

The Royal Gazette And New Brunswick Advertiser.

Vol. 5.

SAINT JOHN, MONDAY, AUGUST 31, 1812.

No. 244.

Printed and Published by JACOB S. MOTT, Printer to the KING'S MOST EXCELLENT MAJESTY, at the Sign of the Bible and Crown, Prince William-Street, where Subscriptions, Advertisements, &c. will be thankfully received. [6d. single.]

MR. MADISON'S WAR.

A DISPASSIONATE INQUIRY

Into the reasons alleged by Mr. Madison for declaring an offensive and ruinous War against Great-Britain; together with some suggestions as to a peaceable and constitutional mode of averting that dreadful calamity.

BY A NEW-ENGLAND FARMER.

(CONTINUED FROM OUR LAST.)

Now as much of the merits of this question depend upon the fairness of these offers, and since if the government of the United States have bona fide made proposals of this nature which ought to have satisfied Great-Britain, we are wrong in charging them with partiality, it is important that we consider this question distinctly and accurately.

We understand the offers not only in a different but in a very opposite light. In the summer of 1809, the embargo was reluctantly withdrawn in consequence of the formidable and decided opposition of the Northern States. In its place was substituted the non-intercourse act, nominally against both belligerents, though effectually only against Great-Britain, in which it was provided, that in case either of them should repeal its obnoxious edicts, the President should abolish the restrictions as to the one so repealing them, and they should be in full operations as to the other. In communicating this measure to the two cabinets, the President saw fit to adopt a very different language to the one from that which he used to the other. To Great-Britain he authorized Mr. Pinkney to say, that in case Great-Britain should repeal her orders in council, it was PROBABLE the President would give effect to the powers vested in him by that act, which simply extended to a notification of the fact of repeal, and the law itself declared that the act should remain in force against France. But there was not the slightest intimation that in such an event the United States would declare war against France. There is one other circumstance worthy of notice in this communication to Great-Britain in 1808, and that is, that no notice was taken of the blockade of May, 1806, which has since made so conspicuous a figure in the list of our wrongs.

Yet it will be observed, that the President was not empowered to offer to withdraw the non-intercourse until Great-Britain should have repealed all her decrees violating our neutral commerce; but as Mr. Jefferson did not in 1808 demand the repeal of the blockade of May, 1806, the inference is irresistible, that he did not then consider it a violation of our neutral rights. The same inference may be drawn from Mr. Madison's arrangement with Erskine, which did not include the blockade of May, 1806, although it ought to have included it if it was a violation of our neutral rights.—So that we have the construction of two successive presidents, Jefferson and Madison, that the blockade of May, 1806, was not a violation of our neutral rights.

While Mr. Jefferson only held out to Great-Britain the prospect of a probability that he would give effect to the powers vested in him by the act against France, which only extended to the continuance of the non-intercourse, a measure perfectly useless to Great-Britain since her fleets already made a much more effectual non-intercourse, he authorized Gen. Armstrong to assure France, in distinct and unequivocal terms that if she should repeal her decrees, and Britain should refuse to rescind her orders, the United States would take part in the war on the side of France.

These are solemn truths, and on record in the department of state.

But the second negotiation on this subject, which took place in 1810, was still more extraordinary. Although the blockade of May, 1806, had quietly slept as we have shewn, absolutely approved of by Mr. Monroe, and censured by no one, not even by France; although it did not make its appearance in the negotiation of 1808, nor in Erskine's arrangement in 1809; yet it was destined to make a great and principle figure in 1810. This must strike every person with astonishment, that a great and overwhelming wrong both to us and to France should have been forgotten and neglected by both for the space of four years. Yet this blockade was coupled with the orders in council, and with such other pretensions in 1810, that no settlement could be made with Great-Britain. I now proceed to the proof of these assertions.

From the time of the promulgation of the French decrees of Milan and Berlin, we can find no intimation on the part of France either of her dissatisfaction with respect to the limited order of Great-Britain, of May, 1806, or of her determination to consider its repeal an indispensable condition of the repeal of her hostile decrees.

