AN

ADDRESS

OF

Members of the House of Representatives

OF THE

CONGRESS OF THE UNITED STATES,

TO THEIR

CONSTITUENTS,

ON THE SUBJECT

OF THE

WAR WITH GREAT BRITAIN.

BOSTON:

FROM THE PRESS OF JOHN ELIOT, JUN.

1812.

ADDRESS.

The undersigned Members of the House of Representatives, to their Respective Constituents.

A Republic has for its basis the capacity and right of the people to govern themselves. A main principle of a representative republic is the responsibility of the representatives to their constituents. Freedom and publicity of debate are essential to the preservation of such forms of government. Every arbitrary abridgement of the right of speech in representatives, is a direct infringement of the liberty of the people; every unnecessary concealment of their proceedings an approximation towards tyranny. When, by systematic rules, a majority takes to itself the right, at its pleasure, of limiting speech, or denying it altogether; when secret sessions multiply; and in proportion to the importance of questions, is the studious concealment of debate, a people may be assured, that, such practices continuing, their freedom is but short-lived.

Reflections, such as these, have been forced upon the attention of the undersigned, Members of the House of Representatives of the United States, by the events of the present session of Congress. They have witnessed a principle, adopted as the law of the House, by which, under a novel application of the previous question, a power is assumed by the majority to deny the privilege of speech, at any stage, and under any circumstances of debate. And recently, by an unprecedented assumption, the right to give reasons for an original motion, has been made to depend upon the will of the majority.

Principles more hostile than these to the existence of representative liberty cannot easily be conceived. It is not, however on these accounts, weighty as they are, that the undersigned have undertaken this address. A subject of higher and more immediate importance impels them to the present duty.

The momentous question of war, with Great Britain, is decided. On this topic, so vital to your interests, the right of public debate, in the face of the world, and especially of their constituents, has been denied to your representatives. They have been called into secret session, on this most interesting of all your public relations, although the circumstances of the time and of the nation afforded no one reason for secrecy, unless it be found in the apprehension of the effect of public debate on public opinion; or of public opinion on the result of the vote.

Except the message of the President of the United States, which

is now before the public, nothing confidential was communicated. That message contained no fact, not previously known. No one reason for war was intimated, but such as was of a nature public and notorious. The intention to wage war and invade Canada had been long since openly avowed. The object of hostile menace had been ostentatiously announced. The inadequacy of both our army and navy for successful invasion, and the insufficiency of the fortifications for the security of our seaboard, were, every where, known. Yet the doors of Congress were shut upon the people. They have been carefully kept in ignorance of the progress of measures, until the purposes of administration were consummated, and the fate of the country sealed. In a situation so extraordinary, the undersigned have deemed it their duty by no act of theirs to sanction a proceeding so novel and arbitrary. On the contrary, they made every attempt in their power to attain publicity for their proceedings. All such attempts were vain. When this momentous subject was stated, as for debate, they demanded that the doors should be opened.

This being refused, they declined discussion; being perfectly convinced, from indications too plain to be misunderstood, that, in the house, all argument, with closed doors, was hopeless; and that any act, giving implied validity to so flagrant an abuse of power, would be little less than treachery to the essential rights of a free people. In the situation to which the undersigned have thus been reduced, they are compelled reluctantly to resort to this public declaration of such views of the state and relations of the country, as determined their judgment and vote upon the question of war. A measure of this kind has appeared to the undersigned to be more imperiously demanded, by the circumstance of a message and manifesto being prepared, and circulated at public expence, in which the causes for war were enumerated and the motives for it concentrated, in a manner suited to agitate and influence the public mind. In executing this task, it will be the study of the undersigned to reconcile the great duty they owe to the people with that constitutional respect which is due to the administrators of public concerns.

In commencing this view of our affairs, the undersigned would fail in duty to themselves, did they refrain from recurring to the course, in relation to public measures, which they adopted and have undeviatingly pursued from the commencement of this long and eventful session; in which they deliberately sacrificed every minor consideration to, what they deemed, the best interests of the country.

For a succession of years the undersigned have from principle disapproved a series of restrictions upon commerce, according to their estimation, insufficient as respected foreign nations, and injurious, chiefly, to ourselves. Success, in the system, had become identified with the pride, the character and the hope of our cabinet. As is natural with men, who have a great stake depending on the success of a favourite theory, pertinacity seemed to increase as its hopelessness became apparent. As the insufficiency of this system could not be admitted, by its advocates, without insuring its abandonment, ill success was carefully attributed to the influence of opposition.

To this cause the people were taught to charge its successive failures, and not to its intrinsic imbecility. In this state of things the undersigned deemed it proper, to take away all apology for adherence to this oppressive system. They were, desirous, at a period so critical in publick affairs, as far as was consistent with the independence of opinion, to contribute to the restoration of harmony in the publick councils, and concord among the people. And if any advantage could be thus obtained in our foreign relations, the undersigned, being engaged in no purpose of personal or party advancement, would rejoice in such an occurrence.

The course of public measures also, at the opening of the session, gave hope that an enlarged and enlightened system of defence, with provision for security of our maritime rights, was about to be commenced, a purpose which, wherever found, they deemed it their duty to foster, by giving, to any system of measures, thus comprehensive, as unobstructed a course as was consistent with their general sense of publick duty. After a course of policy, thus liberal and conciliatory, it was cause of regret that a communication should have been purchased by an unprecedented expenditure of secret service money; and used, by the chief magistrate, to disseminate suspicion and jealousy; and to excite resentment among the citizens, by suggesting imputations against a portion of them, as unmerited by their patriotism, as unwarranted by evidence.

It has always been the opinion of the undersigned, that a system of peace was the policy, which most comported with the character, condition, and interest of the United States; that their remoteness from the theatre of contest, in Europe, was their peculiar felicity, and that nothing but a necessity, absolutely imperious, should induce them to enter as parties into wars, in which every consideration of virtue and policy seems to be forgotten, under the overbearing sway of rapacity and ambition. There is a new era in human affairs.—The European world is convulsed. The advantages of our situation are peculiar. "Why quit our own to stand upon foreign ground? Why, by interweaving our destiny with that of any part of Europe, entangle our peace and prosperity in the toils of European ambition, rivalship, interest, humour, or caprice?"*

In addition to the many moral and prudential considerations, which should deter thoughtful men from hastening into the perils of such a war, there were some peculiar to the United States, resulting from the texture of the government, and the political relations of the people. A form of government, in no small degree experimental, composed of powerful and independent sovereignties, associated in relations, some of which are critical, as well as novel, should not be hastily precipitated into situations, calculated to put to trial the strength of the moral bond, by which they are united. Of all states, that of war is most likely to call into activity the passions, which are hostile and dangerous to such a form of government. Time is yet important to our country to settle and mature its recent institutions. A-

* Washington.

bove all, it appeared to the undersigned, from signs not to be mistaken, that if we entered upon this war, we did it as a divided people; not only from sense of the inadequacy of our means to success, but from moral and political objections of great weight, and very general influence.

It appears to the undersigned, that the wrongs of which the United States have to complain, although in some aspects very grievous to our interests, and, in many, humiliating to our pride, were yet of a nature, which, in the present state of the world, either would not justify war, or which war would not remedy. Thus, for instance, the hovering of British vessels upon our coasts, and the occasional insults to our ports, imperiously demanded such a systematick application of harbour and sea-coast defence, as would repel such aggressions; but, in no light, can they be considered as making a resort to war, at the present time, on the part of the United States, either necessary, or expedient. So also, with respect to the Indian war, of the origin of which but very imperfect information has as yet been given to the publick. Without any express act of Congress, an expedition was last year set on foot and prosecuted into the Indian territory, which had been relinquished by treaty on the part of the United States. And now we are told about the agency of British traders, as to Indian hostilities. It deserves consideration, whether there has been such provident attention, as would have been proper to remove any cause of complaint, either real or imaginary, which the Indians might allege, and to secure their friendship. With all the sympathy and anxiety excited by the state of that frontier, important as it may be to apply adequate means of protection against the Indians, how is its safety ensured by a declaration of war, which adds the British to the number of enemies?

