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AN EXPOSITION OF THE CAUSES AND CHARACTER OF THE LATE WAR WITH GREAT BRITAIN.

But it has been shown, that after the British government possessed a knowledge of the existence of the Berlin decree, it authorized the conclusion of the treaty with the United States, which was signed at London on the 31st December, 1806, reserving to itself a power of annulling the treaty, if France did not revoke, or modify, her edicts, as a neutral power did not resist the obnoxious measure. It has also been shown, that Great Britain could possibly ascertain the determination of the United States, in relation to the Berlin decree, by the orders in council of the 7th of January, 1807, were issued, professing to be a retaliation against France, at a time when the fleets of France and her allies were themselves confined within their own ports, by the superior force and discipline of the British navy, but operating, in fact, against the United States as a neutral power, to prohibit their trade from one port to another, both which ports should belong to, or be in the possession of France or her allies, or should be so far under their control, as that British vessels might not trade freely there. It remains, however, to be stated, that it was not until the 12th of March, 1807, that the British minister, then residing at Washington, communicated to the American government, in the name of his sovereign, the orders in council of January 1807, with intimation that stronger measures would be pursued, unless the United States should resist the operations of the Berlin decree. At the moment the British government was reminded, that within the period of these great events, which continued to agitate Europe, instances had occurred in which the commerce of neutral nations, more especially of the United States had experienced the most distresses from its own orders and measures, manifestly unauthorized by the law of nations; assurances were given, that no culpable acquiescence on the part of the United States would render them necessary to the proceedings of one belligerent nation, through their rights of neutrality, against the commerce of its adversary; and the right of Great Britain to issue such orders, unless as orders of blockade, to be enforced according to the law of nations, was utterly denied.

This candid and explicit avowal of the sentiments of the American government, upon an occasion, so novel and important in the history of nations, did not, however, make its just impression upon the British cabinet, without assigning any new ground upon the part of France, and complaining, merely, that neutral powers had not been induced to interpose, with effect, to obtain a revocation of the Berlin decree, (which, however, Great Britain herself had affirmed to be a decree nominal and unoperative,) the orders in council of the 11th of November, 1807, were issued, declaring, "that all the ports and places of France and her allies, or of any other country at war with his majesty, and all other ports or places in Europe, from which although not at war with his majesty, the British flag was excluded, and all ports or places in the colonies belonging to his majesty's enemies, should, from thenceforth, be subject to the same restrictions, in point of trade and navigation, as if the same were actually blockaded by his majesty's naval forces, in the most strict and rigorous manner;" that "all trade in articles which were the produce or

manufacture of the said countries or colonies, should be deemed and considered to be unlawful;" but that neutral vessels should still be permitted to trade with France from certain free ports, or through ports and places of the British dominions. To accept the lawful enjoyment of a right as the grant of a superior; to prosecute a lawful commerce, under the forms of favor and indulgence; and to pay a tribute to Great Britain for the privilege of a lawful transit on the ocean, were concessions, which Great Britain was disposed, insidiously, to exact, by an appeal to the cupidities of individuals, but which the United States could never yield; consistently with the independence and sovereignty of the nation. The orders in council were, therefore, altered, in this respect, at a subsequent period; but the general interdict of neutral commerce, applying, more especially to American commerce, was obstinately maintained, against all the force of reason, remonstrance, and of protestation, employed by the American government, when the subject was presented to its consideration by the British Minister residing at Washington. The fact assumed as the basis of the orders in council was unequivocally disowned; and it was demonstrated, that so far from being true, that the United States had acquiesced in the illegal operations of the Berlin decree, it was not even true that at the date of the British orders of the 11th of November 1807, a single application of that decree to the commerce of the United States, on the high seas, could have been known to the British Government; while the British government had been officially informed by the American minister at London, that explanations, uncontradicted by an overt act, had been given to the American minister at Paris, which justified a reliance that the French decree would not be put in force against the United States.

The British orders of the 11th November, 1807, were quickly followed by the French decree of Milan, dated the 17th of December, 1807, which was said to be resorted to, only in just retaliation of the barbarous system adopted by England; & in which the denationalizing tendency of the orders, is made the foundation of a declaration in the decree, that every ship to whatever nation it might belong, that should have submitted to be searched by an English ship, or to a voyage to England, or should have paid any tax whatever to the English government, was thereby and for that alone, declared to be denationalized, to have forfeited the protection of its sovereign, and to have become English property, subject to capture as good and lawful prize; that the British islands were placed in a state of blockade, both by sea and land—and every ship, of whatever nation, or whatever the nature of its cargo might be, that sails from the ports of England, or those of the English colonies, and of the countries occupied by English troops and proceeding to England or to the English colonies, or to countries occupied by English troops, should be good and lawful prize; but that the provisions of the decree should be abrogated and null, in fact, as soon as the English should abide again by the principles of the law of nations, which are also, the principles of justice and honor. In opposition, however, to the Milan decree, as well as to the Berlin decree, the American government strenuously and unceasingly employed every instrument, except the instruments of war, it acted precisely towards France as it acted towards Great Britain, on similar occasions; but France remained for

a time as insensible to the claims of justice and honor, as Great Britain, each imitating the other, in extravagance of pretension, and in obstinacy of purpose.

