(Continued from last page.)

In what point of view are the decrees of France to be estimated in relation to Great Britain? The Berlin decree was mere *brutum fulmen*, and I will take British authority and prove that her own vessels could not venture to sea. The Berlin decree in part was no cause of just complaint, because it related to municipal regulations which do not interfere with the acknowledged rights of neutrals. The Milan decree was very hard on paper; but we are told, and it is verified by experience, that G. Britain yields nothing to the thunders of that artillery; it passes by like an idle wind which she regards not. But I acquiesce with pleasure in the declaration that both France and Britain are regardless of justice when opposed to the exercise of the power of prostrating our rights.

How are the decrees of both belligerents, considered with reference to an acquiescence by us? There never was a more base libel than the insinuation of acquiescence by us in the edicts of either. A recurrence to the documents will prove it. The U. S. have never acquiesced in any violation by either of the belligerents. But it is admitted by the minority that enough has been said as to Great Britain, though not as to France; that there has been an acquiescence in French usurpations; and indeed it has been asserted with a temerity not to be passed over with impunity that there has not only been an acquiescence in the decrees, but a disposition to obey the commands of the French Emperor. It is true that there has not been as much said or written in relation to France as to G. Britain, because the injuries committed by the latter exceed those of the former ten fold; so far from admitting that there has been an acquiescence in the conduct of the conqueror of Europe and tyrant of France, a recurrence to the documents will prove that measures of greater vigor have been taken in relation to him than in relation to the tyrant of the sea; that the language and instructions of the government have partaken of this character; and that it has manifested more sensibility to the injuries committed by France, than to those committed by G. Britain. When the Berlin decree was issued, Mr. Armstrong wrote to M. Decres immediately for an explanation of it. It has been objected that although the explanations, given by that minister, were satisfactory, if he were the proper organ of the government, he was not the person of whom to ask them, that the minister of foreign affairs was the proper person. But surely the individual to whom the execution of the decree was confided must be considered as the proper person to give explanations concerning its import. But we have proof from Mr. Champagny, the successor of Talleyrand, that Decres was the proper organ, and that he was to be consulted. Champagny, in his letter of August, 1807, says that "as the execution of the maritime measures indicated by the imperial decree of the 21st November, 1806, rests naturally with his excellency the minister of marine, and that moreover he has already had the honor of addressing you some first observations on the application of that decree, I transmitted without delay your letter." Thus the minister of foreign relations to whom it is said that our envoy at Paris should have addressed his note, & from whom alone he should have received them, referred him to the minister of marine for the proper explanations. So that the utmost diligence was manifested by the representative of this nation at the court of France, in obtaining proper explanations in relation to the construction of the decree; and not only the explanation was satisfactory, but, what was more important, the practice under it was satisfactory also, as it corresponded with the explanation given. When our vessels were burnt at sea, an outrage so scandalous as to destroy the pretensions to civilization of the nation authorising it, a special remonstrance was directed against the injurious procedure. When the offensive note of Mr. Champagny was presented, Mr. Armstrong was specially directed to remonstrate against it; and he did remonstrate in such terms as were consistent with the dignity and honor of this nation. But when the infamous rider attached to the famous treaty was presented, there was no remonstrance directed, although that rider, with other communications, from the same source, are equally as offensive & equally obnoxious and repugnant to every American feeling as the insulting language of Champagny himself. Let us compare them, and see if I am not justified by facts in the conclusion which I draw. Champagny says—

"In the situation in which England has placed the continent, especially since her decrees of the 11th November, his majesty has no doubt of a declaration of war against her by the United States; whatever transient sacrifices war may occasion, they will not believe it consistent either with their interest or dignity, to acknowlege the monstrous principle, and the anarchy which that government wishes to establish on the seas. If it be useful and honorable for all nations to cause the true maritime law of nations to be re-established, and to avenge the insults committed by England against every flag, it is indispensable for the U. S. who from the extent of their commerce have oftener to complain of those violations. War exists then in fact between England and the U. S.; and his majesty considers it as declared from the day on which England published her decrees. In that persuasion, his majesty, ready to consider the U. S. as associated with the cause of all the powers, who have to defend themselves against England, has not taken any definitive measure towards the American vessels which may have been brought into our ports; he has ordered that they should remain sequestered, until a decision may be had thereon, according to the dispositions which shall have been expressed by the government of the U. S."

