Table Annexed to Article: An Exposition of the Causes and Character of the War

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AN EXPOSITION OF THE CAUSES AND CHARACTER OF THE WAR.

[NOTE.—This Exposition of the Causes and Character of the War was prepared and committed to the press, before any account had been received in the United States of the signature of a Treaty of Peace, by the American and the British negotiations; and it would have been difficult, even if it were desirable, to withhold the exposition from the public.

But the charges which have been solemnly exhibited against the American Government, in the face of the world, render an exposition of its conduct necessary, in peace as much as in war, for the honor of the United States, and the unsullied reputation of their arms; lest those charges should obtain credit with the present generation, or pass, for truth, into the history of the times, upon the evidence of a silent acquiescence.]

Whatever may be the termination of the negotiations at Ghent, the despatches of the American Commissioners, which have been communicated by the President of the United States to the Congress, during the present session, will distinctly unfold, to the attentive and impartial of all nations, the objects and dispositions of the parties to the present war.

The United States, relieved by the general pacification of the Treaty of Paris from the danger of actual sufferance under the evils which had compelled them to resort to arms, have avowed their readiness to resume the relations of peace and amity with Great Britain, upon the simple and single condition of preserving their territory and their sovereignty, entire and unimpaired. Their desire of peace, indeed, “upon terms of reciprocity, consistent with the rights of both parties, as sovereign and independent nations,” [1] has not at any time been influenced by the provocations of an unprecedented course of hostilities; by the incitements of a successful campaign; or by the agitations which have seemed again to threaten the tranquillity of Europe.

But the British Government, after inviting “a discussion with the Government of America, for the conciliatory adjustment of the differences subsisting between the two States, with an earnest desire on their part (as it was alleged) to bring them to a favorable issue, upon principles of a perfect reciprocity, not inconsistent with the
established maxims of public law, and with the maritime rights of the British empire,” [2] and after “expressly disclaiming any intention to acquire an increase of territory,” [3] have peremptorily demanded, as the price of peace, concessions calculated merely for their own aggrandizement, and for the humiliation of their adversary. At one time, they proposed, as their sine qua non, a stipulation that the Indians, inhabiting the country of the United States, within the limits established by the Treaty of 1783, should be included, as the allies of Great Britain, (a party to that treaty,) in the projected pacification; and that definite boundaries should be settled for the Indian territory, upon a basis which would have operated to surrender to a number of Indians, to probably exceeding a few thousands, the rights of sovereignty, as well as of soil, over nearly one-third of the territorial dominions of the United States, inhabited by more than one hundred thousand of their citizens. [4] And, more recently, (withdrawing, in effect, that proposition,) they have offered to treat, on the basis of the uti possidetis; when, by the operations of the war, they had obtained the military possession of an important part of the State of Massachusetts, which, it was known, could never be the subject of a cession, consistently with the honor and faith of the American Government. [5] Thus, it is obvious, that Great Britain, neither regarding “the principles of a perfect reciprocity,” nor the rule of her own practice and professions, has indulged pretensions which could only be heard in order to be rejected. The alternative, either vindictively to protract the war or honorably to end it, has been fairly given to her option; but she wants the magnanimity to decide, while her apprehensions are awakened for the result of the Congress at Vienna, and her hopes are flattered by the schemes of conquest in America.

There are periods in the transactions of every country, as well as in the life of every individual, when self-examination becomes a duty of the highest moral obligation; when the Government of a free people, driven from the path of peace, and baffled in every effort to regain it, may resort, for consolation, to the conscious rectitude of its measures; and when an appeal to mankind, founded upon truth and justice, cannot fail to engage those sympathies, by which even nations are led to participate in the fame and fortunes of each other. The United States, under these impressions, are neither insensible to the advantages nor to the duties of their peculiar situation. They have but recently, as it were, established their independence; and the volume of their national history lies open, at a glance, to every eye. The policy of their Government, therefore, whatever it has been, in their foreign as well as in their domestic relations, it is impossible to conceal; and it must be difficult to mistake. If the assertion, that it has been a policy to preserve peace and amity with all the nations of the world, be doubted, the proofs are at hand. If the assertion, that it has been a policy to maintain the rights of the United States, but, at the same time, to respect the rights of every other nation, be doubled, the proofs will be exhibited. If the assertion, that it has been a policy to act impartially towards the belligerent Powers of Europe, be doubted, the proofs will be found on record, even in the archives of England and of France. And if, in fine, the assertion, that it has been a policy, by all honorable means, to cultivate with Great Britain those sentiments of mutual good will, which naturally belong to nations connected by the ties of a common ancestry, an identify of language, and a similarity of manners, be doubted, the proofs will be found in that patient
forbearance, under the pressure of accumulating wrongs, which marks the period of almost thirty years, that elapsed between the peace of 1783 and the rupture of 1812.

The United States had just recovered, under the auspices of their present Constitution, from the debility which their Revolutionary struggle had produced, when the convulsive movements of France excited throughout the civilized world the mingled sensations of hope and fear—of admiration and alarm. The interest which those movements would, in themselves, have excited, was incalculably increased, however, as soon as Great Britain became a party to the first memorable coalition against France, and assumed the character of a belligerent Power; for, it was obvious, that the distance of the scene would no longer exempt the United States from the influence, and the evils, of the European conflict. On the one hand, their Government was connected with France, by treaties of alliance and commerce; and the services which that nation had rendered to the cause of American independence, had made such impressions upon the public mind, as no virtuous statesman could rigidly condemn, and the most rigorous statesman would have sought in vain to efface. On the other hand, Great Britain, leaving the Treaty of 1783 unexecuted, forcibly retained the American posts upon the Northern frontier; and, slighting every overture to place the diplomatic and commercial relations of the two countries, upon a fair and friendly foundation, [6] seemed to contemplate the success of the American Revolution, in a spirit of unextinguishable animosity. Her voice had, indeed, been heard from Quebec and Montreal, instigating the savages to war. [7] Her invisible arm was felt, in the defeats of General Harmar, [8] and General St. Clair, [9] and even the victory of General Wayne [10] was achieved in the presence of a fort which she had erected, far within the territorial boundaries of the United States, to stimulate and countenance the barbarities of the Indian warrior. [11] Yet, the American Government, neither yielding to popular feeling, nor acting upon the impulse of national resentment, hastened to adopt the policy of a strict and steady neutrality; and solemnly announced that policy to the citizens at home, and the nations abroad, by the proclamation of the 22d of April, 1793. Whatever may have been the trials of its pride and of its fortitude; whatever may have been the imputations upon its fidelity and its honor; it will be demonstrated, in the sequel, that the American Government, throughout the European contest, and amidst all the changes of the objects, and the parties, that have been involved in that contest, has inflexibly adhered to the principles which were thus, authoritatively, established, to regulate the conduct of the United States.

It was reasonable to expect, that a proclamation of neutrality, issued under the circumstances which have been described, would command the confidence and respect of Great Britain, however offensive it might prove to France, as contravening, essentially, the exposition which she was anxious to bestow upon the treaties of commerce and alliance. But experience has shown that the confidence and respect of Great Britain are not to be acquired by such acts of impartiality and independence. Under every Administration of the American Government, the experiment has been made, and the experiment has been equally unsuccessful; for, it was not more effectually ascertained in the year 1812, than at antecedent periods, that an exemption from the maritime usurpation, and the commercial monopoly, of Great Britain, could only be obtained upon the condition of becoming an associate in her enmities and her
wars. While the proclamation of neutrality was still in the view of the British Minister, an order of the 8th of June, 1793, issued from the Cabinet, by virtue of which, “all vessels loaded wholly, or in part, with corn, flour, or meal, bound to any port in France, or any port occupied by the armies of France,” were required to be carried, forcibly, into England; and the cargoes were either to be sold there, or security was to be given that they should only be sold in the ports of a country in amity with his Britannic Majesty. [12] The moral character of an avowed design to inflict famine upon the whole of the French people, was, at that time, properly estimated throughout the civilized world; and so glaring an infraction of neutral rights, as the British order was calculated to produce, did not escape the severities of diplomatic animadversion and remonstrance. But this aggression was soon followed by another of a more hostile cast. In the war of 1756, Great Britain had endeavored to establish the rule, that neutral nations were not entitled to enjoy the benefits of a trade with the colonies of a belligerent Power, from which, in the season of peace, they were excluded by the parent State. The rule stands without positive support from any general authority on public law. If it be true that some treaties contain stipulations, by which the parties expressly exclude each other from the commerce of their respective colonies; and if it be true, that the ordinances of a particular State often provide for the exclusive enjoyment of its colonial commerce, still Great Britain cannot be authorized to deduce the rule of the war of 1756, by implication, from such treaties and such ordinances; while it is not true that the rule forms a part of the law of nations, nor that it has been adopted by any other Government; nor that even Great Britain herself has uniformly practised upon the rule; since its application was unknown from the war of 1756, until the French war of 1792, including the entire period of the American war. Let it be, argumentatively, allowed, however, that Great Britain possessed the right, as well as the power, to revive and enforce the rule; yet, the time and the manner of exercising the power, would afford ample cause for reproach. The citizens of the United States had openly engaged in an extensive trade with the French islands, in the West Indies, ignorant of the alleged existence of the rule of the war of 1756, or unapprized of any intention to call it into action, when the order of the 6th of November, 1793, was silently circulated among the British cruisers, consigning to legal adjudication, “all vessels loaded with goods, the produce of any colony of France, or carrying provisions or supplies, for the use of any such colony.” [13] A great portion of the commerce of the United States was thus annihilated at a blow; the amicable dispositions of the Government were again disregarded and contemned; the sensibility of the nation was excited to a high degree of resentment, by the apparent treachery of the British order; and a recourse to reprisals, or to war, for indemnity and redress, seemed to be unavoidable. But the love of justice had established the law of neutrality; and the love of peace taught a lesson of forbearance. The American Government, therefore, rising superior to the provocations and the passions of the day, instituted a special mission to represent at the Court of London the injuries and the indignities which it had suffered; “to vindicate its rights with firmness, and to cultivate peace with sincerity.” [14] The immediate result of this mission was a treaty of amity, commerce, and navigation, between the United States and Great Britain, which was signed by the negotiators on the 19th of November, 1794, and finally ratified, with the consent of the Senate, in the year 1795. But both the
mission and its result, serve, also, to display the independence and the impartiality of
the American Government, in asserting its rights and performing its duties, equally
unawed and unbiased by the instruments of belligerent power or persuasion.

On the foundation of this treaty the United States, in a pure spirit of good faith
and confidence, raised the hope and the expectation, that the maritime usurpations of
Great Britain would cease to annoy them; that all doubtful claims of jurisdiction would
be suspended; and that even the exercise of an incontestable right would be so
modified, as to present neither insult, nor outrage, nor inconvenience, to their flag or to
their commerce; but the hope and the expectation of the United States have been fatally
disappointed. Some relaxation in the rigor, without any alteration in the principle of
the Order in Council of the 6th of November, 1793, was introduced by the subsequent
Orders of the 8th of January, 1794, and the 25th of January, 1798; but from the
ratification of the Treaty of 1794, until the short respite afforded by the Treaty of
Amiens, in 1802, the commerce of the United States continued to be the prey of British
cruisers and privateers, under the adjudicating patronage of the British tribunals.

Another grievance, however, assumed at this epoch a form and magnitude which cast a
shade over the social happiness, as well as the political independence of the nation. The
merchant vessels of the United States were arrested on the high seas, while in the
prosecution of distant voyages; considerable numbers of their crews were impressed
into the naval service of Great Britain; the commercial adventures of the owners were
often, consequently, defeated; and the loss of property, the embarrassments of trade
and navigation, and the scene of domestic affliction, became intolerable. This grievance
(which constitutes an important surviving cause of the American declaration of war)
was early, and has been incessantly, urged upon the attention of the British
Government. Even in the year 1792, they were told of “the irritation that it had excited,
and of the difficulty of avoiding to make immediate reprisals on their seamen in the
United States.” [15] They were told “that so many instances of the kind had happened,
that it was quite necessary they should explain themselves on the {1422} subject, and
be led to disavow and punish such violence, which had never been experienced from
any other nation.” [16] And they were told “of the inconvenience of such conduct, and
of the impossibility of letting it go on, so that the British Ministry should be made
sensible of the necessity of punishing the past, and preventing the future.” [17] But
after the Treaty of Amity, Commerce, and Navigation, had been ratified, the nature and
the extent of the grievance became still more manifest; and it was clearly and firmly
presented to the view of the British Government, as leading unavoidably to discord and
war between the two nations. They were told, “that unless they would come to some
accommodation which might insure the American seamen against this oppression,
measures would be taken to cause the inconvenience to be equally felt on both sides.”
[18] They were told, “that the impressments of American citizens, to serve on board of
British armed vessels, was not only an injury to the unfortunate individuals, but it
naturally excited certain emotions in the breasts of the nation to whom they belonged,
and of the just and humane of every country; and that an expectation was indulged that
orders would be given that the Americans, so circumstanced, should be immediately
liberated, and that the British officers should, in future, abstain from similar
violences.” [19] They were told, “that the subject was of much greater importance than
had been supposed; and that, instead of a few, and those in many instances equivocal cases, the American Minister at the Court of London had, in nine months (part of the years 1796 and 1797) made applications for the discharge of two hundred and seventy-one seamen, who had, in most cases, exhibited such evidence as to satisfy him that they were real Americans, forced into the British service, and persevering, generally, in refusing pay and bounty.” [20] They were told, “that if the British Government had any regard to the rights of the United States, any respect for the nation, and placed any value on their friendship, it would facilitate the means of relieving their oppressed citizens.” [21] They were told, “that the British naval officers often impressed Swedes, Danes, and other foreigners, from the vessels of the United States; that they might, with as much reason, rob American vessels of property or merchandise of Swedes, Danes, and Portuguese, as seize and detain in their service the subjects of those nations found on board of American vessels; and that the President was extremely anxious to have this business of impressing placed on a reasonable footing.” [22] And they were told, “that the impressments of American seamen was an injury of very serious magnitude, which deeply affected the feelings and honor of the nation; that no right had been asserted to impress the natives of America, yet, that they were impressed; they were dragged on board British ships of war, with the evidence of citizenship in their hands, and forced by violence there to serve until conclusive testimonials of their birth could be obtained; that many must perish unrelieved, and all were detained a considerable time in lawless and injurious confinement; that the continuance of the practice must inevitably produce discord between two nations, which ought to be the friends of each other; and that it was more advisable to desist from, and to take effectual measures to prevent an acknowledged wrong, than, by perseverance in that wrong, to excite against themselves the well-founded resentments of America, and force the Government into measures which may possibly terminate in an open rupture.” [23]

Such were the feelings and the sentiments of the American Government, under every change of its administration, in relation to the British practice of impressments; and such the remonstrances addressed to the justice of Great Britain. It is obvious, therefore, that this cause, independent of every other, has been uniformly deemed a just and certain cause of war; yet, the characteristic policy of the United States still prevailed: remonstrance was only succeeded by negotiation, and every assertion of American rights was accompanied with an overture to secure, in any practicable form, the rights of Great Britain. [24] Time seemed, however, to render it more and more difficult to ascertain and fix the standard of the British rights, according to the succession of the British claims. The right of entering and searching an American merchant ship, for the purpose of impressment, was, for awhile, confined to the case of British deserters; and even so late as the month of February, 1800, the Minister of His Britannic Majesty, then at Philadelphia, urged the American Government “to take into consideration, as the only means of drying up every source of complaint and irritation upon that head, a proposal which he had made two years before, in the name of His Majesty’s Government, for the reciprocal restitution of deserters.” [25] But this project of a treaty was then deemed inadmissible, by the President of the United States, and the chief officers of the Executive departments of the Government, whom he
consulted for the same reason, specifically, which, at a subsequent period, induced the President of the United States to withhold his approbation from the treaty negotiated by the American Ministers at London in the year 1806, namely: “that it did not sufficiently provide against the impressments of American seamen;” [26] and “that it is better to have no article, and to meet the consequences, than not to enumerate merchant vessels on the high seas, among the things not to be forcibly entered in search of deserters.” [27] But the British claim, expanding with singular elasticity, was soon found to include a right to enter American vessels on the high seas, in order to search for and seize all British seamen; it next embraced the case of every British subject, and finally, in its practical enforcement, it has been extended to every mariner who could not prove, upon the spot, that he was a citizen of the United States.

While the nature of the British claim was thus ambiguous and fluctuating, the principle to which it was referred, for justice and support, appeared to be at once arbitrary and illusory. It was not recorded in any positive code of the law of nations; it was not displayed in the elementary works of the civilian, nor had it ever been exemplified in the maritime usages of any other country, in any other age. In truth, it was the offspring of the municipal law of Great Britain alone, equally operative in a time of peace and in a time of war; and, under all circumstances, inflicting a coercive jurisdiction upon the commerce and navigation of the world.

