

AN  
ORATION,

Delivered at Jerico, July 4, 1809,

TO A

NUMEROUS COLLECTION OF REPUBLICANS,

OF

CHITTENDEN COUNTY,

ON THE ANNIVERSARY OF

AMERICAN INDEPENDENCE.

---

BY C. P. VAN NESS, Esq.

---

*Published by request of the committee of arrangements.*

---

FELLOW CITIZENS,

INVITED by the committee of arrangements to deliver an address to the republican citizens of Chittenden county, who should assemble on this day and at this place, I have agreed to comply with the invitation, with no other unwillingness than what proceeds from knowledge of my want of ability to do justice to the occasion.

In celebrating the birth day of our country, it has heretofore been usual for the orators on the occasion, to give a relation of the persecuting and oppressive transactions which led to the dissolution of our connexion with Great Britain, and to recapitulate the principal events which took place during that arduous and ever memorable struggle, which ended in the complete emancipation of these states from the yoke of foreign bondage. If no

other subject of equal importance excited our attention, and called for our congratulations at this time, I should indeed despair of performing my task with the least satisfaction to any one present, as so many of the greatest and ablest men have travelled the road before me, that it would be almost impossible to find a solitary spot which has not been completely trod. But if the declaration of American independence has, for thirty-three successive anniversaries, been considered worthy the celebration of a whole nation, and the exercise of the most exalted talents, surely, the preservation of that independence from the great and imminent dangers by which it has recently been assailed, is a subject of as much importance, and equally deserving of your consideration on this day. Impressed with these sentiments, I shall on this occasion take a short review of our late political troubles, and submit some observations on the causes of their removal.

As the motives and the conduct of the two political parties which have for some time agitated our country, will in the course of this address, in some measure, pass under consideration, I shall in the first place make a few general remarks on the several administrations of our government. I wish it however here to be explicitly understood, that whatever blame or censure I may impute to the proceedings of the federalists, as they are called, or the present opposers of our government, it is not by any means intended shall be applied to the federal party generally. Those only are alluded to, who are styled the "leaders" of the federal party, and whose whole strength has for several years been exerted to weaken and destroy the confidence of the people in their rulers that they might succeed to their places; and who have uniformly been in favor of a war with France and an alliance with England. The great body of the American people, including both federalists and republicans, are sincere friends to the welfare of their country. They are willing, if necessity should require it, to spend the last cent of their hard-earned property, and to sacrifice the last drop of their hearts' blood, to maintain those rights, which were purchased at so great a price, and paid for with so much labor and toil. It is true, they often honestly differ in sentiment as to the

means of effecting certain objects for which they are all anxious ; but this arises from a variety of causes, which, in a government like ours, cannot be controlled. It has been attributed by some to ignorance ; but this is a mistake. It is certainly a fact which cannot be denied, that the Americans are the best informed, as well as the most patriotic people on the face of the globe. Having premised thus much to prevent any misunderstanding of my sentiments or intentions, I shall proceed to the subjects I have proposed to discuss.

The hero of the revolution, the immortal WASHINGTON, was on the first organization of our government under the federal constitution, called by the unanimous voice of his country to the highest office in the nation. While in this important station, which he filled eight years, he did all in his power to confirm by practice the principles on which our government is founded, and to establish on a firm and solid basis the union of the states. At the expiration of the second term of his office, he voluntarily retired, carrying with him the love and veneration of a grateful country.

JOHN ADAMS, was chosen by a majority of 1 or 2 votes over Mr. Jefferson, to succeed Gen. Washington, and entered on the duties of his office in March, 1797. Mr. Adams had rendered important services to his country during the revolutionary war, and had served eight years as vice-president under Washington. From these circumstances it was hoped by those who opposed his election that his administration would, at least, be of no material disservice to the nation. But in this expectation even they were unhappily disappointed ; and a great majority of the American people soon saw ample cause to regret the elevation of Mr. Adams to the presidential chair. It was soon found that a British faction, which then existed, and which still exists in this country, and of which the old president himself has lately given us a good account, obtained an undue influence in the cabinet. President Adams, though honest, was possessed of a considerable share of vanity, and of a credulity liable to easy imposition. By flattering the one and taking advantage of the other, this faction gained an ascendancy over the ex-

ecutive, which soon secured to itself the uncontrolled management of the public affairs. Its whole object then was, as it has ever since been, to involve the country in a war with France, and to form a close connection with England. Every person who had independence enough to censure or oppose the measures which were adopted, was denounced as a jacobin and a traitor, and was considered a fit subject for the most cruel persecution. The country was saddled with direct taxes, stamp duties, large standing armies,\* and an expensive navy; the public debt by profligate expenditure and unnecessary loans, was swelled to an enormous amount; alien and sedition laws were passed, by the latter of which, our citizens were confined in dungeons merely for disapproving the measures of government. To relate all the tyranny and corruption which disgraced this period, and which will ever disfigure the fair page of American history, would consume too much time for my present purpose. It may safely be said, that of those republics which have existed in the world, not one ever made such rapid movements towards despotism, without a revolution or an actual change of government, as were witnessed in the United States during this administration of our government. It is, notwithstanding, due to the character of Mr. Adams to remark, that towards the latter part of his presidency, he discovered the impositions which had been practised upon