This language is justly offensive, insulting, and inadmissible, but not more so than the justly offensive, insulting and inadmissible notes to which I will refer. What is their language?—

"The undersigned cannot, therefore, believe, that the enemy will ever seriously attempt to enforce such a system. If he should, they are confident that the good sense of the American government will perceive the fatal consequences of such pretensions to neutral commerce, and that its spirit and regard to national honor will prevent its acquiescence in such palpable violations of its rights, and injurious encroachments on its interests."

"The undersigned considering that the distance of the American government renders any immediate explanation on this subject impossible, and animated by a desire of forwarding the beneficial work in which they are engaged, are authorised by his majesty to conclude the treaty without delay. They proceed to the signature under the full persuasion that before the treaty shall be returned from America with the ratification of the U. S. the enemy will either have formally abandoned or tacitly relinquished his unjust pretensions, or that the government of the U. S. by its conduct or assurances, will have given security"—security to whom?—"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 of his commissioners to ratify the treaty, or precluded from adopting such measures as may seem necessary for counteracting the designs of his enemy."

The one of these powers says that she considers war as declared; that the U. States cannot submit to such sacrifices, and therefore war is declared. The other says that if we acquiesce, if we are not guided by spirit and national honor, if we do not give security to his majesty, by our conduct or assurances, that we will not acquiesce, he wishes it clearly to be understood by both sides, that his majesty would not be bound or precluded by the (rejected) treaty from chastising us in turn. This language so insulting is offered to a dignified, free and independent nation. It is not less offensive than the language of their minister here. What says he?

"I am charged by his majesty to express to the government of the U. S. his majesty's perfect confidence in their good sense and firmness in resisting the unjust pretensions contained in the decree issued by the French government at Berlin, on the 21st November, which, if suffered to take effect, must prove so destructive to the commerce of all neutral nations."

"His majesty, therefore, with that forbearance and moderation which have at all times distinguished his conduct, has determined, for the present, to confine himself to the exercise of the power given him by his decided naval superiority, in such a manner only as is authorised by the acknowleged principles of the law of nations, and has issued an order for preventing all commerce from port to port of his enemies, comprehending in this order, not only the ports of France, but those of other nations, as, either in alliance with France, or subject to her dominion, have by measures of active offence, or by the exclusion of British ships, taken a part in the present war.

"His majesty feels an entire confidence that the moderation and justice of this conduct will be duly appreciated by the U. S. and has charged me to express to their government, in the strongest terms, the regret he has experienced in being thus compelled, in his own defence, to act in a manner which must prove in some degree embarrassing to the commerce of neutral nations, and his sincere desire to avoid any stronger measures, to which, however, if the injustice and aggression of his enemies should not be resisted by those nations, whose rights and interests are invaded by so flagrant a violation of all public law, it may be ultimately necessary for the king to have recourse."

He confides in our good sense! Is it not insulting to us to say so? has he any right to dictate to us what course we shall pursue? It is this which constitutes the essence of the insult in the note of Champagny, in the rider to the treaty, and in this instance also. Well, sir, we did not give those assurances to his majesty; and on the 23d of February, 1808, we are informed by his majesty's minister here, that

"His majesty has been induced hitherto to forbear recurring to measures of this nature by the expectation that the governments of the neutral states, who have been the objects of the French decrees, would have been awakened to a just sense of what they owe to their interests and own rights, and would have interposed with effect, either to prevent the execution of the French decrees, or to procure their abrogation.

"But his majesty having been disappointed in this just expectation, and perceiving that the neutral nations, so far from opposing any effectual resistance, have submitted to whatever regulations France may have prescribed for giving effect to her decrees, can no longer refrain from having recourse to such measures, &c."