For its legitimate rights of the belligerent Powers, the United States had felt and evinced a sincere and open respect. Although they had marked a diversity of doctrine among the most celebrated jurists, upon many of the litigated points of the late war; although they had formerly espoused, with the example of the most powerful Government of Europe, the principles of the armed neutrality, which were established in the year 1780, upon the basis of the memorable declaration of the Empress of all the Russias; and although the principles of that declaration have been incorporated into all their public treaties, except in the instance of the Treaty of 1794, yet the United States, still faithful to the pacific and impartial policy which they professed, did not hesitate, even at the commencement of the French revolutionary war, to accept and allow the exposition of the law of nations, as it was then maintained by Great Britain; and consequently, to admit, upon a much contested point, that the property of her enemy, in their vessels might be lawfully captured as prize of war. [28] It was also freely admitted, that a belligerent Power had a right, with proper cautions, to enter and search American vessels for the goods of an enemy, and for articles contraband of war; that if upon a search such goods or articles were found, or if, in the course of the search, persons in the military service of the enemy were discovered, a belligerent had a right of transshipment and removal; that a belligerent had a right, in doubtful cases, to carry American vessels to a convenient station for further examination, and that a belligerent had a right to exclude American vessels from ports and places, under the blockade of an adequate naval force. These rights the law of nations might reasonably be deemed to sanction, nor has a fair exercise of the powers necessary for the enjoyment of these rights been, at any time, controverted or opposed by the American Government.

But it must be again remarked, that the claim of Great Britain was not to be satisfied by the most ample and explicit recognition of the law of war; for, the law of
war treats only of the relations of a belligerent to his enemy, while the claim of Great Britain embraced, also, the relations between a Sovereign and his subjects. It was said, that every British subject was bound by a tie of allegiance to his Sovereign, which no lapse of time, no change of place, no exigency of life, could possibly weaken or dissolve. It was said, that the British Sovereign was entitled, at all periods, and on all occasions, to the services of his subjects. And it was said, that the British vessels of war upon the high seas, might lawfully and forcibly enter the merchant vessels of every other nation (for the theory of these pretensions is not limited to the case of the United States, although that case has been, almost exclusively, affected by their practical operation) for the purpose of discovering and impressing British subjects. [29] The United States presume not to discuss the forms, or the principles, of the governments established in other countries. Enjoying the right and the blessing of self-government, they leave, implicitly, to every foreign nation, the choice of its social and political institutions. But whatever may be the form or the principle of government, it is an universal axiom of public law, among sovereign and independent States, that every nation is bound so to use and enjoy its own rights as not to injure or destroy the rights of any other nation. Say then, that the tie of allegiance cannot be severed, or relaxed, as respects the sovereign and the subject; and say, that the sovereign is, at all times, entitled to the services of the subject; still, there is nothing gained, in support of the British claim, unless it can, also, be said, that the British Sovereign has a right to seek and seize his subject, while actually within the dominion or under the special protection of another Sovereign State. This will not surely be denominated a process of the law of nations, for the purpose of enforcing the rights of war; and if it shall be tolerated as a process of the municipal law of Great Britain, for the purpose of enforcing the right of the Sovereign to the service of his subjects, there is no principle of discrimination which can prevent its being employed in peace or in war, with all the attendant abuses of force and fraud, to justify the seizure of British subjects for crimes or for debts; and the seizure of British property, for any cause that shall be arbitrarily assigned. The introduction of these degrading novelties into the maritime code of nations, it has been the arduous task of the American Government, in the onset, to oppose; and it rests with all other Governments to decide, how far their honor and their interests must be eventually implicated, by a tacit acquiescence, in the successive usurpations of the British flag. If the right claimed by Great Britain be, indeed, common to all Governments, the ocean will exhibit, in addition to its many other perils, a scene of everlasting strife and contention; but what other Government has ever claimed or exercised the right? If the right shall be exclusively established as a trophy of the naval superiority of Great Britain, the ocean, which has been sometimes emphatically denominated, “the highway of nations,” will be identified, in occupancy and use, with the dominions of the British Crown; and every other nation must enjoy the liberty of passage, upon the payment of a tribute, or the indulgence of a license; but what nation is prepared for this sacrifice of its honor and its interests? And if, after all, the right be now asserted (as experience too plainly indicates) for the purpose of imposing upon the United States, to accommodate the British maritime policy, a new and odious limitation of the sovereignty and independence which were acquired by the glorious Revolution of 1776, it is not for the American Government to calculate the duration of a
war that shall be waged, in resistance of the active attempts of Great Britain to accomplish her project; for, where is the American citizen who would tolerate a day's submission to the vassalage of such a condition?

But the American Government has seen, with some surprise, the gloss which the Prince Regent of Great Britain, in his declaration of the 10th of January, 1813, has condescended to bestow upon the British claim of a right to impress men, on board of the merchant vessels of other nations; and the retort, which he has ventured to make, upon the conduct of the United States, relative to the controverted doctrines of expatriation. The American Government, like every other civilized Government, avows the principle, and indulges the practice, of naturalizing foreigners. In Great Britain, and throughout the Continent of Europe, the laws and regulations upon the subject are not materially dissimilar, when compared with the laws and regulations of the United States. The effect, however, of such naturalization, upon the connexion, which previously subsisted, between the naturalized person and the Government of the country of his birth, has been differently considered, at different times, and in different places. Still, there are many respects in which a diversity of opinion does not exist, and cannot arise. It is agreed, on all hands, that an act of naturalization is not a violation of the law of nations; and that, in particular, it is not, in itself, an offence against the Government whose subject is naturalized. It is agreed, that an act of naturalization creates, between the parties, the reciprocal obligations of allegiance and protection. It is agreed, that while a naturalized citizen continues within the territory and jurisdiction of his adoptive Government, he cannot be pursued, or seized, or restrained, by his Sovereign. It is agreed, that a naturalized citizen, whatever may be thought of the claims of the Sovereign of his native country, cannot lawfully be withdrawn from the obligations of his contract of naturalization, by the force, or the seduction, of a third Power. And it is agreed, that no Sovereign can lawfully interfere, to take from the service, or the employment, of another Sovereign, persons who are not the subjects of either of the Sovereigns engaged in the transaction. Beyond the principles of these accorded propositions, what have the United States done to justify the imputation of "harboring British seamen, and exercising an assumed right, to transfer the allegiance of British subjects?" The United States have, indeed, insisted upon the right of navigating the ocean in peace and safety, protecting all that is covered by their flag, as on a place of equal and common jurisdiction to all nations; save where the law of war interposes the exceptions of visitation, search, and capture; but, in doing this, they have done no wrong. The United States in perfect consistency, it is believed, with the practice of all belligerent nations, not even excepting Great Britain herself, have, indeed, announced a determination, since the declaration of hostilities, to afford protection, as well to the naturalized, as to the native citizen, who, giving the strongest proofs of fidelity, should be taken in arms by the enemy; and the British cabinet well know, that this determination could have no influence upon those councils of their Sovereign, which preceded and produced the war. It was not, then, to "harbor British seamen," nor to "transfer the allegiance of British subjects," nor to "cancel the jurisdiction of their legitimate Sovereign;" nor to vindicate "the pretension that acts of naturalization, and certificates of citizenship, were as valid out of their own territory as within it;" that the United States have asserted the honor and the privilege
of their flag, by the force of reason and of arms. But it was to resist a systematic scheme of maritime aggrandizement, which, prescribing to every other nation the limits of a territorial boundary, claimed for Great Britain the exclusive dominion of the seas; and which, spurning the settled principles of the law of war, condemned the ships and mariners of the United States to suffer, upon the high seas and virtually within the jurisdiction of their flag, the most rigorous dispensations of the British municipal code, inflicted by the coarse and licentious hand of a British press-gang.

The injustice of the British claim, and the cruelty of the British practice, have tested, for a series of years, the pride and the patience of the American Government; but, still, every experiment was anxiously made to avoid the last resort of nations. The claim of Great Britain, in its theory, was limited to the right of seeking and impressing its own subjects, on board of the merchant vessels of the United States, although, in fatal experience, it has been extended (as already appears) to the seizure of the subjects of every other Power, sailing under a voluntary contract with the American merchant; to the seizure of the naturalized citizens of the United States, sailing, also, under voluntary contracts, which every foreigner, independent of any act of naturalization, is at liberty to form in every country; and even to the seizure of the native citizens of the United States, sailing on board the ships of their own nation, in the prosecution of a lawful commerce. The excuse, for what has been unfeelingly termed, “partial mistakes, and occasional abuse,” when the right of impressments was practised towards vessels of the United States, is, in the words of the Prince Regent’s declaration, “a similarity of language and manners,” but was it not known, when this excuse was offered to the world, that the Russian, the Swede, the Dane, and the German; nay, that the African and the Asiatic; between whom and the people of Great Britain there exists no similarity of language, manners, or complexion; had been, equally with the American citizen and the British subject, the victims of the impress tyranny? If, however, the excuse be sincere; if the real object of the impressments be merely to secure to Great Britain the naval services of her own subjects, and not to man her fleets, in every practicable mode of enlistment, by right or by wrong; and if a just and generous Government, professing mutual friendship and respect, may be presumed to prefer the accomplishment even of a legitimate purpose, by means the least afflicting and injurious to others, why have the overtures of the United States, offering other means as effectual as impressments, for the purpose avowed, to the consideration and acceptance of Great Britain, been forever eluded or rejected? It has been offered, that the number of men to be protected by an American vessel, should be limited by her tonnage; that British officers should be permitted, in British ports, to enter the vessel, in order to ascertain the number of men on board; and that, in case of an addition to her crew, the British subjects enlisted should be liable to impressments. It was offered in the solemn form of a law, that American seamen should be registered; that they should be provided with certificates of citizenship; and that the roll of the crew of every vessel should be formally authenticated. It was offered, that no refuge or protection should be given to deserters; but that, on the contrary, they should be surrendered. It was “again and again offered: to concur in a convention, which it was thought practicable to be formed and which should settle the questions of
impressments, in a manner that would be safe for England, and satisfactory to the United States.” [38]

It was offered, that each party should prohibit its citizens or subjects, from clandestinely concealing or carrying away, from the territories or colonies of the other, any seaman belonging to the other party. [39] And, conclusively, it has been offered and declared by law, that “after the termination of the present war, it should not be lawful to employ on board of any of the public or private vessels of the United States, any persons, except citizens of the United States; and that no foreigner should be admitted to become a citizen hereafter, who had not, for the continued term of five years, resided within the United States, without being, at any time, during the five years, out of the territory of the United States.” [40]

It is manifest then, that such provision might be made by law; and that such provision has been repeatedly and urgently proposed; as would, in all future times, exclude from the maritime service of the United States, both in public and in private vessels, every person, who could, possibly, be claimed by Great Britain, as a native subject, whether he had, or had not, been naturalized in America. [41] Enforced by the same sanctions and securities, which are employed to enforce the penal code of Great Britain, as well as the penal code of the United States, the provision would afford the strongest evidence, that no British subject could be found in service on board of an American vessel; and, consequently, whatever might be the British right of impressments, in the abstract, there would remain no justifiable motive, there could hardly be invented a plausible pretext, to exercise it, at the expense of the American right of lawful commerce. If, too, as it has sometimes been insinuated, there would, nevertheless, be room for frauds and evasions, it is sufficient to observe, that the American Government would always be ready to hear, and to redress, every just complaint; or, if redress were sought and refused, (a preliminary course, that ought never to have been omitted, but which Great Britain has never pursued,) it would still be in the power of the British Government to resort to its own force, by acts equivalent to war, for the reparation of its wrongs. But Great Britain has, unhappily, perceived in the acceptance of the overtures, of the American Government, consequences injurious to her maritime policy; and, therefore, withholds it, at the expense of her justice. She perceives, perhaps, a loss of the American nursery for her seamen, while she is at peace; a loss of the service of American crews, while she is at war; and a loss of many of those opportunities, which have enabled her to enrich her navy, by the spoils of the American commerce, without exposing her own commerce to the risk of retaliation or reprisals. Thus, were the United States, in a season of reputed peace, involved in the evils of a state of war; and thus was the American flag annoyed by a nation still professing to cherish the sentiments of mutual friendship and respect, which had been recently vouched, by the faith of a solemn treaty. But the American Government even yet abstained from vindicating its rights, and from avenging its wrongs, by an appeal to arms. It was not an insensibility to those wrongs; nor a dread of British power; nor a subserviency to British interests, that prevailed, at that period, in the Councils of the United States; but under all trials, the American Government abstained from the appeal to arms then, as it has, repeatedly since done, in its collisions with France, as
well as with Great Britain, from the purest love of peace, while peace could be rendered compatible with the honor and independence of the nation.

During the period which has hitherto been more particularly contemplated, (from the declaration of hostilities between Great Britain and France in the year 1792, until the short-lived pacification of the Treaty of Amiens in 1802,) there were not wanting occasions, to test the consistency and the impartiality of the American Government, by a comparison of its conduct towards Great Britain, with its conduct towards other nations. The manifestations of the extreme jealousy of the French Government, and of the intemperate zeal of its Ministers near the United States, were coeval with the proclamation of neutrality; but after the ratification of the Treaty of London, the scene of violence, spoliation, and contumely, opened by France, upon the United States, became such, as to admit, perhaps, of no parallel, except in the contemporaneous scenes which were exhibited by the injustice of her great competitor. The American Government acted, in both cases, on the same pacific policy; in the same spirit of patience and forbearance; but with the same determination, also, to assert the honor and independence of the nation. When, therefore, every conciliatory effort had failed, and when two successive missions of peace had been contemptuously repulsed, the American Government, in the year 1798, annulled its treaties with France, and waged a maritime war against the nation, for the defence of its citizens, and of its commerce, passing on the high seas. But as soon as the hope was conceived, of a satisfactory change in the dispositions of the French Government, the American Government hastened to send another mission to France; and a convention, signed in the year 1800, terminated the subsisting differences between the two countries.

Nor were the United States able, during the same period, to avoid a collision with the Government of Spain, upon many important and critical questions of boundary and commerce; of Indian warfare, and maritime spoliation. Preserving, however, their system of moderation, in the assertion of their rights, a course of amicable discussion and explanation, produced mutual satisfaction; and a Treaty of Friendship, Limits, and Navigation, was formed in the year 1795, by which the citizens of the United States acquired a right, for the space of three years, to deposite their merchandises and effects in the port of New Orleans; with a promise, either that the enjoyment of that right should be indefinitely continued, or that another part of the banks of the Mississippi should be assigned for an equivalent establishment. But, when, in the year 1802, the port of New Orleans was abruptly closed against the citizens of the United States, without an assignment of any other equivalent place of deposite, the harmony of the two countries was again most seriously endangered, until the Spanish Government, yielding to the remonstrances of the United States, disavowed the act of the Intendant of New Orleans, and ordered the right of deposite to be reinstated, on the terms of the Treaty of 1795.

The effects produced, even by a temporary suspension of the right of deposite at New Orleans, upon the interests and feelings of the nation, naturally suggested to the American Government the expediency of guarding against their concurrence, by the acquisition of a permanent property in the Province of Louisiana. The Minister of the United States, at Madrid, was, accordingly, instructed to apply to the Government of Spain upon the subject; and, on the 4th of May, 1803, he received an
answer, stating that “by the retrocession made to France of Louisiana, that Power regained the province, with the limits it had, saving the rights acquired by other Powers; and that the United States could address themselves to the French Government, to negotiate the acquisition of territories, which might suit their interest.” [42] But, before this reference, official information of the same fact had been received by Mr. Pinkney from the Court of Spain, in the month of March preceding, and the American Government, having instituted a special mission to negotiate the purchase of Louisiana from France, or from Spain, whichever should be its sovereign, the purchase was accordingly accomplished, for a valuable consideration, (that was punctually paid) by the Treaty concluded at Paris, on the 30th of April, 1803.