---

*\* It will be found on examination, that President Adams was authorised by different laws of Congress, from the 28th of May, 1798, to the 3d of March, 1799, to raise upwards of fifty thousand men.*

*In the spring of 1808, a law was passed authorising 6000 men to be raised, of which about half have been enlisted. This is Mr. Jefferson's mighty standing army about which so much noise has been made. It appears then that under President Adams, laws were passed for the raising of upwards of 50,000 men; under President Jefferson a law was passed for the raising of 6000 men, which together with the existing forces of the United States when this act passed, would not be more than the forces of the United States, previous to the passage of any of the above-mentioned laws in Mr. Adams' time.*

him, and with contempt and indignation discarded the men, who had been the authors of his ruin and his country's misfortunes.

THOMAS JEFFERSON was elected president, in opposition to Mr. Adams, and was sworn into office on the 4th day of March, 1801. He was hailed as the political messiah of a suffering people, and truly may it be said, he has saved them. The pledge which he gave to his country in being the author of that instrument which is the sole cause of this assemblage, he has amply redeemed. The first object of his presidential labors was, to correct the abuses of the preceding administration. The whole system of internal taxation, which had become so oppressive was abolished; the alien and sedition laws were repealed, a host of unnecessary officers were dispensed with; and proper means were devised for the payment of the public debt. No language can give so good an account of the benefits resulting from Mr. Jefferson's measures, and the satisfaction which they gave to the people of the United States, as the great increase of votes which he had at his second election. In 1801, he was chosen by a majority of 8 votes; in 1805, there were but 14 votes against him out of 176. The respective measures of the two political parties had passed in review before the nation, and an almost unanimous decision in favor of republican principles was made. Thus had the federal party, in 1805, become nearly extinct. We had become a united people. Harmony was restored to social intercourse, and political intolerance was banished from our land.

It was not long after this period, that the first indications of an approaching storm were perceived, and that we first had reason to apprehend those difficulties with which we have been embarrassed, and of which I shall now proceed to give an account.

On the 21st day of Nov. 1806, the French government, professedly in retaliation of certain orders of blockade of the British government, not warranted by the laws of nations, declared Great Britain and her dependencies in a state of blockade. On the first promulgation of this decree, the American minister at Paris lost no time in demanding from the French government an explanation of

its intention as to the enforcement of the decree against the commerce of the United States. He received for answer that it was not intended to violate any stipulation contained in the convention between France and the United States ; consequently, that the commerce of the latter would not be molested by the decree. On the 7th day of January, 1807, the British government issued an order in council, forbidding neutrals to trade from the ports of one belligerent to the ports of another belligerent. On the 11th day of November, 1807, the British orders in council were passed which interdicted our trade with almost the whole world, except on condition of touching at a British port and purchasing a licence. In the month of December, 1807, information was received by the President from our minister at Paris, that a decision had been made in France extending for the first time the operation of the decree of November 21, 1806, commonly called the "Berlin decree," to the neutral trade of the United States ; and about the same time the substance of the British orders of November appeared in the newspapers as about to be passed. On the 18th of December, the President on account of these "great and increasing dangers" to our commerce, advised Congress to lay an embargo ; which was done on the 22d of the same month.

I will now for a moment go back to some occurrences of a different nature.

In the month of June, 1807, an attack was made by the British ship of war, Leopard, on the American frigate Chesapeake, within the jurisdictional limits of the United States ; by which some of the crew of the Chesapeake were murdered, while several others were taken by force and carried on board the British squadron then enjoying the benefits of hospitality in our waters. This act, however enormous in itself, was rendered the more aggravating by the consideration that it afforded conclusive evidence of the uncontrolled determination of the British naval commanders, to improve every opportunity, to insult our sovereignty, and abuse our hospitality. For it is proper here to observe, that several prominent instances of the like nature, had occurred in the course of two or three years previous to this transaction. I will instance two of

