

will not renew or insist upon them—that Mr. Jackson's reasoning upon them in his letters is simply to convince us that they are not now important to either them or us—And the fair inference is that when we propose any terms short of them, and yet amounting to a *refusal* to the French decrees, Great-Britain will accept them. That she had a right to expect as much as this from us is certain, because Mr. Jefferson told Congress, and his party boasted last year, that we had made her such an offer: Such an offer, however, never has been made and never will be; and the discovery that Mr. Jackson will agree to such a proposal, is the true reason why the negotiation is now broken off.

If then, as it appears, Great-Britain does not insist upon any pretensions as conditions for the repeal of her orders in council to which we cannot subscribe; if she places it simply on the ground of an effectual refusal to the decrees of France, which we have voted shall not be submitted to, let us examine if there are any other pretensions of hers which should be a barrier to an accommodation.

Let us here premise, that in national controversies where there is neither judge, jury, nor umpire, perfect justice is not to be expected. Neither party ought to expect, however they may claim, to obtain every thing they may deem right. Something ought on both sides to be sacrificed to harmony; and the nation which insists upon the attainment of all its pretensions cannot be considered as being honestly desirous of peace.

Mr. Madison tells us that Great-Britain in the affair of the Chesapeake insists upon pretensions which had been declared inadmissible. As this is the only point on which Great-Britain makes any pretensions, or insists on any conditions, as we have shown, and as she most certainly does in this case insist on two preliminary points, it is important to see how far these are unreasonable, and how far they are good causes for hazarding our peace.

1st, she insists, "That in the record of the satisfaction which we shall agree to accept, a memorandum shall be made that our Proclamation interdicting the entry of British ships of war has been repealed."

This Mr. Madison in his covered language entitles, "A demand that the first step should proceed from us."

This is not so. It is now admitted on all sides that the act of the British Admiral was unauthorized; and of course his Government were only responsible for disavowal and reparation.

The law of nature, of nations, of common courtesy, and the common law of the land, all require that in such a case a recourse should first be had to the Master of the offending servant, and after he refuses to do justice reprisals may take place.

In this instance we took the reparation into our own hands: We inflicted the first punishment: We deprived Great-Britain of her rights; for it was her right to enter our ports so long as her enemy was permitted to do so.

It was pretended that this was a mere measure of precaution;—If it were so, it ought to have been revoked as soon as Great-Britain declared her disapprobation of the act of her servant. No danger any longer existed any more than at the moment when we suffered the proclamation to expire.

But with Great-Britain it was different. It was absolutely impossible for her to offer any terms whatever so long as this rod was held in *terror* over her head. On this point Mr. Rose's mission terminated. And let us ask every man of honor, if compensation was demanded of him for any act of his servants, whether he would give it while the complaining party threatened to chastise him?

Between nations this is impossible: And shall the nations in the world, and of all the administrations which ever existed in any nation, ours, one of the most captious, ought to be the last to find fault with this objection.

It is, I confess, truly a point of honor; and the only question is, Which is right? I admit that neither party which is in the right, ought to sacrifice this point of honor, unless for the sake of preserving peace, which is more interesting than any point of etiquette. But in this case we can acknowledge the repeal of the Proclamation without dishonor, because we never pretended that it was a hostile measure; but on the other hand Great-Britain, who considered it an insult, could not agree to treat with us without a formal acknowledgment of the repeal. But, says Mr. Smith, this adherence to punctilio is the more unreasonable in Great-Britain because it was well known that the Proclamation had expired of itself. He was I think not aware of the natural answer to this, which would have been made if he had not seized Mr. Jackson's lips, that if the proclamation had expired, there could be less reason for a nation disposed to peace to refuse to note that fact in the proceedings. And why this delicacy on the part of Great-Britain? Because she could not compensate us so long as the record of so hostile a measure remained against her.

The only other inadmissible pretension of Great-Britain which our Cabinet urge is,

The reservation of Great-Britain, that she will not pay the bounty to such of the sailors wounded in the Chesapeake, nor will she return such of them as she has taken, who may appear to have been deserters from his Majesty's service, or natural born subjects of his Britannic Majesty.

Now without entering into the question so fully settled by the American people that they will not go into a contest for British sailors, we would simply remark, that an objection of this sort comes with a very ill grace from a Government, one of whose captains last year entered the British territories, seized a schoolmaster in the act of giving instruction in a peaceful village, and shot him dead upon the spot, and to which officer after a formal Court-Martial his sword has been returned with honor. If this does not amount to a claim of deserters, we confess we do not know what does.

FOR SALE AT THIS OFFICE,

A few copies of a Form of Prayer,

To be used on WEDNESDAY the SEVENTH of MARCH 1810; being the Day appointed by Proclamation for a General Fast and Humiliation. February 26.

FOR SALE AT THIS OFFICE,

English Playing Cards of a good quality.