The American Government has not seen, without some sensibility, that a transaction, accompanied by such circumstances of general publicity and of scrupulous good faith, has been denounced by the Prince Regent, in his declaration of the 10th of January, 1813, as a proof of the “ungenerous conduct” of the United States towards Spain. [43] In amplification of the Royal charge, the British negotiators at Ghent have presumed to impute “the acquisition of Louisiana, by the United States, to a spirit of aggrandizement, not necessary to their own security;” and to maintain “that the purchase was made against the known conditions on which it had been ceded by Spain to France; [44] that “in the face of the protestation of the Minister of His Catholic Majesty at Washington, the President of the United States ratified the Treaty of Purchase;” [45] and that “there was good reason to believe that many circumstances attending the transaction were industriously concealed.” [46] The American Government cannot condescend to retort aspersions so unjust, in language so approbrious; and peremptorily rejects the pretension of Great Britain to interfere in the business of the United States and Spain; but it owes, nevertheless, to the claims of truth, a distinct statement of the facts which have been thus misrepresented. When the special mission was appointed to negotiate the purchase of Louisiana from France, in the manner already mentioned, the American Minister at London was instructed to explain the object of the mission; and having made the {1433} explanation, he was assured by the British Government, “that the communication was received in good part; no doubt was suggested of the right of the United States to pursue, separately and alone, the objects they aimed at; but the British Government appeared to be satisfied with the President’s views on this important subject.” [47] As soon, too, as the Treaty of Purchase was concluded, before hostilities were again actually commenced between Great Britain and France, and previously, indeed, to the departure of the French Ambassador from London, the American Minister openly notified to the British Government, that a treaty had been signed, “by which the complete sovereignty of the town and territory of New Orleans, as well as of all Louisiana, as the same was heretofore possessed by Spain, had been acquired by the United States of America; and, that in drawing up the treaty, care had been taken so to frame the same as not to infringe any right of Great Britain, in the navigation of the river Mississippi.” [48] In the answer of the British Government, it was explicitly declared by Lord Hawkesbury, “that he received His Majesty’s commands to express the pleasure with which His Majesty had received the intelligence; and to add, that His Majesty regarded the care which had been taken so to frame the treaty as not to infringe any right of Great Britain
in the navigation of the Mississippi, as the most satisfactory evidence of a disposition on the part of the Government of the United States, correspondent with that which His Majesty entertained, to promote and improve that harmony which so happily subsisted between the two countries, and which was so conducive to their mutual benefit.” [49] The world will judge, whether, under such circumstances, the British Government had any cause, on its own account, to arraign the conduct of the United States in making the purchase of Louisiana; and certainly no greater cause will be found for the arraignment on account of Spain. The Spanish Government was apprized of the intention of the United States to negotiate for the purchase of that province; its Ambassador witnessed the progress of the negotiation at Paris, and the conclusion of the Treaty on the 30th of April, 1803, was promptly known and understood at Madrid—yet, the Spanish Government interposed no objection, no protestation, against the transaction in Europe; and it was not until the month of September, 1803, that the American Government heard with surprise, from the Minister of Spain at Washington, that His Catholic Majesty was dissatisfied with the cession of Louisiana to the United States. Notwithstanding this diplomatic remonstrance, however, the Spanish Government {1434} proceeded to deliver the possession of Louisiana to France, in execution of the Treaty of Ildelfonso; saw France, by an almost simultaneous act, transfer the possession to the United States, in execution of the Treaty of Purchase; and, finally instructed the Marquis de Casa Yrujo to present to the American Government the declaration of the 15th of May, 1804, acting “by the special order of his Sovereign,” “that the explanations, which the Government of France had given to His Catholic Majesty concerning the sale of Louisiana to the United States, and the amicable dispositions on the part of the King his master, towards these States, had determined him to abandon the opposition, which at a prior period, and with the most substantial motives, he had manifested against the transaction.” [50]

But after this amicable and decisive arrangement of all differences, in relation to the validity of the Louisiana purchase, a question of some embarrassment remained in relation to the boundaries of the ceded territory. This question, however, the American Government always has been, and always will be, willing to discuss, in the most candid manner, and to settle upon the most liberal basis with the Government of Spain. It was not, therefore, a fair topic with which to inflame the Prince Regent’s declaration, or to embellish the diplomatic notes of the British negotiators at Ghent. [51] The period has arrived when Spain, relieved from her European labors, may be expected to bestow her attention more effectually upon the state of the colonies; and, acting with wisdom, justice, and magnanimity, of which she has given frequent examples, she will find no difficulty in meeting the recent advances of the American Government, for an honorable adjustment of every point in controversy between the two countries, without seeking the aid of British mediation, or adopting the animosity of British Councils.

But still the United States, feeling a constant interest in the opinion of enlightened and impartial nations, cannot hesitate to embrace the opportunity for representing, in the simplicity of truth, the events by which they have been led to take possession of a part of the Floridas, notwithstanding the claim of Spain to the sovereignty of the same territory. In the acceptation and understanding of the United States, the cession of Louisiana embraced the country south of the Mississippi
Territory, and eastward of the river Perdido; but “their conciliatory views, and their confidence in the justice of their cause, and in the success of a candid discussion and amicable negotiation with a just and friendly Power, induced them to acquiesce in the temporary continuance of that territory, under the Spanish authority.” [52] When, however, the adjustment of the boundaries of Louisiana, as well as a reasonable indemnification, on account of maritime spoliations, and the suspension of the right of deposit at New Orleans, seemed to be indefinitely postponed, on the part of Spain, by events which the United States had not contributed to produce, and could not control; when a crisis had arrived subversive of the order of things under the Spanish authorities, contravening the views of both parties, and endangering the tranquillity and security of the adjoining territories, by the intrusive establishment of a Government independent of Spain, as well as of the United States; and when, at a later period, there was reason to believe that Great Britain herself designed to occupy the Floridas (and she has, indeed, actually occupied Pensacola for hostile purposes,) the American Government, without departing from its respect for the rights of Spain, and even consulting the honor of that State, unequal as she then was to the task of suppressing the intrusive establishment, was impelled by the paramount principle of self-preservation, to rescue its own rights from the impending danger. Hence, the United States in the year 1810, proceeding, step by step, according to the growing exigencies of the time, took possession of the country, in which the standard of independence had been displayed, excepting such places as were held by a Spanish force. In the year 1811, they authorized their President, by law, provisionally to accept of the possession of East Florida from the local authorities, or to pre-occupy it against the attempt of a foreign Power to seize it. In 1813, they obtained the possession of Mobile, the only place then held by a Spanish force in West Florida; with a view to their own immediate security, but without varying the questions depending between them and Spain, in relation to that province. And, in the year 1814, the American commander, acting under the sanction of the law of nations, but unauthorized by the orders of his Government, drove from Pensacola the British troops, who, in violation of the neutral territory of Spain, (a violation which Spain, it is believed, must herself resent, and would have resisted, if the opportunity had occurred,) seized and abdied that station, to aid in military operations against the United States. But all these measures of safety and necessity were frankly explained, as they occurred, to the Government of Spain, and even to the Government of Great Britain, antecedently to the declaration of war, with the sincerest assurances that the possession of the territory thus acquired “should not cease to be a subject of fair and friendly negotiation and adjustment.” [53] {1436}

The present review of the conduct of the United States towards the belligerent Powers of Europe, will be regarded by every candid mind as a necessary medium to vindicate their national character from the unmerited imputations of the Prince Regent’s declaration of the 10th of January, 1813; and not a medium voluntarily assumed, according to the insinuations of that declaration, for the revival of unworthy prejudices or vindictive passions, in reference to transactions that are past. The Treaty of Amiens, which seemed to terminate the war in Europe, seemed also to terminate the neutral sufferings of America; but the hope of repose was, in both respects, delusive
and transient. The hostilities which were renewed between Great Britain and France, in the year 1803, were immediately followed by a renewal of the aggressions of the belligerent Powers, upon the commercial rights and political independence of the United States. There was scarcely, therefore, an interval separating the aggressions of the first war from the aggressions of the second war; and although, in nature, the aggressions continued to be the same, in extent, they became incalculably more destructive. It will be seen, however, that the American Government inflexibly maintained its neutral and pacific policy in every extremity of the latter trial, with the same good faith and forbearance that, in the former trial, had distinguished its conduct; until it was compelled to choose from the alternative, of national degradation or national resistance. And, if Great Britain alone then became the object of the American declaration of war, it will be seen that Great Britain alone had obstinately closed the door of amicable negotiations.

The American Minister at London, anticipating the rupture between Great Britain and France, had obtained assurances from the British Government, “that, in the event of war, the instructions given to their naval officers should be drawn up with plainness and precision; and, in general, that the rights of belligerents should be exercised in moderation, and with due respect for those of neutrals.” [54] And in relation to the important subject of impressments, he had actually prepared for signature, with the assent of Lord Hawkesbury and Lord St. Vincent, a convention, to continue during five years, declaring, that “no seaman, nor seafaring person, should, upon the high seas, and without the jurisdiction of either party, be demanded or taken out of any ship, {1437} or vessel, belonging to the citizens or subjects of one of the parties, by the public or private-armed ships, or men of war, belonging to, or in the service of, the other party; and that strict orders should be given for the due observance of the engagement.” [55] This convention, which explicitly relinquished impressments from American vessels, on the high seas, and to which the British Ministers had at first agreed, Lord St. Vincent was desirous afterwards to modify, “stating, that on further reflection, he was of opinion that the narrow seas should be expressly excepted, they having been, as his Lordship remarked, immemorially considered to be within the dominion of Great Britain.” The American Minister, however, “having supposed, from the tenor of his conversations with Lord St. Vincent, that the doctrine of mare clausum would not be revived against the United States on this occasion, but that England would be content, with the limited jurisdiction, or dominion, over the seas adjacent to her territories, which is assigned by the law of nations to other States, was disappointed, on receiving Lord St. Vincent’s communication; and chose rather to abandon the negotiation than to acquiesce in the doctrine it proposed to establish.” [56] But it was still some satisfaction to receive a formal declaration from the British Government, communicated by its Minister at Washington, after the recommencement of the war in Europe, which promised, in effect, to reinstate the practice of naval blockades, upon the principles of the law of nations; so that no blockade should be considered as existing, “unless in respect of particular ports, which might be actually invested; and, then, that the vessels bound to such ports should not be captured, unless they had previously been warned not to enter them.” [57]
All the precautions of the American Government were, nevertheless, ineffectual; and the assurances of the British Government were, in no instance, verified. The outrage of impressments was again, indiscriminately, perpetrated upon the crew of every American vessel, and on every sea. The enormity of blockades, established by an Order in Council, without a legitimate object, and maintained by an Order in Council, without the application of a competent force, was, more and more, developed. The rule, denominated “the rule of the war of 1756,” was revived, in an affected style of moderation, but in a spirit of more rigorous execution. [58] The lives, the liberty, the fortunes, and the happiness, of the {1438} citizens of the United States, engaged in the pursuits of navigation and commerce, were once more subjected to the violence and cupidty of the British cruisers. And, in brief, so grievous, so intolerable, had the afflictions of the nation become, that the people, with one mind and one voice, called loudly upon their Government for redress and protection; [59] the Congress of the United States, participating in the feelings and resentments of the time, urged upon the Executive Magistrate the necessity of an immediate demand of reparation from Great Britain; [60] while the same patriotic spirit, which had opposed British usurpation in 1793, and encountered French hostility in 1798, was again pledged, in every variety of form, to the maintenance of the national honor and independence during the more arduous trial that arose in 1805.

Admidst these scenes of injustice on the one hand, and of reclamation on the other, the American Government preserved its equanimity and its firmness. It beheld much in the conduct of France, and of her ally, (Spain,) to provoke reprisals. It beheld more in the conduct of Great Britain, that led unavoidably, as had often been avowed, to the last resort of arms. It beheld in the temper of the nation all that was requisite to justify an immediate selection of Great Britain as the object of a declaration of war. And it could not but behold in the policy of France the strongest motive to acquire the United States, as an associate in the existing conflict. Yet, these considerations did not then, more than at any former crisis, subdue the fortitude or mislead the judgment of the American Government; but, in perfect consistency with its neutral, as well as its pacific system, it demanded atonement by remonstrances with France and Spain, and it sought the preservation of peace by negotiation with Great Britain.

It has been shown, that a treaty proposed emphatically by the British Minister, resident at Philadelphia, “as the means of drying up every source of complaint and irritation upon the head of impressments,” was “deemed utterly inadmissible” by the American Government, because it did not sufficiently provide for that object. [61] It has also been shown, that another treaty proposed by the American Minister at London was laid aside because the British Government, while it was willing to relinquish expressly impressments from American vessels on the high seas, insisted upon an exception in reference to the narrow seas, claimed as a part of the British dominion. And experience demonstrated, that, although the {1439} spoliations committed upon the American commerce might admit of reparation by the payment of a pecuniary equivalent; yet, consulting the honor and the feelings of the nation, it was impossible to receive satisfaction for the cruelties of impressments by any other means than by an entire discontinuance of the practice. When, therefore, the Envoys Extraordinary were appointed in the year 1806 to negotiate with the British Government, every authority
was given for the purposes of conciliation; nay, an act of Congress prohibiting the importation of certain articles of British manufacture into the United States was suspended, in proof of a friendly disposition. [62] But, it was declared that “the suppression of impressments and the definition of blockades were absolutely indispensable,” and that, “without a provision against impressments, no treaty should be concluded.” The American Envoys, accordingly, took care to communicate to the British Commissioners the limitations of their powers. Influenced, at the same time, by a sincere desire to terminate the differences between the two nations; knowing the solicitude of their Government to relieve its seafaring citizens from actual sufferance; listening with confidence to assurances and explanations of the British Commissioners, in a sense favorable to their wishes; and, judging from a state of information that gave no immediate cause to doubt the sufficiency of those assurances and explanations;—the Envoys, rather than terminate the negotiation without any arrangement, were willing to rely upon the efficacy of a substitute for a positive article in the treaty, to be submitted to the consideration of their Government, as this, according to the declaration of the British Commissioners, was the only arrangement they were permitted at that time to propose or to allow. The substitute was presented in the form of a note from the British Commissioners to the American Envoys, and contained a pledge “that instructions had been given, and should be repeated and enforced, for the observance of the greatest caution in the impressing of British seamen; that the strictest care should be taken to preserve the citizens of the United States from any molestation or injury; and that immediate and prompt redress should be afforded, upon any representation of injury sustained by them.” [63]

Inasmuch, however, as the treaty contained no provision against impressments, and it was seen by the Government, when the treaty was under consideration for ratification, that the pledge contained in the substitute was not complied with, but, on the contrary, that the impressments were continued with undiminished violence in the American seas, so long after the alleged date of the instructions which were to arrest them, that the practical inefficacy of the substitute could not be doubted by the Government here, the ratification of the treaty was necessarily declined; and it has since appeared, that, after a change in the British Ministry had taken place, it was declared by the Secretary of Foreign Affairs that no engagements were entered into, on the part of His Majesty, as connected with the treaty, except such as appear upon the face of it. [64]

The American Government, however, with unabating solicitude for peace, urged an immediate renewal of the negotiations on the basis of the abortive treaty, until this course was peremptorily declared, by the British Government, to be “wholly inadmissible.” [65]

But, independent of the silence of the proposed treaty, upon the great topic of American complaint, and of the view which has been taken of the projected substitute; the contemporaneous declaration of the British Commissioners, delivered by the command of their Sovereign, and to which the American Envoys refused to make themselves a party, or to give the slightest degree of sanction, was regarded by the American Government, as ample cause of rejection. In reference to the French decree, which had been issued at Berlin, on the 21st of November, 1806, it was declared, that if
France should carry the threats of that decree into execution, and “if neutral nations, contrary to all expectation, should acquiesce in such usurpations, His Majesty might, probably, be compelled, however reluctantly, to retaliate, in his just defence, and to adopt, in regard to the commerce of neutral nations with his enemies, the same measures which those nations should have permitted to be enforced against their commerce with his subjects;” “that His Majesty could not enter into the stipulations of the present treaty, without an explanation from the United States of their intentions, or a reservation on the part of His Majesty, in the case above mentioned, if it should ever occur,” and “that, without a formal abandonment, or tacit relinquishment, of the unjust pretensions of France, or without such conduct and assurance on the part of the United States, as should give security to His Majesty, that they would not submit to the French innovations, in the established system of maritime law, His Majesty would not consider himself bound, by the present signature of his Commissioners, to ratify the treaty, or precluded from adopting such measures as might seem necessary for counteracting the designs of the enemy.” [66]

The reservation of a power to invalidate a solemn treaty, at the pleasure of one of the parties, and the menace of inflicting punishment upon the United States, for the offences of another nation, proved, in the event, a prelude to the scenes of violence which Great Britain was then about to display, and which it would have been improper for the American negotiators to anticipate. {1441} For, if a commentary were wanting to explain the real design of such conduct, it would be found in the fact, that within eight days from the date of the treaty, and before it was possible for the British Government to have known the effect of the Berlin decree on the American Government; nay, even before the Government had itself heard of that decree, the destruction of American commerce was commenced by the Order in Council of the 7th of January, 1807, which announced, “that no vessel should be permitted to trade from one port to another, both which ports should belong to, or be in possession of, France, or her allies; or should be so far under their control, as that British vessels might not trade freely thereat.” [67]

During the whole period of this negotiation, which did not finally close until the British Government declared, in the month of October, 1807, that negotiation was no longer admissible, the course pursued by the British squadron, stationed more immediately on the American coast, was, in the extreme, vexatious, predatory, and hostile. The territorial jurisdiction of the United States, extending, upon the principles of the law of nations, at least a league over the adjacent ocean, was totally disregarded and contemned. Vessels employed in the coasting trade, or in the business of the pilot and the fisherman, were objects of incessant violence; their petty cargoes were plundered, and some of their scanty crews were often either impressed, or wounded, or killed, by the force of British frigates. British ships of war hovered, in warlike display, upon the coast; blockaded the ports of the United States, so that no vessel could enter, or depart, in safety; penetrated the bays and rivers, and even anchored in the harbors, of the United States, to exercise a jurisdiction of impressments; threatened the towns and villages with conflagration; and wantonly discharged musketry, as well as cannon, upon the inhabitants of an open and unprotected country. The neutrality of the American territory was violated on every occasion; and, at last, the American
Government was doomed to suffer the greatest indignity which could be offered to a
sovereign and independent nation, in the ever memorable attack of a British fifty gun
ship, under the countenance of the British squadron, anchored within the waters of the
United States, upon the frigate Chesapeake, peaceably prosecuting a distant voyage.
The British Government affected, from time to time, to disapprove and condemn these
outrages; but the officers who perpetrated them were generally applauded; if tried, they
were acquitted; if removed from the American station, it was only to be promoted in
another station; and if atonement were offered, as in the flagrant instance of the frigate
Chesapeake, the atonement was so ungracious in the manner, and so tardy in the
result, as to betray the want of that conciliatory spirit which ought to have
characterized it. [68] {1442}

But the American Government, soothing the exasperated spirit of the people, by a
proclamation, which interdicted the entrance of all British armed vessels, into the
harbors and waters of the United States, [69] neither commenced hostilities against
Great Britain, nor sought aive alliance with France, nor relaxed in its firm but
conciliatory efforts to enforce the claims of justice upon the honor of both nations.