them.—In the summer of 1804, the British frigate *Cambrian*, commanded by Capt. Bradley, while in the very harbor of New-York, boarded a merchant vessel, and impressed and carried off a number of seamen and passengers, to be put in service on board the British ships of war. After having committed this unwarrantable act, Captain Bradley first resisted the marshal in the execution of his duty, and then added insult to injury, by declaring that his ship, while lying in the harbor of New-York, had dominion around her within a certain distance. In the spring of 1806, the *Leander*, commanded by Capt. Whitby, also within the harbor of New-York, wantonly commenced a fire upon an American vessel, on board of which John Pierce, an American, was killed. These outrages had, severally, been officially represented to the British government, in expectation that some atonement would have been offered us, and that some measures would have been taken for the discontinuance of such lawless and unwarrantable proceedings. Our complaints in the case of Capt. Bradley, had been answered by the promotion of that officer to the command of a 74. Capt. Whitby had been called to a mock trial, and acquitted; and he too was promoted to a high command. The recollection of these events therefore, in conjunction with the attack on the *Chesapeake*, could not fail to arouse the feelings of the American people to the highest pitch of indignation and resentment. The President of the United States, whose duty it was to guard, if possible, against a longer continuance of these repeated acts of violence and slaughter, on the 2d of July, 1807, issued a proclamation, interdicting our waters and harbors to all British armed vessels. Mr. Munroe, our minister at London, was, without delay, instructed not only to demand from the British government that satisfaction which was due to the honor and dignity of the United States for the particular outrage on the *Chesapeake*, but to make another solemn appeal to the justice of the British government, for a settlement of the original cause from whence so many difficulties had arisen. Could this object have been accomplished—could some adjustment of the claim on the part of Great Britain to search our vessels for seamen have been effected, the

principal source of contention between the two countries would have been dried up. It is true, indeed, that the British government disavows the right to search our *national* ships ; but it is equally true, that from the practice of searching our *merchant* vessels, have proceeded all these insults and abuses of the British naval officers. Until, therefore, some arrangement on this subject shall take place ; until we shall be in some measure secured against this inhuman practice of taking our citizens from our vessels, and forcing them to fight the unrighteous battles of a foreign despot, we can never have a peace with England which shall be uninterrupted with continual broils and quarrels.

When the news of the encounter between the Leopard and the Chesapeake arrived in England, the king, sensible that something was necessary to calm, in some measure, the agitated minds of the American people, but that more required to be done to preserve even the show of honor in himself, made a formal disavowal of the act of Admiral Berkley, under whose orders the captain of the Leopard had acted. But here let it be observed, that whilst this atrocious act was *in form disavowed*, it was *in reality approved of*, and *in substance confirmed*, by the condemnation and execution of one of the men taken from the Chesapeake. If the act of *taking* the men was confessedly wrong, to *detain* them was equally wrong, and to *hang* one of them much more so. To continue a wrong after acknowledging in the face of the world that it is so, is surely at least as reprehensible as the commencement of it. If the king of England was sincere in his disavowal, why were not the men which he thus declared to be wrongfully taken, immediately ordered to be restored ? Why was not Admiral Berkley punished, or at least called to an impartial trial ? He was to be sure, a considerable time after this affair had taken place, recalled from the American station, not for punishment, but to receive the usual reward for his services, *promotion to a more important place*. Such was the hollow hearted conduct of the British government ; such was the insincerity of that disavowal, which, it has been contended rendered it an act of aggression on the part of the American government to continue in force

measures of defence against similar acts of violence and insult, until we should receive some indemnity for the past and security for the future.

Our minister in England on the 7th of September, 1807, made application to the British government for an adjustment of the claim to search our vessels, as well as reparation for the particular injury in the attack on the Chesapeake. The British government refused to come to any settlement with regard to the right of search, but declared itself willing to make satisfaction for the affair of the Chesapeake. This was to no purpose. The President of the United States, anxious to have a final settlement of the great source from which so much trouble had already originated, and considering the one question connected with the other, as the limb is with the body, had given Mr. Munroe authority to settle the two cases *jointly* but not *separately*. The British government, however, signified its intention to Mr. Munroe to send a special minister to the United States, with power to settle for the attack of the Leopard on the Chesapeake, provided the American government would consent to separate that case from the one with which it had been connected. Accordingly, George H. Rose, who was selected for that purpose, left London in the month of November, 1807, and arrived at Washington towards the latter part of December, and about the time Congress laid the embargo.