As "a decent respect to the opinions of mankind" has not induced the two houses of Congress to concur in declaring the reasons, or motives, for their enacting a declaration of war, the undersigned and the public are left to search, else where, for causes either real or ostensible. If we are to consider the President of the United States, and the committee of the house of Representatives on foreign relations, as speaking on this solemn occasion for Congress, the United States have three principal topics of complaint against Great-Britain. Impressments;—blockades;—and orders in council.

Concerning the subject of impressment, the undersigned sympathize with our unfortunate seamen, the victims of this abuse of power, and participate in the national sensibility on their account. They do not conceal from themselves both its importance and its difficulty; and they are well aware how stubborn is the will, and how blind the vision of powerful nations, when great interests grow into controversy.

But before a resort to war for such interests, a moral nation will consider what is just, and a wise nation what is expedient. If the exercise of any right to the full extent of its abstract nature, be inconsistent with the safety of another nation, morality seems to require that, in practice, its exercise should in this respect be modi-

fied. If it be proposed to vindicate any right by war, wisdom demands that it should be of a nature by war to be obtained. The interests connected with the subject of impressment are unquestionably great to both nations; and in the full extent of abstract right as asserted by each, perhaps irreconcilable.

The government of the United States asserts the broad principle that the flag of their merchant vessels shall protect the mariners. This privilege is claimed, although every person on board, except the captain, may be an alien.

The British government asserts that the allegiance of their subjects is inalienable in time of war, and that their seamen, found on the sea, the common highway of nations, shall not be protected by the flag of private merchant vessels.

The undersigned deem it unnecessary here to discuss the question of the American claim, for the immunity of their flag. But they cannot refrain from viewing it as a principle, of a nature very broad and comprehensive; to the abuse of which the temptations are strong and numerous. And they do maintain, that before the calamities of war in vindication of such a principle be incurred, all the means of negociation should be exhausted, and that also every practicable attempt should be made to regulate the exercise of the right; so that the acknowledged injury, resulting to other nations, should be checked, if not prevented. They are clearly of opinion that the peace of this happy and rising community should not be abandoned for the sake of affording facilities to cover French property; or to employ British seamen.

The claim of Great Britain to the services of her seamen is neither novel, nor peculiar. The doctrine of allegiance for which she contends is common to all the governments of Europe. France, as well as England, has maintained it for centuries. Both nations claim, in time of war, the services of their subjects. Both by decrees forbid their entering into foreign employ. Both recall them by proclamation.

No man can doubt that, in the present state of the French marine, if American merchant vessels were met at sea, having French seamen on board, France would take them. Will any man believe that the United States would go to war against France on this account?

For very obvious reasons, this principle occasions little collision with France, or with any other nation, except England. With the English nation, the people of the United States are closely assimilated, in blood, language, intercourse, habits, dress, manners and character. When Britain is at war and the United States neutral, the merchant service of the United States holds out to British seamen temptations almost irresistable;—high wages and peaceful employ, instead of low wages and war-service:—safety in lieu of hazard;—entire independence, in the place of qualified servitude.

That England, whose situation is insular, who is engaged in a war apparently for existence, whose seamen are her bulwark, should look upon the effect of our principle upon her safety with jealousy, is inevitable; and that she will not hazard the practical consequences

of its unregulated exercise, is certain. The question, therefore, presented, directly, for the decision of the thoughtful and virtuous mind, in this country is—whether war for such an abstract right be justifiable, before attempting to guard against its injurious tendency by legislative regulation, in failure of treaty.

A dubious right should be advanced with hesitation. An extreme right should be asserted with discretion. Moral duty reqûires, that a nation, before it appeals to arms, should have been, not only true to itself, but that it should have failed in no duty to others. If the exercise of a right, in an unregulated manner, be in effect a standing invitation to the subjects of a foreign power to become deserters and traitors, is it no injury to that power?

Certainly, moral obligation demands that the right of flag, like all other human rights, should be so used, as that, while it protects what is our own, it should not injure what is another's. In a practical view, and so long as the right of flag is restrained by no regard to the undeniable interests of others, a war on account of impressments, is only a war for the right of employing British seamen on board American merchant vessels.

The claim of Great Britain pretends to no further extent, than to take British seamen from private merchant vessels. In the exercise of this claim, her officers take American seamen, and foreign seamen, in the American service; and although she disclaims such abuses, and proffers redress, when known, yet undoubtedly grievous injuries have resulted to the seamen of the United States. But the question is, can war be proper for such cause, before all hope of reasonable accommodation has failed? Even after the extinguishment of such hope, can it be proper, until our own practice be so regulated as to remove, in such foreign nation, any reasonable apprehension of injury?

The undersigned are clearly of opinion that the employment of British seamen, in the merchant service of the United States, is as little reconcileable with the permanent, as the present interest of the United States. The encouragement of foreign seamen is the discouragement of the native American.

The duty of government towards this valuable class of men is not only to protect, but to patronize them. And this cannot be done more effectually than by securing to American citizens the privileges of American navigation.

The question of impressment, like every other question relative to commerce, has been treated in such a manner, that what was possessed is lost, without obtaining what was sought. Pretensions, right in theory, and important in interest, urged, without due consideration of our relative power, have eventuated in a practical abandonment, both of what we hoped and what we enjoyed. In attempting to spread our flag over foreigners, its distinctive character has been lost to our own citizens.

The American seaman, whose interest it is to have no competitors in his employment, is sacrificed, that British seamen may have equal privileges with himself.

Ever since the United States have been a nation, this subject has been a matter of complaint and negotiation ; and every former administration have treated it, according to its obvious nature, as a subject rather for arrangement than for war. It existed in the time of Washington, yet this father of his country recommended no such resort. It existed in the time of Adams, yet, notwithstanding the zeal in support of our maritime rights, which distinguished his administration, war was never suggested by him as the remedy. During the eight years Mr. Jefferson stood at the helm of affairs, it still continued a subject of controversy and negotiation ; but it was never made a cause for war. It was reserved for the present administration to press this topic to the extreme and most dreadful resort of nations ; although England has officially disavowed the right of impressment, as it respects native citizens, and an arrangement might well be made consistent with the fair pretensions of such as are naturalized.

That the real state of this question may be understood, the undersigned recur to the following facts as supported by official documents. Mr. King, when minister in England, obtained a disavowal of the British government of the right to impress "American seamen," naturalized as well as native, on the high seas. An arrangement had advanced nearly to a conclusion, upon this basis, and was broken off only because Great Britain insisted to retain the right on "the narrow seas." What, however, was the opinion of the American minister, on the probability of an arrangement, appears from the public documents, communicated to congress in the session of 1808, as stated by Mr. Madison in these words, "at the moment the arti- "cles were expected to be signed, an exception of "the narrow "seas" was urged and insisted on by Lord St. Vincents, and being "utterly inadmissible on our part, the negotiation was abandoned."

Mr. King seems to be of opinion, however, "that, with more time "than was left him for the experiment, the objection might have "been overcome." What time was left Mr. King for the experiment, or whether any was ever made, has not been disclosed to the public. Mr. King, soon after returned to America : It is manifest from Mr. King's expression that he was limited in point of time, and it is equally clear that his opinion was, that an adjustment could take place. That Mr. Madison was also of the same opinion is demonstrated by his letters to Messrs. Monroe and Pinkney, dated the 3d of February, 1807, in which he uses these expressions. "I take it "for granted that you have not failed to make due use of the ar- "rangement concerted by Mr. King with Lord Hawksbury, in the year "1802, for settling the question of impressment. *On that occasion "and under that administration the British principle was fairly re- "nounced in favor of the right of our flag, Lord Hawksbury having "agreed to prohibit impressments on the high seas,*" and Lord St. "Vincents requiring nothing more than an exception of the narrow "seas, an exception resting on the obsolete claim of Great Britain "to some peculiar dominion over them." Here then we have a full acknowledgment that Great Britain was willing to renounce the

right of impressment, on the high seas, in favor of our flag;—that she was anxious to arrange the subject.