The rival ambition of Great Britain and France, now, however, approached the
consummation, which, involving the destruction of all neutral rights, upon an vowed
principle of action, could not fail to render an actual state of war, comparatively, more
safe and more prosperous than the imaginary state of peace, to which neutrals were
reduced. The just and impartial conduct of a neutral nation ceased to be its shield and
its safeguard, when the conduct of the belligerent Powers towards each other became
the only criterion of the law of war. The wrong committed by one of the belligerent
Powers, was thus made the signal for the perpetration of a greater wrong by the other;
and if the American Government complained to both Powers, their answer, although it
never denied the cause of complaint, invariably retorted an idle and offensive inquiry
into the priority of their respective aggressions; or each demanded a course of
resistance, against its antagonist, which was calculated to prostrate the American right
of self-government, and to coerce the United States, against their interest and their
policy, into becoming an associate in the war. But the American Government never did,
and never can, admit, that a belligerent Power, “in taking steps to restrain the violence
of its enemy, and to retort upon them the evils of their own injustice,” [70] is entitled to
disturb and to destroy the rights of a neutral Power, as recognised and established by
the law of nations. It was impossible, indeed, that the real features of the miscalled
retaliatory system, should be long masked from the world; when Great Britain, even in
her acts of professed retaliation, declared that France was unable to execute the hostile
denunciations of her decrees; [71] and when Great Britain herself, unblushingly,
entered into the same commerce with her enemy (through the medium of forgeries,
perjuries, and licenses,) from which she had interdicted unoffending neutrals. The
pride of naval superiority, and the cravings of commercial monopoly, gave, after all, the
impulse and direction to the councils of the British Cabinet; {1443} while the vast,
although visionary projects of France, furnished occasions and pretexts for
accomplishing the objects of those councils.

The British Minister, resident at Washington, in the year 1804, having distinctly
recognised, in the name of his Sovereign, the legitimate principles of blockade, the
American Government received, with some surprise and solicitude, the successive notifications of the 9th of August, 1804, the 8th of April, 1806, and more particularly of the 16th of May, 1806, announcing, by the last notification, “a blockade of the coast, rivers, and ports, from the river Elbe to the port of Brest, both inclusive.” [72] In none of the notified instances of blockade, were the principles, that had been recognised in 1804, adopted and pursued; and it will be recollected by all Europe, that neither at the time of the notification of the 16th of May, 1806, nor at the time of excepting the Elbe and Ems from the operation of that notification, [73] nor at any time during the continuance of the French war, was there an adequate naval force, actually applied by Great Britain, for the purpose of maintaining a blockade from the river Elbe to the port of Brest. It was then, in the language of the day, “a mere paper blockade;” a manifest infraction of the law of nations; and an act of peculiar injustice to the United States, as the only neutral Power against which it could practically operate. But, whatever may have been the sense of the American Government on the occasion, and whatever might be the disposition to avoid making this the ground of an open rupture with Great Britain, the case assumed a character of the highest interest, when, independent of its own injurious consequences, France, in the Berlin decree of the 21st of November, 1806, recited, as a chief cause for placing the British islands in a state of blockade, “that Great Britain declares blockaded places before which she has not a single vessel of war; and even places, which her united forces would be incapable of blockading; such as entire coasts, and a whole empire: an unequalled abuse of the right of blockade, that had no other object, than to interrupt the communications of different nations; and to extend the commerce and industry of England, upon the ruin of those nations.” [74] The American Government aims not, and never has aimed, at the justification, either of Great Britain or of France in their career of crimination and recrimination; but it is of some importance to observe, that, if the blockade of May, 1806, was an unlawful blockade, and if the right of retaliation arose with the first unlawful attack, made by a belligerent Power upon neutral rights, Great Britain has yet to answer to mankind, according to the rule of her own acknowledgment, for all the calamities of the retaliatory warfare. France, whether right or wrong, made the British system of blockade the foundation of the Berlin decree; and France had an equal right with Great Britain to demand from the United States an opposition to every encroachment upon the privileges of the neutral character. It is enough, however, on the present occasion, for the American Government to observe that it possessed no power to prevent the framing of the Berlin decree, and to disclaim any approbation of its principles or acquiescence in its operation: for, it neither belonged to Great Britain nor to France to prescribe to the American Government the time or the mode, or the degree of resistance, to the indignities and the outrages with which each of those nations in its turn assailed the United States.

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 of December, 1806, reserving to itself a power of annulling the treaty, if France did not revoke, or if the United States, as a neutral Power, did not resist the obnoxious measure. It has also been shown, that before Great Britain could possibly ascertain the determination of the United States in
relation to the Berlin decree, 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 valor 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 thereat.” [75] 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 an intimation that stronger measures would be pursued, unless the United States should resist the operations of the Berlin decree. [76] At the moment the British Government was reminded “that within the period of those 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 severest 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 accessory to the proceedings of one belligerent nation, through their rights of neutrality, against {1445} 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. [77]

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; for, without assigning any new provocation on 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 inoperative,) 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. [78] 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 privileges of a lawful transit on the ocean, were concessions which Great Britain was disposed insidiously to exact, by an appeal to the cupidity of individuals, but which the United States could never yield, consistently with the independence and the sovereignty of the nation. The Orders in Council were therefore altered, in this respect, at a subsequent period; [79] but the general interdict of neutral commerce, applying more especially to American
commerce, was obstinately maintained, against all the force of reason, of 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 its being true, “that the United States had acquiesced in an illegal operation 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 official informed by the American Minister at London, “that explanations, uncontradicted by any 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. [80]

The British orders of the 11th of 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,” and 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 whatsoever 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.” [81] 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 citizens 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 and defence of those 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 aggressions which had been perpetrated, or which were threatened, if there were any preponderance 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 impressments, 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 impressments; and the maritime spoliations of France were comparatively restricted, not only by her own weakness on the ocean, but by the constant and pervading vigilance of the fleets of her enemy. The difficulty of selection, 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 the 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 merchandise; [82] 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 1794; 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 United States safe, in the judgment of the President of the United States, he was {1448} authorized to suspend the embargo, in whole or in part.” [83] 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; and, 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. [84] 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.” [85]
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 system; 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 non-importation law should, at the expiration of three months, be revived against the nation refusing or neglecting to revoke or modify its edicts. [86]

In the course which the American Government had hitherto pursued, relative to the belligerent orders and degrees, 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.” [87] 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. [88] Although the American Government, therefore, persisted in its remonstrances against the original transgressions, 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 supply, “that he was authorized to declare, that His Britannic Majesty’s Orders in Council of January and November, 1807, will have been withdrawn, as respects the United States, on the 10th day of June, 1809,” the President of the United States hastened, with approved liberality, to accept the declaration as conclusive, 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.” [89] The American Government neither asked nor received, from the British Minister, an exemplification of his powers, an inspection of his instructions, nor the solemnity of an 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 the authority for the act, were, however, disavowed by Great Britain; and an attempt was made, by the successor of Mr. 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; forgetful of 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. [90]

After this abortive 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 tranquillity, when the Minister of France announced to the American
Minister at Paris, that, in consideration of the act of the first of May, 1809, by which
the Congress of the United States “engaged to oppose itself to that one of the belligerent
Powers, {1450} 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 first 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.” [91] 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 the 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 imposed by the act
of Congress should then cease and be discontinued, in relation to France and her dependencies.” [92] That
France, from this epoch, refrained from all aggressions, on the high seas, or even in her
own ports, upon the persons and the property of the citizens
of the United States, never
was asserted; but, on the contrary, her violence and her spoliations have been
unceasing causes of complaint. These subsequent injuries, constituting a part of the
existing reclamations of the United States, were always, however, disavowed by the
French Government; while the repeal of the Berlin and Milan decree has, on every
occasion, been affirmed; insomuch that Great Britain herself was, at last, compelled to
yield to the evidence of the fact.

On the expiration of three months from the date of the President’s proclamation,
the non-intercourse and non importation law was, of course, to be revived against
Great Britain, unless, during that period, her Orders in Council should be revoked. The
subject was, therefore, most anxiously, and most steadily, pressed upon the justice and
the magnanimity of the British Government; and even when the hope of success
expired, by the lapse of the period prescribed in one act of Congress, the United States
opened the door of reconciliation by another act, which, {1451} in the year 1811, again
provided, that, in case, at any time, “Great Britain should so revoke or modify her
edicts, as that they shall cease to violate the neutral commerce of the United States, the
President of the United States should declare the fact by proclamation; and that the restrictions, previously imposed, should, from the date of such proclamation, cease and be discontinued.” [93] But, unhappily, every appeal to the justice and magnanimity of Great Britain was now, as heretofore, fruitless and forlorn. She had, at this epoch, impressed from the crews of American merchant vessels, peaceably navigating the high seas, not less than six thousand mariners, who claimed to be citizens of the United States, and who were denied all opportunity to verify their claims. She had seized and confiscated the commercial property of American citizens to an incalculable amount. She had united in the enormities of France, to declare a great proportion of the terraqueous glove in a state of blockade; chasing the American merchant flag effectually from the ocean. She had contumeliously disregarded the neutrality of the American territory, and the jurisdiction of the American laws, within the waters and harbors of the United States. She was enjoying the emoluments of a surreptitious trade, stained with every species of fraud and corruption, which gave to the belligerent Powers the advantages of peace, while the neutral Powers were involved in the evils of war. She had, in short, usurped and exercised, on the water, a tyranny similar to that which her great antagonist had usurped and exercised upon the land. And, amidst all these proofs of ambition and avarice, she demanded that the victims of her usurpations and her violence should revere her as the sole defender of the rights and liberties of mankind.

When, therefore, Great Britain, in manifest violation of her solemn promises, refused to follow the example of France, by the repeal of her Orders in Council, the American Government was compelled to contemplate a resort to arms, as the only remaining course to be pursued for its honor, its independence, and its safety. Whatever depended upon the United States themselves, the United States had performed for the preservation of peace, in resistance of the French decrees as well as of the British orders. What had been required from France, in its relation to the neutral character of the United States, France had performed, by the revocation of its Berlin and Milan decrees. But what depended upon Great Britain, for the purposes of justice, in the repeal of her Orders in Council, was withheld, and new evasions were sought when the old were exhausted. It was, at one time, alleged, that satisfactory proof was not afforded that France had repealed her decrees against the commerce of the United States; as if such proof alone were wanting to insure the performance of the British promise. [94] {1452} At another time it was insisted that the repeal of the French decrees, in their operation against the United States, must be total, applying equally to their internal and their external effects, as if the United States had either the right or the power to impose upon France the law of her domestic institutions. [95] And it was finally insisted, in a despatch from Lord Castlereagh to the British Minister residing at Washington, in the year 1812, which was officially communicated to the American Government, “that the decrees of Berlin and Milan must not be repealed singly and specially in relation to the United States, but must be repealed also as to all other neutral nations, and that in no less extent of a repeal of the French decrees, had the British Government ever pledged itself to repeal the Orders in Council;” [96] as if it were incumbent on the United States, not only to assert her own rights, but to become
the coadjutor of the British Government in a gratuitous assertion of the rights of all other nations.

The Congress of the United States could pause no longer, under a deep and afflicting sense of the national wrongs. While they "postponed definitive measures with respect to France, in the expectation that the result of unclosed discussions between the American Minister at Paris and the French Government, would speedily enable them to decide, with greater advantage, on the course due to the rights, the interests, and the honor of the country;" [97] they pronounced a deliberate and solemn declaration of war, between Great Britain and the United States, on the 18th of June, 1812.

But it is in the face of all the facts which have been displayed in the present narrative, that the Prince Regent, by his declaration of January, 1813, describes the United States as the aggressor in the war. If the act of declaring war constitutes, in all cases, the act of original aggression, the United States must submit to the severity of the reproach; but if the act of declaring war may be more truly considered as the result of long suffering, and necessary self-defence, the American Government will stand acquitted, in the sight of Heaven and of the world. Have the United States, then enslaved the subjects, confiscated the property, prostrated the commerce, insulted the flag, or violated the territorial sovereignty of Great Britain? No; but in all these respects the United States had suffered, for a long period of years previous to the declaration of war, the contumely and outrage of the British Government. It has been said, too, as an aggravation of the imputed aggression, that the United States chose a period for the declaration of war when Great Britain was struggling for her own existence, {1453} against a power which threatened to overthrow the independence of all Europe; but it might be more truly said that the United States, not acting upon choice, but upon compulsion, delayed the declaration of war, until the persecutions of Great Britain had rendered further delay destructive and disgraceful. Great Britain had converted the commercial scenes of American opulence and prosperity, into scenes of comparative poverty and distress; she had brought the existence of the United States, as an independent nation, into question; and surely it must have been indifferent to the United States whether they ceased to exist as an independent nation, by her conduct while she professed friendship, or by her conduct when she avowed enmity and revenge. Nor is it true that the existence of Great Britain was in danger at the epoch of the declaration of war. The American Government uniformly entertained an opposite opinion, and at all times saw more to apprehend for the United States, from her maritime power, than from the territorial power of her enemy. The event has justified the opinion and the apprehension. But what the United States asked, as essential to their welfare, and even as beneficial to the allies of Great Britain in the European war, Great Britain, it is manifest, might have granted, without impairing the resources of her own strength, or the splendor of her own sovereignty; for her Orders in Council have been since revoked, not, it is true, as the performance of her promise to follow in this respect the example of France, since she finally rested the obligation of that promise upon a repeal of the French decrees as to all nations, and the repeal was only as to the United States; nor as an act of national justice towards the United States, but simply as an act of domestic policy, for the special advantage of her own people.
The British Government has also described the war as a war of aggrandizement and conquest on the part of the United States; but where is the foundation of the charge? While the American Government employed every means to dissuade the Indians, even those who lived within the territory, and were supplied by the bounty of the United States from taking any part in the war, [98] the proofs were irresistible that the enemy pursued a very different course, [99] and that every precaution would be necessary to prevent the effects of an offensive alliance between the British troops and the savages throughout the northern frontier of the United States. The military occupation of Upper Canada was, therefore, deemed indispensable to the safety of that frontier in the earliest movements of the war, independent of all views of extending the territorial boundary of the United States. But when war was declared, in [1454] resentment for injuries which had been suffered upon the Atlantic, what principle of public law, what modification of civilized warfare, imposed upon the United States the duty of abstaining from the invasion of the Canadas? It was there alone that the United States could place themselves upon an equal footing of military force with Great Britain; and it was there that they might reasonably encourage the hope of being above, in the prosecution of a lawful retaliation, “to restrain the violence of the enemy, and to retort upon him the evils of his own injustice.” The proclamations issued by the American commanders, on entering Upper Canada, have, however, been adduced by the British negotiators at Ghent as the proofs of a spirit of ambition and aggrandizement on the part of their Government. In truth, the proclamations were not only unauthorized and disapproved, but were infractions of the positive instructions which had been given for the conduct of the war in Canada. When the General commanding the Northwestern Army of the United States received, on the 24th of June, 1812, his first authority to commence offensive operations, he was especially told that “he must not consider himself authorized to pledge the Government to the inhabitants of Canada, further than assurances of protection in their persons, property, and rights.” And on the ensuing 1st of August it was emphatically declared to him, “that it had become necessary that he should not lose sight of the instructions of the 24th of June, as any pledge beyond that was incompatible with the views of the Government.” [100] Such was the nature of the charge of American ambition and aggrandizement, and such the evidence to support it.