At this period, the fragment of the federal party, which had been kept alive by a few ambitious and designing men, began to be inspired with hopes of regaining that power, which it had once so shamefully abused, and from which it had 7 years before been driven by the indignant voice of an injured and insulted people. Our government had been compelled by the extraordinary posture of affairs in Europe, to resort to a measure, which nothing but the commanding necessity of self preservation could have induced it to adopt; and which it was known, would bear considerably hard upon our own citizens. France and Great Britain, under pretence of retaliating upon one another for previous injuries, were passing orders and decrees which were tearing up neutral commerce by its very roots. We had an immense mercantile capi-

tal, of which we were about to be robbed under these arbitrary and unprincipled edicts. Our trade with the whole world was cut off. Under these circumstances, it was thought best to take care of what property we had at home, and to gather in that which was afloat, before any thing further should be done. At the same time it was supposed, that from the dependance of the belligerent powers upon us for supplies of various kinds, the embargo would operate as a *coercive* as well as a *precautionary* measure, and still possess no features of a *hostile* nature, so as to close the door to amicable discussion and friendly negotiation. This moment of danger and of difficulty was hailed by the leaders of the opposition, as peculiarly auspicious to the gratification of their ambitious desires. The first and great object of these men was, to keep from the people as much as possible the real cause of our embarrassments, so as to throw the whole blame on our government. The cry of *French influence* was the hobby horse which was rode from one end of the union to the other to *hide the light*, while the *embargo* was the ladder by which they expected to *climb in the dark* to the highest places of political honor and promotion. The conduct of the British government was justified, and that of our own government reprobated, in every instance of dispute between the two countries. Our government was represented as hostile to commerce, and the embargo as a measure intended to destroy it. A war with France and an alliance with England, was advocated as the only measure of safety which could, consistently with our honor and our interest be adopted.

During the months of January, February and March, 1808, the negotiation between Mr. Madison and Mr. Rose was going on. Before the correspondence which had passed between them was made public, reports were circulated throughout the country that our government refused to settle the affair of the Chesapeake by itself, although Great Britain had sent a special minister to the United States for that purpose. It was also confidently asserted by the opposition, that the President would not consent to repeal his proclamation, interdicting the armed vessels of Great Britain, even on condition that ample reparation

for the act of Admiral Berkley should be *previously* offered and accepted. It was stated that Mr. Rose had applied to Mr. Madison in direct terms, to be informed whether, if he should offer such reparation for the attack on the Chesapeake as should be accepted by our government, the President's proclamation would be, in that case, rescinded; and that Mr. Madison had answered, that the proclamation would not be revoked on our receiving satisfaction for that aggression alone. No person at that time supposed, that Mr. Rose had demanded the repeal of the proclamation before atonement should have been made for the principal aggression which led to its adoption; but the story went, that the President had refused to revoke that instrument after such atonement should have been received.

Some time in the month of March, 1808, the letters which had passed between Mr. Madison and Mr. Rose were made public. It then appeared that Mr. Rose had *first* demanded that the subject of the Chesapeake should be treated separately. The President, notwithstanding the intimate connexion between that case and the claim to search our vessels, and the consequent determination he had formed not to separate them, had from a disposition to meet on fair grounds even every show of conciliation on the part of Great Britain, actually consented to treat the affair of the Leopard and the Chesapeake precisely as the British government had all along required. The next demand was that the President's proclamation should be rescinded before any discussion should be entered into. This was considered by our government an inadmissible claim. It was an attempt to convert the aggressor into the injured party. The ground on which this demand was attempted to be supported was, that as the President's proclamation, it was contended, was a measure of retaliation, the continuation of it after the King's disavowal was an act of hostility. Admitting this position to be correct, every principle of justice and of common sense requires, that he who does the first wrong should make atonement, before he can ask reparation for a smaller injury, growing out of that wrong which was done by himself. - Mr. Madison however informed Mr. Rose, that if he would dis-

close the terms he was authorised to offer in case of a compliance with his demand, and they should be considered satisfactory by our government, the President was willing that the repeal of the proclamation should take place at the same time with the act of reparation for the single aggression on the Chesapeake. But strange as it may seem, the gentleman would not condescend even to give us this information. What more could our government have done? Did not Mr. Madison offer to meet the British minister on *half-way* ground? If the proclamation had been revoked, as was required, the terms which Mr. Rose intended, in that case to offer, might have been full and honorable, and they might not have been so. If they should have proved not satisfactory to our government, we should have received no compensation for our *humble bow* to the British Rose.

It was now evident, as has been said in the British Parliament even by Mr. Whitbread, that Rose's mission meant any thing but conciliation. Indeed that the British government did not send that minister to the United States, to make a fair and honorable atonement for the conduct of Admiral Berkley is clearly to be discovered, both from the extraordinary reserve of Mr. Canning towards Mr. Munroe on this subject, and from the demand made by Rose that the President's proclamation should be rescinded as a preliminary to any discussion which, in the opinion of the British government itself, was an improper demand.