It further appears that the British ministry called for an interview with Messrs. Monroe and Pinkney, on this topic; that they stated the nature of the claim, the King's prerogative; that they had consulted the crown officers and the board of admiralty, who all concurred in sentiment, that under the circumstances of the nation, the relinquishment of the right was a measure, which the government could not adopt, without taking on itself a responsibility, which no ministry would be willing to meet, however pressing the exigency might be. They offered, however, on the part of Great Britain, to pass laws making it penal for British commanders to impress American citizens, on board of American vessels, on the high seas, if America would pass a law, making it penal for the officers of the United States to grant certificates of citizenship to British subjects.—This will be found, in the same documents, in a letter from Messrs. Monroe and Pinkney to Mr. Madison, dated 11th of November, 1806. Under their peremptory instructions, this proposition, on the part of Great Britain, could not be acceded to by our ministers. Such, however, was the temper and anxiety of England, and such the candor and good sense of our ministers, that *an honourable and advantageous arrangement did take place.* The authority of Mr. Monroe, then Minister at the court of Great Britain, now Secretary of State, and one of the present administration, who have recommended war with England, and assigned impressments as a cause, supports the undersigned in asserting, that it was honourable and advantageous: for in a letter from Richmond dated the 28th of February 1808, to Mr. Madison, the following expressions are used by Mr. Monroe.—"I have on the contrary always believed and still do believe that the "ground on which that interest (impressment) was placed by the "paper of the British Commissioners of 8th November 1806, and "the explanation which accompanied it, *was both honourable and ad-*"*vantageous to the United States*, that it contained a concession in "their favor on the part of Great Britain, on the great principle in "contestation, never before made by a formal and obligatory act of "their government, which was highly favourable to their interest."

With the opinion of Mr. King so decidedly expressed, with the official admission of Mr. Madison, with the explicit declaration of Mr. Monroe, all concurring that Great Britain was ready to abandon impressment on the high seas, and with an honourable and advantageous arrangement, actually made by Mr. Monroe, how can it be pretended, that all hope of settlement, by treaty, has failed? how can this subject furnish a proper cause of war?

With respect to the subject of blockades, the principle of the law of nations, as asserted by the United States, is, that a blockade can only be justified when supported by an adequate force. In theory this principle is admitted by Great Britain. It is alleged, however, that *in practice* she disregards that principle.

The order of blockade, which has been made a specific ground of complaint by France, is that of the 16th of May, 1806. Yet, strange as it may seem, this order, which is now made one ground of war

between the two countries, was, at the time of its first issuing, viewed as an act of favor and conciliation. On this subject it is necessary to be explicit. The vague and indeterminate manner in which the American and French governments, in their official papers, speak of this order of blockade, is calculated to mislead. An importance is attached to it, of which, in the opinion of the undersigned, it is not worthy. Let the facts speak for themselves.

In August, 1804, the British established a blockade at the entrance of the French ports, naming them, from Fecamp to Ostend; and from their proximity to the British coasts, and the absence of all complaint, we may be permitted to believe that it was a legal blockade, enforced according to the usages of nations. On the 16th of May, 1806, the English Secretary of State, Mr. Fox, notified to our Minister at London, that his government had thought fit to direct necessary measures to be taken for the blockade of the coasts, rivers and ports, from the river Elbe to the river Brest, both inclusive.*

In point of fact, as the terms used in the order will show, this paper, which has become a substantive and avowed cause for non-intercourse, embargo and war, is a blockade only of the places, on the French coast, from Ostend to the Seine, and even as to these it is merely as it professes to be, a continuance of a former and existing blockade. For with respect to the residue of the coast, trade of neutrals is admitted, with the exception only of enemy's property and articles contraband of war, which are liable to be taken without a blockade; and except the direct colonial trade of the enemy, which Great Britain denied to be free by the law of nations. Why the order was thus extended, in its form, while in effect it added nothing to orders and regulations already existing, will be known by adverting to papers, which are before the world. In 1806, France had yet colonies, and the wound inflicted on our feelings, by the interference of the British government in our trade with those colonies, had been the cause of remonstrance and negotiation. At the moment when the order of May 1806 was made, Mr. Monroe, the present Secretary of State, then our minister plenipotentiary at the Court of Great Britain, was in treaty on the subject of the carrying trade, and judging on the spot, and at the time, he, unhesitatingly, gave his opinion, that the order was made to favor American views and interests. This idea is unequivocally expressed, in Mr. Monroe's letters to Mr. Madison of the 17th, and 20th† of May, and of the 9th of June, 1806.

* The terms of the order are these, "That the said coast, rivers and ports must be "considered as blockaded," but, "that such blockade shall not extend to prevent neu-"tral ships and vessels, laden with goods, not being the property of his majesty's ene-"mies, and not being contraband of war, from approaching the said coasts and entering "into and sailing from the said rivers and ports, *save and except* the coast, rivers and "ports from Ostend to the river Seine, already in a state of strict and rigorous blockade; "and which are to be considered as so continued," with a proviso that the vessels "enter-"ing had not been laden at a port belonging to, or in possession of, the enemies of Great "Britain, and the vessels departing were not destined to an enemy's port, or had previous-"ly broken blockade."

† The following are extracts from these letters. In that of the 17th May, 1806, he thus speaks of that blockade. It is "couched in terms of restraint and professes to extend

And as late as October, 1811, the same Gentleman, writing as Secretary of State to the British minister, speaking of the same order of blockade of May, 1806, says, "it strictly was little more than "a blockade of the coast from Seine to Ostend." "The object was "to afford to the United States an accommodation respecting the "colonial trade."

It appears, then, that this order was, in point of fact, made to favour our trade, and was so understood and admitted by the government of this country, at that time and since; that, instead of extending prior blockades, it lessened them; that the country from Seine to Brest, and from Ostend to Elbe was inserted to open them to our colonial trade and for our accommodation, and that it was never made the subject of complaint, by the American government, during its practical continuance, that is, not until the first order in council; and indeed not until after the 1st of May, 1810; and until after the American government was apprized of the ground, which it was the will of France should be taken upon the subject.

Of this we have the most decisive proof in the offers made under the administration of Mr. Jefferson, for the discontinuance of the Embargo as it related to Great Britain; none of which required the repeal of the blockade of May 1806; and also in the arrangement made during the administration of Mr. Madison, and under his eye with Mr. Erskine. The non-intercourse act of March 1809, and the act "concerning commercial intercourse" of May 1810, vest the President of the United States with the very same power, in the very same terms. Both authorise him "in case either Great Brit-"ain or France shall so revoke or modify her edicts, as that they "shall cease to violate the neutral commerce of the United States," to declare the same by proclamation. And by the provisions of one law in such case, non-intercourse was to cease; by those of the other it was to be revived. In consequence of power vested by the first act, the arrangement with Erskine was made, and the revocation of the orders in council of January and November 1807 was considered as a full compliance with the law, and as removing all the anti-neutral edicts. The blockade of May 1806 was not included in the arrangement and it does not appear, that it was deemed of sufficient importance to engage even a thought. Yet under the act of May, 1810, which vests the very same power, a revocation of this blockade of May, 1806, is made by our cabinet a *sine qua non*; an indispensible requisite! And now, after the British minister has

"the bloskade further than was heretofore done, *nevertheless it takes it from many* "*ports, already blockaded* indeed, from all East of Ostend, and West of the Seine, ex-"cept in articles contraband of war and enemies property, which are seizable without "blockade. And in like form of exception, considering every enemy as one power, it "admits the trade of neutrals, within the same limits, to be free in the productions of "enemies colonies, in every but the direct route between the colony and the parent "country." Mr. Monroe adds, "It cannot be doubted that the note was drawn by the "government, in reference to the question, and if intended as the foundation of a treaty "must be viewed in a favorable light." On the 20th of May, Mr. Monroe writes to Mr. Madison, that he had been "strengthened in the opinion, that the order of the 16th "was drawn with a view to the question of our trade with enemies colonies, and that it "promises to be highly satisfactory to our commercial interests."

directly avowed that this order of blockade would not continue after a revocation of the orders in council, without a due application of an adequate force, the existence of this blockade is insisted upon as a justifiable cause of war, notwithstanding that our government admits a blockade is legal, to the maintenance of which an adequate force is applied.