"Such a measure the maritime power of G. Britain would have enabled his majesty to enforce; nor would those nations which have acquiesced, without effectual remonstrance, in the French decree of blockade, have derived any right from the more perfect execution of a corresponding determination on the part of his majesty, to complain of his majesty's enforcing that measure which the enemy has executed imperfectly only, from the want of the means of execution.

"His majesty, however, actuated by the same sentiments of moderation by which his majesty's conduct has been uniformly governed, has been desirous of alleviating, as much as possible, the inconveniences necessarily brought upon neutral nations by a state of things so unfavorable to the commercial intercourse of the world."

"The relaxations must be considered as most peculiarly favorable to the particular interests of the U. S."

"Another most important relaxation of the principles upon which his majesty's orders proceed, is that which licences the importation of all flour and meal, and all grains, tobacco and other other articles, the produce of the soil of America, with the exception of cotton, through the ports of his majesty's dominions, into those of his enemies, without the payment of any duty on the transit. This is, I beg leave to observe, an instance in which his majesty has deprived his measure of its most efficacious and hurtful operation against the enemy, through motives of consideration for the interests of America."

The same insulting and insidious language, which is contained in the note of Mr. Canning to Mr. Pinkney! He regrets that we have not given security for our good behaviour, and that his majesty is compelled to chastise us for it; and adds that these modifications must be considered as peculiarly favorable to the U. S. being made wholly through motives of consideration for the interests of America. These notes are as offensive and insulting as the note of Champagny, which cannot be exceeded, and can never be submitted to.

But there is another point of view in which these orders should be examined—in relation to the professed object of retaliating on us. And I protest against the pretensions of one belligerent to retaliate on us for injuries inflicted by another belligerent. The practice, if submitted to, would prostrate the rights of this country. In war retaliation may be proper between the parties to it, on the perpetrators of such outrages as the murders of Ishmael and Prague, where a victorious general entered towns which had bravely opposed him, and put all the inhabitants to the sword. It might have been proper in the war in which we opposed his majesty who has always manifested such extreme sympathy for us, when we were treated as rebels, confined in prison ships, and denied the right of prisoners of war, because we ungratefully revolted from the mother country. In such cases retaliation may be proper; it brings nations to a sense of their duty and interests. But to say that because one nation strikes at the rights of this country, and we cannot effectually resist the blow, that another nation shall be permitted to strike us also, is a principle which I hope never will be treated with complaisance, but always spurned with indignation. Although it is inadmissible, it is in consonance with the practice of the belligerents in the present war, who seem to have said, "Let us attack all the world but each other; let the war be carried on thro' neutrals, but let us as to each other cry, hands off; and this is a war which we may carry on *ad infinitum*." Retaliation also implies a prior wrong, and G. Britain should be silent on the subject. If she looks at the impressment of our seamen, restrictions on the colonial trade, blockades, the order of June, the case at N. York, where she increased her force within our waters, the case of the Impeteaux, all which took place before the Berlin decree, her pretension of retaliation is destroyed; and if retaliation be admissible at all, it must be by her enemy, and not by her. What is the pretext on which she assumes the right of retaliation? Look at the famous rider, and you will find it; there it is claimed on the ground, first of an execution by France of her threats; and secondly, an acquiescence in them by us. But the order of January, 1807, professedly in retaliation, was issued before either took place.

