneous propositions made to the Courts of St. Cloud and St. James, equally fair and honorable to both nations, and which either of them might have accepted without any derogation to its honor.

We undertake to prove, that these offers were unequal, unjust ; and were made under circumstances which rendered it impossible they could be accepted by *one* of them. The field upon which I am now entering is a *vast* one ; it calls for great patience in the investigation, inasmuch as it is no trifling task to trace the doublings and windings of cunning politicians, who have devoted their whole lives to Machiavelian politics—But the reward will be equal to the labor ; the magnitude and importance of the subject not only justify but demand some sacrifices of our ease. If our rulers have honestly and sincerely attempted to rescue us from the evils into which their former errors had plunged us, let them receive the praise which they merit ; but if instead of attempting to procure us relief, they have continued to pursue the same destructive and wayward policy which has brought us to the verge of ruin, let them find their punishment in the contempt and indignation of an injured people.

The first remark I shall make upon the documents lately published in relation to the offers made to France and Great Britan, for the repeal of their respective edicts, is this, that while all the correspondence between Mr. Pinckney and Mr. Canning, and between our minister in London and Mr. Madison, is made known, *not one line* of the correspondence, or remonstrances, or offers of Mr. Armstrong to the French Cabinet, on the subject of their decrees, is given to the public, unless the letter of Gen. Armstrong, so late as August 6th, 1808, to Monsieur Champagny, be considered as of this description.—But I do not consider that this letter contains the offers transmitted to France, because there is no proposition to rescind the *decrees ;* and because it does not comport with the positive instructions given to Mr. Armstrong, which were to offer to France a declaration of war against Great Britain, as an equivalent for her removal of the Embargo.—This letter of Gen. Armstrong is to be sure sufficiently disgraceful, and is entitled to and will receive a most ample examina-

tion hereafter.—My assertion is then without limitation, that no portion of the *real* offers made to France is made known.—Why this suppression? Can the negotiation with France require more secrecy than that with Great Britain? Are the administration afraid to permit *that* part of their policy to see the light? We shall soon see the reason of this secrecy; and that it is probable, that while war and alliance were offered to France, a merely nominal proposition was made to Great Britain, so clogged with conditions, so hampered with qualifications, that it was known it could never be accepted.

Secondly. The offer which Mr. Armstrong was authorized to make to the cabinet of St. Cloud, as a motive to induce the repeal of its outrageous decrees, was that of war with Great Britain, in case the cabinet of the latter should not equally withdraw hers.—Startle not, my fellow citizens, at the extravagance of this proposal! The pacific, the meek, and submissive administration which prefers *suicide* to *war*, and dares to brave evils tenfold greater than those of war itself in order to avoid it, has surrendered to the Emperor of France the power which he last year claimed of disposing of our fate at his pleasure, and this too in direct terms.

Surely the administration will not seek a refuge from this charge in its *own* insincerity, and pretend, that after the compliance of France, it would have been at liberty to declare war or not against Great Britain. I come to the proof:—In the letter of Mr. Madison to Gen. Armstrong, dated May 2d, 1808, after reciting the power given to the President to suspend the Embargo, he adds.

"The conditions on which the suspending authority is to be exercised, will engage your particular attention.—The *relation* in which a recall of its retaliating decrees by *either* power will place the United States to the *other* is obvious, and ought to be a motive to the measure *proportioned to the desire* which has been manifested by each to produce *collisions* between the United States and its adversary, and which must be equally felt by each to *avoid one* with itself."

There is to be sure no small portion of Jeffersonian mist around and amidst this sentence, but we *can* translate it into our *native* language.—The *relation* in which we stood to Great Britain was that of peace, though as closely bordering on that of *war*, as our administration could make it.—This *relation* was to be changed in *favor* of France, if she should accept our offer—it could not be *changed* but into a state of war, which it nearly resembled before; and that this was the meaning of the sentence, is plain from the following words, the *promise and assurance of a change of this relation* "ought to be a *motive* proportioned to the desire which has been manifested by each to produce *collisions* between the United States and its adversary."

That this word "*collisions*" was a milder, philosophic term for *war*, is evident by the observation, that this desire to produce *collisions* had been *manifested*.—Now, though Great Britain has never manifested a desire to produce war between us and France, yet France had, by the letter of M.

Champagny, not only urged us to *war*, in *express* terms, but had declared for our cabinet, and people, that we *were at war* actually with Great Britain.—It was to this *manifestation* of the desire of France, that Mr. Madison undoubtedly referred.

But in order that no doubt might hang over the intentions of the government, to offer an alliance offensive and defensive to France, as a condition of the repeal of her decrees, Mr. Madison adds in the same letter,

"On the other hand, should she (France) set the example of revocation, Great Britain would be obliged, either by following it, to restore to France the full benefit of neutral trade, which she needs, or by persevering in her obnoxious orders, after the pretext for them had ceased, to *render collisions with the United States inevitable.*"

Now as Mr. Armstrong was directed to urge this argument upon France, and as we had a partial non-importation act in force against Great Britain, and a still more hostile measure in the interdiction of her public ships, it was a direct offer to France of engaging in the war upon the condition therein expressed. Unless, therefore, it is avowed, that the offer was *insincere*, Mr. Jefferson must have pledged the peace of the country, and placed it at the disposal of France. If other proofs were wanting of the positive nature of this offer, they can be found in the following extract of Mr. Madison's letter to Mr. Pinckney, of April 30, 1808, in which he has unwarily dropped his metaphorical expressions :

"Should the French government revoke *so much* of its decrees as violate our neutral rights, or give *explanations and assurances* having the like effect, and entitling it therefore to the removal of the embargo, as it applies to France, it will be IMPOSSIBLE to view a perseverance of Great Britain in her retaliatory orders in any *other light* than that of WAR."

Here, then, is a *precious* proof of impartiality. To Great Britain Mr. Jefferson says,

"Repeal *all* your orders—repeal them in *totidem verbis*, (and as we shall shew by and by) with the sterile, nay insulting offer of simply placing her on the footing in which she stood at the moment they were issued, on the simple condition of withdrawing our embargo, which formed *no* part of the motives for issuing them."

But to the Great Emperor of France, our good friend and ally, who burns, sinks, seizes, confiscates, and destroys at his good pleasure, the property of both friends and foes, he mildly says,

"Repeal or rescind so *much* only of your decrees as relates to us, or give *assurances* and *explanations* to the like effect, and we will declare *War* against your enemy."

What! when the *perfidious* violation of the *assurances* of Decrès, as to the French orders, was at that moment visible in the seizure of our ships and cargoes at Antwerp, and throughout the continent of Europe ; when a solemn treaty made by this Emperor himself, was hourly and habitually

violated, was our government not only content to accept their verbal *assurances*, in place of a *repeal*, but to make those *assurances* the foundation of a *War* against Great Britain ?

But I shall be told, that although Mr. Armstrong had positive instructions to make these proposals, yet that in fact they were never made.—This is a matter which rests in the breasts of the Administration alone. They know the motives which have induced them to suppress the correspondence between the French government and our minisier on that point. But I may be permitted to make two remarks in this place :

Firstly. That as Mr. Armstrong's instructions to offer a *war* against Great Britain were positive and unqualified, he has violated his orders if he has neglected to do it ;—and as he is continued in place and confidence, there is no reason to presume that he failed to comply with the wishes of the government.

Secondly. That Mr. Armstrong acknowledges the receipt of the aforesaid letter by the St. Michael, giving him the above mentioned instruction, on the 2d day of June last ; but the only communication to the French government on this subject, which is published, is dated the 6th day of August, and is totally variant from his instructions.

Is it credible, that as both the French and American ministers were during that period in Paris, Mr. Armstrong was guilty of the *culpable neglect* of being silent on this topic, when the continuance of our embargo rested upon the issue, and when he was ordered to lose no time in obtaining a definitive reply ?

Thus then I believe it is proved, that to France a solid, direct and positive offer was made of an engagement in the *War* on her side, if she should withdraw her decrees, or if not, that the offer we made to her was merely illusory and insincere, for we offered her nothing else—we *could* offer her nothing else. Why this offer was not accepted, I shall hereafter consider, when I shall make some general remarks on the policy disclosed by these despatches. *That no correspondent, analogous*, or *equal* offer was made to Great Britain, I propose next to establish ; but on the contrary that the offer in effect was insulting to the understanding of that cabinet, as the vindication of it, as a fair measure, is equally so to that of the good people of the United States.

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No. 6.

Have the present administration proved their *impartiality* in their late offers to Great Britain and France, to produce the repeal of their respective Orders and Decrees ?

WE say NOT—and we now proceed in the proof. We have already shewn, that the motive and inducement offered to France to induce a relaxation of her unjust decrees, was no less than a declaration of *war* against Great Britain, in case the latter should refuse to withdraw her orders.

We have also assigned a great variety of reasons to shew that Great Britain deserved *at least* as much favour at our hands, her orders having been *second* in point of time, colourable at least in point of retaliation, less extensive and unprincipled in their terms, not charged like the others with a perfidious breach of treaty, not issued, like those of her enemy, against a submissive and complying friend, but operating against one who had assumed a hostile attitude, and who was threatening actual *war*.

So far, however, were Mr. Jefferson's offers from being impartial to the two belligerents, that to Great Britain, in lieu of the substantial offer of *war* against her enemy, in case she should repeal *her* orders, and her enemy should refuse to rescind his, he simply offered to repeal our embargo, and intimated, in terms *too loose* to produce any confidence, that he might leave the embargo to operate against France.

That he did not offer to GreatBritain, as he did to France, a *war* with its enemy, would be apparent to every reflecting man, from two *conclusive* considerations, independent of the evidence I shall presently cite from the dispatches.

Firstly. It is impossible that Great Britain should not have accepted the offer.—A war on our side against France would not only have perfectly fulfilled the whole object of the British orders, but by rendering the blockade of the French ports totally unnecessary, it would have relieved Great Britain from vast expense, and have liberated her forces for other objects.—Our aid too, though small compared to her own vast power, would have been extremely convenient to her, and the monopoly which such a war would produce of all our commerce would have been of vast advantage to her power. Besides, as no maritime nation but the United States was *neutral*, the orders themselves would have been virtually repealed by our embarking in the war, since she did not require those orders to enable her to capture all the ships of her enemies, and her allies could have no trade with France.

Secondly. The letter of Mr. Canning to Mr. Pinckney, of September 23d, 1808, proves that Great Britain understood both Mr. Pinckney's verbal and written offers, in this light; for he evidently answers these offers on the ground that they extended *solely* to the removal of our embargo, which, if intended as a measure of impartial hostility, he remarks was *unjust*, as France was the aggressor, and Great Britain would not consent to buy off our unjust hostility, by withdrawing a measure aimed not at us, but at her enemy, France.