The undersigned are aware, that, in justification of this new ground, it is now said that the extension on paper, for whatever purpose intended, favors the principle of paper blockades. This however can hardly be urged, since the British* formally disavow the principle; and since they acknowledge the very doctrine of the law of nations, for which the American administration contend, henceforth the existence of a blockade becomes a question of fact: it must depend upon the evidence adduced in support of the adequacy of the blockading force.

From the preceding statement it is apparent that, whatever there is objectionable in the principle of the order of May 1806, or in the practice under it, on ground merely American, it cannot be set up as a sufficient cause of war; for until France pointed it out as a cause of controversy, it was so far from being regarded, as a source of any new or grievous complaint, that it was actually considered, by our government, in a favorable light.

The British Orders in Council are the remaining source of discontent, and avowed cause of war. These have, heretofore, been considered by our government in connexion with the French decrees. Certainly, the British Orders in Council and French decrees form a system subversive of neutral rights, and constitute just grounds of complaint; yet, viewed relatively to the condition of those powers towards each other, and of the United States towards both, the undersigned cannot persuade themselves that the Orders in Council, as they now exist, and with their present effect and operation, justify the selection of Great Britain as our enemy, and render necessary a declaration of unqualified war.

Every consideration of moral duty and political expedience seems to concur in warning the United States, not to mingle in this hopeless, and, to human eye, interminable European contest. Neither France, nor England, pretends that their aggressions can be defended, on the ground of any other belligerent right, than that of particular necessity.

Both attempt to justify their encroachments on the general law of nations by the plea of retaliation. In the relative position and pro-

* Mr. Foster in his letter of the 3d July 1811 to Mr. Monroe thus states the doctrine maintained by his government.

"Great Britain has never attempted to dispute that, in the ordinary course of the law "of nations, no blockade can be justifiable or valid, unless it be supported by an ade- "quate force destined to maintain it and to expose to hazard all vessels attempting to e- "vade its operation.

"Mr. Foster in his letter to Mr. Monroe of the 26th July, 1811, also says, "The block- "ade of May 1806, will not continue after the repeal of the orders in council, unless his "Majesty's government shall think fit to sustain it by the special application of a suffi- "cient naval force, and the fact of its being so continued, or not, will be notified at the "time."

portion of strength of the United States to either belligerent, there appeared little probability, that we could compel the one or the other, by hostile operations, to abandon this plea.

And as the field of commercial enterprize, after allowing to the decrees and orders their full practical effect, is still rich and extensive, there seemed as little wisdom as obligation to yield solid and certain realities for unattainable pretensions. The right of retaliation, as existing in either belligerent, it was impossible for the United States, consistent with either their duty or interest, to admit. Yet such was the state of the decrees and orders of the respective belligerents, in relation to the rights of neutrals, that, while on the one hand, it formed no justification to either, so on the other, concurrent circumstances formed a complete justification to the United States in maintaining, notwithstanding these encroachments, provided it best comported with their interests, that system of impartial neutrality, which is so desirable to their peace and prosperity. For if it should be admitted, which no course of argument can maintain, that the Berlin decree, which was issued on the 21st of November 1806, was justified by the antecedent orders of the British admiralty, respecting the colonial trade, and by the order of blockade of the 16th of May preceding, yet on this account there resulted no right of retaliation to France, as it respected the United States. They had expressed no acquiescence either in the British interference with the colonial trade, or in any extension of the principles of blockade. Besides, had there been any such neglect on the part of the United States, as warranted the French emperor in adopting his principle of retaliation, yet in the exercise of that pretended right he passed the bounds of both public law and decency; and in the very extravagance of that exercise, lost the advantage of whatever colour the British had afforded to his pretences. Not content with adopting a principle of retaliation, in terms limited and appropriate to the injury of which he complained, he declared "all the British Islands in a state "of blockade; prohibited all commerce and correspondence with "them, all trade in their manufactures; and made lawful prize of "all merchandize, belonging to England, or coming from its man-"ufactories and colonies."

The violence of these encroachments was equalled only by the insidiousness of the terms and manner, in which they were promulgated. The scope of the expressions of the Berlin decree was so general, that it embraced within its sphere the whole commerce of neutrals with England. Yet Decres, Minister of the Marine of France, by a formal note of the 24th December, 1806, assured our minister Plenipotentiary, that the imperial decree of the 21st November, 1806, "*was not to affect our commerce, which "would still be governed by the rules of the treaty established "between the two countries.*" Notwithstanding this assurance however, on the 18th September following, Regnier, grand minister of justice, declared "*that the intentions of the Emperor were that, by "virtue of that decree, French armed vessels might seize in neutral "vessels, either English property, or merchandize proceeding from "the English manufactories; and that he had reserved for future*

"*decision, the question whether they might not possess themselves* "*of neutral vessels going to or from England, although they had* "*no English manufactures or board,*" pretensions so obviously exceeding any measure of retaliation, that, if the precedent acts of the British government had afforded to such a resort any colour of right, it was lost in the violence and extravagance of these assumed principles.

To the Berlin decree succeeded the British orders in council of the 7th of January 1807, which were merged in the orders of the 11th of November following. These declared "all ports and places belonging to France and its allies, from which the British flag was excluded, all in the colonies of his Britannic majesty's enemies, in a state of blockade; prohibiting all trade in the produce and manufactures of the said countries or colonies; and making all vessels trading to or from them and all merchandise on board subject to capture and condemnation, with an exception only in favour of the direct trade between neutral countries and the colonies of his majesty's enemies."

These extravagant pretensions on the part of Great-Britain were immediately succeeded by others still more extravagant on the part of France. Without waiting for any knowledge of the course the American government would take, in relation to the British orders in council, the French Emperor issued, on the 17th of December following, his Milan decree, by which "every ship, of "whatever nation, which shall have submitted to search by an "English ship, or to a voyage to England, or paid any tax to that "government, are declared *denationalized* and lawful prize.

"The British Islands are declared in a state of blockade, by sea "and land, and every ship, of whatever nation, or whatsoever the "nature of its cargo may be, that sails from England, or those of the "English colonies, or of countries occupied by English troops, "and proceeding to England, or to the English colonies, or to "countries occupied by the English, to be good prize." The nature and extent of these injuries, thus accumulated by mutual efforts of both belligerents, seemed to teach the American statesmen this important lesson—not to attach the cause of his country to one or the other; but by systematic and solid provisions, for sea-coast and maritime defence, to place its interests, as far as its situation and resources permit, beyond the reach of the rapacity, or ambition of any European power. Happy would it have been for our country, if a course of policy so simple and obvious had been adopted!

Unfortunately our administration had recourse to a system, complicated in its nature, and destructive in its effects; which, instead of relief from the accumulated injuries of foreign governments, served only to fill up what was wanting in the measure of evils abroad by artificial embarrassments at home. As long ago as the year 1794, Mr. Madison, the present President of the United States, then a member of the House of Representatives, devised and proposed a system of commercial restrictions, which had for its object the coercion of Great-Britain, by a denial to her of our

products and our market; asserting that the former was, in a manner, essential to her prosperity, either as necessaries of life, or as raw materials for her manufactures; and that, without the latter, a great proportion of her labouring classes could not subsist.

In that day of sage and virtuous forethought the proposition was rejected. It remained, however, a theme of unceasing panegyric among an active class of American politicians, who with a systematic pertinacity inculcated among the people, that commercial restrictions were a species of warfare, which would ensure success to the United States and humiliation to Great Britain.

