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It is but little more than two years, since this question was agitated both in England and America, with as much zeal, energy and ability, as ever was displayed upon any question of national law. The British side was supported by sir William Scott, Mr. Ward, and the author of War in Disguise. But even in Britain their doctrine was refuted to demonstration by the Edinburgh reviewers. In America, the rights of our country were maintained by numerous writers profoundly skilled in the science of national and maritime law. The *answer* to War in Disguise was ascribed to a gentleman whose talents are universally acknowledged, and who by his official situations had been required thoroughly to investigate every question of conflict between neutral and belligerent rights which has occured in the history of modern war. Mr. Gore and Mr. Pinckney, our two commissioners at London, under Mr. Jay's treaty, the former, in a train of cool and conclusive argument addressed to Mr. Madison, the latter in a memorial of splendid eloquence from the merchants at Baltimore, supported the same cause; memorials, drawn by lawyers of distinguished eminence, by merchants of the highest character, and by statesmen of long experience in our national councils, came from Salem, from Boston, from New-Haven, from New-York, and from Philadelphia, together with remonstrances to the same effect from Newbury port, Newport, Norfolk and Charleston. This accumulated mass of legal learning, of commercial information, and of national sentiment, from almost every inhabited spot upon our shores, and from one extremity of the union to the other, confirmed by the unanswered and unanswerable memorial of Mr. Monroe to the British minister, and by the elaborate research and irresistible reasoning of the *examination* of the British doctrine, was also made a subject of full, and deliberate discussion in the senate of the United States. A committee of seven members of that body, after three weeks of arduous investigation, reported three resolutions, the first of which was in these words, "*resolved*, that the capture and condemnation under the orders of the British government, and adjudications of their courts of admiralty of American vessels and their cargoes, on the pretext of their being employed in a trade with the enemies of Great Britain, prohibited in time of peace, is an unprovoked aggression upon the property of the citizens of these United States, a violation of their neutral rights, and *an encroachment upon their national independence*."

On the 13th of February, 1806, the question upon the adoption of this resolution, was taken in the senate. The yeas and nays were required; but not a solitary *nay* was heard in answer. It was adopted by the unanimous voice of all the senators present.—They were twenty-eight in number, and among them stands recorded the name of Mr. Pickering.

Let us remember, that this was a question most peculiarly and immediately of *commercial*, and not *agricultural* interests; that it arose from a call, loud, energetic and unanimous, from all the merchants, of the United States upon congress, for the national interposition; that many of the memorials in support of any measures which congress might deem necessary to vindicate those rights. Negociation was particularly recommended from Boston, and elsewhere—negociation was adopted—negociation has failed—and now Mr. Pickering tells us that Great Britain has claimed and maintained her *right!* He argues that her claim is just—and is not sparing of censure upon those who still consider it as a serious cause of complaint.

But there was one point of view in which the British doctrine on this question was then only considered incidentally in the United States—because it was not deemed material for the discussion of *our* rights. We examined it chiefly as affecting the principles as between a belligerent and a neutral power. But in fact it was an infringement of the rights of war, as well as the rights of peace. It was an unjustifiable enlargement of the sphere of hostile operations. The *enemies* of Great Britain had, by the universal law of nations, a right to the benefits of neutral commerce within their dominions (subject to the exceptions of *actual* blockade and contraband) as well as neutral nations has a right to trade with them.—The exclusion from that commerce by this new principle of warfare with Britain, in defiance of all immemorial national usages, undertook by her single authority to establish, but too naturally led her enemies to resort to new and extraordinary principles, by which in their turn they might retaliate this injury upon her. The pretence upon which Britain in the first instance had attempted to color her injustice, was a miserable *fiction*—It was an argument against fact. Her reasoning was, that a neutral vessel by mere admission in time of war, into ports from which it should have been excluded in time of peace, became thereby deprived of its national character, and ipso facto was transformed into enemy's property.

Such was the basis upon which arose the far famed rule of war of 1756—such was the foundation upon which Britain *claimed and maintained* this supposed right of adding that new instrument of desolation to the horsors of war—it was distressing to her enemy—yes! Had she adopted the practice of dealing with them in poison—Had Mr. Fox accepted the service of the man who offered to rid him of the French emperor by assassination, and had the attempt succeeded, it would have been less distressing to France than this rule of the war of 1756; and not more unjustifiable. Mr. Fox had too fair a mind for either, but his comprehensive and liberal spirit was discarded, with the cabinet which he had formed.

It has been the struggle of reason and humanity, and above all of christanity, for two thousand years, to mitigate the rigors of that scourge of humanity, war. It is now the struggle of Britain to aggravate them. Her rule of the war of 1756, in itself and in its effects, was one of the deadliest poisons, in which it was possible for her to tinge the weapons of her hostility.