On the 10th of October, 1807, Mr. Munroe wrote a letter to Mr. Madison, in which he says, "not being satisfied with the undefined character of the proposed mission to the United States, and Mr. Canning having communicated nothing new to me on the subject, in my interview with him on the day I was presented to the king, although an opportunity was offered for the purpose, I wrote him a note after the commencement of this letter, to make certain inquiries on that head, a copy of which note and his answer is herewith enclosed. You will observe that he still holds himself aloof on it. I thought it my duty and that it comported with strict delicacy to make the inquiry, and *I cannot but consider his reserve as affording cause for*

*an unfavorable inference.*" Here it is seen that Mr. Munroe, who from his situation was certainly well enabled to judge, formed an unfavorable opinion of Rose's mission even in the very outset. If conciliation was the object on the part of Great Britain of this special mission to the United States, why was not Mr. Munroe treated with more frankness on the subject? Was it because the British government had given Mr. Rose *conditional* instructions? Was the nature and extent of the mission to be kept a profound secret, until the minister should have been at Washington long enough, to ascertain how large a party Great Britain had in the United States; and whether that party was likely to grow larger or smaller; and then to act as under existing circumstances, he should judge most proper to further the views of the British cabinet?

As to the demand made by Mr. Rose, it is perfectly plain, that even in the opinion of the British government, it was an improper one. Mr. Canning in his letter to Mr. Munroe of the 23d of September 1807, on the subject of the Leopard and the Chesapeake, does not pretend that the repeal of the President's proclamation ought to be a preliminary to any negociation; but, that as the proclamation was (in his view) a measure of retaliation, he contended that it ought to be taken into consideration in making up the *amount* of compensation admitted to be due to the United States. He says, "The whole of the question arising out of that transaction, is in fact no other than a question as to the amount of a reparation due by his majesty for the unauthorised act of his officer: and you will therefore readily perceive that, in so far as the government of the United States have thought proper to take that reparation into their own hands, and to resort to measures of retaliation, previously to any direct application to the British government or to the British minister in America for redress; in so far the British government is entitled to take such measures into account and to consider them in the *estimate* of reparation which is acknowledged to have been originally due." Towards the latter part of the same letter, after recalling Mr. Munroe's attention to this subject, he says, "Into the discussion of this question I am prepared to enter." "The difficulties in the way of

an adjustment are already smoothed, by the disavowal, voluntarily offered at the very outset of the discussion, of the general and unqualified pretension to search ships of war for deserters. There remains only to ascertain the facts of the particular case, and to proportion the reparation to the wrong." Thus it appears, that in September, 1807, it was admitted by Mr. Canning, that the President's proclamation did not in the least impair the obligation on the part of Great Britain to make atonement for the aggression of Admiral Berkley ; it was only contended that it ought to *lessen the amount* of the "reparation acknowledged to have been originally due to the United States." In January, 1808, only four months afterwards, Mr. Rose declared, that he was "*expressly precluded from entering upon any negotiation for the adjustment of the differences arising from the encounter between the Leopard and the Chesapeake as long as the proclamation of the President of the United States, of the 2d of July, 1807, should be in force.*" Why this change ? Why make a demand in January, which, it was not thought proper to make in September preceding ? From these facts, and from the suspicions which Mr. Munroe entertained when Rose left London for Washington, is it not completely demonstrated, that this special mission about which so much has been said, must be attributed to other causes than that of a sincere desire on the part of his Britannic majesty, to make a just and honorable reparation for a distinguished and acknowledged wrong ?

The situation in which the country was placed in the spring and summer of 1808, was by no means free from great peril. The affair of the Chesapeake was unsettled ; the British orders and French decrees were still in force ; and our embargo was of course continued. This was not all. The two great belligerent powers of Europe were using all their endeavors to draw us into their unprincipled quarrels. Each complained of our partiality for the other. The British government declared, that by submitting to the measures of France, we had forfeited our right to complain of those of England. On the other hand, the French government contended, that "while the United States allowed that their vessels might be visited by England, that she might drag them into her ports