There were two circumstances inherent in this system of coercing Great Britain by commercial restrictions, which ought to have made practical politicians very doubtful of its result, and very cautious of its trial. These were the state of opinion in relation to its efficacy among commercial men in the United States; and the state of feeling, which a resort to it would unavoidably produce, in Great Britain. On the one hand, it was undeniable that the great body of commercial men in the United States had no belief in such a dependence of Great Britain, upon the United States, either for our produce, or our market, as the system implied.

Without the hearty co-operation of this class of men, success in its attempt was obviously unattainable. And as on them the chief suffering would fall, it was altogether unreasonable to expect that they would become instruments co-operating in support of any system, which was ruin to them, and without hope to their country. On the other hand, as it respects Great Britain, a system, proceeding upon the avowed principle of her dependence upon us, was among the last to which a proud and powerful nation would yield.

Notwithstanding these obvious considerations, in April, 1806, Mr. Madison being then Secretary of State, a law passed Congress, prohibiting the importation of certain specified manufactures of Great Britain and her dependencies, on the basis of Mr. Madison's original proposition. Thus the United States entered on the system of commercial hostility against Great Britain.

The decree of Berlin was issued in the ensuing November, (1806.) The treaty, which had been signed at London, in December, 1806, having been rejected by Mr. Jefferson, without being presented to the Senate for ratification, and the non-importation act not being repealed, but only suspended, Great Britain issued her orders in council, on the 11th November, 1807.

On the 21st of the same month of Nov. Champagny, French minister of foreign affairs, wrote to Mr. Armstrong, the American minister, in the words following. "All the difficulties, which "have given rise to your reclamations, Sir, would be removed "with ease, if the government of the United States, after com- "plaining in vain of the injustice and violations of England, took, "with the whole continent, the part of guaranteeing it therefrom."

On the 17th of the ensuing December, the Milan decree was

issued on the part of France, and five days afterwards the embargo was passed on the part of the United States. Thus was completed, by acts nearly cotemporaneous, the circle of commercial hostilities.

After an ineffectual trial of four years to control the policy of the two belligerents by this system, it was on the part of the United States, for a time, relinquished. The act of the 1st of May, 1810, gave the authority, however, to the President of the United States to revive it against Great Britain, in case France revoked her decrees. Such revocation on the part of France was declared by the President's proclamation on the 2d November, 1810; and in consequence non-intercourse was revived by our administration against Great Britain.

At all times the undersigned have looked with much anxiety for the evidence of this revocation. They wished not to question, what, in various forms, has been so often asserted by the administration and its agents, by their directions. But neither as public men, nor as citizens, can they consent that the peace and prosperity of the country should be sacrificed, in maintenance of a position, which on no principle of evidence they deem tenable. They cannot falsify, or conceal their conviction, that the French decrees neither have been, nor are revoked.

Without pretending to occupy the whole field of argument which the question of revocation has opened, a concise statement seems inseparable from the occasion.

The condition on which the non-intercourse, according to the act of 1st May, 1810, might be revived against Great Britain, was, on the part of France, *an effectual revocation of her decrees.* What the President of the United States was bound to require from the French government was, *the evidence of* such effectual revocation. Upon this point both the right of the United States and the duty of the President seem to be resolvable into very distinct and undeniable principles. The object to be obtained for the United States from France was *an effectual revocation* of the decrees. A revocation to be effectual must include, in the nature of things, this essential requisite:—the wrongs done to the neutral commerce of the United States, by the operation of the decrees, must be stopped. Nothing short of this could be an effectual revocation.

Without reference to the other wrongs resulting from those decrees to the commerce of the United States; it will be sufficient to state the prominent wrong done by the 3d. article* of the

* This article is in these words:

"*Art. III.* The British islands are declared to be in a state of blockade, both by "land and sea. Every ship of whatever nation, or whatsoever the nature of its car- "go may 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, is good and lawful "prize, as contrary to the present decree, and *may be captured by our ships of war,* "*or our privateers, and adjudged to the captor.*"

Milan decree. The nature of this wrong essentially consisted *in the authority given* to French ships of war and privateers to make prize at sea of every neutral vessel, sailing to or from any of the English possessions. The authority to capture was the very essence of the wrong. It follows therefore, that *an effectual revocation required that the authority to capture should be annulled.* Granting therefore, for the sake of argument, (what from its terms and its nature was certainly not the case) that the noted letter of the Duke of Cadore of the 5th of August 1810 held forth a revocation, good in point of form, and unconditional, yet *it was not that effectual revocation* for which the act of 1st May 1810 alone authorised the President of the United States to issue his proclamation, *unless in consequence of that letter the authority to capture was annulled.* The letter itself is no annulment of the authority to capture, and it is notorious that no evidence of the annulment of this authority to capture ever has been adduced. It has not even been pretended. On the contrary there is decisive and almost daily evidence of the continued existence of this authority to capture.

The charge of executing the decrees of Berlin and Milan was, so far as concerned his department, given by the terms of those decrees to the French minister of Marine. According to established principles of general law, the imperial act which gave the authority must be annulled by another imperial act, equally formal and solemn ; or at least the authority to capture must be countermanded by some order or instruction from the minister of marine. Nothing short of this could annul the authority according to the rule of the sea service. Was such annulling act ever issued by the French Emperor ? Were any such countermanding orders or instructions ever given by the French minister of marine ? In exercising a trust, committed to him by the legislature, on a point so interesting to the neutral commerce of the United States, and so important to the peace of the nation, was it not the duty of the President to have the evidence of such annulment, before the issuing of any proclamation ? Has he ever insisted upon such evidence ? Was it of no consequence in the relative situation of this country as to foreign powers, that the regular evidence should be received by our administration, and made known ? Why has a matter of evidence, so obviously proper, so simple in its nature, so level to general apprehension, and so imperiously demanded by the circumstances of the case, been wholly omitted ? And why, if the Berlin and Milan decrees are annulled, as is pretended, does the French emperor withhold this evidence of their annulment ? Why does he withhold it, when the question of revocation is presented under circumstances of so much urgency ?

Not only has it never been pretended that any such imperial act of annulment has issued, or that any such orders or instructions, countermanding the authority to capture, were ever given,

but there is decisive evidence of the reverse in the conduct of the French public armed ships and privateers. At all times since Nov. 1810, these ships and privateers have continued to capture our vessels and property, on the high seas, upon the principles of the Berlin and Milan decrees. A numerous list of American vessels, thus taken since the 1st of Nov. 1810, now exists in the office of the secretary of state: and among the captures are several vessels with their cargoes lately taken and destroyed at sea, without the formality of a trial, by the commander of a French squadron, at this moment cruizing against our commerce, under orders given by the minister of marine, to whom the execution of the decrees was committed; and these too issued in January last. In the Baltic and Mediterranean seas, captures by French privateers are known to us by official documents to have been made, under the authority of these decrees. How then are they revoked? How have they ceased to violate our neutral commerce?

Had any repeal or modification of those decrees in truth taken place, it must have been communicated to the prize courts, and would have been evidenced by some variation either in their rules, or in the principles of their decisions. In vain, however, will this nation seek for such proof of the revocation of the decrees. No acquittal has ever been had in any of the prize courts, upon the ground that the Berlin and Milan decrees had ceased, even as it respects the United States. On the contrary the evidence is decisive that they are considered by the French courts as existing.

There are many cases corroborative of this position. It is enough to state only two, which appear in the official reports. The American ship Julian was captured by a French privateer on the 4th of July, 1811, and on the 10th of September, 1811, the vessel and cargo were condemned by the council of prizes at Paris, among other reasons, *because she was visited by several English vessels.* On the same day the Hercules, an American ship, was condemned by the imperial court of prizes, alleging "that it was impossible that she was not visited by the enemy's ships of war." So familiar to them was the existence of the decrees, and such their eagerness to give them effect against our commerce, that they feigned a visitation to have taken place, and that notwithstanding the express declaration of the captain and crew to the contrary. In addition to which evidence, Mr. Russell's letter to the Secretary of State, dated 8th May, 1811, says, "it may not be improper to remark, that no American ves-"sel captured since the 1st of November, 1810, has yet been re-"leased."