I have said that the order of January, 1807, was issued before any execution of the threats of the French government, and before any acquiescence in such execution by the United States, and consequently inadmissible even on the British principle. A recurrence to dates will prove that no execution of the Berlin decree was known to Great Britain at the time that the notorious orders in council were issued. On the 7th of January, 1807, Mr. Armstrong writes that a modification favorable to the United States had taken place. On the 17th he speaks of an injurious construction which he had heard of; on the 24th of September he states that he knew that an injurious construction was about to take place; on the 17th of October he writes that this construction was certainly to take place; and in November, 1807, he heard of the decree in the case of the Horizon, and on the 12th remonstrated against it. No execution of the decree was known to the British government at the time of issuing the orders in council, nor to Mr. Armstrong, but for a few days antecedent to the orders. But, independent of this, it was proven on the floor of Parliament, that no condemnation was known to have taken place prior to them. It seemed to be an object with the ministry to prove that the execution of the decree was known in England; but no such proof was produced. It was proved by the evidence of their most celebrated merchants that no such case had been known to them. But even if France had intended to execute it, it was an idle menace, because she had no ships of war on the ocean, and could not even go from one port to another of the continent without skulking along shore to avoid meeting vessels of her enemy; and Great Britain is dishonored by attacking us on account of it. She knew very well that our trade had been carried on without the least interruption notwithstanding the decree. The absurdity of retaliating upon a threat was ably exposed by Lord Erskine. He said if the moon were to be declared in a state of blockade, it would be necessary according to the practice of his majesty's ministers, to have the whole board of astronomers convened to react on her satellites. Suppose the Emperor of China, whose policy forbids external commerce and who has no ships, were to declare the whole European continent in a state of blockade, would it be required by his Britannic majesty, from his sympathy for our interests, that we should go on a Quixotical expedition to China to compel him to repeal the decree? It would be equally as absurd as if the moon being declared in a state of blockade, we should be required to resist the declaration.