Thirdly. That our government understood their own offer in this light, is evident from the following unanswerable clause in the letter of Mr. Madison, of July 18, 1808, to Mr. Pinckney :—

"It will be difficult therefore to conceive any motive in Great Britain to reject the offer you will have made, other than the hope of inducing, on the part of France, a *perseverance* in her *irritating* policy towards the United States, and on the part of the latter, *hostile resentments* against it."

This sentence proves not only that our government never offered to Great Britain, as she had done to France, a *war* with France as a condition of a compliance with our offers, but that she had not even offered, in decided terms, to adopt *any* hostile measures whatever against France, in case the latter should refuse to follow the example of revocation.—For if our offer to Great Britain had been either of *a war with its enemy*, or even of *hostile resentments*, in case of the refusal of the latter to follow the example of repeal, it *is not possible to conceive* how Mr. Madison COULD BELIEVE, that her motive for *rejecting* such an offer must be a wish to produce the *very effects* which the offer itself promised.

This argument is reduced to the accuracy of a syllogism, and can no more be refuted than a correct mathematical demonstration.—It is thus perceived, that the evil genius of art and duplicity will sometimes leave its votaries in a state of self-condemnation.

We now proceed to prove, that the inferences we have drawn from these important collateral considerations are confirmed by the dispatches themselves ;—and that the offers were shamefully (we do not say purposely) vague and inexplicit.

The first letter, on this topic, is from Mr. Madison to Mr. Pinckney, dated April 30, 1808, and it merits this *singular* remark alone, that while it puts the alternative case of France repealing her decrees and the refusal of Great Britain, and states, *expressly*, that such a case would produce *war* with the latter, yet it never puts the other supposable case, of a repeal by Great Britain, and an adherence by France.—Of course, Mr. Pinckney was *uninstructed* on this point.

At the same time, let it be remembered, that in the letter on the *same* point, to our minister in France, BOTH cases were stated, and war against England absolutely promised, if any meaning and sincerity can be placed in *words*.—This we discussed in our last number.

It may be further remarked, on this *first* letter, and no other was written until the 18th July, no direct promise was made of *even taking off the embargo*.—A language of doubt and subterfuge was adopted, and the British government were only to be told, that if they would rescind, *not the orders* of November only, but all their decrees on the same subject, Mr. Pinckney "MIGHT AUTHORISE an EXPECTATION that the President "would, within a REASONABLE time, *give effect* to the authority vested in "him on the subject of the embargo."

In this shamefully loose and insincere manner was this important subject treated; and we ask those who have seen the art and duplicity, the chicane and Machiavelianism of our present cabinet, whether if Great-Britain had acceded to our offers, they could not have devised a thousand ways of getting rid of the above-mentioned equivocal and uncertain expressions.—With infinitely more honor could they have done it, than have rejected the solemn treaty made by Munroe, and the still more solemn embassy of Mr. Rose. Could Great-Brirain be censured after such

proofs of our duplicity, and our desire to avoid a friendly settlement, if she distrusted the very vague and ridiculously loose expressions of the foregoing instructions.

Nor is this all.—The dispatch of Mr. Madison, of April 30th, must be considered as having been qualified and restrained by the general and positive terms of that minister's letter of the 4th of April, in the same year, in which he tells Mr. Pinkney, that if Great-Britain should without *condition*, revoke her orders, still while the affair of the *Chesapeake* remained *unexpiated*, he was not to "pledge our government to consider the repeal "of the orders as a ground on which a removal *of the existing restrictions* "on the commerce of the United States with Great-Britain would be "justly expected."

If then this letter, written only twenty-four days before, be considered as a part of the instructions, and it was never countermanded, it must be so considered, that even the illusory and trifling offer made to Great-Britain, was accompanied with a condition which it was known would never be, and indeed *could never* be accepted.

The removal of our restrictions, of which the Embargo was one, was to depend on Great Britain's making a *due* expiation to Mr. Jefferson for the attack, the *un*authorised attack, on the *Chesapeake*.—This could never be done, and Mr. Jefferson knew it, and therefore knew that his offer could never be accepted.—Because no terms which Great Britain could offer, would ever be acceptable to the President of the United States, so long as they would not be acceptable to France.

Our government, by violating the law and that decorum hitherto preserved among nations, in taking its own revenge into its own hands, had rendered it impossible that Great Britain could ever give us satisfaction, until those measures of self-satisfaction and revenge were repealed. On the other hand, by absolutely refusing to repeal those measures, and thus to receive the offers of reparation, tendered by a solemn embassy, it had rendered the settlemcnt of the affair of the *Chesapeake* impossible, until Great Britain should be actually conquered by our arms or restrictive energies, an event improbable so long as Bonaparte is inadequate to that object.

Mr. Jefferson, knowing all these facts, was assured that he might safely make any offer to Great Britain, so long as he coupled it with his inadmissible pretensions, and his diplomatic quibbles in the affair of the *Chesapeake*.

The subject of the offers to Great Britain might be rested on this simple, but, we think, unanswerable view. Still, however, as it is all-important to shew the false and insidious policy of our cabinet—a policy which is the *sole cause* of all our troubles, I shall devote to it one other number.

No. 7.

The futility, unfairness, and impolicy of the offers made to Great Britain.

BEFORE we pursue this subject, it may be fair to remark, that although the instructions of Mr. Pinckney, first transmitted, did not even authorize him to pledge the government to a repeal of the Embargo, yet upon the 26th of August, after it was ascertained that France would not repeal her decrees, Mr. Pinckney ventured to make a positive offer to repeal the Embargo, in case Great Britain would rescind her orders.

That this offer, under all its circumstances, was insincere, and even affrontive to Great Britain, is not only apparent from the arguments heretofore adduced, from the sensible reply of Mr. Canning, who appears to have fully developed the views of Mr. Jefferson, but also from the considerations which I now propose to urge.

First. The offer of repealing the embargo as a motive to induce the rescinding of the British orders, has no feature of reciprocity.—Our embargo did not and could not enter into the motives of the British orders, because it was not in existence when they were issued. The *avowed* and *real* object of those orders was, to retaliate upon France her decrees against the British commerce, and against neutrals who were concerned in that commerce.

Any offer, short of a removal of the *cause* could certainly be viewed in no other light than as an insult.—They had before assured us, says Mr. Madison, "that they would repeal or relax *pari passu* with their enemy." More could not be demanded of them; and our government know, and have always known, the value of a solemn pledge made by Great Britain. To France, therefore, our *only* application ought to have been made.—*She* had taken care to bind herself by no promises of relaxation; but she ought to have been pressed home with the fair offer of Great Britain; and if obstinate to our just complaints, resisted.

Again—the offer was not reciprocal, inasmuch as *we* gained every thing by the proposed bargain—Great Britain nothing:—She threw open the ports of all her enemies to a free commerce with us, the *only neutral*;—while her own remained shut to us by the violent and unjust decrees of her rival.

Further—the offer was not reciprocal, inasmuch as *we* could, without dishonor, repeal our embargo. It was neither urged, supported, or explained as a hostile or retaliatory, but a municipal measure. It might therefore be abandoned without discredit. On the other hand, Great Britain had taken up the *glove* which her haughty and overbearing rival had thrown down: He had invited, nay *forced* her into a commercial warfare. To desert it, would be defeat; to abandon the conflict, disgrace. The liberties of that nation will not long survive their sense of

honour. It was then impracticable, impossible for her to accept our offer; and, of necessity, affrontive on our part to ask it, upon such conditions.

Secondly. The offer to Great Britain was *affrontive*, as well as destitute of reciprocity. It was not only asking her to humble herself before her haughty rival; and, in that view we acted as allies on the side of France; it was not only demanding of her to concede something to us, but infinitely more to her enemy—but it is not to be disguised, and I see no reason for keeping the secret, the offer was intended to humble Great Britain before *us*. There is no man in the United States, however weak may be his understanding, who does not comprehend the real policy of the embargo, which the transparent veil thrown over it in debate and diplomatic proceedings does not hide, but only exaggerates. The language of the administration, their well known character, the prohibition of exportation by land, the declaration of insurrection against the inhabitants of Vermont, the hostility avowed by all the friends of our government to Great Britain, the constant apologies and indulgencies to France; all speak a language too intelligible to be mistaken—a language as well understood in the cabinet of St. James, as in the conclave composed of Mr. Jefferson, Mr. Madison, and the representative of his Imperial Majesty;—a language which Mr. Canning chooses to let us know he fully understands and feels, though with the smooth politeness of diplomatic forms it is decorously disguised. I say, that the offer was affrontive to Great Britain, because there is not a man in the United States who does not feel, that had she *yielded* to our claims, it would have been pronounced, and exultingly echoed, even in the hall of Congress, as a *victory* over an *enemy*—a victory, which would have given as sincere pleasure at St. Cloud as at Washington.

Thirdly. The two last ideas naturally lead us to consider our offer as mean, inconsistent and hypocritical. It was *mean*, because Mr. Madison, in his letter of December 23d, 1807, directly contrary to what every man knew to be the fact, directs Mr. Pinckney to assure the British government, that the embargo was a measure "neither hostile in its character, "nor justifying, inviting or leading to hostility with any nation whatever." It was however at that moment recommended in a newspaper paragraph, supposed to be written by the President himself or Mr. Madison, as a *strong*, *coercive* measure. It was *inconsistent*, because the very offer made to Great Britain in itself implied, that the embargo was a *hostile* measure, operating severely upon her, and to remove which she would be induced to abandon her whole course of measures against her enemy, to admit that she was conquered, and that too by the "*restrictive* energies" of America. How *any* minister could pen such a proposal, after the first solemn declaration, I cannot conceive; and it will be still more astonishing if every honest and virtuous American does not blush for the profligate meaness of such public agents.

From the above considerations, I think I need not attempt to prove, that the conduct of the government has been *hypocritical.*

Fourthly. The offer to Great Britain was extremely impolitic upon the principles which our administration have heretofore set up.—For upwards of twenty years Mr. Jefferson and Mr. Madison have been at the head of a sect, which has maintained, that America held the life-strings of the British nation;—that at our nod her sinews would be relaxed;—if we should close our bountiful hands, she would starve;—if we should hide our faces in displeasure, she would perish. Arrived, for the curse and punishment of the American nation, at the head of our affairs, the sectaries had, last year, a fair opportunity, which they had long sought, and had endeavored by every means to bring about, to put their starving and coercing system into execution. But can it be believed, within four months they abandoned the pride of conquest, and the chance of glory, did not wait for manifestations of discontent on the part of their enemy, but ingloriously made an offer to abandon their famous experiment, before any of its boasted effects had taken place. Perhaps we shall be told again, that the opposition and evasion of the law had contributed to keep alive the hopes of the enemy; and that a few newspaper paragraphs, treated with affected *contempt* by our administration, had governed the councils of the cabinet of *St. James.* But we may rely in the language so often used upon this occasion, that that system of measures must be destitute of justification, which in its very nature excites opposition and forcible resistance from an orderly and quiet people;—from a people who have submitted, almost without a murmur, to the conduct of an administration which, by its folly, its partiality, its prejudices, have brought us to the brink of ruin;—that as to the effect of the opposition upon the conduct of foreign nations, the evidence of its operation is feeble, and if it were more considerable, that conduct would be still more affected by the rash and unexampled measures of force adopted to coerce obedience—by an executive proclamation of rebellion—by the attempt to stifle complaints, and render nugatory the judicial power; and by converting a peaceable and happy country into a military camp.