The first notice taken of it, as far as we can find, is in a letter from Gen. Armstrong to Mr. Smith, our Secre-

tary of State, of January 28th, 1810, in which he details a conversation which he had held with Count Champagne, the French minister.

In that letter Mr. Armstrong refers to a letter of December 1st, 1809, from Mr. Smith to himself, which has never been published, in which he is directed to demand of France "Whether, if Great-Britain revoked her blockades of a date anterior to the decree commonly called the Berlin decree, his majesty the emperor would consent to revoke that decree?"

To which the Emperor, falling into the views of our government, and foreseeing the snare which would be laid for Great-Britain, inasmuch as, if she consented to repeal said orders, it would be an admission that she had been the aggressor upon neutral commerce, and further, that it would be an admission that she had no right to exert her only force, her maritime power, for the coercion of her enemy, replied, "That the ONLY condition required for the revocation of the decree of Berlin, will be a previous revocation by Great-Britain of her blockades of France or parts of France, of a date anterior to the aforesaid decree."

So far the plot went on prosperously; and if Great-Britain had fallen into the project, it would have been made the pretext for preventing any future blockades of even single ports of France in which armaments for her destruction or the destruction of her commerce should be formed, and she would have relinquished to an enemy, whom she cannot attack upon the continent upon equal terms, the only weapons which God and her own valor had placed within her power.

Gen. Armstrong having so far succeeded, lost no time in transmitting to Mr. Pinkney this project, the failure of which was not only certain, but was probably calculated upon by both the high intriguing parties.

Mr. Pinkney on the 15th of February, 1810, demanded of Lord Wellesley, in pursuance of the same project, whether Great-Britain considered any, and if any, what blockades of the French coast of a date anterior to the Berlin decree in force? He specified none in particular, except that of May, 1806. Indeed it appears by Lord Wellesley's note that no others existed.

Lord Wellesley replied, that the order of May 1806, "was comprehended in the order of council of January, 1807, which was yet in force." But did not intimate, nor was he ever asked, whether Great-Britain would repeal that order.

Mr. Pinkney, on the 7th of March, 1810, asked a further explanation on the subject, whether the order of May, 1806, was merged or sunk in that of January, 1807, and whether any other blockades of France, except that of May, 1806, still existed?

Lord Wellesley replied to this second inquiry of Mr. Pinkney, "That the order of May, 1806, had never been formally withdrawn, though it was comprehended under the more extensive orders of January, 1807." He declared, however, that no other blockade of the ports of France existed anterior to January, 1807.

As he had never been required to answer, he was silent on the question, whether the order of May, 1806, would be withdrawn.

Mr. Pinkney, though not perfectly satisfied with Lord Wellesley's answer, still deemed it sufficient if France was sincere, and accordingly wrote to General Armstrong on the 6th of April, "That the inference from Lord Wellesley's statement is that the blockade of May, 1806, is virtually at an end, being merged and comprehended in an order of council issued after the date of the Berlin decree."

Such was Mr. Pinkney's construction of Lord Wellesley's letter; but this did not suit either the views of France, General Armstrong, or of our cabinet. No cause of quarrel, no mode of renewing the commercial warfare against Great-Britain resulted from such a natural and fair construction of Lord Wellesley's note. It was decided in the cabinet of Paris to compel Great-Britain to make a formal renunciation of her rights, and if she had consented to such an humiliation, the emperor reserved to himself, in the vague and inexplicit terms of his requisition, an ample latitude to demand still further humiliations. Accordingly General Armstrong wrote to Mr. Smith with respect to Lord Wellesley's statement, on the 3d of May, that "he need scarcely observe how impossible it is to make this or any similar statement the ground work of a new demand for a repeal of the Berlin decree."