From this it is apparent, that the commanders of the national vessels, the privateersmen, and the judges of the prize courts, to which may be added also the custom house officers, who, as the instruments of carrying into effect the decrees, must have been made acquainted with the repeal had it existed, have been from

first to last ignorant of any revocation; and uniformly acted upon the principle of their existence.

If other evidence of the continued existence of those decrees were requisite, the acts of the French government afford such as is full and explicit. Champagny, Duke of Cadore, minister of foreign relations, in his report to his majesty the emperor and king, dated Paris, 3d December, 1810, speaking of the decrees of Berlin and Milan, says expressly, "As long as England shall per-"sist in her orders in council, your majesty *will persist in your* "*decrees*," than which no declaration can be more direct not only that the Berlin and Milan decrees are unrevoked, but that they will so remain, until the English orders in council are withdrawn. And in the address delivered, by his imperial majesty Napoleon, to the council of commerce on the 31st March, 1811, he thus declares "The decrees of Berlin and Milan are the fundamental "laws of my empire. For the neutral navigation I consider the "flag as an extension of territory. The power, which suffers its "flag to be violated, cannot be considered as neutral. The fate "of the American commerce will soon be decided. I will favor "it, if the United States conform themselves to these decrees. "In a contrary case, their vessels will be driven from my empire."

And as late as the 10th of March last, in a report of the French minister of foreign relations, communicated to the conservative Senate, it is declared, "that as long as the British orders in coun-"cil are not revoked, and the principles of the treaty of Utrecht "in relation to neutrals put in force, the decrees of Berlin and Mi-"lar ought to subsist for the powers who suffer their flag to be "denationalized." In none of these acts is there any exception in favor of the United States. And on the contrary in the report of March last, by placing those decrees on the basis of "the prin-"ciples of the treaty of Utrecht," the French minister has extended the terms of revocation beyond all prior pretensions.

Those who maintain the revocation of these decrees, as it respects the United States, rely wholly upon the suspension of the decisions of the French prize courts in relation to some few vessels, and the liberation of others by the special direction of the French Emperor. Can there be stronger presumptive evidence of the existence of those decrees than this—that no vessel is excepted from their operation until after the special exercise of the emperor's will in the particular case.

If the decrees were effectively revoked, there would be no captures; or if any were made, liberation would be a matter of course and of general right, instead of being an affair of particular favor or caprice. Is it for vexations and indulgences like these, that the people of the United States are to abandon their commerce and peace? Is it for such favors they are to invite the calamities of war? If the resources of negotiation were exhausted, had the government no powers remaining to diminish the causes of national controversy by preventing abuses? After this, had it

no powers to provide for protecting indisputable and important rights, without waging a war of offence? In the regular exercise of legislative and executive powers, might not the fair objects of interest for our country have been secured completely, by consistent and wholesome plans for defensive protection? And would not a national position, strictly defensive, yet highly respectable, have been less burthensome to the people than the projected war? Would it not be more friendly to the cause of our own seamen; more safe for our navigation and commerce; more favorable to the interests of our agriculture; less hazardous to national character; more worthy of a people jealous of their liberty and independence?

For entering into these hostilities is there any thing in the friendship or commerce of France in its nature very interesting or alluring? Will the reaping of the scanty field of French trade, which we seek, in any way compensate for the rich harvest of general commerce, which by war we are about to abandon? When entering into a war with Great Britain for commercial rights and interests, it seems impossible not to inquire into the state of our commercial relations with France, and the advantages the United States will obtain. We may thus be enabled to judge whether the prize is worth the contest.

By an official statement made to congress during the present session, it appears that of 45,294,000 dollars of domestic productions of the United States, exported from September 30th. 1810, to October 1st. 1811, only 1,194,275 dollars were exported to France and Italy, including Sicily, not a dependency of France.

France is now deprived of all her foreign colonies, and by reviewing our trade with that country for several years past and before the date of the orders in council, it will appear that, exclusive of her foreign possessions, it has been comparatively inconsiderable. The annexed statement marked A. taken from official documents shows the quantity of particular articles the produce of the United States exported to all the world, distinguishing the amount both to France and to England and her dependencies from 1810 to 1811. From this statement it appears, how small a proportion of the great staples of our country is taken* by France. While France retained her colonies, her colonial produce found its way to the mother country through the United States, and our

* It appears by it that for twelve years past, France has not taken in any year more than

Cotton	7,000,000	Pounds	Tobacco	16,000	Hogsheads
Rice	7,000	Tierces	Dried Fish	87,000	Quintals

Of flour, naval stores and lumber, none of any importance.

It also appears, by it, that the annual average taken by France for twelve years, was, of

Cotton	2,664,090	Pounds	Tobacco	5,927	Hogsheads
Rice	2,253	Tierces	Fish	24,735	Quintals

Of late years some of those articles have not been shipped at all directly to France. but they have, probably, found their way thither through the northern ports of Europe.

trade with her in these articles was not inconsiderable. But since she has been deprived of her foreign possessions, and since the establishment of her municipal regulations as to licences, this trade has been in a great degree annihilated. With respect to colonial produce none can be imported into France except from *particular ports* of the United States, and *under special imperial licences*. For these licences our merchants must pay what the agents of the French government think proper to demand. As to articles of our domestic produce, they are burthened with such exorbitant duties, and are subjected to such regulations and restrictions on their importation as, in ordinary times, will amount to a prohibition. On the 5th of August 1810, the very day of the Duke of Cadore's noted letter, a duty was imposed on all sea-island cotton, imported into France, of more than eighty cents per pound, and on other cotton of about sixty cents per pound, amounting to three or four times their original cost in the United States. And as to tobacco, the French minister here on the 23d of July 1811, informed our government, that it was "under an administration (en regie) in France; the administration (he says) is the only consumer and can purchase only the quantity necessary for its consumption." And by other regulations not more than *one fifteenth* of all the tobacco consumed in France can be of foreign growth. The ordinary quantity of tobacco annually consumed in France is estimated at *thirty thousand hogsheads*, leaving only about two thousand hogsheads of foreign tobacco to be purchased in France.

In addition to these impositions and restrictions, the importer is not left at liberty with respect to his return cargo. By other edicts he is compelled to vest the avails of his importations, if, after paying duties and seizures, any remain, in such articles of French produce and manufacture as the French government thinks proper to direct. Two thirds at least must be laid out in silks, and the other third in wines, brandies, and other articles of that country. To show that this account of our commercial relations with France does not rest on doubtful authority, the undersigned would refer to the statements and declarations of our government on this subject. In a letter from Mr. Smith, the late Secretary of State, to the minister of France here, of the 18th December 1810, speaking of our trade to that country, under its regulations, after the pretended repeal of the decrees, Mr. Smith says, "The restrictions of the Berlin and Milan decrees had the effect of restraining the American merchants from sending their vessels to France. The interdictions in the system that has been substituted, against the admission of American products, will have the effect of imposing on them an equal restraint."

"If then, for the revoked decrees, municipal laws, producing the same commercial effect, have been substituted, the mode only, and not the measure, has undergone an alteration. And however true it may be, that the change is lawful in form, it is nevertheless as true, that it is essentially unfriendly, and that it does not at all comport with the ideas inspired by your letter of the 27th ult. in which you were pleased

to declare the "distinctly pronounced intention of his imperial majesty of favoring the commercial relations between France and the United States, in all the objects of traffic, which shall evidently proceed from their agriculture or manufactures." "If France, by her own acts, has blockaded up her ports against the introduction of the products of the United States, what motive has this government, in a discussion with a third power, to insist on the privilege of going to France? Whence the inducement to urge the annulment of a blockade of France, when, if annulled, no American cargoes could obtain a market in any of her ports? In such a state of things, a blockade of the coast of France would be, to the United States, as unimportant, as would be a blockade of the coast of the Caspian sea."