Such, then, is the specific nature of the proposals made to Great Britain—so loose and general in their terms—so inferior to those made to France—so destitute of reciprocity—so affrontive in their manner—so mean and inconsistent, as well as hypocritical, in their character;—and finally, so impolitic in relation to the professed system of the present cabinet.

It may perhaps be asked, how it has happened that France, so eager to involve this country in a war with Great Britain, did not accept the offer of our government to declare war against Great Britain, in case she (France) should repeal her decrees and Great Britain should refuse to repeal hers?

To this question it may be answered, that France perfectly understood, that not withstanding our bravados, we were not ready to enter actively into the war. The experience of seven years of negotiating meanness, of tame submission, had convinced her, that nothing like energy could be expected of a cabinet, which had consented to pay millions in order to secure an inglorious quiet; and tha as our offer of war was grounded on the avowed presumption and on an express condition that Great Britain would not repeal her orders, though France should rescind her decrees; yet as the former had pledged itself to repeal or relax, *pari passu*, it was certain that as soon as France should return to a sense of justice, and restore our neutral rights, Great Britain would instantly take off all her restrictions, and thus render our offer of war nugatory.

The offer, then, was perfectly illusory and futile, as to both nations. How then, it may be asked, can we reconcile these apparently solemn and serious offers to the two belligerents?—We are irresistibly compelled to adopt the opinions and solution of that staunch and enlightened patriot, Colonel Pickering, in his late excellent speech in the Senate, upon Mr. Hillhouse's motion to take off the embargo. Admit only that this solution is correct, and all our difficulties vanish; and the wayward policy of our administration remains without a cloud, exposed in all its naked deformity. He has shewn by a recurrence to facts, and a citation of the dates and circumstances, that the embargo proceeded not from the increasing and imminent dangers to which our commerce was exposed—for he proves, by arguments irresistible, that no such dangers at *that* time existed;—not from the *British orders*, because they were not only not known, but as he declares in the face of the *whole Senate* and of the world, they formed no part of the argument or of the reasons on which the embargo was enforced;—nor indeed could they have formed any part of it, because those orders were not known till fifty days after the embargo was laid.—He proves it still more conclusively, by the terms and the documents accompanying the President's message recommending the embargo, as well as by Mr. Madison's letter of December 23, 1807, to Mr. Pinckney, our minister at London, in which he states that the reasons for the embargo were explained in the message of the President, of which the British orders *formed no part*;—and it is incredible, that when stating to our minister at the British court the motives which led to the measure, he should not have stated *our fears* of retaliation on the part of Great Britain, as one of the most operative causes.

It is, therefore, apparent, that this is one of those adventitious, posterior and accidental circumstances, of which a cunning and intriguing set of men are willing to avail themselves, to conceal the real motives of their conduct. *Those real motives* Colonel Pickering has with great delicacy hinted at.—As a Senator, perhaps his respect for the decorum necessary in such a body, required some degree of restraint in avowing his real convictions. We have no such restraint;—we are bound by no such rules

and we are at liberty to say, that the true and only cause of the embargo is to be found in the *demands and threats of France.*

It is a fact, that only four days before the embargo was inflicted, as the greatest scourge which this country ever endured, a dispatch was received from France; and it is not now denied, that the purport of that dispatch was, that we should no longer be *neutral*—that France would no longer permit it.

The letter of Mr. Champagny, extorted with great difficulty from the executive, has not only the "*air of assumed* authority," as Mr. Madison tamely calls it, but usurps the right to declare for the government of this country, that we are in a state of *war.*

What then was to be done?—Either to resist France, or to comply with her orders. To declare war openly against Great Britain, was a stride too great, too hazardous for a time-serving administration.—Something however, must be done to *appease* the resentment of the Great Emperor.—His war against Great Britain, was of the passive, rather than active character.—It was aimed at her existence, through the more practicable system of bloodless commercial hostility, rather than that of open attack, in which she was invulnerable, and too much dreaded. Our embargo precisely comported with these views.—Towards France it effected nothing—it was in coercion, no restraint upon her; because the victorious fleets of her enemy had already rendered her exterior commerce wholly nugatory. But towards Great Britain our embargo was intended to produce every thing which submissive and subject Holland, Italy, or Prussia could effect. It cut off our trade and supplies, which were perhaps the most important she possessed, and gave the Emperor the fairest possible chance for the success of his project.

This project we do not doubt would have been ineffectual, and that Great Britain would have been enabled to have sustained the joint hostility of France and America:—But this question will always remain undecided, because that wise and beneficent Providence, who watches over and guides the affairs of men, who disappoints the designs of the cunning, and overturns the enterprizes of the powerful, has interfered to save Great Britain from the ruin in which the combined machinations of France, and of our subservient rulers, had threatened to involve her.—By raising up the oppressed and injured nations of Spain and Portugal, HE has afforded her a relief, and has given her a signal proof of HIS favour and protection.

But the proofs of the Machiavelian and execrable projects of our administration, are on record; and if they escape their merited punishment in this age, posterity, always more just, will give them their recompense.

With such views of the motives and policy of Mr. Jefferson, we may be asked, how we account for the proposals which he made to the two cabinets of St. Cloud and St. James? You have proved, it will be said, satisfactorily, that they were *nominal* and *insincere* towards both—what were then their real motives? I answer;—The same which influences

Bonaparte to declare himself the friend of the freedom of the seas, when he violates that freedom at every breath:—The same which induces that tyrant to propose peace, when he knows that war is necessary to his existence, and that a real state of peace would be his destruction.—It is to deceive and silence the clamours of *the people*. Knowing that the embargo was a most dreadful scourge, and would be resisted, it was necessary to get up a sort of theatrical farce, which would make the people believe, he was really desirous of relieving them. But we hope that the *catastrophe* will be subversive of his ambitious views and designs.

No. 8.

The indecent partiality of LANGUAGE *used towards the Belligerents; and some reflections on the* HIGH SENSE OF HONOR *so much boasted of by our Administration.*

A CANDID review of the style, temper, and language adopted towards *France* and *Great-Britain*, will readily convince every impartial and virtuous man, that we owe all our evils to the prejudices of our cabinet in favor of *France*, and their malignant antipathy to *England*; that if the negotiation with the latter had been as sincere as with the former; if as strong a desire had been shewn to preserve peace with *Great-Britain* as with *France*, we should have been at this moment enjoying that uninterrupted prosperity, of which Mr. JEFFERSON speaks in his late address, and to which his efforts have been at every period hostile.

A thorough analysis of the late dispatches will prove, that Mr. JEFFERSON and Mr. MADISON, are as devoted to the policy of *France*, as they were when they opposed WASHINGTON's proclamation of neutrality; when they had the confidential ear of GENET and FAUCHET; when they privately countenanced an opposition to the measures of our rulers, in one of the most eventful periods of our history.

We shall contrast, in the present display, some few, but striking instances of the difference in the tone and temper of our cabinet, towards *Great-Britain* and *France*.

We shall begin with the remonstrances on their several blockading orders. It must be again remembered, that in this warfare *France* set the example. *Great-Britain* gave formal notice of her determination to retaliate, unless we should shew some signs of resistance.—*France* was bound to us by treaty; *Great-Britain* by none.—Towards the former, then, our complaints ought to have been most loud, and most severe.

How is the FACT?

The French decrees were issued *Nov.* 21, 1806 ; and the *first* notice ever taken of them by our cabinet—the *first* line which they took the pains to write on this interesting topic, was on the 22d *May*, 1807, more than six months after this violent outrage on our rights.

The British orders were *published* about the 20th *November*, 1807, and were not known here till the 1st *February*, 1808 ; yet on the 19th of the same month, Mr. MADISON addressed Mr. PINCKNEY on the subject, and on the 25th of March, came forth his famous letter of remonstrance to Mr. ERSKINE.

In the first letter of Mr. MADISON to Mr. ARMSTRONG, of *May*, 1807, he chooses to presume that the French government did not intend to execute their edicts against us ; declares himself pleased with the explanation of the Minister of Marine, but expresses a wish to hear of their being confirmed by the Emperor himself. This proves not only a disposition to give the most favorable interpretation to the French decrees, but also that the government thought that the explanation of DECRES imperfect and insincere.—For who before ever heard of a foreign government questioning the authority of a public minister, and requiring the positive assurances of the monarch himself ? It is a proof that our government never reposed any confidence in the loose explanation of Monsieur DECRES, though they made it the ground of their total silence and submission for twelve months. And it is to be remarked, that the Emperor never has confirmed the trifling and insidious reply of his minister.

It is curious, that this same letter of MADISON should contain the proofs of the extensive execution of those French decrees ; and of similar *outrages* under the Spanish orders, in imitation of, and by direction of the French Emperor ;—and it is still more amusing to hear the soft accents of Mr. MADISON on this topic, that these depredations will " thicken the cloud that hangs over the *amity* of the two nations."

No further orders or instructions appear to have been given to Gen. ARMSTRONG—no inquiries about the Emperor's decision, until *Feb.* 8, 1808, more than fourteen months after the date of the *Berlin* decree :.. Then our minister begins with admitting that, regarded as a municipal regulation, that decree was no infraction, and required only *friendly* expostulations as to its *rigor* and *suddenness*. In the same letter he notices the cases at *Hamburg*, *Leghorn*, *Holland*, and *Bremen*...Now we ask Mr. MADISON, whether the execution of a French decree, by French force, in the neutral state of *Tuscany*, and the neutral city of *Hamburg*, on NEUTRAL property, a decree too, operating *ex post facto*, is a " municipal regulation, which cannot in strictness be regarded as an infraction of our neutral or conventional rights ?" Is not a neutral territory as sacred as a neutral ship ? And is not the right of the neutral, whose goods are seized in another neutral country to which he has sent them under

the faith of the law of nations, as solemn and sacred as that of the poor, and oppressed, and insulted country, whose territory is violated?