When the American government received intelligence that the orders of the 11th of November 1807, had been under the consideration of the British cabinet, and were actually prepared for promulgation, it was anticipated that France, in a zealous prosecution of the retaliatory warfare, would soon produce an act of at least equal injustice and hostility. The crisis existed, therefore, at which the United States were compelled to decide either to withdraw their seafaring crews and their commercial wealth from the ocean, or to leave the interests of the mariner and the merchant exposed to certain destruction; or to engage in open and active war for the protection & defence of these interests. The principles and the habits of the American government, were still disposed to neutrality and peace. In weighing the nature and the amount of the aggression, which had been perpetrated, or which were threatened, if there were any preparation to determine the balance, against one of the belligerent powers rather than the other, as the object of a declaration of war; it was against Great Britain; at least, upon the vital interest of impressment; and the obvious superiority of her naval means of annoyance. The French decrees were, indeed, as obnoxious in their formation and design as the British orders; but the government of France claimed and exercised no right of impressment; and the maritime spoliations of France were comparatively restricted, not only by her own weakness on the ocean, but by the constant and prevailing vigilance of the fleets of her enemy. The difficulty of collection; the indiscretion of encountering, at once, both of the offending powers; and, above all, the hope of an early return of justice, under the dispensations of the ancient public law, prevailed in the councils of the American government; and it was resolved to attempt the preservation of its neutrality and its peace; of its citizens, and its resources, by a voluntary suspension of the commerce and navigation of the United States. It is true, that for the minor outrages committed, under the pretext of the rule of war of 1756, the citizens of every denomination had demanded from their government, in the year 1805, protection and redress; it is true, that for the unparalleled enormities of the year 1807, the citizens of every denomination again demanded from their government protection and redress; but it is also a truth, conclusively established by every manifestation of the sense of the American people, as well as of their government, that any honorable means of protection and redress were preferred to the last resort of arms. The American government might honorably retire, for a time, from a scene of conflict and collision; but it could no longer, with honor, permit its flag to be insulted, its citizens to be enslaved, and its property to be plundered, on the highway of nations.

Under these impressions, the restrictive system of the United States, was introduced. In December 1807, an embargo was imposed upon all American vessels and merchant ships on principles similar to those, which originated and regulated the embargo law, authorized to be laid by the President of the United States, in the year 1784; but soon afterwards, in the genuine spirit of the policy, that prescribed the measure, it was declared by law, that in the event of such peace, or suspension of hostilities, between the belligerent powers of Europe, or such changes in their measures affecting neutral commerce, as might render that of the U. States safe, in the judgment of the President

of the United States, he was authorized to suspend the embargo, in the whole or in part. The pressure of the embargo was thought, however, so severe upon every part of the community, that the American government, notwithstanding the neutral character of the measure, determined upon some relaxation; & accordingly, the embargo being raised, as to all other nations, a system of non-intercourse and non-importation was substituted in March, 1809, as to Great Britain and France, which prohibited all voyages to the British or French dominions, and all trade in articles of British or French product or manufacture. But still adhering to the neutral and pacific policy of the government, it was declared, that the President of the United States should be authorized in case either France or Great Britain, should so revoke, or modify, her edicts, as that they should cease to violate the neutral commerce of the United States, to declare the same by proclamation; after which the trade of the United States might be renewed with the nation so doing. These appeals to the justice and the interests of the belligerent powers proving ineffectual; and the necessities of the country increasing, it was finally resolved by the American government, to take the hazards of a war; to revoke its restrictive edicts; and to exclude British and French armed vessels from the harbors and waters of the United States; but, again, emphatically to announce, that in case either Great Britain or France should, before the 3d of March 1811, so revoke, or modify, her edicts, as that they should cease to violate the neutral commerce of the United States; and if the other nation should not within three months thereafter, so revoke or modify, her edicts in like manner, the provisions of the non-intercourse and the non-importation law should, at the expiration of three months, be revived against the nation refusing, or neglecting, to revoke or modify its edicts.