In itself and in its effects, I say—for the French decrees of Berlin and of Milan, the Spanish and Dutch decrees of the same or the like tener, and her own orders of January and November--these alternations of licenced pillage, this eager competition between her and her enemies for the honor of giving the last stroke to the vitals of maritime neutrality, all are justly attributable to their assumption and exercise of this single principle.—The rule of the war of 1756 was the root, from which all the rest are but suckers, still at every shoot growing ranker in luxuriance.

In the last decrees of France and Spain, her own ingenious fiction is adopted; and under them, every neutral vessel that submits to English search, has been carried into any English port, or paid tax to the English government, is declared *denationalized*, that is, to have lost her national character, and to have become English property. This is cruel in execution, absured in asgument. To refute it were foily, for to the understanding of a child it refutes itself. But it is the reasoning of British jurists. It is the simple application to the circumstances and powers of France, of the rule of the war of 1756.

I am not the apologist of France and Spain; I have no national partialities; no national attachments but to my own country. I shall never undertake to justify or palliate the insults or injuries of any foreign power to that country which is dearer to me than life. If the voice of reason and justice could be heard by France and Spain, they would say—you have done wrong to make the injustice of your enemy towards neutrals, the measure of your own. If she chastises with whips, do not you chastise with scorpions. Whether France would listen to this language, I know not. The most enormous infractions of our rights, hitherto committed by her, have been more in menace than in accomplishment. The alarm has been justly great; the anticipation threatening; but the amount of actual injury small. But to Britain, what can we say? If we attempt to raise our voices, her minister has declared to Mr. Pinkney, that she will not hear. The only reason she assigns for her recent orders of council is, that France proceeds on the same principles. It is only by the light of blazing temples, and amid the groans of women and childred perishing in the ruins of the sanctuaries of domestic habitation at Copenhagen, that we can expect our remonstrances against this course of proceeding will be heard.

Let us come to the third and last of the causes of complaint, which are represent-as so frivolous and so unfounded—"the unfortunate affair of the Chesapeake." The orders of admiral Berkley, under which this outrage was committed, have been disavowed by his government.—General professions of a willingness to make reparation for it, have been lavished in profusion; and we are now instructed to take these professions for *endeavours*; to believe them sincere, because his Britannic majesty sent us a special envoy; and to cast the odium upon our own government.

I have already told you, that I am not one of those who deem suspicion and distrust, in the highest order of political virtues. Baseless suspicion is, in my estimation, a vice, as pernicious in the management of public affairs, as it is fatal to the happiness of a domestic life.—When, therefore, the British ministers have declared their disposition to make ample reparation for an injury of a most atrocious character, committed by an officer of high rank, and, as they say, utterly without authority, I should most readily believe them, were their professions not positively contradicted by facts of more powerful eloquence than words.

Have such facts occurred? I will not again allude to the circumstances of Mr. Rose's departure upon his mission at such a precise point of time, that his commission and the orders of council of 11th November, might have been signed with the same pen full of ink. The subjects were not immediately connected with each other, and his majesty did not chuse to associate distinct topics of negociation. The attack upon the Chesapeake was disavowed; and ample reparation was withheld, only because with the demand for satisfaction upon that injury, the American government had coupled a demand for the cessation of others; alike in kind, but of minor aggravation. But had reparation really been intended, would it not have been offered, not in vague and general terms, but in precise and specific proposals? Were any such made? None. But it is said, Mr. Monroe was restricted from negociating upon that subject apart; and therefore Mr. Rose was to be sent to Washington, charged with this single object; and without authority to treat upon or even to discuss any other. Mr. Rose arrives—The American government readily determine to treat upon the Chesapeake *affair*, separately from all others; but before Mr. Rose sets his foot on shore, in pursuance of a pretension made before by Mr. Canning, he connects with the negociation, a subject far more distinct from the butchery of the Chesapeake, than the general impressment of our seamen. I mean the proclamation, interdicting to British ships of war, the entrance of our harbors.

The great obstacle which has always interfered with the adjustment of our differences with Britain, has been that she would not acquiesce in the only principle upon which fair negociation between independent nations can be conducted, the principle of reciprocity, that she refuses the application to us of the claim which she asserts for herself. The forcible taking of men from an American vessel, was an essential part of the outrage upon the Chesapeake. It was the ostensible purpose for which that act of war unproclaimed, was committed. The president's proclamation was a subsequent act and was avowedly founded upon many similar aggressions, of which that was only the most aggravated.