In *Leghorn* and *Hamburg*, (it is known to Mr. MADISON) the seizures were not the *acts* of the immediate governments of those places, but the direct military execution of French decrees in places in which, by the laws of nations, they were forbidden to execute them.—In place, therefore, of the snivelling, and almost treacherous language "of friendly expostulations as to *rigor* and *suddenness*," we ought to have made the Imperial palace ring with our remonstrances of violation of our own rights, through the most unparalleled attacks on the territorial sovereignty of other independent states. Not content with this base desertion of our honorable claims, Mr. MADISON, in this letter of *February*, 1808, appeals to the policy of *France*, and endeavours to shew her that it is against her interest to *attack our rights*, because her enemy, being stronger on the ocean, will beat her at this warfare.

If we had not seen an example of this humiliation in our minister to *France*, in 1795, we should have questioned the evidence of our senses.

The last remark on the language of our cabinet as to these detestable decrees, is this, that after giving both to Mr. ARMSTRONG and Mr. PINCKNEY, an apology which Mr. MADISON *frames beforehand* for *France*, and which he puts into the mouths of their ministers before they adopted it themselves, that *France* could and would justify her decrees on the grounds of retaliation, which *he* pronounces *she* can *justly* do; this glorious and independent minister of state, is so afraid that his mild remonstrances, justifying in the outset the French decrees as *municipal regulations*, proceeding afterwards simply to shew their impolicy, and finally concluding with declaring their absolute justice as retaliatory measures, would be esteemed by *France* too harsh and severe, that he cautions Mr. ARMSTRONG in these words, "In every view it is evidently "proper as far as respect to the national honor will allow, to avoid a "style of procedure which might cooperate with the policy of the Bri- "tish government by *stimulating the passions* of the French." In other words, "wounded, insulted, and abused as we are by the perfidious "breach of treaty, as well as the shameless violation of National Law, "be careful lest in the manner of your stating our wrongs, you offend "the haughty pride of our insolent oppressor."—Language is inadequate to convey an idea of this baseness. We shall only remark here, that there is no correspondent caution to avoid offending *Great-Britain*:.. Her resentment is to be sought rather than deprecated.

Let us now examine the language of our pretendedly impartial cabinet towards *Grent-Britain*, on the subject of her orders—orders purporting to be simply retaliatory—orders issued after due and honorable notice—orders which did not subject the innocent and unoffending to penalties, until he was duly informed of their existence—orders which were sup-

ported by at least a color of justification, inasmuch as they were issued by a nation capable of enforcing a real blockade, even upon the terms laid down by the armed neutrality.—*No* time was lost in remonstrating against *these* orders.—Our government, so blind and so tardy towards *France*, assumed, suddenly, the character of vigilance and spirit. Mr. MADISON, though sick and feeble, as he declares, on the 22d *March*, 1808, found health and spirit sufficient to say, not that the British orders were "a *municipal* regulation, throwing a cloud over the amity of the "two nations," but that "they violated our rights, and *stabbed* our "interests, and that under the name of *indulgencies*, they superadded a "blow at our national independence, and a *mockery* of our understand-"ings." More bitter expressions could not have been adopted.—We shall examine, presently, the *justice* of the charge, that the relaxations in the British orders from the severity of the French decrees, were but adding insult to injury.

In his instructions of *April* 4. 1808, Mr. MADISON tells Mr. PINCKNEY, "that in not regarding the British orders as acts of hostility, and in "trusting to the motives and *means* (the plan of starving *Great-Britain*) "to which they have appealed, the United States had given a signal "proof of their love of peace." In plain English—the impartial administration which, for fourteen months, had not only submitted to, but had apologized for, the French decrees, without one word of complaint, without uttering a syllable about *hostility*, gave a signal proof of moderation in confining itself to a mere attempt to starve *Great-Britain*, instead of *declaring war* against her, as our Secretary says we might lawfully have done. So that while a perfidious breach of treaty—a declaration of blockade, without the smallest power to enforce it—the violation of neutral territories, in order to seize *seventeen millions of neutral property*, was only "thickening the clouds which hung over our amity," and demanded only "friendly expostulations for the rigour and sudden-"ness of the provisions"—the attempt of the other belligerent, after due notice to retaliate only *partially*, is just cause of *war*.

We need say no more. It is not in the compass of human talent to make the case stronger!!!

It may be said, that this was only the language of our cabinet to their own minister, and that they would not have violated the rules of decorum by addressing such harsh expressions to the British government itself.—But it will be remarked, that I have compared it with like *private* instructions to Gen. ARMSTRONG, in which besides the most tame and submissive language, a positive injunction is given not to *offend France*, at any price—to sacrifice truth and justice rather than to incur her displeasure.

But the delicacy of our government forsook them in their intercourse with *Great-Britain*.—In the official letter of Mr. MADISON to Mr.

ERSKINE, of *March* 25, 1808, speaking of the relaxations of the British orders, those relaxations which afforded us some advantages not permitted by the French decrees, our minister, now raised to a *war pitch*, observes, "I forbear, sir, to express all the emotions with which such a "language is calculated to inspire a nation, which cannot for a moment "be unconscious of its rights, nor mistake for an alleviation of its wrongs, "regulations, to admit the validity of which would be to assume badges "of humiliation, never worn by an independent power."—This is truly the language of wounded pride; and of a cabinet possessing high ideas of national honor. If the occasion required it, it was just—if it is the same course which they have adopted towards all nations, and on occasions still more affrontive, it is impartial. We shall shew that it merits neither one nor the other praise:—

The relaxations of the British orders did not merit this philippic.—An attempt has been made to consider their relaxations as insulting. Let us examine it.

France orders the blockade of all British ports—and the confiscation of all neutral property, if coming from such ports, or the growth or manufacture of her enemy.

If *Great-Britain* was authorised to retaliate, which upon this *part* of the argument we must take for granted, she had a right to retaliate co-extensively with the decrees of her enemy: She had a right to prohibit all trade with *France*, and her dependencies, and to confiscate all property the produce of her colonies. Had she done this in the *same words* which BONAPARTE had used, the only question would have been, whether the *lex talionis* was applicable to the case. But willing to lessen the horrible evils of such a warfare upon neutrals, she relaxed its rigour. She authorised the whole colonial trade with her enemy, so far as was necessary to the supply of neutrals; and she even permitted the trade with the continental possessions of her enemy, upon the condition that the goods were carried to her ports, and there subjected to a duty. A perfect option still remained to the neutral, whether he *would* or *would not*, avail himself of this indulgence; but it is difficult to conceive how this qualified prohibition was either more affrontive or more injurious than *a direct* prohibition, like that of *France*.

That this was a mere popular trick, invented by our government to excite a clamour against *Great-Britain*, is obvious from the following facts contained in the dispatches:—

Mr. MADISON, in his letter of *March* 25, 1808, to Mr. ERSKINE, complained of this duty as adding insult to injury, more especially as applied to one of our own *staples, cotton*.

Mr. CANNING, as soon as he was acquainted with this objection, applied repeatedly, and finally addressed a formal note to Mr. PINKNEY, assuring him that in making such a provision, *Great-Britain*, so far from

wishing so give offence to the United States, thought that they would prefer it to absolute prohibition which the decrees of *France* would have authorised, and *offered to take off* the duty, and leave the prohibition *absolute* as it stood in the decrees of BONAPARTE.

But our government, thinking it an excellent string upon which to play upon the passions of the people, have neglected, and indeed refused to give any reply ; preferring to have the qualified prohibition remain, as it gives them the occasion to harangue about the insolence of a British tribute.

Thus we see, that even an honest and sincere attempt on the part of *Great-Britain*, to do us justice, and relieve us from the pressure which the unjust decrees of *France* had created, is converted into a *new* pretext for complaint.

I had intended to notice, at large, many other instances of the meanness and partiality of our language towards these two nations ;—but I am deterred, from the extent, and necessary enlargement, which I have been obliged to give to the remarks I have already made. I shall however, briefly notice one or two flagrant examples, which will serve to give some idea, though a faint one, of the devoted partiality of our present cabinet to the views of *France*.

Mr. MADISON's letter of the 2d of *May*, 1808, notices the insolent note of Monsieur CHAMPAGNY, in which he undertakes to declare that we *are at war* with *Great-Britain*, and that His Majesty of *France* will retain our property, arrested, amounting to several millions, until we decide whether we will take an active share in the war. It is to be observed on this letter of Mr. MADISON,

Firstly. That he sends to Mr. ARMSTRONG the newspapers of this country, to shew what was the spirit and indignation excited by that letter : On which it must occur to every man, that if our government had the same impressions of its audacity and insolence, as it now discovers, it is extraordinary that neither Mr. JEFFERSON in his public messages, nor the democratic members of Congress, nor the papers devoted to the Administration, ever mentioned this letter with indignation ; and, of course, that the papers sent forward to prove our resentment, must have been those issued from *federal* and *independent* presses.

Secondly. That the only epithet of severity bestowed on this impudent letter was, " that it had the air of an assumed authority."

Thirdly. That fearful lest even this phrase might incense the cabinet of *St. Cloud*, Mr. MADISON charges Mr. ARMSTRONG to be *careful* that in his manner he does not offend His Majesty the Emperor.

The last case which I shall select, at this time, to prove the mean subserviency of our Cabinet to that of *France*, is Mr. MADISON's letter in relation to the burning of our ships by the French frigates returning from the *West-Indies*.

This unparalleled outrage which, upon *impartial* principles, ought to have occasioned a proclamation interdicting the entry of French ships into our ports, was never noticed until *July* 21, 1808, more than three months after it had been known in this country.

It was then called, by Mr. MADISON, "the *most distressing* of all the "modes by which belligerents exert force contrary to right"—but, not content with this mild epithet, which applies rather to the *suffering* of the *injured* than the *injustice* of the *oppressor*, Mr. MADISON frames for them a new justification, or apology, unknown to the law of nations, "that if the destruction was occasioned by a wish to prevent intelligence "being conveyed to a pursuing or hovering force, the remedy ought to "be the more speedy."

What! do we hear this from the minister of a neutral nation! ! That if a weak belligerent fears a pursuit, and is incapable of resistance, he may destroy all the neutral ships which he meets with, on the sole condition of making reparation through the tedious and uncertain process of *diplomatic* complaint! There is an end then of all tribunals! ! The ship or fleet of a belligerent may always pretend a fear, and dread of discovery, may destroy the ship, seize the goods, and leave the wretched neutral to his *diplomatic* redress. This is not only a new doctrine in the law of nations, which *France* with all her insolence would never set up, but it is *destructive* of the American neutral rights so long as we have an administration so unwilling, so backward, so timid in enforcing the rights of its citizens.

If *Great-Britain* could be supposed capable of such an outrage without pretext or apology: and if she suffered her officers after such an act of piracy, to come into her courts and libel the property, thus piratically seized, as lawful prize; what language would Mr. MADISON find sufficiently strong to express his indignation and horror?