and turn them from their destination ; while they did not oblige England to respect their flag and the merchandize which it covered ; they bound themselves by that tolerance towards England, to allow also the measures of reprisal which France was obliged to employ on her part." But the most disgraceful scenes, with sorrow do I speak it, were reserved to be acted by some of our own citizens. In proportion as the difficulties in our foreign relations increased, so did the hopes of the opposition to overturn our government also increase. It was well known by the federal leaders, that the success of their nefarious schemes, was wholly dependant on the misfortunes of their country. For it was admitted by all candid and upright men of both parties, that if the measures which had been adopted by our government, should eventually succeed in bringing about an honorable settlement of our difficulties without a resort to war, the administration would be entitled to the best support of the nation. To prevent such an issue, therefore, was the great object of the opposition. Every breeze which wafted favorable tidings across the Atlantic, was to the enemies of our government, as the approach of death is to the hardened sinner, whose heart knows no repentance. Every possible exertion was made to prevent the laws from being put in execution. Every embarrassment was thrown in the way of the officers of government. The seeds of discord and disunion were every where sown. No tale which the united power of art and falsehood could invent, to create jealousy and distrust against the government, was left untold. In some places, actual rebellion against the laws of the United States, was carried on under color of the state laws. With this "drag chain of opposition" about its neck, our government was contending with the two most powerful nations in the world, for rights on which were suspended our sovereignty and our independence. The struggle was an arduous and an interesting one. The very existence of our government was threatened with inevitable destruction. The foundation of the temple of liberty shook. The moment seemed to be at hand, when the fairest fabric which human hands have ever reared, was to be demolished by the

rude shocks of faction. The "sole depository of human liberty," the "last hope of man in this mortal world," was about to be destroyed. Our rulers, amidst all these portentous indications of ruin and destruction, stood firm and unmoved at their posts. With the constitution for their coat of armor, and truth and justice for their weapons, they repelled with noble fortitude every assault that was made upon them; and pursued with undeviating firmness, a system of policy which has thus far been successful, and which, in all probability, will lead to a happy termination of all our differences with both France and England.

In the month of August, 1808, Mr. Pinkney, then our minister in England, by instructions from the President of the United States, assured the British secretary, that if Great Britain would repeal her orders in council as it regarded the United States, the President would suspend the operation of the embargo laws as it respected Great Britain, agreeably to the act of congress giving him that authority; at the same time our restrictions would be continued as against France. This offer of compromise was rejected by the British government in the most contemptuous manner. The same offer was made to France, and she treated us, if possible, still more contemptuously, by not returning any answer.

About the first of March last, the embargo laws were repealed, except as to France and Great Britain, and a non-intercourse with those two nations was adopted. Much opposition was made by the minority in congress, to the passage of the non-intercourse law. It was represented to be a greater act of hostility towards England, and subserviency to the will of France, than any thing which our government had yet done.

In the month of April last, a messenger arrived from England with dispatches for the British minister in America; in consequence of which, Mr. Erskine tendered our government an honorable reparation for the attack on the Chesapeake. This being made without any *conditions* attached to it, was frankly accepted by our government.—Mr. Erskine then offered, on the part of his government,

to withdraw the orders in council of January and November 1807, on condition that the President would issue a proclamation for the renewal of intercourse between the two countries. This proposal was also accepted, and a proclamation issued accordingly.

It is now said by the opposition that our government by the late settlement with England has abandoned the ground which it had for some time attempted to support, and agreed to the same terms that were offered by Great Britain two years ago. The foundation of this assertion ought to be well examined. If the same terms have only been obtained now which might have been had two years ago, the public affairs have certainly been mismanaged. If, on the other hand, the assertion is not true, its authors should be marked as wicked and unprincipled calumniators.

It is difficult to understand what is meant by the repeated declarations, that we might have had the same terms two years ago that we have now obtained, as most of those who proclaim the fact to be so, when questioned or disputed know nothing about it. A few however, when closely drove on the subject, have pointed to the note accompanying Mr. Munroe's treaty as containing that offer which is every where heard of, but no where seen.

The President had instructed our ministers in England to make no treaty with Great Britain, which should not contain some stipulation against the practice of impressing men from our vessels. To have entered into one without some provision on that subject, would have been a virtual surrender of the right of our citizens to travel the ocean unmolested by British press-gangs; and would have laid but a feeble foundation for a lasting peace between the two nations. Our ministers however, for reasons which it is unnecessary here to enter into, did agree upon a treaty, which made no provision against this abusive practice, and to which too, there were other objections of less importance. To this treaty was attached a note from the British commissioners to our ministers, which at the time it was first published in the United States, drew forth a general burst of indignation; a note which contained, not an *honorable offer*, but the most *insulting demand*, that

one independent nation has ever dared to make of another. This writing is now said to contain an honorable proposition, which, if it had been agreed to, would have prevented the orders in council from having been passed.

Supposing for a moment, that this instrument had contained an honorable proposition, was it the duty of our government to agree to a treaty which was wholly defective on the most important and interesting point in controversy, because an advantageous proposal accompanied it on a subject of less importance? But let me exhibit this famous note in its true light. The material part of it is as follows, "The undersigned proceed to the signature under the full persuasion that before the treaty shall be returned from America, with the ratification of the United States, the enemy will either have formally abandoned or tacitly relinquished his unjust pretensions, or that the government of the U. States, by its conduct or assurances, will have given security to his majesty that it will not submit to such innovations in the established system of maritime law: and the undersigned have presented this note from an anxious wish that it should be clearly understood on both sides that without such an abandonment on the part of the enemy, or such assurances or such conduct on the part of the United States, his majesty will not consider himself bound by the present signature to ratify the treaty, or precluded from adopting such measures as may seem necessary for counteracting the designs of his enemy."