BOSTON, FEBRUARY 10.  
LEGISLATURE OF MASSACHUSETTS.  
IN SENATE, FEBRUARY 8, 1810.

The Hon. Mr. BRIGHAM, from the joint Committee on the subject, made the following report; which was read, ordered to be printed for the use of the two houses, and the consideration of it, assigned for Tuesday next, 10 o'clock.

IMPORTANT REPORT.

THAT by the Message of the President of the United States to Congress at the opening of the present session, and the documents therewith transmitted, it appears that a Minister deputed by the Government of Great-Britain, to this country, with full powers to negotiate and conclude an accommodation of all controversies subsisting between the two nations, after being accredited and having entered upon the object of this mission was suddenly informed by the American Minister, that no further communication would be received from him, in consequence of an alleged offence in the language used in some part of his correspondence. This event, viewed in connection with the resolutions of Congress, and the resentment discovered, and measures proposed by the friends of the administration, have materially changed the posture of our relations with Great-Britain, since the last meeting of this legislature, and in lieu of the prospect of peace and amity, which we then hailed as so auspicious to our national prosperity, we discern a policy, whose tendency is to produce an open rupture with that nation. A war with Great-Britain, in the present state of Europe, and under the existing circumstances of our country, would be, in the estimation of your committee, the greatest calamity that could befall the United States, short of the loss of their liberties and independence, and would, in its consequences, endanger these blessings. A conviction of this truth would justify any member of the confederacy by whom it should be felt, in the expression of its disapprobation and its fears, even if no measures were adopted by other States, calculated to support the administration in its hostile attitude. But as several of the state legislatures partaking of the sensibility of the national executive, have approved of the rejection of the British Minister, in a tone which may be deemed to disclose a spirit ripe for open hostility with his nation, it is in our opinion the duty of this legislature to attempt to allay these hostile propensities, and if possible, to prevent a ruinous and unnecessary war, by such an exposition of their sentiments upon the present crisis as may demonstrate the extreme reluctance, with which the people of this Commonwealth would find themselves compelled to engage in such a war.

Aware of the danger and inconvenience of collisions between the measures of the national and state governments, and persuaded that harmony and mutual confidence constitute the basis of the power of confederated states, your committee have examined the documents accompanying the Presidential message, with a sincere disposition to discover a sufficient justification for the rupture of a negotiation so deeply affecting the interests of the nation.—The cause alleged is, that the British Minister in his correspondence, persisted in using terms which implied that the American Government had knowledge of the fact, that Mr. Erskine had not authority to conclude the arrangement made by him in behalf of his government, after such knowledge had been explicitly disavowed by the American executive.—It is not pretended that this is expressly asserted by the British minister to be a fact.—Your committee are unable to discern either the assertion or the insinuation, of this as fact; nor can they perceive in any part of the correspondence of the British Minister, expressions of disrespect or distrust towards the government; much less the offensive imputation of falsehood.—They profess not to determine whether the style of the American secretary, or that of the British Minister was most conciliatory and conformable to diplomatic usage. But they are utterly at a loss to discover open or covert insult, or any insinuations, which according to the arbitrary rules of honor would justify the abrupt termination of a conference between high minded individuals, desirous of amicably adjusting a private controversy.

This conclusion, resulting from a careful examination of the public documents, becomes irresistible in the minds of your committee, from the consideration that the imputed offence, not only is not specified with precision by the American Secretary, but is, among the advocates of administration, both in and out of Congress, assigned to different letters; to different expressions in the same letter, and to the entire correspondence on the part of the British Minister, agreeably to their own discordant constructions, and to the glosses and comments suggested by their various imaginations and modes of reasoning. If, however, the British Minister had, either through accident or design, permitted himself to use equivocal expressions which in ordinary times might justify this repulse by a proud monarch prepared for open hostilities, and glad of a pretext for war and conquest; yet at this era of political convulsion, when the tempest of war has swept every Republic but ours from its base; and when questions of diplomatic ceremonial and usage, even at the most jealous courts, are forgotten amid the more weighty questions of national safety and existence.—It is not conceived that the national honor of our remote and pacific Republic would for the use of such doubtful words, without even demanding an explanation, require the dismissal of an ambassador of peace from one of the belligerent powers, especially when the policy of the administration had dictated so long and patient a forbearance under gross and continued outrages from the other.

This act of the Government, so insuspicious to the future peace of the country, assumes a more alarming aspect, when viewed in connection with preceding circumstances and transactions. The failure, on points doubtful or unimportant, of the mission of Mr. Rose, who was specially empowered to make honorable reparation for the unauthorized aggression of an individual; the ungracious terms in which the satisfaction subsequently offered by Mr. Erskine, was accepted; naturally tend to excite fears in regard to the ultimate views of the Administration, and to discourage all further attempts at amicable negotiation. Nor are our anxieties on this subject diminished by a consideration of the temper and conduct of the Government in relation to the

other belligerent. Of the character of the correspondence with France by our resident Minister, or the nature of our negotiations with that power, we can form but an imperfect opinion, in consequence of the mutilated state in which it has been presented for public inspection; but from such small portions of it as have been published or revealed, from the insolent and dictatorial letters of the French Minister, published in the face of all Europe, and the indifference or patience with which they have been received; and from the approbation expressed by France of our late restrictive measures, we are compelled to fear, that neither the honor nor interest of the country have been guarded or maintained with the spirit and dignity becoming an independent nation.