But I have done; Enough, and perhaps too much has been said, to shew that a cabinet, which could use such unequal and partial language towards the two belligerents, is incapable of sincerity and is unworthy of our respect and confidence; that to them, and them alone, we are to attribute all the evils which threaten to overwhelm us.

No. 9.

EXAMINATION of the famous letter of Mr. Madison to Mr. Erskine, of March 25th, 1808, on the subject of the orders of Great Britain; which has been pronounced by his friends to be the most *luminous* display of our rights and injuries.

MOTTO.—"The proposition of Mr. Madison, or his project for a navigation "act, (of which Mr. Jefferson was the author) sapped the British interest."
Fauchet's intercepted letter, Oct. 31, 1794.

COMMENTARY.

MR. FAUCHET appears to have known most *thoroughly* the character of our jacobin leaders:—With Mr. Jefferson and Mr. Madison he declares he was on the most intimate footing; he speaks of them with the affection of real friendship. The authority of this letter is not denied—it was owned by Fauchet, and confessed by Randolph himself. It appears then according to the explanation made of it by his friends, Jefferson and Madison, at the time that the famous proposal of commercial warfare made by Madison in 1794, was in principle the same as the *one* now proposed, and was intended to *sap the British* interest.—In other words, it was, as Mr. Ames then declared, a measure hostile to Great Britain, and subservient to France.

It is impossible to censure the conduct of our administration towards Great Britain, without appearing in *some* degree to defend the latter while you criminate the former;—and of all the pernicious errors to which the times in which we have unhappily fallen have given birth, the opinion recently broached, that it is a breach of patriotism to prove our own government wrong in its unjust claims against a foreign nation, is the most dangerous. If this absurd opinion, so fatal to freedom and public peace, had been confined to the tools of the men in power, its effects would be unimportant; but some *few less informed & t honest men* of opposite opinions have doubted the propriety of putting arguments (as they are pleased to term it) in the mouths of our enemy.

If this doctrine were adhered to, the ruin of the nation could never be averted. The forms and checks of our constitution; the rights of the press and of private opinion, would be of no avail.

If a case could be supposed, of a faction arising in a free state, who at the commencement of a war like that of 1793, should oppose the *neutrality* declared by its government—should enter into a private league with the public agents of one of the belligerents—should encourage illegal acts of hostility against the other—should solicit money from the public ministers of one belligerent to stir up a rebellion—should in fact excite a civil war—should justify even the hostilities of their favourite nation, and by dint of slander and corruption, should succeed to the supreme

power; would it not be a most extraordinary exercise of candour to suppose that such a set of men should suddenly abandon all their prejudices, and behave in a manner perfectly impartial towards both the belligerents? Yet this monstrous and absurd opinion we are called upon to adopt. What I have stated as hypothesis we all know to be *history*. If men cannot throw off their passions and deep rooted partialities like their coats, then we are fully justified in doubting the sincerity of their measures when they pretend resentment against their political supporters and allies, and impartiality towards those whom they have uniformly hated.

This is the only free country in which such a monstrous doctrine would be listened to for a moment, and the very men who maintain it are loud in their praises of the patriotism of Roscoe, and Baring, and Brougham, and the *Edinburg Reviewers*, who even in the midst of *a war* boldly arraign the policy and justice of their own government, and defend that of the nations opposed to it. Where can be found a line which denies the right of these authors, or which attempts to silence them by calumny or threats?

My short reasoning on this topic, independent of the general rights of the press, is this:—

The first principle of a free government is, that the RULERS are not infallible:—They have passions, and they may err like other men;—they are also as *corruptible*—Hence the doctrines of frequent elections.

If your rulers *may* err, they may err in their conduct towards *foreign* nations;—they may be too suppliant to one, and too insolent or unjust to another, as either interest, passion, or early prejudices may dictate. To admit, therefore, that they are always right, in their quarrels or contests with foreign powers, is absurd, and the most ruinous doctrine which could be set up by the boldest advocate for unlimited despotism. I shall undertake to discuss Mr. Madison's letter to Mr. Erskine, which the British cabinet have not deemed worthy of reply, and shall shew, I believe to general satisfaction, (excluding violent partizans,) that it is in every material part unfounded; and as this letter is the great support of all the present measures—of the President's message—and of Mr. Campbell's famous report, its importance deserves and demands a serious investigation. I regret, that, far from having discussed this subject freely in the lower house of Congress, there appears to have been a reluctance to enter into a topic so offensive to the majority; and from this cause there has appeared a disposition to make concessions which hereafter may prove detrimental to the public interest. I have no such fears, and the only regret I feel is, the conscious inability of rendering the subject as *interesting* as I can certainly make it clear and unanswerable.

Mr. Madison's letter of March 25, 1808, to Mr. Erskine, is confined to the topic of the British orders. These famous orders, though they formed in effect no part of the considerations which induced the ruinous policy under which we are now suffering—though that policy was fully

resolved upon, as I have heretofore proved, in consequence of orders from France, and would have been adhered to until France should have permitted their repeal, yet they came opportunely for the administration, and have been very ably pressed into their *service*. Losing sight of the original grounds, with a meanness suited only to vulgar minds, the administration and its supporters argue as if the British orders were not only the chief motives which led to the embargo, but the *only* impediment to its repeal; and that they have even offered, as they *pretend*, to Great Britain, to take off this measure upon the repeal of the orders, though this plan, if adopted, would *leave the nation precisely as it stood when the embargo was passed.* An offer which proves, that the embargo was adopted in the opinion of even its authors without due consideration.

But since the British orders are thus made the grand objection to an abandonment of a system destructive to the nation, and since the weak and the prejudiced will give some credit to the assertions of an administration however partial or corrupt, it became necessary to examine the justification of those orders set up by Great Britain, and the arguments adduced by Mr. Madison against that justification.

Are the British orders violations of our neutral rights or are they to be attributed to a culpable neglect, on the part of Jefferson, to *resist* the *Berlin* decree after solemn notice that such neglect would be deemed an assent to them?

Our situation, both with Great Britain and France, was never more free from restraint or injury, than upon the 21st of *November*, 1806, when Bonaparte, elated with his conquest of Prussia, issued his famous decree against *neutral trade* with his enemies, or in their produce both by land and *sea*. It is not necessary to insert this decree, at large; but its preamble deserves two remarks: *First*, That although he has extended his apologies to a length equal to the decree itself, and enumerated all the transgressions of Great Britain against neutrals which induced him to issue the decree, yet we neither find "the impressment of our seaman, the "burning of the *Impetueux*,* nor the British doctrine of the colonial trade," which are urged by Mr. Madison, and copied by the late committee of

* Mr. Madison shows his prejudices in a strong light, when he says, that we were "*no more* bound to go to war with France on account of her orders than with Great Britain on account of the burning of the Impetueux," thus declaring that the rash conduct of a commander of a ship in continuing *within* a neutral territory a battle begun *without* such territory is as good cause of war, as a breach of treaty and declaration of commercial war by a sovereign himself.—Upon this case of the Impetueux, so often relied on, we have observed already that the French do not urge it as a cause of retaliation, and we suppose the reason to be that the law of nations is against them. The combat had been commenced on the high seas, and it is even added that the Impetueux had there struck. Even Azuni, Bonaparte's Civil Lawyer, admits that "Some authors of the *highest* reputation main-"tain the right of a belligerent to pursue an enemy and take her under the can-"non of a neutral fort if the battle commenced at sea."

Congress;—they have therefore volunteered in finding new excuses, which did not occur to the prolific mind of Talleyrand.

Secondly. That Bonaparte declares, he will not desist from this system, until Great Britain "gives up all maritime captures of private property—"(until the lion will consent to draw his claws)—until the laws of war "upon the *sea*, shall, like those upon the *land*, protect private property." —The impudence of this language, from a man then loaded with the spoils of millions of now houseless and innocent individuals—a man who had just been carving up the patrimonies of twenty German noblemen, to give titles and estates to his new-fledged Princes, is beyond description. —It will, however, be important to remember this part of the preamble, when we come to remark how this decree was enforced in *neutral* and *free* States.—The most important articles of the decree, were, that the "British *Islands* were in a state of blockade."—As they were *islands*, it is not easy to conceive how they could be blockaded but by *sea*, nor how our government could believe, that they were not intended to operate against the only *neutral* ships that then traversed that element.—This simple declaration subjected to condemnation all property found going in or coming out of British ports; and we shall soon see that such has been the construction applied to it by Bonaparte and his tribunals, and that no other construction was ever given to it, either by him, or any legalized officer under his authority.

The other article of this decree, interesting in the present inquiry, is the one which subjected to seizure and condemnation all goods, *wheresoever found*, of English growth and manufacture.

That this decree is a violation of the Law of Nations will not be denied, and is admitted by Mr. Madison himself.

Nor is it questioned, that the doctrine set up by Great Britain, as to the right of *retaliation*, is well founded, provided the facts will bear them out in the application of this law.—Mr. Madison, indeed, obliquely admits this principle, in his letter to Mr. Erskine, of March 20, 1807. "The "*respect*, (he observes,) which the United States owe to their *neutral* "*rights*, will always be sufficient pledges, that no *culpable acquiescence* "on their part will render them *accessary* to the proceedings of one belli- "gerent nation, through their rights of neutrality, against the commerce "of its adversary." This admits that an acquiescence by a neutral nation, in the edicts of one party, which should be aimed at its adversary, through neutral commerce, may be *culpable*, and render them *accessaries*.

The elaborate letter of Mr. Madison, which we are now about to examine, admits also the right of *retaliation*, though it couples it with a condition or qualification not to be found in the law of nations, "that the re- "taliation must be measured exactly by the injury:"—That the injured party must keep an exact account and return precisely as many and as heavy blows, and no more, than he has received. This we deny to be the

law of nature or of nations. If a neutral suffers voluntarily his *neutral* rights to be violated, to the injury of a belligerent, it is in the option of that belligerent either to consider him as a party to the war, or to retaliate upon his enemy through the *neutral* to the utmost of his power.—If, for example, a neutral prince suffers his territory to be violated by one party, by marching 10,000 men over it to attack his enemy, that enemy is not bound to limit his retaliation to marching precisely the *same* number across the *same* territory.—This doctrine would be too absurd. That I am warranted in saying, that Great Britain, if the *facts* shall hereafter bear her out in it, would have been justified in considering the acquiescence of our government in the *Berlin* decree as a renunciation of all our *neutral rights*, is proved from the following short citation from the work entitled, "*Institution au droit Maratime*," by Monsieur Boucher, Professor of Commercial and Maritime Law in the Academy of Legislation at *Paris*:—

"Nations may cease to be neutral in two particulars:—*Secondly.* When they suffer their flag to be vexed by one of the belligerents, when they have the means of making it respected, *or* if one neutral nation when carrying to another neutral country articles which it is unlawful to carry to a belligerent, suffers them to be taken from her by one party, without demanding reparation for the affront, she tacitly *renounces neutrality*, by taking a passive part in favor of the nation who has done the injury."