Here was an open declaration that, "his majesty would not consider himself bound by the signature of his commissioners to the treaty, unless our government *would give security to his majesty* that it would not submit to the decrees of France." If there was really any *offer* here, as has been represented, it amounted simply to this; that if our government *would* consent to be dictated in its conduct towards another nation, by his majesty, then his majesty would agree to be so very honorable as not to violate a contract which he had just made in the most formal manner. Admitting that our government had been so condescending as to comply with his majesty's *very modest request*, who was to decide whether we did or did not submit to the measures of France? Was it to be left entirely

with the British government to determine, what would amount to resistance on our part, and whether any thing short of an actual declaration of war would not be submission? We have indeed seen, that notwithstanding our government has done every thing against France, except declaring war, the British government says we have submitted. If then our government had given his Britannic majesty *bail for its good behavior*, it will be readily seen, that it would have been perfectly discretionary with his royal majesty to have *declared the bonds forfeited* at any moment he might have thought proper. There is one thing more which I think must put this point at rest. Only eight days after the treaty and this note were signed, and without waiting for an answer to the request contained in the latter, or for information as to the course our government should adopt towards France, the British government issued the pernicious and retaliatory order of January 7, 1807. The very thing which the British government by this note had pledged itself *not to do*, provided our government would consent, before the final ratification of the treaty, to give the security required, *was actually done before this instrument had left England for the United States*. The case then stands thus: Great Britain said, that if the American government would by a certain time give her security to resist the decrees of France, she would consider the treaty binding on her part, and would not adopt any measures in retaliation of these decrees by which neutral commerce might suffer injury; but, directly after this declaration was made, and before the American government could give its answer, Great Britain did actually pass a retaliatory order in council, of a very destructive nature to the commerce of the United States. The order of the 7th of January, therefore, was a complete revocation of whatever proposal this note may in the first place have contained; and was a flagrant violation of the treaty, to which the faith of the British government had just been pledged by the most solemn sanctions. This then is the boasted offer about which so much has been said, but which has, very carefully and very wisely too, been kept out of sight.

It is contended by some of the friends of the administration, that the late compromise with England has been made on the very same terms which have heretofore been offered by *our* government, and of which I have already spoken. This is not correct. The proposals lately made by Mr. Erskine, and which have been acceded to, are even more honorable to the United States and less advantageous to Great Britain, than those which had heretofore been offered on our part. The offer made last summer by our minister in England to the British government was, that if Great Britain would repeal her orders as it respected the United States, the President would suspend the operation of the embargo laws against her, and *continue it as against France*. The proposition lately made by Mr. Erskine is, to "withdraw the orders in council of January and November 1807, in the persuasion that the President would issue a proclamation for the renewal of intercourse with Great Britain." Here is no condition, as we even offered last summer, that our restrictions *should be continued as against France*; and the existence of the French decrees, which was alleged as the cause for refusing our proposal is not even mentioned. It was well known to Mr. Erskine that our embargo and non-intercourse laws were to expire at the end of the present session of congress, and still no promise was exacted that they should be renewed against any nation. In the case of the Chesapeake, our government as I have already shewn, offered Mr. Rose to admit the armed vessels of Great Britain into our ports, from the moment atonement should have been made for the injury we had received by that transaction. Now, honorable reparation has been made us without this admission of the British armed vessels, or even the slightest engagement that this privilege should ever again be granted. The interdiction to be sure, will expire on the close of the present session of congress, if the first section of the non-intercourse law should not be renewed; but in that case, the admission of the British vessels of war, will be entirely voluntary on our part, and without arising from any stipulations entered into or required for that purpose.

It is pretended by the opposition, that Great Britain has heretofore rejected these offers on our part to treat with

her, because her navy was excluded from our ports, while that of her enemy was admitted. To prove the falsity of this declaration, I shall refer to the British ministers themselves. Mr. Canning, in his answer to the letter of Mr. Pinkney of August last, containing the offer of compromise, after speaking of the confederacy against Great Britain by most of the powers of the continent, and the great injury which the Berlin decree was designed to do to the commerce of England, says: "These considerations compel his majesty to adhere to the principles, on which the orders in council of January and November, 1807, are founded so long as France adheres to that system by which his majesty's retaliatory measures are occasioned and justified." The existence of the President's proclamation was never assigned by the British government as a reason for the continuance of the orders in council; but the sole ground on which these orders were always pretended to be laid, and their continuance justified, was that they were in retaliation of the French decrees, and that therefore, while these decrees existed, the orders would of course be continued. The fact is, that the interdicting proclamation was a thing in no wise connected with the orders in council and the embargo.