And so far has the French emperor been from relaxing, in whole or in part, these odious regulations as to us, in consequence of our submitting to give up our English trade, that they have been made a subject of special instructions to the minister who has been sent to the court of France. Mr. Monroe, in his letter of instructions to Mr. Barlow, of July 26, 1811, says, "Your early and particular attention will be drawn to the great subject of the commercial relation, which is to subsist, in future, between the United States and France. The President expects that the commerce of the United States will be placed, in the ports of France, on such a footing as to afford it a fair market; and to the industry and enterprise of their citizens, a reasonable encouragement. An arrangement to this effect was looked for immediately after the revocation of the decrees, but it appears from the documents in this department, that that was not the case; on the contrary *that our commerce has been subjected to the greatest discouragement, or rather to the most oppressive restraints;* that the vessels, which carried coffee, sugar, &c. though sailing directly from the United States to a French port, were held in a state of sequestration, on the principle that the trade was prohibited, and that the importation of these articles was not only unlawful, but criminal; that even the vessels, which carried the unquestionable productions of the United States, were exposed to great and expensive delays, to tedious investigations in unusual forms, and *to exorbitant duties.* In short, that the ordinary usages of commerce between *friendly nations* were abandoned."

Again Mr. Monroe, in the same letter, says, "If the ports of France and her allies are not opened to the commerce of the United States, on a liberal scale and on fair conditions, of what avail to them, it may be asked, will be the revocation of the British orders in council? In contending for a revocation of these orders, so far as it was an object of interest, the United States had in view a trade to the continent. It was a fair legitimate object, and worth contending for, while France *encouraged it.* But if she shuts her ports on our commerce, or burdens it with heavy duties, that motive is at an end." He again says, "you will see the injustice, and endeavour to prevent the necessity, of bringing, in return for American cargoes sold in France, an equal amount in *the produce or manufactures* of that country. No such obligation is imposed on French merchants trading to the United States. They enjoy the liberty of selling their cargoes for cash, and taking

back what they please from this country in return. It is indispensable that the trade be free, that all American citizens engaged in it be placed on the same footing, and, with this view, that the system of carrying it on, *by licenses* granted by French agents, be immediately annulled."

The despatches from Mr. Barlow, by the Hornet, most clearly show, that the *expectations* of our government have not only not been realized, but even that the *promises* obtained by our minister are of a very unsatisfactory nature. Indeed, while Bonaparte is sending armies to the north of Europe, to take possession of the ports on the Baltic, and by his fast-sailing squadrons is burning American vessels on the Atlantic, all expectations of a free trade from France must be worse than vain.

Notwithstanding the violence of the belligerents, were the restrictions of our own government removed, the commerce of the United States might be extensive and profitable. It is well known, that from the gallantry of our seamen, if merchant vessels were allowed to arm and associate for self-defence, they would be able to repel many unlawful aggressions. The danger of capture would be diminished, and in relation to one of the belligerents at least, the risk, under such circumstances, would soon be measured by insurance.

The discussions of our government in relation to the British orders in council, give a currency to the opinion that they exist, without any modification, according to the extent of the first principles on which they were issued. And the French minister, in his last communication on this subject, made to the Conservative Senate on the 10th of March last, speaks of the blockade of the 10th of May, 1806, "as annihilating the rights of all maritime states, and putting under interdiction whole coasts and empires;" and of the orders in council of 1807 as though still subsisting, and that according to their principles all vessels were compelled "to pay a tribute to England, and all cargoes a tariff to her customs." What the real extent and principle of the blockade of May, 1806, were, have already been explained. With respect to the British orders of 1807, the truth is, that by a new order issued on the 20th of April, 1809, they were revoked or modified, and the obnoxious transit duty, called by the French Minister "tribute and tariff" was done away. The new order of April, 1809, which is now the subject of complaint is limited to "all the ports and places as far north as the river Ems, inclusively, under the government styling itself the Kingdom of Holland, and all ports and places under the government of France, together with the colonies, plantations, and settlements in the possession of those governments respectively, and all ports and places in the northern parts of Italy, to be reckoned from the ports of Orbitello and Pesaro, inclusively."

The effect then of the British orders of blockade, now in force, is to deprive us of the commerce of France, Holland and a part of Italy. And they leave open to us the commerce of all the rest of the world. What that is some estimate may be formed by recurrence to the subjoined table, which exhibits the state of our commerce during 1806 and

1807—The two last years antecedent to the operation of our restrictive system. By that table it appears that the value of the exports of our domestic products to France, Holland, and Italy was, during those two years,* at an average only of about *six and a half millions of dollars.* Whereas the average of our domestic exports to all other parts of the world, and which are now left free to us, notwithstanding the effect of the British orders in council, exceed *thirty-eight millions!* So extensive a commerce it is proposed to surrender for the restricted trade the French emperor will allow. A trade burdened by impositions, or harrassed by vexations from French domination and French *Douaniers* or custom house officers, in almost every port of continental Europe.

As in the scale of commercial advantages France has little to offer in return for the many obvious hazards, which according to the wish of her Emperor the United States are about to incur; so, in the moral estimate of national prospects, there is little character to gain or consolation to expect in the dark scene of things on which we are entering.

A nation, like the United States, happy in its great local relations; removed from the bloody theatre of Europe; with a maritime border, opening vast fields for enterprize;—with territorial possessions, exceeding every real want;—its firesides safe;—its altars undefiled;—from invasion nothing to fear;—from acquisition nothing to hope;—how shall such a nation look to heaven for its smiles, while throwing away, as though they were worthless, all the blessings and joys, which peace and such a distinguished lot include? With what prayers can it address the Most High, when it prepares to pour forth its youthful rage upon a neighbouring people; from whose strength it has nothing to dread, from whose devastation it has nothing to gain?

If our ills were of a nature that war would remedy; if war would compensate any of our losses, or remove any of our complaints, there might be some alleviation of the suffering, in the charm of the prospect. But how will war upon the land protect commerce upon the ocean? What balm has Canada for wounded honour? How are our mariners benefited by a war which exposes those who are free, without promising release to those who are impressed?

* Value of articles of domestic produce exported to all the world.

	In 1806.	In 1807.
Whole Amount	$41,253,727	$48,699,592
To France	3,226,698	2,716,141
To Holland, now part of France	3,609,964	3,098,234
To Italy	185,346	250,257
	7,022,008	6,064,632
To England and dependencies	19,179,981	27,915,077
To all other parts of the world	15,051,740	14,719,883
	34,231,721	42,634,960

But it is said that war is demanded by honour. Is national honour a principle which thirsts after vengeance, and is appeased only by blood; which, trampling on the hopes of man, and spurning the law of God, untaught by what is past and careless of what is to come, precipitates itself into any folly or madness, to gratify a selfish vanity, or to satiate some unhallowed rage? If honour demands a war with England, what opiate lulls that honour to sleep over the wrongs done us by France? On land, robberies, seizures, imprisonments, by French authority; at sea, pillage, sinkings, burnings, under French orders. These are notorious. Are they unfelt because they are French? Is any alleviation to be found in the correspondence and humiliations of the present Minister Plenipotentiary of the United States at the French court? In his communications to our government, as before the public, where is the cause for now selecting France as the friend of our country, and England as the enemy?

If no illusions of personal feeling, and no solicitude for elevation of place, should be permitted to misguide the public councils; if it is indeed honourable for the true statesman to consult the public welfare, to provide in truth for the public defence, and impose no yoke of bondage; with full knowledge of the wrongs inflicted by the French, ought the government of this country to aid the French cause, by engaging in war against the enemy of France? To supply the waste of such a war, and to meet the appropriations of millions extraordinary for the war expenditures, must our fellow-citizens throughout the Union be doomed to sustain the burden of war-taxes, in various forms of direct and indirect imposition? For official information, respecting the millions deemed requisite for charges of the war; for like information, respecting the nature and amount of taxes, deemed requisite for drawing those millions from the community, it is here sufficient to refer to estimates and reports made by the Secretary of the Treasury and the Committee of Ways and Means, and to the body of resolutions, passed in March last in the House of Representatives.