The decree of Berlin being acknowledged a violation of public law, and the right of retaliation having been proved, and indeed admitted, let us see how Mr. Madison repels the right to apply it in this case, or rather vindicates our administration from the charge of culpable neglect:—

Firstly. He contends, that the French decree was so explained by Monsieur Decres, Minister of the Marine, that we had no right to presume that it would be exercised against us.

Secondly. That in fact it was never *enforced*, until October 16th, 1807, and therefore there was no culpable acquiescence on the part of the United States.

Thirdly. That the previous violations of the law of nations by Great Britain rendered her the aggressor, placed France in the position of a retaliating nation, and took away the right of retaliation to which Great Britain might otherwise have been entitled.

As to the first point, the explanation of Monsieur Decres, it did not change the situation of the parties, nor diminish our obligation to *resist*, for the following reasons:

Firstly. Because that answer did not declare, that the decrees should not derogate from our neutral and conventional rights. The first article was explicit, subjecting every vessel that went in or came out of British ports to seizure and condemnation. Monsieur Decres does not say that *we are* excepted, but simply "that that decree does not change the present French laws as to maritime captures." In this he was right. The laws of nations and of France previously declared, that all trade with ports blockaded, is forbidden under pain of forfeiture. Bonaparte only applied that law to the British islands, which he could not blockade, but made no change in the general principles of maritime capture.

Secondly. Monsieur Decres, in a note on the same day, addressed to Gen. Armstrong, warned him that he was not the regular organ to whom application should be made, and that "he had much *less positive information* than the Prince of Benevento, as to the meaning of the decrees." *Less* information is a comparative expression, and necessarily means something short of *perfect.* Mons. Decres then declared, candidly, to our minister, "Sir, I have no authority to decide :—My *opinion is such,* but my *information* of the Emperor's intentions is imperfect."

Thirdly. Our government (and Mr. Madison, particularly) so understood this explanation; for they wrote to General Armstrong, in May, 1807, that they were anxious to have the *Emperor's own explanation;* a measure which would have been affrontive and unprecedented, if Monsieur Decres had been authorised, or had been explicit;—and they put in that letter the hypothesis, "Should the French government not give the "favorable explanations," you will *do* (what it appears was never done until November, 1807,) *remonstrate* against the decree.

Fourthly. Bonaparte never avowed the correctness of the explanation of Decres; but has since decided, that his decree was *clear and unambiguous,* and was to be enforced according to its letter.

Fifthly. An explanation of a decree or order directly contrary to and inconsistent with its most explicit terms, should have been received with great caution; and a direct and explicit answer ought to have been insisted upon, in such a case, without the unreasonable delay of eleven months.

Sixthly. The construction put upon the decree by French officers, throughout the world, as proved by Madison's own letter, of May 22, is a proof that the French government never intended to except us from its provisions; and it was incumbent on Mr. Armstrong to have seen that directions conformable to the explanations were transmitted to their officers in foreign countries.

Seventhly. The government were guilty of gross neglect in not procuring these explanations to be confirmed. I find Armstrong's letter covering Decres's note, was communicated to Congress, February 19, 1807.—Madison avows in his letter of May 22, 1807, that they were not contented with Decres' explanations.—Why then wait ninety days before they instructed their minister; and how happens it that we hear of no demand, on his part, until the fall of the year, 1807? Great Britain waited for these explanations, but she waited in vain.

If the note and explanations of Monsieur Decres will not justify the submission of our government to the *Berlin* decree, much less will the *second* pretence, that it was *never enforced.*

Firstly. Because from the moment it was issued it was enforced in the European and Western seas, as far as the state of the French marine would admit. That captures did take place in pursuance of its literal and extended meaning, cannot be denied; and we hold it incumbent on our

government, if it would avail itself of defence on this point, to prove that the vessels so taken were liberated by the highest judicial authority of France.—Instead of which, the ground taken is, that no decisions, no overt acts of inferior officers, or tribunals, are chargeable to the French nation, until confirmed by the highest authority; and in pursuance of this idea, Mr. Madison, with more boldness than truth, asserts, that the first case which occurred was that of the Horizon, an unfortunately stranded ship, and which was not condemned by the highest tribunals until October 16, 1807.—This is mere sophistry, directly opposed to the conduct of all nations, and of our own under *every administration*, especially the PRESENT. Did we not contend that we had a right to complain of the courts of V. Admiralty in Martinique, in 1793? Did we not found some of our heaviest complaints against Great Britain upon the conduct of General Grey and Admiral Sir John Jervis, though unauthorised by their own government?—And, in later times, have we not seen an act of exemplary self-redress, an act of serious and alarming import, the prohibition of the entry of British public ships, *not merely* laid as a precautionary measure, on account of the act of an *inferior* officer, but adhered to, most pertinaciously adhered to, though it was perceived that it was an *eternal* bar to amicable adjustment.

Yet, my fellow citizens, this same inconsistent administration has the audacity to declare to the world, that France never in *one instance* enforced her *Berlin* decree before the case of the *Horizon*, on the metaphysical distinction, that that was the first instance in which her *highest* authority sanctioned it, though Mr. Madison declares in a former letter, that the French *West-India* cruizers, were "indulging their licentious "cupidity, and were enforcing the *Berlin* decree in a manner that would constitute just claims of redress."

Secondly. Mr. Madison asserts, positively, that the case of the *Horizon* was the first that occured of the positive extension of the *Berlin* decree to our trade; and that as that took place only on the 16th of October, 1807, it could not have been known in England on the 11th of November, the date of their orders; but it appears that the Emperor, on the 23d Sept. 1807, in answer to certain queries addressed to him from Bordeaux, replied, that as the decree of November 21, contained no exceptions, there should be none in the application. Monsier Cretet, minister of the interior, under the date of September 18, 1807, refers to the resolution of the Emperor to enforce the decree of *Berlin* according to its letter. It will not be pretended, that when the mail reaches the British cabinet often in four days, they had not notice of this resolution in two months after.

Thirdly. But the last, and conclusive answer to this excuse for the lethargy and submissive meanness of our administration, is, that the Berlin decree was executed first in Hamburg, and afterwards in Tuscany, two *neutral* and *independent* States, against American property. This is admitted in Mr. Madison's letter of February 8, 1808, in which he at that

very late day tells our minister, at Paris, to inquire into the cases, and make such a *kind* of representation as the cases might require. The enforcement of the Berlin decree was by French arms, not by the consent of the local sovereigns. Bourienne, French minister at Hamburg, in one case ordered the seizure, and Miollis, a French general at Leghorn, in the other. In the latter case it will be recollected that Tuscany was not a conquered country, but by solemn treaties recognized as independent. The forced and fraudulent treaty of Fontainbleau had not surrendered that kingdom at the date of the decrees and seizures of which I speak ; and it is well known that the government of Etruria, so far from lending its aid to these perfidious acts, remonstrated against their operation, but in vain. Shall we be told that this property, after much vexation, was restored, on condition of paying a tribute to the Freebooter ?—This alters not the principle.—The decree was enforced in neutral territory, always deemed more sacred than neutral ships, and the tendency of it was to check, nay, destroy all neutral commerce in the goods of the growth or manufacture of Great Britain.

This enforcement then alone was a full justification of the British decree ; and our government, in place of remonstance, against this enforcement have openly justified it by their diplomatic apologies.

The last defence of Mr. Madison, of the shameful supineness of the administration, is predicated on the assertion, rather becoming a French pensionary than a minister of a sovereign State, that France was authorized to consider the previous interpolation upon national law, made by Great Britain, as justifiable causes of retaliation.

These are confined to the cases of blockade, and to the question of the colonial trade. As to the former, if the commanders of small squadrons have occasionally overleaped the strict rules of the law of nations, their Admiralty Courts have been always prompt to give redress ; and I defy the honourable Secretary to point a case on the subject of blockade, decided by the highest Courts in England, where the doctrine extends beyond the principles of the armed neutrality on this point.

As to the question of the colonial trade, I had prepared myself to enter largely into it ; and shall probably do it on some future occasion— but I shall limit myself at present to the few following remarks :—

The conduct of Great Britain, on this point, is stated by Mr. Madison as entirely modern.—He says that " it was never asserted till the war of 1756 ; and that Great Britain is the only nation which ever acted upon it or gave it otherwise a sanction."

This rash and unfounded assertion has been most fully refuted in the late argumentative speech of Col. Pickering ; and he has shewn that half a century before it was advanced in British Courts, it was solemnly decreed by the French King. Whether our minister of State was ignorant of the French ordinances, or purposely suppressed them, he has the free option to decide—But perhaps he will say, that like the decree of *Berlin*,

which he so ably defends, they were never enforced—they were "*vox et* "*praeterea nihil*"—Here I am happy to be able to support the argument of the venerable and inflexible patriot, Colonel Pickering, by shewing, from authority which will not be disputed, that the French decrees of 1704 and 1744, cutting off the colonial trade were actually enforced.

In the treatise entitled "*La Noveau Codes de Prises,*" written under the orders and auspices of the French government, by one of their own officers, in a note under the ordonnance of 1704, it is said, "This was "*constantly followed* during the war of 1756, and until the war of 1778."

The decrees of 1704 and 1744 made all goods of the growth or produce of the enemy, found in any trade except between the neutral country and the country which produced them, lawful prize; and this writer declares they were uniformly enforced until the war of 1778—Then indeed the policy was *nominally* changed.—The league, of which France persuaded the Empress of Russia to be the head, attempted to force upon Great Britain a new maritime code infringing the old law of nations.—The coalition effected nothing; and not one of the then contracting parties has adhered to the same principles.

Russia herself, the head of that famous coalition, has in subsequent conventions, abandoned all its principles, and particularly in a pretty recent treaty with England has acceded, in *positive terms*, to the correctness of the rule of Louis XIV. of 1704, so far as to embrace *explicitly* the rule of 1756.

Thus we see, that neither of the defences set up by our administration, will cover the deformity of their behaviour towards the two belligerents:—That they have accepted a futile and ridiculous explanation in the sincerity of which they did not believe:—That they are mistaken in pretending the French decree was not enforced, and equally so, in setting up for France, an excuse that her decree was only retaliatory.

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Note 1.

Upon the violations of Neutral territory by France.