Mr. Rose, on the other hand, did not refuse to agree to the terms proposed by Mr. Madison on the subject of the Leopard and the Chesapeake, because the ships of France were not interdicted as well as those of England. He contended that we had taken reparation into our own hands, and thereby forfeited the right to demand it, until we should discontinue our measures of retaliation. "If," said he, "when a wrong is committed, retaliation is instantly resorted to by the injured party, the door to pacific adjustment is closed, and the means of conciliation are precluded. The right to demand reparation is incompatible with the assumption of it." It was not pretended that the extension of the interdiction to France would have changed the character of it as against England. The objection was founded in the intrinsic nature of the measure itself, and did not arise from the relative situation in which it placed the two belligerents with the United States, or with each other. It was contended that the proclamation

was an act of retaliation for a wrong which was acknowledged to have been committed, and the right to retaliate was not disputed ; it was only urged that by the exercise of this right, we had released Great Britain from any obligations she would otherwise have been under of making reparation. Had this interdiction, in April last, ceased to be an act of retaliation for an acknowledged wrong received from England, because the same measure had been extended to France for injuries received from her ? Had the right to demand reparation and the assumption of it become more compatible than a year before ?

It is fully shewn then from the facts which I have stated, that our government has from the commencement of our late difficulties till this time, pursued the same undeviating course of policy, and that its conduct towards the belligerent powers of Europe has uniformly been distinguished by moderation, by impartiality and by firmness. On the other hand, it is found, that Great Britain has been driven from one ground to another, until her distressed and declining situation has compelled her to abandon all the arrogant pretensions she had assumed, and to throw herself before us in the humble attitude of supplication.

France has not yet relaxed in her iniquitous decrees ; and it will be seen by the latest accounts from Washington, that our government is determined to continue the prohibition of commercial intercourse with her ; a bill for that purpose has passed the senate without a dissenting vote. If that nation should continue to plunder our commerce under her piratical edicts until the next session of congress, some more efficient measure will, no doubt, be taken to bring her to a sense of justice. The French emperor has all the while declared, that when England repealed her orders he would discontinue his decrees. He is now brought to the test ; the sincerity of his professions will be weighed by the correctness of his conduct during the present recess of our national legislature.

The disappointed leaders of the opposition are now attempting to work a belief upon the minds of the people, that England has not submitted to us, but that our government has been humbled by that of Great Britain. To what a wretched and degraded situation are these men re-

duced. If they admit, that the measures of our government, which they have opposed with so much violence, have in the end turned out well, they not only acknowledge the wickedness of their own conduct, but blast every prospect of future success in their ambitious schemes to obtain office and power. They can only therefore attempt to find refuge from disgrace, by exerting every effort in their power to degrade their own government and to exalt that of a foreign nation. They pretend that the violent opposition which the embargo and non-intercourse laws met with in some of the eastern states, as well as by the minority in congress generally, drove our government to a change of measures, from which proceeded the late settlement with England. If this is true---if the change in our situation is really owing to the first abandonment of measures on our part, when did that abandonment take place? Why was it not discovered before the President's proclamation made its appearance? If the opposers of the government themselves are deserving of the least share of credit, there certainly had been no change except for the worse; for they declared the non-intercourse to be fourfold more injurious to ourselves, and hostile towards England, than any measure which had then been adopted. How long then are the people of the United States to be trifled with in this manner. How long will they suffer such imposition? Will they not henceforth withdraw all confidence from a set of men, who have done all in their power to excite them to insurrection and rebellion against that government, which by its wisdom and firmness, has averted the storm which had gathered and was ready to burst over our heads, and laid, to all appearances, a sure foundation for peace, prosperity and happiness?

Our commerce will now soon be restored to its wonted activity, and all other branches of business will again flourish as usual. The American people will be convinced of the wisdom and integrity of the government; party animosities will cease to inflame the minds of neighbors and of friends against each other; and quarrels and tumults will be no longer heard.

On this day then we have double cause for rejoicing. The principles which called forth the declaration of our in-

dependence have, since the last anniversary of that event, gained a victory, which will establish them on a surer and more lasting foundation than ever. Let us do all in our power to hand them pure and uncorrupted to our posterity. Let us rally round the altar on which they are deposited, and there defend them to the last moment of our lives, or perish in the attempt.

---

RANDOLPH---RE-PRINTED BY SERENO WRIGHT.