The Prince Regent has, however, endeavored to add to these unfounded accusations a stigma at which the pride of the American Government revolts. Listening to the fabrications of British emissaries; gathering scandals from the abuses of a free press; and misled, perhaps, by the asperities of a party spirit, common to all free Governments, he affects to trace the origin of the war to “a marked partiality in palliating and assisting the aggressive tyranny of France,” and “to the prevalence of such councils as associated the United States in policy with the Government of that nation.” [101] The conduct of the American Government is now open to every scrutiny, and its vindication is inseparable from a knowledge of the facts. All the world must be sensible, indeed, that neither in the general policy of the late ruler of France, nor in his particular treatment of the United States, could there exist any political or rational foundation for the sympathies and associations, overt or clandestine, which have been rudely and unfairly suggested. It is equally obvious that nothing short of the aggressive
tyranny exercised by Great Britain towards the United States, could have counteracted and controlled those tendencies to peace and amity which derived their impulse from natural and social causes combining the affections and interests of the two nations. The American Government, faithful to that principle of public law which acknowledges the authority of all Governments established de facto, and conforming its practice in this respect to the example of Europe, has never contested the validity of the Governments successively established in France; nor refrained from that intercourse with either of them, which the just interests of the United States required. But the British Cabinet is challenged to produce, from the recesses of its secret, or of its public, archives, a single instance of unworthy concession, or political alliance and combination, throughout the intercourse of the United States, with the revolutionary rulers of France. Was it the influence of French councils, that induced the American Government to resist the pretensions of France, in 1793, and to encounter her hostilities in 1798? that led to the ratification of the British Treaty in 1795; to the British negotiation in 1805, and to the Convention with the British Minister in 1809? that dictated the impartial overtures, which were made to Great Britain, as well as to France, during the whole period of the restrictive system? that produced the determination to avoid making any treaty, even a treaty of commerce with France, until the outrage of the Rambouillet decree was repaired? [102] that sanctioned the repeated and urgent efforts of the American Government, to put an end to the war, almost as soon as it was declared? or that, finally, prompted the explicit communication, which, in pursuance of instructions, was made by the American Minister, at St. Petersburgh, to the Court of Russia, stating, “that the principal subjects of discussion, which had long been subsisting between the United States and France, remained unsettled; that there was no immediate prospect, that there would be a satisfactory settlement of them; but that, whatever the event, in that respect, might be, it was not the intention of the Government of the United States to enter into any more intimate connexions with France; that the Government of the United States did not anticipate any event whatever, that could produce that effect; and that the American Minister was the more happy to find himself authorized by his Government to avow this intention, as different representations of their views had been widely circulated, as well in Europe as in America.” [103] But, while every act of the American Government thus falsifies the charge of a subserviency to the policy of France, it may be justly remarked, that of all the Governments maintaining a necessary relation and intercourse with that nation, from the commencement to the recent termination of the revolutionary establishments, it has happened, that the Government of the United States has least exhibited marks of condescension and concession to the successive rulers. It is for Great Britain, more particularly, as an accuser, to examine and explain the consistency of the reproaches, which she has uttered against the United States, with the course of her own conduct; with her repeated negotiations, during the republican, as well as during the imperial, sway of France; with her solicitude to make and to propose treaties; with her interchange of commercial benefits, so irreconcilable to a state of war; with the almost triumphant entry of a French ambassador into her capital, amidst the acclamations of the populace; and with the prosecution, instituted, by the orders of the King of Great Britain himself, in the highest court of criminal jurisdiction in his
Kingdom, to punish the printer of a gazette, for publishing a libel on the conduct and character of the late Ruler of France! Whatever may be the source of these symptoms, however they may indicate a subservient policy, such symptoms have never occurred in the United States, throughout the imperial Government of France.

The conduct of the United States, from the moment of declaring the war, will serve, as well as their previous conduct, to rescue them from the unjust reproaches of Great Britain. When war was declared, the Orders in Council had been maintained, with inexorable hostility, until a thousand American vessels and their cargoes had been seized and confiscated under their operation; the British Minister at Washington had, with peculiar solemnity, announced that the orders would not be repealed, but upon conditions, which the American Government had not the right, nor the power to fulfil; and the European war, which had raged, with little intermission, for twenty years, threatened an indefinite continuance. Under these circumstances, a repeal of the orders, and a cessation of the injuries which they produced, were events beyond all rational anticipation. It appears, however, that the orders, under the influence of a parliamentary inquiry into their effects upon the trade and manufactures of Great Britain, were provisionally repealed on the 23d of June, 1812, a few days subsequent to the American declaration of war. If this repeal had been made known to the United States, before their resort to arms, the repeal would have arrested it; and that cause of war being removed, the other essential cause, the practice of impressments, would have been the subject of renewed negotiation, under the auspicious influence of a partial, yet important, act of reconciliation. But the declaration of war having announced the practice of impressments as a principal cause, peace could only be the result of an express abandonment of the practice; of a suspension of the practice, for the purposes of negotiation; or of a cessation of actual sufferance, in consequence of a pacification in Europe, which would deprive Great Britain of every motive for continuing the practice. {1457}

Hence, when early intimations were given from Halifax and from Canada, of a disposition, on the part of the local authorities, to enter into an armistice, the power of those authorities was so doubtful, the objects of the armistice were so limited, and the immediate advantages of the measure were so entirely on the side of the enemy, that the American Government could not, consistently with its duty, embrace the propositions. [104] But some hope of an amicable adjustment was inspired, when a communication was received from Admiral Warren, in September, 1812, stating that he was commanded by his Government to propose, on the one hand, “that the Government of the United States should instantly recall their letters of marque and reprisal against British ships, together with all orders and instructions for any acts of hostility whatever against the territories of His Majesty, or the persons or property of his subjects;” and to promise, on the other hand, if the American Government acquiesced in the preceding proposition, that instructions should be issued to the British squadrons, to discontinue hostilities against the United States and their citizens. This overture, however, was subject to a further qualification, “that, should the American Government accede to the proposal for terminating hostilities, the British Admiral was authorized to arrange with the American Government, as to the revocation of the laws which interdict the commerce and ships of war of Great Britain
from the harbors and waters of the United States; but that, in default of such revocation within the reasonable period to be agreed upon, the orders in Council would be revived.” [also 104] The American Government at once expressed a disposition to embrace the general proposition for a cessation of hostilities, with a view to negotiation; declared that no peace could be durable, unless the essential object of impressments was adjusted; and offered, as a basis of the adjustment, to prohibit the employment of British subjects in the naval or commercial service of the United States; but adhering to its determination of obtaining a relief from actual sufferance, the suspension of the practice of impressments pending the proposed armistice, was deemed a necessary consequence; for “it could not be presumed, while the parties were engaged in a negotiation to adjust amicably this important difference, that the United States would admit the right, or acquiesce in the practice of the opposite party; or that Great Britain would be unwilling to restrain her cruisers from a practice which would have the strongest effect {1458} to defeat the negotiation.” [105] So just, so reasonable, so indispensable a preliminary, without which the citizens of the United States, navigating the high seas, would not be placed, by the armistice, on an equal footing with the subjects of Great Britain, Admiral Warren was not authorized to accept; and the effort at an amicable adjustment, through that channel, was necessarily abortive.

But long before the overture of the British Admiral was made, (a few days, indeed, after the declaration of war,) the reluctance with which the United States had resorted to arms was manifested by the steps taken to arrest the progress of hostilities, and to hasten a restoration of peace. On the 26th day of June, 1812, the American Chargé d’Affairs, at London, was instructed to make the proposal of an armistice ot the British Government which might lead to an adjustment of all differences, on the single condition, in the event of the Orders in Council being repealed, that instructions should be issued, suspending the practice of impressments during the armistice. This proposal was soon followed by another, admitting, instead of positive instructions, an informal understanding between the two Governments on the subject. [106] But both of these proposals were, unhappily, rejected. [107] And when a third, which seemed to leave no plea for hesitation, as it required no other preliminary, than that the American Minister, at London, should find in the British Government a sincere disposition to accommodate the difference relative to impressments, on fair conditions, was evaded, it was obvious, that neither a desire of peace, nor a spirit of conciliation, influenced the councils of Great Britain.

Under these circumstances, the American Government had no choice but to invigorate the war; and yet it has never lost sight of the object of all just wars, a just peace. The Emperor of Russia having offered his mediation, to accomplish that object, it was instantly and cordially accepted by the American Government; [108] but it was peremptorily rejected by the British Government. The Emperor, in his benevolence, repeated his invitation; the British Government again rejected it. At last, however, Great Britain, sensible of the reproach to which such conduct would expose her throughout Europe, offered to the American Government a direct negotiation for peace, and the offer was promptly embraced; with perfect confidence that the British Government would be equally prompt in giving effect to its own {1459} proposal. But such was not the design, or the course, of that Government. The American Envoys were
immediately appointed, and arrived at Gottenburg, the destined scene of negotiation, on the 11th of April, 1814, as soon as the season admitted. The British Government, though regularly informed that no time would be lost on the part of the United States, suspended the appointment of its Envoys, until the actual arrival of the American Envoys should be formally communicated. This pretension, however novel and inauspicious, was not permitted to obstruct the path to peace. The British Government next proposed to transfer the negotiation from Gottenburg to Ghent. This change, also, notwithstanding the necessary delay, was allowed. The American Envoys, arriving at Ghent on the 24th of June, remained in a mortifying state of suspense and expectation, for the arrival of the British Envoys, until the 6th of August. And from the period of opening the negotiations, to the date of the last despatch of the 31st of October, it has been seen, that the whole of the diplomatic skill of the British Government has consisted in consuming time, without approaching any conclusion. The pacification of Paris had suddenly and unexpectedly placed at the disposal of the British Government, a great naval and military force; the pride and passions of the nation were artfully excited against the United States; and a war of desperate and barbarous character was planned, at the very moment that the American Government, finding its maritime citizens relieved, by the course of events, from actual sufferance, under the practice of impressments, had authorized its Envoys to waive those stipulations upon the subject, which might, otherwise, have been indispensable precautions.

Hitherto, the American Government has shown the justice of its cause, its respect for the rights of other nations, and its inherent love of peace. But the scenes of the war, will, also, exhibit a striking contrast, between the conduct of the United States and the conduct of Great Britain. The same insidious policy, which taught the Prince Regent to describe the American Government as the aggressor in the war, has induced the British Government (clouding the daylight truth of the transaction) to call the atrocities of the British fleets and armies, a retaliation upon the example of the American troops in Canada. The United States tender a solemn appeal to the civilized world, against the fabrication of such a charge; and they vouch, in support of their appeal, the known morals, habits, and pursuits of their people; the character of their civil and political institutions; and the whole career of their navy and their army, as humane, as it is brave. Upon what pretext did the British Admiral, on the 18th of August, 1814, announce his determination, “to destroy and lay waste such towns and districts, upon the coast, as might be found assailable?” [109] {1460} It was the pretext of a request from the Governor General of the Canadas, for aid to carry into effect measures of retaliation; while, in fact, the barbarous nature of the war had been deliberately settled and prescribed by the British Cabinet. What could have been the foundation of such a request? The outrages, and the irregularities, which too often occur during a state of national hostilities, in violation of the laws of civilized warfare, are always to be lamented, disavowed, and repaired, by a just and honorable Government; but if disavowal be made, and if reparation be offered, there is no foundation for retaliatory violence. “Whatever unauthorized irregularity may have been committed by any of the troops of the United States, the American Government has been ready, upon principles of sacred and eternal obligation, to disavow, and, as far as it might be practicable, to repair.” [110] In every known instance (and they are few) the offenders have been
subjected to the regular investigation of a military tribunal; and an officer commanding a party of stragglers, who were guilty of unworthy excesses, was immediately dismissed without the form of a trial for not preventing those excesses. The destruction of the village of Newark, adjacent to Fort George, on the 10th of December, 1813, was long subsequent to the pillage and conflagration committed on the shores of the Chesapeake, through out the Summer of the same year; and might fairly have been alleged as a retaliation for those outrages; but, in fact, it was justified by the American commander who ordered it, on the ground that it became necessary to the military operations at that place; {111} while the American Government, as soon as it heard of the act, on the 6th of January, 1814, instructed the General commanding the Northern army, “to disavow the conduct of the officer who committed it; and to transmit to Governor Prevost a copy of the order under color of which that officer had acted.” [112] This disavowal was accordingly communicated; and on the 10th of February, 1814, Governor Prevost answered, “that it had been with great satisfaction he had received the assurance, that the perpetration of the burning of the town of Newark was both unauthorized by the American Government, and abhorrent to every American feeling; that if any outrages had ensued the wanton and unjustifiable destruction of Newark, passing the bounds of just retaliation, they were to be attributed to the influence of irritated passions on the part of the unfortunate sufferers by that event, which, in a state of active warfare, it has not been possible altogether to restrain; and that it was as little congenial to the disposition of His Majesty’s Government as it was to that of the Government of the United States, deliberately to adopt any plan of policy which had for its object the devastation of private property.” [113] But the disavowal of the American Government was not the only expiation of the offence committed by its officer; for the British Government assumed the province of redress in the indulgence of its own vengeance. A few days after the burning of Newark, the British and Indian troops crossed the Niagara for this purpose; they surprised and seized Forth Niagara, and put its garrison to the sword; they burnt the villages of Lewistown, Manchester, Tuscarora, Buffalo, and Black Rock; slaughtering and abusing the unarmed inhabitants; until, in short, they had laid waste the whole of the Niagara frontier, leveling every house and every hut, and dispersing beyond the means of shelter, in the extremity of the winter, the male and the female, the old and the young. Sir George Prevost himself appears to have been sated with the ruin and the havoc which had been thus inflicted. In his proclamation of the 12th of January, 1814, he emphatically declared, that for the burning of Newark, “the opportunity of punishment had occurred, and a full measure of retaliation had taken place;” and “that it was not his intention to pursue further a system of warfare so revolting to his own feelings and so little congenial to the British character unless the future measures of the enemy should compel him again to resort to it.” [114] Nay, with his answer to the American General, already mentioned, he transmitted “a copy of that proclamation as expressive of the determination as to his future line of conduct;” and added, “that he was happy to learn that there was no probability that any measures on the part of the American Government would oblige him to depart from it.” [115] Where, then, shall we search for the foundation of the call upon the British Admiral, to aid the Governor of Canada in measures of retaliation? Great Britain forgot the principle of retaliation when her
Orders in Council were issued against the unoffending neutral, in resentment of outrages committed by her enemy; and surely she had again forgotten the same principle when she threatened an unceasing violation of the laws of civilized warfare in retaliation for injuries which never existed, or which the American Government had explicitly disavowed, or which had been already avenged by her own arms, in a manner and a degree cruel and unparalleled. The American Government, after all, has not hesitated to declare, that “for the reparation of injuries, of whatever nature they may be, not sanctioned by the law of nations, which the military or naval force of either Power might have committed against the other, it would always be ready to enter into reciprocal arrangements; presuming that the British Government would neither expect nor propose any which were not reciprocal.”

It is now, however, proper to examine the character of the warfare which Great Britain has waged against the United States. In Europe, it has already been marked with astonishment and indignation, as a warfare of the tomahawk, the scalping knife, and the torch; as a warfare incompatible with the usages of civilized nations; as a warfare, that, disclaiming all moral influence, inflicts an outrage upon social order, and gives a shock to the very elements of humanity. All belligerent nations can form alliances with the savage, the African, and the bloodhound; but what civilized nation has selected these auxiliaries, in its hostilities? It does not require the fleets and armies of Great Britain to lay waste an open country; to burn unfortified towns, or unprotected villages; nor to plunder the merchant, the farmer, and the planter, of his stores: these exploits may easily be achieved by a single cruiser, or a petty privateer; but when have such exploits been performed on the coasts of the continent of Europe, or of the British islands, by the naval and military force of any belligerent Power; or when have they been tolerated by any honorable Government, as the predatory enterprise of armed individuals? Nor is the destruction of the public edifices, which adorn the metropolis of a country, and serve to commemorate the taste and science of the age, beyond the sphere of action of the vilest incendiary, as well as of the most triumphant conqueror. It cannot be forgotten, indeed, that in the course of ten years past, the capitals of the principal Powers of Europe have been conquered, and occupied alternately, by the victorious armies of each other; and yet there has been no instance of a conflagration of the palaces, the temples, or the halls of justice. No; such examples have proceeded from Great Britain alone; a nation so elevated in its pride, so awful in its power, and so affected in its tenderness for the liberties of mankind! The charge is severe, but let the facts be adduced.

1. Great Britain has violated the principles of social law, by insidious attempts to excite the citizens of the United States into acts of contumacy, treason, and revolt, against their Government. For instance:

No sooner had the American Government imposed the restrictive system upon its citizens, to escape from the rage and depredation of the belligerent Powers, than the British Government, then professing amity towards the United States, issued an order, which was, in effect, an invitation to the American citizens to break the laws of their country, under a public promise of the British protection and patronage, “to all vessels which should engage in an illicit trade, without bearing the customary ship’s document and papers.”
Again: During a period of peace between the United States and Great Britain, in the year 1809, the Governor General of the Canadas employed an agent (who had previously been engaged, in a similar service, with the knowledge and approbation of the British Cabinet) “on a secret and confidential mission,” into the United States, declaring, “that there was no doubt that his able execution of such a mission, would give him a claim, not only on the Governor General, but on His Majesty’s Ministers.” The object of the mission was, to ascertain whether there existed a disposition in any portion of the citizens, “to bring about a separation of the Eastern States from the general Union; and how far, in such an event, they would look up to England for assistance, or be disposed to enter into a connexion with her.” The agent was instructed “to insinuate, that if any of the citizens should wish to enter into a communication with the British Government, through the Governor General, he was authorized to receive such communication; and that he would safely transmit it to the Governor General.”