We have said in the text, that the Berlin decree was instantly enforced in the neutral and independent state of Hamburg, and afterwards in that of Tuscany, but as this point is the most important we have urged, and entirely destroys the feeble fabric raised by our apologizing secretary, we shall insert the following proofs in support of our assertion:—

Firstly. "On the 24th day of November, 1806, *three* days only after the date of the Berlin decree, Bourienne, minister of France at Hamburg, notified the Senate of that free city, the only legitimate authority, 'that all English merchandize in the harbour or territory, *no matter to whom belonging*, should be confiscated.' Similar notices were issued to the free cities of Lubeck and Bremen."

These facts were known in the United States to our government in February, 1807, and were not *noticed* by them till February, 1808, three months after the British retaliatory orders, and twelve months after the injuries.

Secondly. Captain Hilliard arrived at New-London from Lisbon, in February, 1807, and stated that the effect of the Berlin decree was so great in that city that many *neutral* ships laden in that *neutral* country for England had been obliged to unlade their cargoes—Such were the apprehensions of its effects ninety days after its date, and so *serious* were its evils to Great Britain.

Thirdly. His Majesty Louis King of Holland in a speech to his legislature of the 5th December, 1806, only fifteen days after the date of the Emperor his brother's decree, speaking of it, says, "That the *suppression* of every *neutral* "*flag*, and particularly the *general* blockade (this was before the British block-"ade of European ports) have annihilated the last resources of commerce, but "that these temporary evils must be endured, as they are intended to produce "eventual good."

Thus then while Madison and Jefferson are apologizing for the Berlin decree, the King of Holland, the brother of the tyrant, and his tool, declares that it amounts to the total "*suppression of every neutral flag*, and the *annihilation* of "commerce." Since our government have extended this decree to us by the embargo we perceive that this description is but too well founded.

Fourthly. Bonaparte, under the Berlin decree, on the 19th August marched 3000 men, under General Miollis into Leghorn, seized all the *American and other neutral* property which had been of British growth. The journal of the little city of Augsburg, in Germany, DARED to characterize this seizure as an act of violence "committed in the INDEPENDENT state of Tuscany," thus confirming our remarks in the text.

Mr. Israel Williams of Salem, who left Leghorn October 1st, 1807, confirms our declaration, that the Queen of Etruria was opposed to this seizure, and of course that it was a forcible breach of the neutrality of an independent sovereign.

These seizures were known and noticed in the English journals sixty days before the date of their retaliating orders.

Fifthly. The tyrant of Europe enforced his decrees in the *Papal territory*, another neutral sovereign, on the 19th September. This fact was also known and stated in the British papers prior to their orders of November 11th.—But

Sixthly. The most important fact shewing the confidence which the British government reposed, but erroneously *reposed in the honour* of our cabinet, is derived from a speech of the Advocate General in Parliament, on the 4th February, 1807, more than nine months prior to their orders. He says, "That on "the 19th January, 1798, a decree was passed by France making all vessels "freighted in whole or in part with British commodities lawful prize. To shew, says he "what was the indignation of neutral nations at this decree, the Presi-"dent of the United States, *the Hon. John Adams*, stated to Congress, 'that as "that French decree had not been repealed, notwithstanding our attempts to "get it repealed, he considered it as an *unequivocal act of war*, and to be *resisted* "as *such*,'" and the Lord Advocate added, "there could be no doubt but Ameri-"ca could act with equal spirit on the present occasion."—Alas!! he little understood the character of our present rulers, or our miserable deterioration.

Note 2.

French Regard for Neutrals ! ! !

In order to justify the outrageous conduct of France in issuing the Berlin decree, Mr. Madison, and other public men, have pretended that Great Britain was the aggressor, and have even gone back to the war of 1756, to prove it. Although we protest against this extraordinary course of going beyond treaties of peace and commerce, to find apologies for recent vexations, yet we believe that Great Britain would gain by the comparison, and that France would appear to have been always the first to violate neutral rights. To prove this, we make the following abstract from the

Code des Prizes par Lebeau chargé des détails du Bureau des Lois du Ministre de la Marine et des Colonies. Printed at the Public National Press.

1543. Art. 42. Edict declaring enemies' goods in the ships of a friend, or even ally, lawful prize, and the goods of a friend in the ships of *enemies* equally so, and confiscating the ship in the former case.

1584. Article 65, reciting the impossibility of discerning a friend from an enemy by sight only, authorizes the pursuit, capture, and search of neutrals or allies, and in *case* of resistance by such neutral, orders for that cause, *condemnation.*

Article 69, confirms the article of the ordonnances of 1543, as to condemnation of enemies' goods in neutral bottoms, and neutral goods in enemies' vessels, and declares that *neutral persons* on board enemies' ships shall be lawful prisoners, as well as enemy persons generally in *neutral* vessels.

1673. Dec. 19. Ordonnance confirms the principle that enemies' goods shall be good prize in neutral vessels, except where treaties with neutrals forbid.

August 5, 1676, Decree declaring that as his Majesty had issued a proclamation, ordering all Frenchmen in the service of *any foreign* state to return under pain of death—orders the punishment to be commuted for the gallies.—August, 1681, decree, Art. 7th, confirms the law that enemies' goods in friendly ships shall be good prize, and also confiscates the ship—and friends' goods in an enemy ship, equally *so.*—confirmed by decree of Council 26th Oct. 1692, in a particular case; the same principles are confirmed by Art. 5th, of the Ordonnance of 23d July, 1704, and further confirmed by Art. 5th of the Ordonnance of October 21st, 1744, except so far as relates to the neutral *ship* itself. This last Ordonnance continued to be enforced till 1778. So late also as the 29th June, 1779, the council of prizes condemned the property of certain *neutral* merchants of Tuscany, under the above Ordonnance, for having been found on board an English ship, the Grand Duchess of Tuscany.

By a decree of December 6th, 1779, of the council of prizes, present the King, a Danish *ship, the Anna,* was condemned, together with *all* her cargo, because *some part* of that cargo belonged to *British subjects.*

Article 12th, of the Ordonnance of 1681, authorizes force against any vessel which *refuses* search, and condemns for *resistance* only.

Decree, 1692, Oct. 26, of the King in Council, declaring that the vessel and cargo St. John, being a neutral ship, should be condemned, because a *small* part of her cargo belonged to an enemy.

Feb. 17, 1694—Orders the condemnation of all *neutral* vessels, if originally of enemy's fabric, or *once owned* by an enemy, unless the bill of sale and powers of attorney are found on board.

Ordonnance of 25th July, 1704, recites in the preamble his Majesty's disposition rather to enlarge than abridge the rights of neutrals, declares (as Bonaparte does in all his preambles) that his Majesty is in favour of *free* commerce, and especially "to preserve the *same* extent and the same liberty of commerce to "*neutrals*, which they had been accustomed to *enjoy during* the peace." He goes on in the usual French cant to charge his enemies the English and Dutch, with causing still greater restraints upon the commerce of neutrals, and says that "he could with *justice* have followed their example," thus setting up in the broadest terms the law of retaliation through *neutrals*.

The five first articles of this Ordonnance contain the limitation of the Neutral trade as follows:

1st. Neutrals may carry their *own native produce*, except contraband, even to an enemy.

2d. Neutrals may carry even from any enemy's country *direct* to *their own*, any goods of which they shall be the owners.

3d. Neutrals are forbidden to carry from one neutral country, goods of the fabrick or growth of an enemy of his majesty, *even to another neutral* country, on pain of confiscation of the goods.

4th. Neutrals are forbidden to transport any goods of the growth or fabrick of an enemy, from the port of any neutral to any enemy's port, on pain of forfeiting the *whole* cargo, of which *any* part is of enemy's growth.

5th. All neutral vessels having on board goods, the property of an enemy, shall, together with their *cargoes*, be lawful prize.

By another Ordonnance of October 21, 1744, all the foregoing articles were confirmed, except the last, which subjected the ship of a neutral as well as the *cargo* to forfeiture, which was relaxed so far only as respects the ship.

Monsieur Le Beau, in this national work, printed in 1800, says, that "these decrees were *constantly pursued during the war of* 1756, but that in the war of 1778, there were some changes." See *Le nouveau codes des prises*, page 284, in a note of the Editor.

The cause of the changes made in 1778, is well known to those who have attended to the intrigues and objects of the armed neutrality.

There are three other extraordinary articles in the Ordonnance of 1744, repugnant to the law of nations, and *all* of which Monsieur Le Beau observes, were re-enacted in the Ordonnance of 1778, and were acted upon.

1st. Condemns neutral vessels and cargoes solely for the cause of having thrown overboard *any* papers, though enough remain on board to prove the neutrality of the property.

2d. Condemns neutral vessels if they shall have contravened the passports of their own sovereign.

3d. Condemns all neutral vessels which shall have undertaken any *new* voyage other than the *one* stated in her clearance; and declares that no passports shall be valid unless the ship was at the moment of issuing in her own country.

11th Article of the same Ordonnance, declares null all passports granted to *owners or masters of neutral vessels*, if such owners or masters were subjects of an *enemy*, unless such persons had been *naturalized before the war*.

The public will perceive in the foregoing article, the injustice of the clamours which have been urged against Great Britain, on the subject of her refusing to respect our Naturalization law, as to her own subjects. These Englishmen, so naturalized, are by the present laws of France, liable to be seized as *prisoners of war*, and the ships they own or command, are prize, and yet an English sovereign cannot touch them.

In the Ordonnance against marine deserters, passed by the French King in October, 1784, it is declared, that *all French classed seamen*, whether *deserters* or not, who even in time of *peace* shall be found on board *foreign* ships without leave, shall be imprisoned fifteen days, &c,—and if *arrested* in *time of war* on board FOREIGN ships shall be sent to the galleys.

That such is the true construction of this article, will be evident to every person acquainted with the French language and marine laws, and that "seront *arêtés* sur des navires étrangers, ou passant en pays étranger," are very different terms from "*pris* sur des vaisseaux ennemis," and that the former means simply, *arrestation in neutral merchant ships.*—If any independent Neutral nation had spoken wholly the French language, we should have seen this decree rigidly and frequently enforced.

Here then is declared what we have long sought to establish as the *French* law, the right to seize in time of *war*, their own seaman *not deserters*, not in *enemy's* ships, but any *foreign ships.*

Ordonnance, May 9th, 1793, orders all vessels belonging to neutrals, which shall be laden in whole or in *part* with provisions bound to an enemy, or with enemies' property, to be detained and brought in; the merchandize of enemies forfeited, and the other paid for at fair value.

It will be remembered that this was the very first order of either belligerent against neutral trade in the late war, being dated thirty days before the British provision order of June 8th, 1793—it was also a violation of the treaty of 1778. On the 28th May, 1793, they declared that the United States were not comprized in *that* order, but ordered that our property which had been seized should remain *sequestered.* On the 1st of July, they repealed it wholly as to the United States—But on the 27th of the same month, they repeal the repealing act, and declare that the confiscating decree shall be executed according to its letter.