If then Britain could with any colour of reason claim that the general question of impressment should be laid out of the case altogether, she ought upon the principle of reciprocity to have laid equally out of the case, the proclamation, a measure so easily separable from it, and in its nature merely defensive. When therefore she made the repeal of the proclamation an indispensible preliminary to all discussion upon the nature and extent of that reparation which she had offered, she refused to treat with us upon the footing of an independent power. She insisted upon an act of self degradation on our part, before she would even tell us, what redress she would condescend to grant for a great and acknowledged wrong.—This was a condition which she could not but know to be inadmissible, and is of itself proof nearly conclusive that her cabinet never intended to make for that wrong any reparation at all.

But this is not all—it cannot be forgotten that when that atrocious deed was committed, amidst the general burst of indignation which resounded from every part of the union, there were among us a small number of persons, who upon the opinion that Berkley's orders were authorized by his government, undertook to justify them in their fullest extent—these ideas, probably first progated by British official characters, in this country, were persisted in until the disavowal of the British government took away the necessity for persevering in them, and gave notice where the next position was to be taken. This patriotic reasoning however, had been so satisfactory at Halifax, that complimentary letters were received from admiral Berkley himself highly approving the spirit in which they were inculcated, and remarking how easily *peace*, between the United States and Britain might be preserved, if *that* measure of our national rights could be made the prevailing standard of the country.

When the news arrived in England, although the general sentiment of the nation was not prepared for the formal avowal and justification of this unparalleled aggression, yet there were not wanting persons there, ready to *claim and maintain* the right of searching national ships for deserters. It was said at the time, but for this we must of course rest upon the credit of inofficial authority, to have been made a serious question in the cabinet council; nor was its determination there scribed to the eloquence of the gentlemen who became the official organ of its communication—add to this a circumstance, which without claiming the irrefragable credence of diplomatic note, has yet its weight upon the common sense of mankind; that in all the daily newspapers known to be in the ministerial interest, Berkley was justified and applauded in every variety of form that publication could assume, excepting only that of official proclamation. The only part of his orders there disapproved was the reciprocal offer which he made of submitting his own ship to be searched in return—that was very unequivocally disclaimed—the ruffian right of superior force, was the solid base upon which the claim was asserted, and so familiar was this argument grown to the casuists of British national jurisprudence, that the right of a British man of war to search an American frigate, was to them a self-evident proof against the right of the American frigate to search the British man of war. The same tone has been constantly kept up, until our accounts of latest date and have been recently further invigorated by a very explicit call for war with the United States, which they contend could be of no possible injury to Britain, and which they urge upon the ministry as affording them an excellent opportunity to accomplish a *dismemberment of this union*. These sentiments have even been avowed in parliament, where the nobleman who moved the address of the house of lords in answer to the king's speech, declared that the right of national ships, ought to be maintained against the Americans and disclaimed only with respect to European sovereigns.

In the mean time, admiral Berkley, by a court martial of his own subordinate officers, hung one of the men taken from the Chesapeake, and called his name Jenkin Ratford. There was, according to the answer so frequently given by the lords of the admiralty, upon application for the discharge of impressed Americans; *no such man on board the ship*. The man thus executed had been taken from the Chesapeake by the name of Wilson. It is said that on his trial he was identified by one or two witnesses who knew him, and that before he was turned off he confessed his name was Ratford and was born in England—but it has also been said, that Ratford is now living in Pennsylvania—and after the character which the disavowal of admiral Berkley's own government has given to his conduct, what confidence can be claimed or due to the proceeding's of a court martial of his associates, held to sanction his proceedings. The three other men had not even been demanded in his orders; they were taken by the sole authority of the British searching lieutenant, after the surrender of the Chesapeake. There was not the shadow of a pretence before the court martial that they were British subjects or born in any of the British dominions. Yet, by this court martial, they were sentenced *to suffer death*. They were reprieved from execution, only upon condition of renouncing their rights as Americans by voluntary service in the king's ships—they have never been restored. To complete the catastrophe with which this bloody tragedy was concluded, admiral Berkley himself, in sanctioning the doom of these men—thus obtained—thus tried—and thus sentenced—read them a grave moral lecture on the enomity of their crime, in its tendency to provoke a war between the United States and G. Britain.

Yet amidst all this parade of disavowal by his government—amidst all these professions of readiness to make reparation, not a single mark of the slightest disapprobation, appears ever to have been manifested to that officer. His instructions were executed upon the Chesapeake in June—Rumors of his recall have been circulated here—But on leaving the station at Halifax in December, he received a complimentary address from the colonial assembly, an assured them in answer, that he had no official information of his recall.—From thence he went to the West-Indies; and on leaving Bermuda for England in February was addressed again by that colonial government, in terms of high panegyric upon his energy, with manifest allusions to his atchievement upon the Chesapeake.

Under all these circumstances, without applying any of the maxims of a suspicious policy to the British professions, I may still be permitted to believe that their ministry never seriously intended to make us honorable reparation, or indeed any reparation at all for that "unfortunate affair."