In the course, which the American government had hitherto pursued, relative to the belligerent orders and decrees the candid foreigner, as well as the patriotic citizen, may perceive an extreme solicitude, for the preservation of peace; but in the publicity and impartiality of the overture, that was thus spread before the belligerent powers, it is impossible, that any indication should be found, of foreign influence or control. The overture was urged upon both nations for acceptance, at the same time and in the same manner; nor was an intimation withheld, from either of them, that it might be regarded by the belligerent first accepting it, as a promise to itself, and a warning to its enemy. Each of the nations, from the commencement of the retaliatory system, acknowledged, that its measures were violations of public law; and each pledged itself to retract them, whenever the other should set the example. Although the American government, therefore, persisted in its remonstrances against the original aggressions, without regard to the question of their priority, it embraced, with eagerness, every hope of reconciling the interests of the rival powers with a performance of the duty which they owed to the neutral character of the United States; and when the British minister, residing at Washington, in the year 1809, affirmed in terms as plain, and as positive, as language could apply, that he was authorized to declare, that his Britannic majesty's orders in council of

1 See the act of congress passed the 22d April 1807. 2 See the act of congress, passed the first day of March, 1809. 3 See the 11th section of the last cited act of congress. 4 See the act of congress passed the first of May, 1810. 5 See the correspondence between the secretary of state, and the American ministers at London and Paris. 6 See the documents laid before congress from time to time by the President, and printed.

January and November, 1807, will have been withdrawn, as respects the United States, on the 10th June, 1807, the President of the United States hastened, with approved liberality, to accept the declaration as conclusive evidence; that the promised fact would exist, at the stipulated period; and, by an immediate proclamation he announced, that after the 10th day of June next, the trade of the United States with Great Britain, as suspended by the non-intercourse law; and by the acts of congress, laying and enforcing an embargo, might be renewed. The American government neither asked, nor received from the British minister, an exemplification of his powers; an inspection of his order in council; but executed the compact, on the part of the United States, in all the sincerity of its own intentions; and in all the confidence, which the official act of the representative of his Britannic majesty, was calculated to inspire. The act and authority for the act, were, however, disavowed by Great Britain; and an attempt was made by the successor of Erskine, through the aid of insinuations, which were indignantly repulsed, to justify the British rejection of the treaty of 1809, by referring to the American rejection of the treaty of 1806; forgetting the essential points of difference, that the British government, on the former occasion, had been explicitly apprized by the American negotiators of their defect of power; and that the execution of the projected treaty had not, on either side, been commenced.

After this avowed attempt to obtain a just and honorable revocation of the British orders in council, the United States were again invited to indulge the hope of safety and tranquility, when the minister of France announced to the American minister at Paris, that in consideration of the act of the 1st of May, 1809 by which the congress of the United States engaged to oppose itself to that one of the belligerent powers, which should refuse to acknowledge the rights of neutrals, he was authorized to declare, that the decrees of Berlin and Milan were revoked, and that after the 1st of November, 1810, they would cease to have effect; it being understood, that in consequence of that declaration, the English should revoke their orders in council, and renounce the new principles of blockade which they had wished to establish; or that the United States conformably to the act of congress, should cause their rights to be respected by the English. This declaration, delivered by the official organ of the government of France, and in the presence, as it were, of the French sovereign, was of the highest authority, according to all rules of diplomatic intercourse; and certainly, far surpassed any claim of credence which was possessed by the British minister, residing at Washington, when the arrangement of the year 1809, was accepted and executed by the American government. The President of the United States, therefore, owed to the consistency of his own character, and to the dictates of a sincere impartiality, a prompt acceptance of the French overture; and accordingly the authoritative promise that the fact should exist at the stipulated period being again admitted as conclusive evidence of its existence, a proclamation was issued on the 2d of November, 1810, announcing that the edicts of France had been so revoked, as that they ceased on the first day of the same month, to violate the neutral commerce of the United States; and that all the restrictions

7 See the correspondence between Mr. Erskine, the British minister, and the secretary of state, on the 17th, 18th and 19th of April, 1809; and the President's proclamation of the last date. 8 See the correspondence between the secretary of state, and Mr. Jackson, the British minister. 9 See the duke de Cadore's letter to Mr. Armstrong, dated the 5th Aug. 1810.

1 See the order in council of the 7th of January, 1807. 2 See Mr. Erskine's letter to the secretary of state, dated the 12th of March, 1807. 3 See the secretary of state's letter to Mr. Erskine, dated the 20th of March 1807. 4 See the orders in council of the 11th November, 1807.

5 See Mr. Canning's letter to Mr. Pinkney, 23d February, 1808. 6 See Mr. Erskine's letter to the secretary of state, dated 22d of February 1808; and the answer of the secretary of state dated the 25th of March 1808. 7 See the Milan decree of the 7th of December.

8 See the act of congress, passed the 22d December, 1807.