He was accredited by a formal instrument, under the seal and signature of the Governor General, to be produced, “if he saw good ground for expecting that the doing so might lead to a more confidential communication than he could otherwise look for;” and he was furnished with a cipher, “for carrying on the secret correspondence. The virtue and patriotism of the citizens of the United States, were superior to the arts and corruption employed in this secret and confidential mission, if it ever was disclosed to any of them; and the mission itself terminated as soon as the arrangement with Mr. Erskine was announced. But, in the act of recalling the secret emissary, he was informed, “that the whole of his letters were transcribing to be sent home, where they could not fail of doing him great credit, and it was hoped they might eventually contribute to his permanent advantage.” To endeavor to realize that hope, the emissary proceeded to London; all the circumstances of his mission were made known to the British Minister; his services were approved and acknowledged; and he was sent to Canada for a reward, with a recommendatory letter from Lord Liverpool to Sir George Prevost, “stating his Lordship’s opinion of the ability and judgment which Mr. Henry had manifested on the occasions mentioned in his memorial, (his secret and confidential missions,) and of the benefit the public service might derive from his active employment in any public situation, in which Sir George Prevost might think proper to place him.” The world will judge upon these facts, and the rejection of a Parliamentary call, for the production of the papers relating to them, what credit is due to the Prince Regent’s assertion, “that Mr. Henry’s mission was undertaken without the authority or even knowledge of His Majesty’s Government.” The first mission was certainly known to the British Government, at the time it occurred; for the Secretary of the Governor General expressly states, “that the information and political observations, heretofore received from Mr. Henry, were transmitted by his Excellency to the Secretary of State, who had expressed his particular approbation of them.”

The second mission was approved when it was known; and it remains for the British Government to explain, upon any established principles of morality and justice, the essential difference between ordering the offensive acts to be done, and reaping the fruit of those acts, without either expressly or tacitly condemning them.

Again: These hostile attempts upon the peace and union of the United States, preceding the declaration of war, have been followed by similar machinations,
The Governor General of the Canadas has endeavored, occasionally, in his proclamations and general orders, to dissuade the militia of the United States from the performance of the duty which they owed to their injured country; and the efforts, at Quebec and Halifax, to kindle the flame of civil war, have been as incessant as they have been insidious and abortive. Nay, the Governor of the island of Barbadoes, totally forgetful of the boasted article of the British magna charta, in favor of foreign merchants, found within the British dominions upon the breaking out of hostilities, resolved that every American merchant, within his jurisdiction at the declaration of war, should at once be treated as a prisoner of war; because every citizen of the United States was enrolled in the militia; because the militia of the United States were required to serve their country, beyond the limits of the State to which they particularly belonged; and because the militia of “all the States, which had acceded to this measure, were, in the view of Sir George Beckwith, acting as a French conscription.” [125]

Again: Nor was this course of conduct confined to the colonial authorities. On the 26th of October, 1812, the British Government issued an Order in Council, authorizing the Governors of the British West India islands to grant licenses to American vessels, for the importation and exportation of certain articles, enumerated in the order; but, in the instructions, which accompanied the order, it was expressly provided, that whatever importations were proposed to be made, from the United States of America, should, be by licenses, confined to the ports in the eastern States exclusively, unless there was reason to suppose, that the object of the order would not be fulfilled, if licenses were not granted, for importations from the other ports in the United States.” [126]

The President of the United States has not hesitated to place before the nation, with expressions of a just indignation, “the policy of Great Britain thus proclaimed to the world; introducing into her modes of warfare, a system equally distinguished by the deformity of its features, and the depravity of its character; and having for its object to dissolve the ties of allegiance and the sentiments of loyalty in the adversary nation; and to seduce and separate its component parts, the one from the other.” [127]

2. Great Britain has violated the laws of humanity and honor, by seeking alliances, in the prosecution of the war, with savages, pirates, and slaves.

The British agency, in exciting the Indians at all times to commit hostilities upon the frontier of the United States, is too notorious to admit of a direct and general denial. It has sometimes, however, been said, that such conduct was unauthorized by the British Government; and the Prince Regent, seizing the single instance of an intimation, alleged to be given on the part of Sir James Craig, the Governor of the Canadas, that an attack was meditated by the Indians, has affirmed, that “the charge of exciting the Indians to offensive measures against the United States, was void of foundation; that, before the war began, a policy the most opposite had been uniformly pursued; and that proof of this was tendered by Mr. Foster to the American Government.” [128] But is it not known in Europe, as well as in America, that the British Northwest Company maintain a constant intercourse of trade and council with the Indians; that their interests are often in direct collision with the interest of the inhabitants of the United States, and that by means of the inimical dispositions, and
the active agencies of the company (seen, understood, and tacitly sanctioned by the local authorities of Canada) all the evils of an Indian war may be shed upon the United States, without the authority of a formal order emanating immediately from the British Government? Hence, the American Government, \(\{1466\}\) in answer to the evasive protestations of the British Minister, residing at Washington, frankly communicated the evidence of British agency, which had been received at different periods, since the year 1807; and observed, “that whatever may have been the disposition of the British Government, the conduct of its subordinate agents had tended to excite the hostility of the Indian tribes towards the United States; and that in estimating the comparative evidence on the subject, it was impossible not to recollect the communication lately made, respecting the conduct of Sir James Craig, in another important transaction (the employment of Mr. Henry, as an accredited agent, to alienate the detach the citizens of a particular section of the Union, from their Government) which it appeared, was approved by Lord Liverpool.” \(\{129\}\)

The proof, however, that the British agents and military officers were guilty of the charge thus exhibited, become conclusive when, subsequent to the communication which was made to the British Minister, the defeat and flight of General Proctor’s army, on the — of —, placed in the possession of the American commander the correspondence and papers of the British officers. Selected from the documents which were obtained upon that occasion, the contents of a few letters will serve to characterize the whole of the mass. In these letters, written by Mr. McKee, the British agent, to Colonel England, the commander of the British troops, superscribed, “on His Majesty’s service,” and dated during the months of July and August, 1794, the period of General Wayne’s successful expedition against the Indians, it appears that the scalps taken by the Indians were sent to the British establishment at the rapids of the Miami; \(\{130\}\) that the hostile operations of the Indians were concerted with the British agents and officers; \(\{131\}\) that when certain tribes of Indians, “having completed the belts they carried with scalps and prisoners, and being without provisions, resolved on going home, it was lamented that His Majesty’s posts would derive no security from the late great influx of Indians into that part of the country should they persist in their resolution of returning so soon;” \(\{132\}\) that “the British agents were immediately to hold a council at the Glaze, in order to try if they could prevail on the Lake Indians to remain; but that, without provisions and ammunition being sent to that place, it was conceived to be extremely difficult to keep them together;” \(\{133\}\) and that “Colonel England was making great exertions to supply the Indians with provisions.” \(\{134\}\) But the language of the correspondence becomes, at length, so plain \(\{1467\}\) and direct, that it seems impossible to avoid the conclusion of a Governmental agency on the part of Great Britain, in advising, aiding and conducting the Indian war, while she professed friendship and peace towards the United States. “Scouts are sent (says Mr. McKee to Colonel England) to view the situation of the American army; and we now muster one thousand Indians. All the Lake Indians, from Sugana downwards, should not lose one moment in joining their brethren, as every accession of strength is an addition to their spirits.” \(\{135\}\) And again: “I have been employed several days in endeavoring to fix the Indians, who have been driven from the villages and corn-fields, between the fort and the bay. Swan creek is generally agreed upon, and will be a very convenient place for
the delivery of provisions,” &c. [136] Whether, under the various proofs of the British agency, in exciting Indian hostilities against the United States in a time of peace, presented in the course of the present narrative, the Prince Regent’s declaration, that, “before the war began, a policy the most opposite had been uniformly pursued by the British Government, [137] is to be ascribed to a want of information or a want of candor, the American Government is not disposed more particularly to investigate.

But, independent of these causes of just complaint, arising in a time of peace, it will be found that when the war was declared, the alliance of the British Government with the Indians was avowed upon principles the most novel, producing consequences the most dreadful. The savages were brought into the war upon the ordinary footing of allies, without regard to the inhuman character of their warfare, which neither spares age nor sex, and which is more desperate towards the captive at the stake, than even towards the combatant in the field. It seemed to be a stipulation of the compact between the allies that the British might imitate, but should not control the ferocity of the savages. While the British troops behold without compunction, the tomahawk and the scalping knife brandished against prisoners, old men and children, and even against pregnant women, and while they exultingly accept the bloody scalps of the slaughtered Americans; [138] the Indian exploits in battle are recounted and applauded by the British general orders. Rank and station are assigned to them in the military movements of the British army; and the unhallowed league was ratified with appropriate emblems, by {1468} intertwining an American scalp with the decorations of the mace, which the commander of the Northern army of the United States found in the Legislative chamber of York, the capital of Upper Canada.

In the single scene that succeeded the battle of Frenchtown, near the river Raisin, where the American troops were defeated by the allies under the command of General Proctor, there will be found, concentrated upon indisputable proof, an illustration of the horrors of the warfare which Great Britain has pursued, and still pursues, in cooperation with the savages of the South, as well as with the savages of the North. The American army capitulate don the 22d of January, 1813; yet, after the faith of the British commander had been pledged in the terms of the capitulation, and while the British officers and soldiers silently and exultingly contemplated the scene, some of the American prisoners of war were tomahawked, some were shot, and some were burnt. Many of the unarmed inhabitants of the Michigan Territory were massacred; their property was plundered, and their houses were destroyed. [139] The dead bodies of the mangled Americans were exposed, unburied, to be devoured by dogs and swine; “because, as the British officers declared, the Indians would not permit the interment;” [140] and some of the Americans who survived the carnage had been extricated from danger, only by being purchased at a price, as a part of the booty belonging to the Indians. But, to complete this dreadful view of human depravity and human wretchedness, it is only necessary to add, that an American physician who was dispatched with a flag of truce to ascertain the situation of his wounded brethren, and two persons, his companions, were intercepted by the Indians, in their humane mission; the privilege of the flag was disregarded by the British officers; the physician, after being wounded, and one of his companions were made prisoners, and the third person of the party was killed. [141]
But the savage who had never known the restraints of civilized life, and the pirate who had broken the bonds of society, were alike the objects of British conciliation and alliance for the purposes of an unparalleled warfare. A horde of pirates and outlaws had formed a confederacy and establishment on the island of Barrataria, near the mouth of the river Mississippi. Will Europe believe that the commander of the British forces addressed the leader of the confederacy, from the neutral territory of Pensacola, “calling upon him, with his brave followers, to enter into {1469} the service of Great Britain, in which he should have the rank of captain; promising that lands should be given to them all, in proportion to their respective ranks, on a peace taking place; assuring them that their property should be guarantied, and their persons protected; and asking, in return, that they would cease all hostilities against Spain, or the allies of Great Britain, and place their ships and vessels under the British commanding officer on the station, until the commander-in-chief’s pleasure should be known, with a guarantee of their fair value at all events?” [142] There wanted only to exemplify the debasement of such an act, the occurrence, that the pirate should spurn the proffered alliance; and, accordingly, Lafitte’s answer was indignantly given, by a delivery of the letter containing the British proposition, to the American Governor of Louisiana.

There were other sources, however, of support, which Great Britain was prompted by her vengeance to employ, in opposition to the plainest dictates of her own colonial policy. The events which have extirpated or dispersed the white population of St. Domingo, are in the recollection of all men. Although British humanity might not shrink from the infliction of similar calamities upon the Southern States of America, the danger of that course, either as an incitement to a revolt of the slaves in the British islands, or as a cause for retaliation on the part of the United States ought to have admonished her against its adoption. Yet, in a formal proclamation, issued by the Commander-in-Chief of His Britannic Majesty’s squadrons upon the American station, the slaves of the American planters were invited to join the British standard, in a covert phraseology, that afforded but a slight veil for the real design. Thus, Admiral Cochrane, reciting “that it had been represented to him that many persons now resident in the United States had expressed a desire to withdraw therefrom, with a view of entering into His Majesty’s service, or of being received as free settlers into some of His Majesty’s colonies,” proclaimed that “all those who might be disposed to emigrate from the United States would, with their families, be received on board of His Majesty’s ships or vessels of war, or at the military posts that might be established upon or near the coast of the United States, when they would have their choice of either entering into His Majesty’s sea or land forces, or of being sent as free settlers to the British possessions in North America, or the West Indies, where they would meet with all due encouragement.” [143] But even the negroes seem, in contempt or disgust, to have resisted the solicitation; no rebellion or massacre ensued; and the allegation, often repeated, that, in relation to those who were seduced or forced from the service of their masters, { 1470} instances have occurred of some being afterwards transported to the British West India islands, and there sold into slavery for the benefit of the captors, remains without contradiction. So complicated an act of injustice would demand the reprobation of mankind. And let the British Government, which professes a just abhorrence of the African slave trade, which endeavors to impose, in that respect,
restraints upon the domestic policy of France, Spain, and Portugal, answer, if it can, the solemn charge against their faith and their humanity.

3. Great Britain has violated the laws of civilized warfare, by plundering private property; by outraging female honor; by burning unprotected cities, towns, villages, and houses; and by laying waste whole districts of an unresisting country.

The menace and the practice of the British naval and military force “to destroy and lay waste such towns and districts upon the American coast as might be found assailable,” have been excused upon the pretext of retaliation, for the wanton destruction committed by the American army in Upper Canada;” [144] but the fallacy of the pretext has already been exposed. It will be recollected, however, that the act of burning Newark was instantaneously disavowed by the American Government; that it occurred in December, 1813; and that Sir George Prevost himself acknowledged, on the 10th of February, 1814, that the measure of retaliation, for all the previously imputed misconduct of the American troops, was then full and complete. [145] Between the month of February, 1814, when that acknowledgment was made, and the month of August, 1814, when the British Admiral’s denunciation was issued, what are the outrages upon the part of the American troops in Canada to justify a call for retaliation? No; it was the system not the incident of the war. And intelligence of the system had been received at Washington, from the American agents in Europe, with reference to the operations of Admiral Warren upon the shores of the Chesapeake, long before Admiral Cochrane had succeeded to the command of the British fleet on the American station.

As an appropriate introduction to the kind of war which Great Britain intended to wage against the inhabitants of the United States, transactions occurred in England, under the avowed direction of the Government itself, that could not fail to wound the moral sense of every candid and generous spectator. All the officers and mariners of the American merchant ships, who, having lost their vessels in other places, had gone to England on the way to America; or who had been employed in British merchant ships, but were desirous of returning home; or who had been detained, in consequence of the condemnation of their vessels under the British Orders in Council; or who had arrived in England, through any of the other casualties of the seafaring life, were condemned to be treated as prisoners of war; nay, some of them were actually impressed while soliciting their passports, although not one of their number had been in any way engaged in hostilities against Great Britain; and although the American Government had afforded every facility to the departure of the same class, as well as of every other class of British subjects, from the United States, for a reasonable period after the declaration of war. [146] But this act of injustice, for which even the pretext of retaliation has not been advanced, was accompanied by another of still greater cruelty and oppression. The American seamen, who had been enlisted or impressed into the naval service of Great Britain, were long retained, and many of them are yet retained, on board of British ships of war, where they are compelled to combat against their country and their friends; and even when the British Government tardily and reluctantly recognised the citizenship of impressed Americans to a number exceeding one thousand at a single naval station, and dismissed them from its service on the water, it was only to immure them as prisoners of war on the shore. These unfortunate
persons, who had passed into the power of the British Government by a violation of their own rights and inclinations, as well as of the rights of their country, and who could only be regarded as the spoils of unlawful violence, were nevertheless treated as the fruits of lawful war. Such was the indemnification which Great Britain offered for the wrongs that she had inflicted, and such the reward which she bestowed for services that she had received. [147]

Nor has the spirit of British warfare been confined to violations of the usages of civilized nations, in relation to the United States. The system of blockade, by Orders in Council, has been revived; and the American coast, from Maine to Louisiana, has been declared, by the proclamation of a British Admiral, to be in a state of blockade, which every day's observation proves to be practically ineffectual, and which, indeed, the whole of the British navy would be unable to enforce and maintain. [148] Neither the Orders in Council, acknowledged to be generally unlawful, and declared to be merely retaliatory upon France, nor the Berlin and Milan decrees, which placed the British islands in a state of blockade without the force of a single squadron to maintain it, were, in principle, more injurious to the rights of neutral commerce than the existing blockade of the United States. The revival, therefore, of the system, without the retaliatory pretext, must {1472} demonstrate to the world a determination, on the part of Great Britain, to acquire a commercial monopoly, by every demonstration of her naval power. The trade of the United States with Russia, and with other northern Powers, by whose Governments no edicts violating neutral rights had been issued, was cut off by the operation of the British Orders in Council of the year 1807, as effectually as their trade with France and her allies, although the retaliatory principle was totally inapplicable to the case. And the blockade of the year 1814 is an attempt to destroy the trade of those nations, and, indeed, of all the other nations of Europe, with the United States; while Great Britain herself, with the same policy and ardor that marked her illicit trade with France, when France was her enemy, encourages a clandestine traffic between her subjects and the American citizens, wherever her possessions come in contact with the territory of the United States.