The resemblance there is between this conduct, and that in regard to the Berlin decree, is very remarkable.

No. 10.

RECAPITULATIONS of the Points established;—and REFLECTIONS upon them

THE examination in detail of the diplomatic intercourse of our administration, requires no ordinary share of patience and attention; and it would be in vain that we should expect of our readers in general, the sacrifices of their ease necessary to such an investigation. But if the situation of our country is really as perilous as the language of the President, of the members of Congress, and the complaints and anxiety of the people would prove, surely it is not too much to expect of the patriotism of our fellow-citizens, that they will examine and weigh with candour and seriousness, the *results* of the labours of those, who from any motives have been induced to look more profoundly and more patiently into the causes of our disasters.

I shall therefore undertake to state briefly the inferences which are necessarily drawn from the examination of the very ex raordinary diplo-

matic conduct of our administration, and I invite those who may doubt the correctness of these inferences, to examine the preceding numbers of the "Analysis," upon which these inferences are founded.

It has appeared in the course of our investigation, that our administration, so far from maintaining an impartial and dignified course of conduct towards the belligerent nations, has sought for apologies for the atrocious violations of our rights on the part of France, and has been disposed not only to put the most unfavourable constructions upon the conduct of the British cabinet, but to compel that nation to an open declaration of war, or in failure of that plan, to rouse the passions of the American people in such a manner as to make them desire, and demand a declaration of war on our part against Great Britain.

This partiality, and this project, have been evident from the following facts established by this analysis :—

Firstly. That early in 1807, the government of the United States chose to put a favourable interpretation on the French Berlin decree—an interpretation directly opposed to its positive and explicit terms;—that it accepted, as an explanation of that decree, an informal, unauthorized, and inexplicit declaration of a subordinate officer, in which it appears by *subsequent* papers, the government in truth placed no serious reliance, but considered that a positive confirmation on the part of the Emperor was absolutely necessary.

Secondly. That such a favourable explanation of the Berlin decree has never been obtained, but on the contrary, the only opinions expressed by proper authority in France have been in favour of its literal execution.

Thirdly. That although no evidence existed as proved by the foregoing positions, that France had determined to relax the rigour of her decree as to us, but by the confession of our own government it was from its date enforced in the West Indies, in all the tributary states, and *more particularly in neutral and sovereign* countries, by French arms; yet no formal remonstrance was ever made by our submissive rulers, until General Armstrong's letter of November 12th 1807, ONE day after the date of the British orders, retaliating those of Berlin.

Fourthly. The government of the United States, so far from remonstrating against the French decree, have *apologized* for it on two grounds :—

Firstly. That it was *merely municipal,* and therefore *lawful.* This we have disproved by shewing that it was enforced in *neutral* and *independent* countries, where, though the French arms were predominant, yet the local sovereignty was still *acknowledged,* and therefore France was precluded fromconsidering them as conquered countries : We allude to Hamburg and Tuscany.

Secondly. Mr. Madison has apologized for the French decrees on the ground of their being retaliatory on British former usurpations. To this objection, or apology, it has been replied: 1*st.* That Britain has set up no doctrines not recognized either by the law of nations or the *example of France,* in which latter case it was contended that France could find no fault. 2*dly.* That had such cases of British usurpation existed, (which is denied,) they must have been such as existed prior to our treaty with France, and that treaty merged or destroyed all pre-existing causes of complaint. It is not competent now for France to urge as a ground of her *vengeance* against us, any *principles or facts* which existed prior to that treaty, in which we gave up to her twenty millions of just claims.

The fifth general inference from these dispatches is that the language, the tone and temper, adopted towards Great Britain and France, demonstrate the most humble submission to the latter and a fixed determination to affront and quarrel with the former. We refer our readers to No. 8 of this analysis for the proofs of his assertion.

Sixthly. While there is a pretended impartiality in the offers to Great Britain and France, it appears that to the latter the positive offer was that of an alliance in the war as a condition of the repeal of her decrees; but to Great Britain, the insulting and barren offer of a repeal of the Embargo was the only proffered inducement;—an offer which we proved to be destitute of reciprocity, affrontive, mean, inconsistent and hypocritical.

Seventhly. We have shewn that neither of the offers was in fact sincere, though that to France was made with the perfect approbation of the Emperor.

The offer of war to France was absurd, because it was on the condition of the non-repeal of the British orders, when it was perfectly certain that Great Britain would repeal those orders as soon as the decrees of France should be removed.

The offer to Great Britain was equally insincere, because it was morally certain that she could never repeal her orders until the French decrees were removed.

Because her orders were avowedly grounded on the French decrees, and it would blast her reputation for sincerity should she withdraw them without the repeal of the avowed causes.

Because it would humble her before her enemy.

Because it would degrade her before us, and would be an admission that we could at any moment starve her into any concession of her just rights.

Because, in fine, our offer was coupled with conditions affrontive to her cabinet, and while we continued our interdiction of her public ships, which was of itself a barrier to all negotiation.

Such are the proofs of insincerity evinced by the dispatches which we have examined. We have offered a solution of the causes of these extraordinary proposals.

To France, who not only understood our game, but who *had directed* it, no apology was necessary.

To Great-Britain, mean and false apologies were offered; our government even condescended to declare that our measures were purely municipal and in no degree hostile, though Giles, and Campbell, and Gallatin, and all our private democratic champions avow that they were intended to *coerce* Great-Britain. But our *Machiavels* did not deceive the British Cabinet, and if the honest and indignant language of Mr. Canning, though couched in the decorum of diplomatic forms, did not reach the consciences of our rulers and excite a blush of shame, we can only regret the degeneracy of the age and of our country in having such rulers.

The only motive in making these insidious offers, insincere towards both, in concert with one, and understood perfectly by the other, was to

stifle the clamours, and impose upon the blind credulity of the American people.

Never did there exist a people on whom the most barefaced and shameless hypocrisy could be so successfully practised ;—if I may judge from the apparent success of this project. From one end of the continent to the other, these dispatches, with the exception of the Evening-Post at N. York, and a few independent papers in other places, appear to be received every where with indifference, with forbearance—or even acquiescence. The general silence seems to be an implied admission that the government have suddenly departed from their crooked policy and have adopted something like a fair course towards the two belligerents. This proceeds solely from that indolence which will not examine, or that spirit of submission which shrinks at the bold effort of stemming popular prejudices.

I have undertaken, though conscious of my inferiority to resist this current, to call men back to reason and themselves.

If the administration had until this moment been pure and unspotted ;—if it had evinced the most honest impartiality, I think the present dispatches would prove that they have submitted themselves to the domination of France, and are fatally bent upon producing an open collision with Great Britain.

It is impossible for a man, however charitable, to peruse these dispatches and connect them with the most extraordinary measures of our cabinet hitherto adopted and now proposed, without coming to this result, that an alliance either express or implied exists between the cabinet of Washington and that of St. Cloud.

The present rulers of the United States have at all periods of their public life, united their fortunes with those of France. The politics and interest of their own country seem to have been always subservient in their minds to those of their foreign friends. I will not make the charge of corruption ;—it matters not to the private citizen whether the *ruinous* and *destructive* conduct of public men proceeds from deeprooted partialities, and antipathies, from corruption, or the hopes of future reward ; the alarming fact is equally to be regarded from whatever source it may proceed.

In reviewing the history of the United States, I find that in 1780 and 1782 Mr. Jefferson and Mr. Madison, and the Virginian oligarchy, were too much devoted to France. I find Mr. Samuel Adams and all the New England delegation, when no British party could be pretended to exist, equally hostile to this French faction.

In examining further I perceive Mr. Jefferson and Mr. Madison taking the side of France in 1793, opposing our NEUTRALITY ; of the good effects of which they have the unparalleled audacity to boast at the present day. I find them charging Washington with base ingratitude for not joining France against Great Britain. I find them intimate with and praising Genet, and Fauchet, and Adet and equally praised and esteemed and confided in by these foreign ministers. I find them for fifteen years radically and unmoveably hostile to England. I find that by stirring up and cultivating the prejudices of the nation against Great Britain they have ac-

in the hearts of these rulers, and that in a moment they have renounced all their partialities and antipathies, and endeavored honestly to promote a fair and equal, correct and impartial understanding with both?

This would be a stretch of charity too great for human powers.

Let us then view them as they are, fallible, imperfect men; of passions like unto others, devoted to France, and deeply hostile to Great Britain.

Has their conduct coincided with this state of things? and if it has, is it the *real source* of all our evils?

In February 1807, a treaty was made with Great Britain by two men not suspected of partiality to that nation—they were satisfied it would be agreeable to the United States; and so Mr. Jefferson assured Congress in a formal message.

In the interim the Berlin decree arrived; this ought to have strengthened the motives to amicable adjustment with England.

But this treaty so made, and indeed excellent in its provisions, was rejected without the ordinary respect and deliberation given to treaties made with Indian tribes. Great Britain though she felt the affront, (as she had made unexpected concessions in that treaty) dissembled her sensations, and professed her disposition to retain her good understanding with us.

In the mean while an unauthorized British officer accidentally favours the views of our cabinet. Provoked, too much provoked by a shameful encouragement of *British deserters*, a principle which in these dispatches our government concedes to be *wrong*, this officer causes an attack on one of our national ships.

Without waiting for the usual remedy, without confiding in the justice of the sovereign, ignorant and of course innocent of the offence, our government assumed the reparation, and by an *act of avowed hostility* compel Great Britain either to make *war* or refuse redress.

Overlooking this purposed insult, and taking counsel from magnanimity rather than angry pride, she sends us a special envoy to placate our resentment. But adhering to our designed punctilios we reject him.

Pending this affair Bonaparte forbids our trade with Great Britain—writes a note declaring us at war, and threatening confiscation, and his resentment in case we refuse. He orders a suspension of all commerce on the part of all those nations whose *arms* in *active* war would be of no avail.

We came within this description, and obedient to his *rescript* in *four* days after receipt of his orders (a time which Colonel Pickering observes was sufficiently short *for such a plan*) we issue an edict *waging war* with all the commerce of the U. States, and all the *rights* of the commercial States.

This was first avowed to be merely municipal;—but it is now acknowledged by Mr. Giles and Mr. Gallatin to have been *hostile* to Great Britain. So Bonaparte understands it, and in two public official French declarations, it is praised as being a proof of our hostility to Great Britain, or in other words our subserviency to France. Still something remained to be done to place us on as favoured a footing with Bonaparte as *Holland* or *Italy*.

Mr. Campbell's Non-Intercourse resolution effects this, and as Mr. Gallatin observes, there is no distinction between this and a *declaration of war* against Great Britain—Such has been our policy—Such its fatal termination.