And it seems that in pursuance of this opinion he has abstained from that day to the present to inform his Majesty of the construction put upon the orders of May, 1806, and January, 1807, by the British cabinet, which our other minister at London, Mr. Pinkney, thought and had communicated to him such an opinion amounted to a virtual repeal of the former.

Thus we see how faithfully our two ministers conducted this negotiation.

Mr. Armstrong informs Mr. Pinkney that if Great-Britain will repeal her orders anterior to the Berlin decree, that France will repeal her decrees.

Mr. Pinkney simply asks Lord Wellesley if those anterior orders are still in force. Nor did he ask whether Great-Britain would revoke them until long after the answer of Great-Britain to the first question, whether they were in force, had been transmitted to France.

When the answer of the British cabinet is such as leads Mr. Pinkney to think them virtually at an end, and when he communicates this result to Gen. Armstrong, he does not think it worthy of attention, nor sufficient to disturb the repose of his imperial majesty, by submitting the question to him!

It is now perceived we presume by every intelligent reader, that the way was perfectly prepared in concert for the extraordinary letter of the Duc de Cadore, in which a formal but illusory promise of a repeal of the Berlin and Milan decrees is tendered, provided Great-Britain will repeal her orders, and renounce, not the blockade of May, 1806, which she had declared was the only one in force, not all anterior blockades actually existing, but something further, something inadmissible, that she shall renounce "her principles of blockade which she wishes to establish."

Terms which every man will perceive might be construed to amount to the surrender of all her maritime rights.

We conceive then that we have established our first proposition, that this demand upon Great-Britain to renounce her principles of blockade proceeded from our cabinet—was a concerted scheme, and was not pressed as an ultimatum until it was well ascertained that it would not and could not be yielded.

Our second proposition rests on simpler, and if possible on still more conclusive grounds—upon authority which Mr. Madison will not deny, because it is his own.

We say, 2ndly, That Mr. Madison when he demanded of Great-Britain as a condition of issuing his proclamation that she should annul her decree of May, 1806, knew that he was not authorised to annex such a condition.

That he did annex such a condition is proved by a letter from our secretary of state, of July 5th, 1810, to Mr. Pinkney, in which he says, "You will accordingly let it be distinctly understood that it must necessarily include the annulment of the blockade of May, 1806."

Now the right of Mr. Madison to include this demand as an indispensable condition could only arise from the construction put by him on the act of Congress of May, 1810, which authorised him, in case "either of the belligerents should so revoke or modify its decrees or edicts as that they ceased to violate the neutral commerce of the United States," to issue his proclamation stating that fact, and upon such proclamation, so made, the non-intercourse was to revive against the other belligerent, if he should fail to repeal "his edicts in like manner within three months."

It is not denied that the decrees or edicts which did violate our neutral commerce were undefined by the act. Mr. Madison, by his agent Mr. Gallatin, has incautiously admitted this uncertainty.—It is not denied that Mr. Madison, in the execution of this power, was the sole judge of the decrees to which it extended. It is a little unlucky, however, when the statute was so undefined as he now complains that Mr. Madison should have extended it to an old and harmless blockade of Great-Britain, and should have passed over the Rambouillet and Bayonne decrees of France!

But our main question still returns—did in fact Mr. Madison believe that the act of May, 1810, extended to the British blockade of May, 1806, so as to have a right to say that the renunciation or repeal of Great-Britain must necessarily include that blockade?

We say that he did not believe it, though he said it in a solemn manner, and we prove it thus:—

On the 1st day of March, 1809, Congress passed an act prohibiting intercourse both with Great-Britain and France. That act provided however that, "in case either of the belligerents should so repeal or modify its edicts as that they should cease to violate the neutral commerce of the United States, the president should certify that fact by proclamation," and the trade should be open with such power.

It will be seen that the words are *verbatim et literaliter* the same as in the act of May, 1810, which Mr. Madison has declared necessarily included the blockade of May, 1806. Yet on the 19th of April, 1809, three years nearly after the blockade of May, 1806, Mr. Madison made a convention with Mr. Erskine, the