But, approaching nearer to the scenes of plunder and violence, of cruelty and conflagration, which the British warfare exhibits on the coast of the United States, it must be again asked what acts of the American Government, of its ships of war, or of its armies, had occurred, or were even alleged as a pretext, for the perpetration of this series of outrages? It will not be asserted that they were sanctioned by the usages of modern war, because the sense of all Europe would revolt at the assertion. It will not be said that they were the unauthorized excesses of the British troops, because scarcely an act of plunder and violence, of cruelty and conflagration, had been committed, except in the immediate presence, under the positive orders, and with the personal agency of British officers. It must not be again insinuated that they were provoked by the American example, because it has been demonstrated that all such insinuations are without color and without proof. And, after all, the dreadful and disgraceful progress of the British arms will be traced, as the effect of that animosity, arising out of recollections connected with the American Revolution, which has already been noticed; or, as the effect of that jealousy which the commercial enterprise and native resources
of the United States are calculated to excite in the councils of a nation aiming at universal dominion upon the ocean.

In the month of April, 1813, the inhabitants of Poplar Island, in the Bay of Chesapeake, were pillaged, and the cattle and other live stock of the farmers, beyond what the enemy could remove, were wantonly killed. [149]

In the same month of April, the wharf, the stores, and the fishery, at Frenchtown Landing, were destroyed, and the private stores and storehouses in the village of Frenchtown were burnt. [150]

In the same month of April the enemy landed repeatedly on Sharp’s Island, and made a general {1473} sweep of the stock, affecting however to pay for a part of it. [151]

On the 3d of May, 1813, the town of Havre-de-Grace was pillaged and burnt by a force under the command of Admiral Cockburn. The British officers being admonished “that, with civilized nations at war, private property had always been respected,” hastily replied, “that, as the Americans wanted war, they should now feel its effects, and that the town should be laid in ashes.” They broke the windows of the church; they purloined the houses of the furniture; they stripped women and children of their clothes; and when an unfortunate female complained that she could not leave her house with her little children, she was unfeelingly told, “that her house should be burnt with herself and her children in it.” [152]

On the 6th of May, 1813, Fredericktown and Georgetown, situated on Sassafras river, in the State of Maryland, were pillaged and burnt, and the adjacent country was laid waste, by a force under the command of Admiral Cockburn, and the officers were the most active on the occasion. [153]

On the 22d of June, 1813, the British forces made an attack upon Craney Island, with a view to obtain possession of Norfolk, which the commanding officers had promised, in case of success, to give up to the plunder of the troops. [154] The British were repulsed; but, enraged by defeat and disappointment, their course was directed to Hampton, which they entered on the — of June. The scene that ensued exceeds all power of description, and a detail of facts would be offensive to the feelings of decorum as well as of humanity. “A defenceless and unresisting town was given up to indiscriminate pillage, though civilized war tolerates this only as to fortified places carried by assault, and after summons. Individuals, male and female, were stripped naked; a sick man was stabbed twice in the hospital; another sick man shot in his bed, and in the arms of his wife, who was also wounded, long after the retreat of the American troops; and females, the married and the single, suffered the extremity of personal abuse from the troops of the enemy, and from the infatuated negroes, at their instigation.” [155] {1474}

The fact that these atrocities were committed, the commander of the British fleet, Admiral Warren, and the commander of the British troops, Sir Sidney Beckwith, admitted, without hesitation; [156] but they resorted, as on other occasions, to the unworthy and unavailing pretext of a justifiable retaliation. It was said, by the British General, “that the excesses at Hampton were occasioned by an occurrence at the recent attempt upon Craney Island, when the British troops in a barge, sunk by the American guns, clung to the wreck of the boat, but several Americans waded off from the island, fired upon, and shot these men.” The truth of the assertion was denied; the act, if it had
been perpetrated by the American troops, was promptly disavowed by their commander, and a board of officers appointed to investigate the facts, after stating the evidence, reported “an unbiassed opinion, that the charge against the American troops was unsupported, and that the character of the American soldiery for humanity and magnanimity had not been committed, but, on the contrary, confirmed.” [157] The result of this inquiry was communicated to the British General; reparation was demanded; but it was soon perceived that, whatever might personally be the liberal dispositions of that officer, no adequate reparation could be made, as the conduct of his troops was directed and sanctioned by his Government. [158]

During the period of these transactions, the village of Lewistown, near the capes of the Delaware, inhabited chiefly by fishermen and pilots, and the village of Stonington, seated upon the shores of Connecticut, were unsuccessfully bombarded. Armed parties, led by officers of rank, landed daily from the British squadron, making predatory incursions into the open country; rifling and burning the houses and cottages of peaceable and retired families; pillaging the produce of the planter and farmer, (their tobacco, their grain, and their cattle;) committing violence on the persons of the unprotected inhabitants; seizing upon slaves, wherever they could be found, as booty of war; and breaking open the coffins of the dead, in search of plunder, or committing robbery on the altars of the church at Chaptico, St. Inigoes, and Tappahannock, with a sacrilegious rage.

But the consummation of British outrage yet remains to be stated from the awful and imperishable memorials of the Capitol at Washington. It has been already observed, that the massacre of the American prisoners, at the river Raisin, occurred in January, 1813; that throughout the same year, the desolating warfare of Great Britain, without once alleging a retaliatory excuse, made the shores of the Chesapeake, and of its tributary rivers, a general scene of ruin and distress; and that in the month of February, 1814, Sir George Prevost himself acknowledged, that the measures of retaliation for the unauthorized burning of Newark, in December, 1813, and for all the excesses which had been imputed to the American Army, was, at that time, full and complete. The United States, indeed, regarding what was due to their own character, rather than what was due to the conduct of their enemy, had forborne to authorize a just retribution, and even disdained to place the destruction of Newark to retaliatory account for the general pillage and conflagration which had been previously perpetrated. It was not without astonishment, therefore, that, after more than a year of patient suffering, they heard it announced in August, 1814, that the towns and districts upon their coast were to be destroyed and laid waste, in revenge for unspecified and unknown acts of destruction which were charged against the American troops in Upper Canada. The letter of Admiral Cochrane was dated on the 18th, but it was not received until the 31st of August, 1814. In the intermediate time, the enemy debarked a body of about five or six thousand troops at Benedict, on the Patuxent, and by a sudden and steady march through Bladensburg approached the City of Washington. This city had been selected for the Seat of the American Government, but the number of its houses does not exceed nine hundred, spread over an extensive site; the whole number of its inhabitants does not exceed eight thousand; and the adjacent country is thinly populated. Although the necessary precautions had been ordered to assemble the
militia for the defence of the city, a variety of causes combined to render the defence unsuccessful; and the enemy took possession of Washington on the evening of the 24th of August, 1814. The commanders of the British force held, at that time, Admiral Cochrane’s desolating order, although it was then unknown to the Government and the people of the United States; but, conscious of the danger of so distant a separation from the British fleet, and desirous, by every plausible artifice, to deter the citizens from flying to arms against the invaders, they disavowed all design of injuring private persons and property, and gave assurances of protection wherever there was submission. General Ross and Admiral Cockburn then proceeded in person to direct and superintend the business of conflagration in a place which had yielded to their arms, which was unfortified, and by which no hostility was threatened. They set fire to the Capitol, within whose walls were contained the halls of the Congress of the United States, the hall of their highest tribunal for the administration of justice, the archives of the Legislature, and the National Library. They set fire to the edifice which the United States had erected for the residence of their Chief Magistrate; and they set fire to the costly and extensive buildings erected for the accommodation of the principal officers of the Government in the transaction of the public business. These magnificent monuments of the progress of the arts, which America had borrowed from her parent Europe, with all the testimonials of taste and literature which they contained, were, on the memorable night of the 24th of August, consigned to the flames, while British officers of high rank and command united with their troops in riotous carousals by the light of the burning pile.

But the character of the incendiary had so entirely superseded the character of the soldier on this unparalleled expedition, that a great portion of the munitions of war which had not been consumed when the Navy Yard was ordered to be destroyed upon the approach of the British troops, were left untouched; and an extensive foundry of cannon, adjoining the City of Washington, was left uninjured; when, in the night of the 25th of August, the army suddenly decamped, and returning, with evident marks of precipitation and alarm, to their ships, left the interment of their dead, and the care of their wounded, to the enemy whom they had thus injured and insulted, in violation of the laws of civilized war.

The counterpart to the scene exhibited by the British army was next exhibited by the British navy. Soon after the midnight flight of General Ross from Washington, a squadron of British ships of war ascended the Potomac, and reached the town of Alexandria on the 27th of August, 1814. The magistrates, presuming that the general destruction of the town was intended, asked on what terms it might be saved. The naval commander declared, “that the only conditions in his power to offer were such as not only required a surrender of all naval and ordnance stores, (public and private,) but of all the shipping, and of all the merchandise in the city, as well as such as had been removed since the 19th of August.” The conditions, therefore, amounted to the entire plunder of Alexandria, an unfortified and unresisting town, in order to save the buildings from destruction. The capitulation was made, and the enemy bore away the fruits of his predatory enterprise in triumph.

But, even while this narrative is passing from the press, a new retaliatory pretext has been formed, to cover the disgrace of the scene which was transacted at
Washington. In the address of the Governor-in-Chief to the Provincial Parliament of Canada, on the 24th of January, 1815, it is asserted, in ambiguous language, “that, as a just retribution, the proud Capitol at Washington has experienced a similar fate to that inflicted by an American force on the Seat of Government in Upper Canada.” The town of York, in Upper Canada, was taken by the American Army under the command of General Dearborn, on the 27th of April, 1813; [159] and it was evacuated on the succeeding 1st of May; although it was again visited for a day, by an American squadron, under the command of Commodore Chauncey, on the 4th of {1477} August. [160] At the time of the capture, the enemy, on his retreat, set fire to his magazine, and the injury produced by the explosion was great and extensive; but neither then, nor on the visit of Commodore Chauncey, was any edifice, which had been erected for civil uses, destroyed by the authority of the military or the naval commander; and the destruction of such edifices, by any part of their force, would have been a direct violation of the positive orders which they had issued. On both occasions, indeed, the public stores of the enemy were authorized to be seized, and his public storehouses to be burnt; but it is known that private persons, houses, and property, were left uninjured. If, therefore, Sir George Prevost deems such acts inflicted on “the Seat of Government in Upper Canada” similar to the acts which were perpetrated at Washington, he has yet to perform the task of tracing the features of similarity; since at Washington the public edifices, which had been erected for civil uses, were alone destroyed, while the munitions of war and the foundries of cannon remained untouched.

If, however, it be meant to affirm, that the public edifices, occupied by the Legislature, by the Chief Magistrate, by the courts of justice, and by the civil functionaries of the Province of Upper Canada, with the Provincial library, were destroyed by the American force, it is an occurrence which has never been before presented to the view of the American Government, by its own officers, as matter of information; nor by any of the military or civil authorities of Canada as matter of complaint; it is an occurrence which no American had in any degree authorized or approved; and it is an occurrence which the American Government would have censured, and repaired with equal promptitude and liberality.

But a tale told thus out of date, for a special purpose, cannot command the confidence of the intelligent and the candid auditor; for, even if the fact of conflagration be true, suspicion must attend the cause for so long a concealment, with motives so strong for an immediate disclosure. When Sir George Prevost, in February, 1814, acknowledged that the measure of retaliation was full and complete for all the preceding misconduct imputed to the American troops, was he not apprized of every fact which had occurred at York, the capital of Upper Canada, in the months of April and August, 1813? Yet neither then, or at any antecedent period, nor until the 24th January, 1815, was the slightest intimation given of the retaliatory pretext which is now offered. When the Admirals Warren and Cochrane were employed in pillaging and burning the villages on the shores of the Chesapeake, were not all the retaliatory pretexts for the barbarous warfare known to those commanders? And yet, “the fate inflicted by an American force on the Seat of Government in Upper Canada,” was never suggested in justification or excuse! And finally, when the expedition was formed in
August, 1814 {1478} for the destruction of the public edifices at Washington, was not
the “similar fate which had been inflicted by an American force on the Seat of
Government in Upper Canada,” known to Admiral Cochrane, as well as to Sir George
Prevost, who called upon the Admiral (it is alleged) to carry into effect measures of
retaliation against the inhabitants of the United States? And yet, both the call and the
compliance are founded (not upon the destruction of the public edifices at York, but)
upon the wanton destruction committed by the American Army in Upper Canada, upon
the inhabitants of the Province, for whom alone reparation was demanded.

An obscurity, then, dwells upon the fact alleged by Sir George Prevost, which has
not been dissipated by inquiry. Whether any public edifice was improperly destroyed at
York, or at what period the injury was done, if done at all, and by what hand it was
inflicted, are points that ought to have been stated when the charge was made; surely it
is enough, on the part of the American Government, to repeat, that the fact alleged was
never before brought to its knowledge for investigation, disavowal, or reparation. The
silence of the military and civil officers of the Provincial Government of Canada,
indicates, too, a sense of shame, or a conviction of the injustice of the present reproach.
It is known that there could have been no other public edifice for civil uses destroyed in
Upper Canada, than the House of the Provincial Legislature, a building of so little cost
and ornament as hardly to merit consideration, and certainly affording neither parallel
nor apology for the conflagration of the splendid structures which adorned the
Metropolis of the United States. If, however, that House was indeed destroyed, may it
not have been an accidental consequence of the confusion in which the explosion of the
magazine involved the town? Or, perhaps, it was hastily perpetrated by some of the
enraged troops, in the moment of anguish for the loss of a beloved commander, and
their companions, who had been killed by that explosion, kindled as it was by a
defeated enemy for the sanguinary and unavailing purpose. Or, in fine, some suffering
individual, remembering the slaughter of his brethren at the river Raisin, and
exasperated by the spectacle of a human scalp suspended in the Legislative Chamber,
over the seat of the Speaker, may, in the paroxysm of his vengeance, have applied,
unauthorized and unseen, the torch of vengeance and destruction.

Many other flagrant instances of British violence, pillage, and conflagration, in
defiance of the laws of civilized hostilities, might be added to the catalogue which has
been exhibited; but the enumeration would be superfluous, and it is time to close so
painful an exposition of the causes and character of the war. The exposition had
become necessary to repel and refute the charges of the Prince Regent, when, by his
declaration of January, 1813, he unjustly states the United States to be the aggressors in
the war; and insultingly ascribes the conduct of the American Government to the
influence of French councils. It was, also, {1479} necessary to vindicate the course of
the United States in the prosecution of the war, and to expose to the view of the world,
the barbarous system of hostilities which the British Government has pursued. Having
accomplished these purposes, the American Government recurs with pleasure to a
contemplation of its early and continued efforts for the restoration of peace. Notwithstanding the pressure of the recent wrongs, and the unfriendly and illiberal
disposition which Great Britain has at all times manifested towards them, the United
States have never indulged sentiments incompatible with the reciprocity of good will,
and an intercourse of mutual benefit and advantage. They can never repine at seeing
the British nation great, prosperous, and happy; safe in its maritime rights, and
powerful in its means of maintaining them; but, at the same time, they can never cease
to desire that the councils of Great Britain should be guided by justice, and a respect for
the equal rights of other nations. Her maritime power may extend to all the legitimate
objects of her sovereignty and her commerce, without endangering the independence
and peace of every other Government. A balance of power, in this respect, is as
necessary on the ocean as on the land; and the control that it gives to the nations of the
world over the actions of each other, is as salutary in its operation to the individual
Government which feels it, as to all the Governments by which, on the just principles of
mutual support and defence, it may be exercised. On fair, and equal, and honorable
terms, therefore, peace is at the choice of Great Britain; but if she still determine upon
war, the United States, reposing upon the justness of their cause; upon the patriotism
of their citizens; upon the distinguished valor of their land and naval forces; and, above
all, upon the dispensations of a beneficent Providence; are ready to maintain the
contest for the preservation of the national independence, with the same energy and
fortitude which were displayed in acquiring it.

WASHINGTON, February 10, 1815.