It would be some relief to our anxiety, if amends were likely to be made, for the weakness and wildness of the project by the prudence of the preparation. But in no aspect of this anomalous affair can we trace the great and distinctive properties of wisdom. There is seen a headlong rushing into difficulties, with little calculation about the means and little concern about the consequences. With a navy comparatively nominal, we are about to enter into the lists against the greatest marine on the globe. With a commerce unprotected and spread over every ocean, we propose to make profit by privateering, and for this endanger the wealth of which we are honest proprietors. An invasion is threatened of the colonies of a power, which, without putting a new ship into commission, or taking another soldier into pay, can spread alarm or desolation along the extensive range of our seaboard. The resources of our country, in their natural state, great beyond our wants or our hopes, are impaired by the effect of artificial restraints. Before adequate fortifications are prepared for domestic defence, before men or money are provided for a war of attack, why

hasten into the midst of that awful contest which is laying waste Europe? It cannot be concealed, that to engage, in the present war, against England, is to place ourselves on the side of France; and exposes us to the vassalage of states serving under the banners of the French Emperor.

The undersigned cannot refrain from asking, what are the United States to gain by a war? Will the gratification of some privateersmen compensate the nation for that sweep of our legitimate commerce by the extended marine of our enemy, which this desperate act invites? Will Canada compensate the middle states for New-York, or the western states for New-Orleans? Let us not be deceived. A war of invasion may invite a retort of invasion. When we visit the peaceable, and, as to us, innocent colonies of Great Britain with the horrors of war, can we be assured that our own coast will not be visited with like horrors?

At a crisis of the world such as the present, and under impressions such as these, the undersigned could not consider the war, in which the United States have in secret been precipitated, as necessary, or required by any moral duty, or any political expediency.

GEORGE SULLIVAN,
MARTIN CHITTENDEN,
ABIJAH BIGELOW,
ELIJAH BRIGHAM,
WILLIAM ELY,
JOSIAH QUINCY,
WILLIAM REED,
SAML. TAGGART,
LABAN WHEATON,
LEONARD WHITE,
RICHARD JACKSON, Jun.
ELISHA R. POTTER,
EPAPHRODITUS CHAMPION,
JNO. DAVENPORT, Jun.
LYMAN LAW,
JONA. O. MOSELEY,
TIMO. PITKIN, Jun.
LEWIS B. STURGES,
BENJAMIN TALLMADGE,
H. BLEECKER,
JAMES EMOTT,

ASA FITCH,
THOS. R. GOLD,
JAMES MILNOR,
H. M. RIDGELY,
C. GOLDSBOROUGH,
PHILIP B. KEY,
PHILIP STUART,
JOHN BAKER,
JAMES BRECKENRIDGE,
JOS. LEWIS, Jun.
THOS. WILSON,
A. M'BRYDE,
JOS. PEARSON.

NOTE A.

Quantity of particular articles, the produce of the United States, exported from 1800 *to* 1811, *viz:*

COTTON.

	To all parts of the world. lbs.	*To France.* lbs.	*To England.* lbs.
1800	17,789,803	none.	16,179,513
1801	20,911,201	844,728	18,953,065
1802	27,501,075	1,907,849	23,473,925
1803	41,105,623	3,821,840	27,757,307
1804	38,118,041	5,946,848	25,770,748
1805	40,383,491	4,504,329	32,571,071
1806	37,491,282	7,082,118	24,256,457
1807	66,612,737	6,114,358	53,180,211
1808	12,064,346	2,087,450	7,992,593
1809*	53,210,225	none direct.	13,365,987
1810†	93,874,201	do.	36,171,915
1811‡	62,186	do.	46,872,452

RICE.

	To all parts of the world. Tierces.	*To France.* Tierces.	*To England & Colo.* Tierces.
1800	112,056	none.	77,547
1801	94,866	2,724	65,022
1802	79,822	7,186	37,393
1803	81,838	3,116	33,200
1804	78,385	6,014	24,975
1805	56,830	1,601	24,737
1806	102,627	3,392	39,298
1807	94,692	3,006	37,417
1808	9,228	none direct.	4,298
1809	116,907	do.	32,138
1810	131,341	do.	31,118
1811	119,356	do.	40,045

* In 1809, in consequence of the embargo and non-intercourse act, 4 millions pounds of Cotton were shipped for Madeira, 10 and a half millions to the Floridas, 6 millions to Fayal and other Azores, 1 million and three quarters to Portugal, and 10 millions to Sweden.

† 1810, about 4 millions of pounds of Cotton were shipped for Spain, 3 millions for Portugal, 3 millions for Madeira, 10 millions for Floridas, 2 millions for Europe generally, 4 millions for Fayal and the Azores, 14 millions for Denmark and Norway, and 5 millions for Sweden.

‡ In 1811, 9 millions of pounds of Cotton were shipped for Russia.

TOBACCO.

	To all parts of the world. Hhds.	*To France.* Hhds.	*To England & Colo.* Hhds.
1800	78,680	143	37,798
1801	103,758	5,006	55,256
1802	77,721	16,216	29,938
1803	86,291	9,815	47,829
1804	83,343	14,623	24,700
1805	71,252	12,135	18,169
1806	83,186	9,182	26,272
1807	62,232	2,876	23,047
1808	9,576	566	2,526
1809	53,921	none direct.	8,965
1810	84,134	do.	24,067
1811	35,828	569	20,342

FISH, Dried or Smoked.

	To all parts of the world Quintals.	*To France.* Quintals.	*To England & Colo.* Quintals.
1800	392,727	none.	141,420
1801	410,948	1,687	111,030
1802	440,925	27,067	92,679
1803	461,870	3,491	71,495
1804	567,828	3,765	76,822
1805	514,549	73,004	55,676
1806	537,457	19,347	66,377
1807	473,924	87,654	55,242
1808	155,808	16,144	26,998
1809	345,643	none.	66,566
1810	280,804	2,150	55,456
1811	216,387	28,622	33,242

PICKLED FISH.

None exported to European France.

FLOUR.

	To all parts of the world. Bbls.	*To France.* Bbls.	*To England & Colo.* Bbls.
1800	653,052	none.	365,739
1801	1,102,444	none.	758,023
1802	1,156,248	14,628	484,886
1803	1,311,853	18,045	502,006
1804	810,008	1,074	258,515

1805	777,513	none.	265,176
1806	782,724	none.	308,048
1807	1,249,819	none.	619,918
1808	263,813	none.	73,084
1809	846,247	none.	230,822
1810	798,431	none.	192,477
1811	1,445,012	5,966	275,534

NAVAL STORES.—TAR.

	To all parts of the world. Bbls.	*To France.* Bbls.	*To England & Colo.* Bbls.
1800	59,410	none.	58,793
1801	67,487	none.	62,632
1802	37,497	797	21,330
1803	78,989	none.	75,295
1804	58,181	do.	45,210
1805	72,745	do.	59,439
1806	62,723	do.	50,663
1807	59,282	do.	51,232
1808	18,764	do.	17,700
1809	128,090	do.	33,072
1810	87,310	do.	50,021
1811	149,796	do.	123,034

TURPENTINE.

1800	33,129	do.	32,580
1801	35,413	do.	35,143
1802	38,764	do.	36,769
1803	61,178	do.	60,732
1804	77,825	do.	76,950
1805	95,640	do.	94,328
1806	74,731	do.	71,854
1807	53,451	do.	52,107
1808	17,061	do.	17,009
1809	77,398	do.	22,885
1810	62,912	do.	36,995
1811	100,242	do.	97,250

LUMBER.

Of the vast quantities of Lumber exported from 1800 to 1811 only a few Staves and Heading went to France, as follows, viz:

	Thousands Staves and Heading.
1801	6,349
1803	357
1804	321
1805	466
1806	716
1807	614
1808	105