The importance of these repulsive measures is increased by the deplorable state of the Public Treasury. From the reports of the Secretary of the Treasury, it is apparent that the nett revenue of the United States during the year 1807, was sixteen millions fifty-nine dollars.—That during the year 1808, under the first operation of the embargo, the same revenue was only ten millions three hundred and thirty-two dollars. That during the year 1809, that under the further operation of the same system, it was reduced to six millions and an half dollars.—So that the difference of the amount of revenue between the years 1807 and 1809, is nine millions and an half dollars. It is also stated, in the last report from that department, that the expenses of the Government for the last year, exclusive of payments on account of the principal of the public debt, have exceeded the actual receipts into the Treasury nearly thirteen hundred thousand dollars, which deficiency has been paid out of the surplus of preceding years.

It is further stated, that the expense of Government upon a peace establishment, for the year 1811, will be about ten millions of dollars, and eight millions after that year; and that a loan of four millions has already become necessary. In the report of the same department, for the year 1806, it was stated, that after defraying all the expenses of Government, an annual surplus of five and an half millions of dollars would remain. But according to the last statement, there will be a deficiency for the present year of four millions, making against the United States an annual difference as before of nine millions, and an half. But when, with these statements, are taken into view, the still progressive diminution and probable annihilation of revenue from commerce in the event of war; and the additional and incalculable expenses, which must be rendered necessary in its prosecution, your Committee can perceive no means of supplying this miserable deficiency of revenue, but from direct taxes. The expedient of great and enormous loans might be a resource for the first exigencies of the war; but a nation entirely deprived of visible and actual revenue, could support but a doubtful credit, and the contemplation of a debt constantly augmenting in an unjust and ruinous contest, would disgust the patriot and terrify the contractor. In these circumstances, it is but too obvious that the only remaining resources of this Government would be either forced contributions or oppressive taxes upon the yeomanry.

While such have been the pernicious effects of the measures of the administration upon ourselves, your Committee would willingly spare themselves the humiliating confession, that by the belligerent nations they are regarded as partial and harmful. So far have they been from disposing France to any relaxation of the imperial decrees, that they have been the subject of praise and approbation with her Emperor, whose only dissatisfaction has been manifested at their temporary suspension. By Great-Britain, they have been regarded with indifference, though in their operation they have secured to her the carriage of our produce, and the monopoly of the commerce of the world. Her manufactures have not decreased, nor has her revenue or power been in any visible degree impaired. While an intercourse with the United States has ever been deemed by that nation of secondary importance, in comparison with the great objects for which she is contending, its advantages have never been disregarded or undervalued by her statesmen. It remained for our infatuated councils to reveal the fatal secret, that the commerce of these States was of less importance to her prosperity and greatness than her own politicians had predicted. That our country has sustained injuries from the operation of the British orders, and suffered from the outrages of her officers, for which it is entitled to satisfaction, is not to be denied. It ought not, however, to be forgotten, that during the entire period of these commercial restrictions, France with whose consent they were imposed and continued, has seized and sequestered nearly all the American property which has fallen within her grasp; while Britain, against whom alone they could be expected to operate, has respected our flag, convoyed our ships, and admitted us to a free and lucrative commerce with every part of her dominions.

With this view of an empty treasury and abandoned commerce, it is impossible to overlook the defenceless state of the country, and especially of the entire seaboard of the United States—while the American flag would be driven from the ocean, our seaports would be at the mercy of the most formidable navy that ever existed, and before our fortifications or armies could be in a situation to sustain the first assaults of the enemy, our cities might be buried in ruins, and our sea-coast exposed to inconceivable distress.

As the miseries of such a war would be incurred without adequate motive, they must be sustained without a possible chance of indemnity. On the ocean, Britain is at present invulnerable. It is only upon the side of Canada that the American arms could come into actual collision with her dominions, and if the chances of war, after a profusion of blood and treasure, should enable the United States to add to their territory, already too extensive, this province of Frenchmen, what would be the value of the acquisition?—And for whom would it be acquired? To hold it as a colony would be inconsistent with the genius of our institutions. To admit it as a free and independent State would be equally repugnant to the habits and wishes of that people. Under what pretext could we retain this ancient and favorite ally of France, claiming it as her legitimate estate, with the votes of a great majority of its inhabitants to testify her pretensions? It is morally certain, that Canada, supported by the United States, would, under the patronage of France,