FOOTNOTES

[3] See the American despatch, dated the 12th of August, 1814.
[4] See the American despatches, dated the 12th and 19th of August, 1814; the
note of the British Commissioners, dated the 19th of August, 1814; the note of the
American Commissioners, dated the 21st of August, 1814; the note of the British
Commissioners, dated the 4th of September, 1814; the note of the American
Commissioners of the 9th of September, 1814; the note of the British Commissioners,
dated the 19th of September, 1814; the note of the American Commissioners, dated the
26th of September, 1814; the note of the British Commissioners, dated the 8th of
October, 1814; and the note of the American Commissioners, of the 13th of October,
1814.
[5] See the note of the British Commissioners, dated the 21st of October, 1814;
the note of the American Commissioners, dated the 24th of October, 1814; and the note
of the British Commissioners, dated the 31st of October, 1814.
[7] See the speeches of Lord Dorchester.
[9] At Fort Recovery, on the 4th of November, 1791.
[11] See the correspondence between Mr. Randolph, the American Secretary of
State, and Mr. Hammond, the British Plenipotentiary, dated May and June, 1794.
[12] See the Order in Council of the 8th of June, 1793, and the remonstrance of
the American Government.
[14] See the President’s Message to the Senate, of the 16th of April, 1794, nominating Mr. Jay as Envoy Extraordinary to his Britannic Majesty.
[15] See the letter of Mr. Jefferson, Secretary of State, to Mr. Pinkney, Minister at London, dated the 11th of June, 1792.
[16] See the letter from Mr. Jefferson to Mr. Pinkney, dated the 12th of October, 1792.
[17] See the letter from the same to the same, dated the 6th of November, 1792.
[18] See the letter from Mr. Pinkney, Minister at London, to the Secretary of State, dated the 13th of March, 1793.
[19] See the note of Mr. Jay, Envoy Extraordinary, to Lord Grenville, dated the 30th of July, 1794.
[20] See the letter of Mr. King, Minister at London, to the Secretary of State, dated the 13th of April, 179_.
[21] See the letter from Mr. Pickering, Secretary of State, to Mr. King, Minister at London, dated the 10th of September, 1790.
[22] See the letter from Mr. Pickering to Mr. King, dated the 26th of October, 1796.
[23] See the letter from Mr. Marshall, Secretary of State, (now Chief Justice of the United States,) to Mr. King, Minister at London, dated the 20th of September, 1800.
[24] See particularly Mr. King’s propositions to Lord Grenville, and Lord Hawkensbury, of the 13th of April, 1797, the 15th of March, 1799, the 25th of February, 1801, and in July, 1813.
[25] See Mr. Liston’s note to Mr. Pickering, the Secretary of State, dated the 4th of February, 1800.
[26] See the opinion of Mr. Pickering, Secretary of State, enclosing a plan of a treaty, dated the 3d of May, 1800, and the opinion of Mr. Wolcott, Secretary of the Treasury, dated the 14th of April, 1800.
[27] See the opinion of Mr. Stoddert, Secretary of the Navy, dated the 23rd of April, 1800, and the opinions of Mr. Lee, Attorney General, dated the 26th of February, and the 30th of April, 1800.
[28] See the correspondence of the year 1792, between Mr. Jefferson, Secretary of State, and the Ministers of Great Britain and France. See also Mr. Jefferson’s letter to the American Minister at Paris, of the same year, requesting the recall of Mr. Genet.
[29] See the British declaration of the 10th of January, 1813.
[31] See these passages in the British declaration of the 10th of January, 1813.
[32] See the British declaration of the 10th of January, 1813.
[33] See the letter of Mr. Pickering, Secretary of State, to Mr. King, Minister at London, of the 26th of October, 1796; and the letter of Mr. Marshall, Secretary of State, to Mr. King, of the 20th of September, 1800.
[34] See the letter of Mr. Jefferson, Secretary of State, to Mr. Pinkney, Minister at London, dated the 11th of June, 1792, and the letter of Mr. Pickering, Secretary of State, to Mr. King, Minister at London, dated the 8th of June, 1796.
[35] See the act of Congress, passed the 28th of May, 1796.
[36] See the letter of Mr. Pickering, Secretary of State to Mr. King, Minister at London, dated the 8th of June, 1796.
[37] See the project of a treaty o the subject, between Mr. Pickering, Secretary of State, and Mr. Liston, the British Minister, at Philadelphia, in the year 1800.
[38] See the letter of Mr. King, Minister at London, to the Secretary of State, dated the 15th of March, 1799.
[39] See the letter of Mr. King, to the Secretary of State, dated in July, 1803.
[40] See the act of Congress, passed on the 3d of March, 1813.
[41] See the letter of instructions from Mr. Monroe, Secretary of State, to the Plenipotentiaries for treating of peace with Great Britain, under the mediation of the Emperor Alexander, dated the 15th of April, 1813.
[42] See the letter from Don Pedro Covallos, the Minister of Spain, to Mr. C. Pinkney, the Minister of the United States, dated the 4th of May, 1803, from which the passage cited is literally translated.
[43] See the Prince Regent’s declaration of the 10th of January, 1813.
[44] See the note of the British Commissioners, dated the 4th of September, 1814.
[45] See the note of the British Commissioners, dated the 19th of September, 1814.
[46] See the note of the British Commissioners, dated the 8th of October, 1814.
[47] See the letter from the Secretary of State to Mr. King, the American Minister at London, dated the 29th of January, 1803; and Mr. King’s letter to the Secretary of State, dated the 28th of April, 1803.
[48] See the letter of Mr. King, to Lord Hawkesbury, dated the 15th of May, 1803.
[49] See the letter of Lord Hawkesbury, to Mr. King, dated the 19th of May, 1803.
[50] See the letter of the Marquis de Casa Yrujo, to the American Secretary of State, dated the 15th of May, 1804.
[51] See the Prince Regent’s declaration of the 10th of January, 1813. See the notes of the British Commissioners, dated 19th September, 8th October, 1814.
[52] See the proclamation of the President of the United States, authorizing Governor Claiborne to take possession of the territory, dated the 27th of October, 1810.
[53] See the letter from the Secretary of State, to Governor Claiborne, and the President’s proclamation, dated the 27th of October, 1810. See the proceedings of the Convention of Florida transmitted to the Secretary of State, by the Governor of the Mississippi Territory, in his letter of the 17th of October, 1810; and the answer of the Secretary of State, dated the 15th of November, 1810.
[54] See the letter of Mr. Morier, British Charge d’Affaires, to the Secretary of State, dated the 15th of December, 1810; and the Secretary’s answer.
[55] See the correspondence between Mr. Monroe and Mr. Foster, the British Minister, in the months of July, September, and November, 1811.
[56] See the letter of Mr. King to the Secretary of State, dated the 16th of May, 1803.
[57] See the letter of Mr. King to the Secretary of State, dated July, 1803.
[58] See the letter of Mr. King to the Secretary of Stated, dated July, 1803.
[59] See the letter of Mr. Merry to the Secretary of State, dated the 12th of April, 1804, and the enclosed copy of a letter from Mr. Nepean, the Secretary of the
Admiralty, to Mr. Hammond, the British under Secretary of State for foreign Affairs, dated January 5, 1804.

[58] See the Orders in Council of the 24th of June, 1803, and the 17th of August, 1805.

[59] See the memorials of Boston, New York, Philadelphia, Baltimore, &c., presented to Congress in the end of the year 1805, and the beginning of the year 1806.

[60] See the resolution of the Senate of the United States, of the 10th and 14th of February, 1806; and the resolution of the House of Representatives.

[61] See Mr. Liston’s letter to the Secretary of State, dated the 4th February, 1800; and the letter of Mr. Pickering, Secretary of State, to the President of the United States, dated the 20th February, 1800.

[62] See the act of Congress, passed the 18th of April, 1806; and the act suspending it, passed the 19th of December, 1806.

[63] See the note of the British Commissioners, dated the 8th November, 1806.

[64] See Mr. Canning’s letter to the American Envoys, dated the 27th October, 1807.

[65] See the same letter.

[66] See the note of the British Commissioners, dated the 31st of December, 1806. See, also, the answer of Messrs. Monroe and Pinkney, to that note.

[67] See the Order in Council of January 7, 1807.

[68] See the evidence of these facts reported to Congress in November, 1806. See the documents respecting Captain Love, of the Driver; Captain Whitby, of the Leander, &c.

See also, the correspondence respecting the frigate Chesapeake, with Mr. Canning at London; with Mr. Rose, at Washington; and with Mr. Erskine, at Washington.

[69] See the proclamation of the 2d of July, 1807.

[70] See the Orders in Council of the 7th of January, 1807.

[71] See the Orders in Council of the 7th of January, 1807.

[72] See Lord Harrowby’s note to Mr. Monroe, dated the 9th of August, 1804; and Mr. Fox’s notes to Mr. Monroe, dated respectively the 8th of April and the 16th of May, 1806.

[73] See Lord Howick’s note to Mr. Monroe, dated the 25th of September, 1806.

[74] See the Berlin decree of the 21st November, 1806.

[75] See the Order in Council of the 7th of January, 1807.

[76] See Mr. Erskine’s letter to the Secretary of State, dated the 12th of March, 1807.

[77] See the Secretary of State’s letter to Mr. Erskine, dated the 20th of March, 1807.

[78] See the Orders in Council of the 11th of November, 1807.

[79] See Mr. Canning’s letter to Mr. Pinkney, 23d February, 1808.

[80] See Mr. Erskine’s letter to the Secretary of State, dated the 22d of February, 1808, and the answer of the Secretary of State, dated the 25th of March, 1808.

[81] See the Milan decree of the 17th of Dec., 1807.

[82] See the act of Congress, passed the 22d of December, 1807.
[83] See the act of Congress, passed the 22d of April, 1808.
[84] See the act of Congress, passed the first day of March, 1809.
[85] See the 11th section of the last cited act of Congress.
[86] See the act of Congress, passed May 1, 1810.
[87] See the correspondence between the Secretary of State, and the American Ministers at London and Paris.
[88] See the documents laid before Congress from time to time, by the President, and printed.
[89] 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.
[90] See the correspondence between the Secretary of State, and Mr. Jackson, the British Minister.
[91] See the Duke de Cadoro’s letter to Mr. Armstrong, dated the 5th of August, 1810.
[92] See the President’s proclamation of the 2d of November, 1810.
[93] See the act of Congress passed March 2, 1811.
[94] See the correspondence between Mr. Pinkney and the British Government.
[95] See the letters of Mr. Erskine.
[96] See the correspondence between the Secretary of State and Mr. Foster, the British Minister, in June, 1812.
[97] See the President’s Message of the 1st of June, 1812, and the report of the Committee of Foreign Relations, to whom the Message was referred.
[98] See the proceedings at the councils, held with the Indians during the expedition under Brigadier General Hull, and the talk delivered by the President of the United States to the Six Nations, at Washington, on the 8th of April, 1813.
[99] See the documents laid before Congress on the 18th June, 1812.
[100] See the letter from the Secretary of the War Department, to Brigadier General Hull, dated the 24th of June, and the 1st of August, 1812.
[101] See the British Declaration, of the 10th of January, 1813.
[102] See the instructions from the Secretary of State to the American Minister at Paris, dated May 29, 1813.
[103] See Mr. Monroe’s letter to Mr. Adams, dated the 1st of July, 1812, and Mr. Adams’ letter to Mr. Monroe, dated the 11th of December, 1812.
[104] See the letters from the Department of State to Mr. Russell, dated the 9th and 10th of August, 1812, and Mr. Graham’s memorandum of a conversation with Mr. Baker, the British secretary of legation, enclosed in the last letter.
See, also, Mr. Monroe’s letter to Mr. Russell, dated the 21st of August, 1812.
See the letters of Admiral Warren to the Secretary of State, dated at Halifax, the 20th of September, 1812.
[105] See the letter of Mr. Monroe to Admiral Warren, dated the 20th of October, 1812.
[106] See the letters from the Secretary of State to Mr. Russell, dated the 26th of June and 27th of July, 1812.
[107] See the correspondence between Mr. Russell and Lord Castlereagh, dated August and September, 1812; and Mr. Russell’s letters to the Secretary of State, dated September, 1812.
[108] See the correspondence between Mr. Monroe and Mr. Daschkoff, in March, 1813.
[109] See Admiral Cochrane’s letter to Mr. Monroe, dated the 18th of August, 1814; and Mr. Monroe’s answer of the 6th September, 1814.
[110] See the letter from the Secretary at War to Brigadier General McClure, dated the 4th of October, 1813.
[111] General McClure’s letters to the Secretary at War, dated December 10 and 13, 1812.
[112] See the letter from the Secretary at War, to Major General Wilkinson, dated the 26th of January, 1814.
[113] See the letter of Major General Wilkinson, to Sir George Prevost, dated the 28th of January, 1814, and the answer of Sir George Prevost, dated the 10th of February, 1814.
[114] See Sir George Prevost’s proclamation, dated at Quebec, the 12th of January, 1814.
[115] See the letter of Sir George Prevost to General Wilkinson, dated the 10th of February, 1814; and the British General Orders of the 22d of February, 1814.
[116] See Mr. Monroe’s letter to Admiral Cochrane, dated the 6th of September, 1814.
[117] See Mr. Monroe’s letter to Admiral Cochrane, dated the 6th of September 1814.
[118] See the instructions to the commanders of British ships of war and privateers, dated the 11th of April, 1808.
[119] See the letter from Mr. Ryland, the Secretary of the Governor General, to Mr. Henry, dated the 26th of January, 1809.
[120] See the letter of Sir James Craig, to Mr. Henry, dated February 6, 1809.
[121] See the same letter, and Mr. Ryland’s letter of he 26th of January, 1809.
[122] See Mr. Ryland’s letter, dated the 26th of June, 1809.
[123] See the letter from Lord Liverpool to Sir George Prevost, dated the 16th of September, 1811.
[124] See Mr. Rylands letter of the 26th of January, 1809.
[125] See the remarkable State paper, issued by Governor Beckwith, at Barbadoes, on the 13th of November 1812.
[126] See the proclamation of the Governor of Bermuda, dated the 14th of January, 1814; and the instructions from the British Secretary for Foreign Affairs, dated November 9, 1812.
[127] See the Message from the President to Congress, dated the 24th of February, 1813.
[128] See the Prince Regent’s declaration of the 10th of January, 1812.
See, also, Mr. Foster’s letters to Mr. Monroe, dated the 28th of December, 1811, and the 7th and 8th of June, 1812; and Mr. Monroe’s answer, dated the 9th of January,
1812, and the 10th of June, 1812; and the documents, which accompanied the correspondence.

[129] See Mr. Monroe’s letter to Mr. Foster, dated the 10th of June, 1812.
[130] See the letter from Mr. McKee to Colonel England, dated the 2d of July, 1794.
[131] See the letter from the same to the same, dated the 5th of July, 1794.
[132] See the same letter.
[133] See the same letter.
[134] See the same letter.
[135] See the letter from Mr. McKee to Colonel England, dated the 13th of August, 1794.
[136] See the letter from the same to the same, dated the 30th of August, 1794.
[137] See the Prince Regent’s declaration of the 10th of January, 1813.
[138] See the letter from the American General Harrison, to the British General Proctor.

See a letter from the British Major Muir, Indian agent, to Colonel Proctor, dated the 26th September, 1812, and a letter from Colonel St. George to Colonel Proctor, dated the 28th of October, 1812, found among Colonel Proctor’s papers.

[139] See the report of the committee of the House of Representatives, on the 31st of July, 1812, and the depositions and documents accompanying it.
[140] See the official report of Mr. Baker, the agent for the prisoners, to Brigadier General Winchester, dated the 26th of February, 1813.

[141] In addition to this description of savage warfare under British auspices, see the facts contained in the correspondence between General Harrison and General Drummond.

[142] See the letter addressed by Edward Nichols, Lieutenant Colonel, commanding His Britannic Majesty’s forces in the Floridas, to Monsieur Lafitte, or the commandant at Barrataria, dated the 31st of August, 1814.
[143] See Admiral Cochrane’s proclamation, dated at Bermuda, 2d of April, 1814.
[144] See Admiral Cochrane’s letter to Mr. Monroe, dated August 18, 1814.

[146] See Mr. Beasley’s correspondence with the British Government, in October, November, and December, 1812. See, also, the act of Congress, passed the 6th of July, 1812.
[147] See the letter from Mr. Beasley to Mr. McLeay, dated the 13th of March, 1815.

[148] See the successive blockades announced by the British Government, and the successive naval commanders on the American station.
[149] See the deposition of William Sears.
[150] See the depositions of Frisby Anderson and Cordelia Pennington.
[151] See Jacob Gibson’s deposition.
[152] See the deposition of William T. Killpatrick, James Wood, Rosanna Moore, and R. Mansfield.

[154] See General Taylor’s letter to the Secretary of War, dated the 2d of July, 1813.

[155] See the letters from General Taylor to Admiral Warren, dated the 29th of June, 1813; to General Sir Sidney Beckwith, dated the 4th and 5th of July, 1813; to the Secretary of War, dated the 2d of July, 1813; and to Captain Myers, of the last date. See also the letter from Major Crutchfield to Governor Barbour, dated the 20th of June, 1813; the letters from Captain Cooper to Lieutenant Governor Mallory, dated in July, 1813; the report of Messrs. Griffin and Lively to Major Crutchfield, dated the 4th of July, 1813; and Colonel Parker’s publication in the Enquirer.

[156] See Admiral Warren’s letter to General Taylor, dated the 29th of June, 1813; Sir Sidney Beckwith’s letter to General Taylor, dated on the same day; and the report of Captain Myers to General Taylor, of July 2, 1813.

[157] See the report of the proceedings of the board of officers, appointed by the general order of the 1st of July, 1813.

[158] See General Taylor’s letter to Sir Sidney Beckwith, dated the 5th of July, 1813, and the answer of the following day.

[159] See the letters of General Dearborn to the Secretary of War, dated the 27th and 28th of April, 1813.

[160] See the letter from Commodore Chauncey, to the Secretary of the Navy, dated the 4th of August, 1813.