But gentlemen in this House again charge us with blazoning our dishonor by a repetition of the injuries we have received, notwithstanding the same gentlemen attribute every misfortune and encroachment on our rights to our own government alone. I have endeavored to shew, indeed I have shewn it by a recurrence to documents which prove it, that the fault is not attributable to our government, but to the hostile disposition of the belligerents. But it is said that Bonaparte is extremely hostile to us, as if he alone entertained feelings of hostility; that he has declared to our minister, that we must be either his allies or his enemies. I have never seen the proofs of such a declaration, nor heard of it in such a way as to entitle it to credit. I never heard it suggested except in paragraphs of newspapers attributed to members of this House, which I am convinced are libels, because it is not true that he or his ministers have ever uttered such a threat to general Armstrong; but even if it were true, would it amount to more than the hostile acts, acts of war committed by him and the other belligerent, such as murdering our citizens, cutting off our trade, seizing and burning our vessels? No doubt they are both hostile to us. But it is said we know the wishes of the one belligerent, and the mandate of the other. I have no doubt as to what are the wishes of Britain; but I know not what is the mandate of the emperor of France. I have heard of threats attributed to him which I trust he dare not utter to our minister, such as a declaration that we should take the attitude of allies or enemies, that we should do the one or the other. I hope that if our government would not recal the minister in such a case, he would not submit to the disgrace of remaining there a day longer. But even were such the fact, it would not increase the proofs of the hostile disposition of the Emperor. Can it be doubted that Great Britain has the same hostile disposition? Look at her conduct to this country in her taxing us; look at the other more conclusive and unquestionable infraction of our rights, which was remarked upon by a gentleman who usually sits before me, when our doors were closed; look at the hissings at the London Tavern, when the corrupted pensioners of St. Stephens and the whole ministry were assembled, the President and the United States were given as a toast and hissed with indignation; the clamor was so great, that Sir Francis Baring, for the purpose of resisting the popular obloquy, found it necessary to write a letter to the editor of a public paper, apologising for having toasted the American government and its President. If it had been done at a Bacchanalian revel, such as I have heard has taken place in this country, at which "success to the British navy" and "his majesty's arms," and "damnation to democracy" were drank among the toasts, I should have paid no regard to it, although, as it is represented, honorable members of this House might have been amongst the guests bidden to the feast. But when it occurs at a patriotic feast, where the ministry of Great Britain are present, may even gave it, and their indignation was such as to require an apology for having proposed the toast, it does present itself in a very unquestionable shape, as proof of hostility to this country. Does not the affair of the Chesapeake prove it also? Surely it does. And because we have taken an attitude of precaution, and said, forasmuch as we have been wantonly assailed by a high-way robber, we will shut our doors and not open them to admit him and his whole gang, we hear the cry of French party, that "the finger of Napoleon is in this thing;" "you do [illegible] from a spontaneous influence; [illegible] are sacrificing your rights to Napoleon." Sir, this cry is raised by British partizans, whose disposition is to sacrifice our rights at the shrine of Great Britain. Do the republicans of the United States vindicate the conduct of France? Do they palliate it? No, sir; not one of them. One universal burst of indignation has expressed their sensations at her conduct. With the minority, the few—not the people, for I beg to be understood as making a pointed distinction between those knowing ones at the head of a faction and those on whom they operate; the people, notwithstanding they have acted in hostility to the true interests of the country, are in my opinion still virtuous, they have been misled by the aid of ancient prejudices, deep-rooted and difficult to be eradicated, whether they relate to religion, politics or any thing else. How does the account stand with the *few* I ask, in relation to the vindication of England? Look at the publications in Boston, the cradle of the revolution. There the attack on the Chesapeake was vindicated and justified, although Mr. Canning and the whole British nation disavowed the act. And what is this ascribable to? I beg gentlemen to be cautious how they talk of French partizans. It will, as the gentleman from Massachusetts (Mr. Bacon) has said, expose them to an insinuation—nay, more, proofs are not wanting—of an undue predilection for the *enemy* of France and the enemy of this country. Have we not lately seen it published in Eastern papers, that we have no cause of complaint against Great Britain? Yes, sir; the Pickerings of the nation have said it, if not in terms, in effect; and it is this which has had an influence on the foreign relations of this country. The pamphlet (Hints to both Parties) referred to yesterday by my friend and colleague, (Mr. Burwell) speaks of the necessity of perseverance in the British system, because of the probability of an insurrection in the North, and that, like Paul's empire, wrested from him by assassins, every thing will be laid at the feet of Great Britain. What are these ideas produced by? By such productions as Pickering's letter, and as a letter which lately appeared in the Newburyport Herald, purporting to be from a member of Congress. When we look at this famous letter of the 16th of February, which included every offence committed by France, the recital of which gentlemen sicken at the idea of, we are told that the immediate if not the only object in calling out the militia was to excite a war pulse, for Great Britain has done us "no essential injury." Most magnanimous mother! We never can discharge the obligation of gratitude which we owe her "*thousand ships*." What, sir! Can we doubt the effect of such productions in Europe? The fact of its passing through *eight* editions in London, proves the effect of these charges of a hostile disposition, an effort on the part of the President "to excite a war pulse," unjust resentment," a war without necessity, and the keeping the orders of council, and almost every thing relating to Great Britain wholly out of view. The British government is told from no informal source, by the opinion (official I may say) of a man high in the estimation of his party, that the President wishes to keep up resentment against Great Britain, "by exciting new resentments and cherishing old prejudices." I beg gentlemen to be careful how they urge a charge of foreign influence when there are such damning evidences to stare them in the face in proof of their own predilections. Notwithstanding all this, I am not willing to admit that there is so much depravity and corruption in this nation, as to produce such a partiality in any portion of the country for Great Britain, as the majority have been most falsely charged with entertaining for France.

But we are told that "punctilio" alone prevents a settlement of our differences with England. This is contained in an extract of a letter from a member of Congress, to a gentleman of Newburyport, and thus the people are deluded. Punctilio is the only cause of dispute! These falsehoods produce the arrogance and hostility of G. Britain to us, because she believes that we are a rope of sand; that the north is in a state of insurrection and the south falling off. And if these ideas were realised it would not be astonishing; because to a high-minded yeomanry, such as the great mass of the people of the north and east, it is natural to suppose that such statements as have been made will excite resentments against the government. It is not in the power of every man to read all the productions of the times; and if he does they do not make that impression upon him which they do upon statesmen whose duty it is to examine minutely, and therefore they do not know that every effort has been made to settle our differences with G. Britain; and believe the statement when they are told that *punctilio* only prevents a settlement. What is the idea