It is impossible for any man to or from an accurate idea of the British policy towards the United States, without taking into consideration the state of parties in that government; and the views, characters and opinions of the individuals at their helm of state—a liberal and a hostile policy towards America, are among the strongest marks of distinction between the political systems of the rival statesmen of that kingdom—the liberal party are reconciled to our independence: and though extremely tenacious of every right of their own country, are systematically disposed to preserve *peace* with the United States. Their opponents harbor sentiments of a very different description—their system is coercion—their object the recovery of their lost dominion in North America—this party now stands high in power—although admiral Berkley may never have received written orders from them for his enterprize upon the Chesapeake, yet in giving his instructions to the squadron at Norfolk, he knew full well under what administration he was acting. Every measure of that adminis tration towards us since that time has been directed to the same purpose—to break down the spirit of our national independence. Their purpose, as far as it can be collected from their acts, is to force us into war with them or with their enemies; to leave us only the bitter alternative of their vengeance or their protection.

Both these parties are no doubt willing that we should join them in the war of their nation against France and her allies.—The late administration would have drawn us into it by treaty, the present are attempting it by compulsion. The former would have admitted us as allies, the latter will have us no otherwise than as colonies. On the late debates in parliament, the lord chancellor freely avowed that the orders of council of 11th November, were intended to make America *at last* sensible of the policy of joining England against France.

This too, sir, is the substantial argument of Mr. Pickering's letter.—The suspicions of a *design* in our own administration to plunge us into a war with Britain, I never have shared. Our administration have every interest and every motive that can influence the conduct of man to deter them from any such purpose. Nor have I seen any thing in their measures bearing the slightest indication of it. But between a design of war with England and a surrender of our national freedom for the sake of war with the rest of Europe, there is material difference. This is the policy now in substance recommended to us, and for which the interposition of the commercia states is called. For this, not only all our outrages of Britain to be forgotten, but the very assertion of our rights is to be branded with odium—*Impressment—Neutral trade—British taxation*—every thing that can distinguish a state of national freedom from a state of national vassalage, is to be *surrendered at discretion*. In the face of every fact we are told to believe every profession—In the midst of every *indignity*, we are pointed to British protection as our only shield against the universal conqueror.—Every phantom of jealousy and fear is invoked—the image of France, with a scourge in her hand, is impressed into the service, to lash us into the refuge of obedience to Britain—instructions are even made that if Britain "with her thousand ships of war," has not destroyed our commerce, it has been owing to her indulgence, and we are almost threatened in her name with the "destruction of our fairest cities."

Not one act of hostility to Britain has been committed by us, she has not a pretence of that kind to allege—but if she will wage war upon us, are we to do nothing in our own defence? If she issues orders of universal plunder upon our commerce, are we not to withhold it from her grasp? Is American pillage one of those rights which she has claimed and exercised until we are foreclosed from any attempt to obstruct its collection? For what purpose are we required to make this sacrifice of every thing that can give valour to the name of freemen, this abandonment of the very right of self preservation? Is it to avoid a war? alas! sir, it does not offer even this plausible plea of pusillanimity—for, as submission would make us to all substantial purposes British colonies, her enemies would unquestionably treat us as such, and after degrading ourselves into voluntary servitude to escape a war with her, we should incur inevitable war with all her enemies, and be doomed to share the destinies of her conflict with a world in arms.

Between this unqualified submission and offensive resistence against the war upon maritime neutrality waged by the concurring decrees of all the great belligerent powers, the embargo was adopted, and has been hitherto continued. So far was it from being dictated by France, that it was calculated to withdraw, and has withdrawn from within her reach all the means of compulsion which her subsequent decrees would have put in her possession. It has added to the motives both of France and England for preserving peace with us, and has diminished their inducements to war.

It has lessened their capacities of inflicting injury upon us, and given us some preparation for resistance to them—it has taken from their violence the lure of interests—it has dashed the philter of pillage from the lips of rapine.—That it is distressing to ourselves—that it calls for the fortitude of a people, determined to maintain their rights, is not to be denied. But the only alternative was between that and war. Whether it will yet save us from that calamity, cannot be determined, but if not, it will prepare us for the further struggle to which we may be called. Its double tendency of promoting peace and preparing for war, in its operation upon both belligerent rivals, is the great advantage, which more than out weigh all its evils.

If any statesman can point out another alternative, I am ready to hear him and for any practicable expedient to lend him every possible assistance. But let not that expedient be, submission to trade under British licences, and British taxation. We are told that even under these restrictions we may yet trade to the British dominions, to Africa and China, and with the colonies of France, Spain, and Holland. I ask not how much of this trade would be left, when our intercourse with the whole conti-