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TO THE

ORDERS IN COUNCIL.

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THE French Decrees and our Orders in Council are at this moment objects of great interest and general discussion; yet it is to be apprehended that very few persons have been able to make themselves acquainted with the true progress and real state of these affairs. No publication exists which presents the whole series of French, British, and American proceedings in one view, and it is for the purpose of supplying this desideratum, and explaining and simplifying this complex subject, that I have endeavoured to draw up an impartial, compendious, and chronological statement of the several official documents which it has produced, interspersing and subjoining such observations as may tend to exhibit the whole case in the clearest and truest point of view.

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I. The first \* of these documents is the Berlin Decree, so called

\* It may be here proper to observe, that, at a subsequent period of the discussion, France asserted, and America seemed willing to admit, that the first departure from the laws of nations was, not this Berlin Decree, but Mr. Fox's order for blockading the ports from Brest to the Elbe in May 1806. But this pretence could not stand; Mr. Fox's blockade was a military measure intended to be maintained by actual force, and rendered expedient by the military operations in which the enemy was then engaged in the north of Germany. This was therefore a strictly legal blockade; but the French have since explained that they do not consider as legal, blockade of a river or harbour that is not fortified, nor a fortified place unless it is invested by sea and land. This, to be sure, makes all maritime blockade illegal; but no man alive will maintain this doctrine except a Frenchman, who will maintain any thing.

because it was issued from the camp near that city on the 21st Nov. 1806.

It consists of two parts:

- 1st. A statement of the wrongs done by England.
- 2nd. Of the measures which these wrongs have obliged him to adopt.

The first part states:— that England has ceased to observe the laws of civilized nations — that she considers the individuals of a hostile nation as enemies — that she seizes as prize the property of such individuals — that she blockades commercial ports, bays, and mouths of rivers, and other places not fortified — that she declares places to be in a state of blockade where she has no actual force to enforce the blockade — that this abuse is intended to aggrandize the commerce and industry of England by means of the commerce and industry of the continent — that those who traffic in English commodities on the continent second her views and render themselves her accomplices — that this conduct of England is worthy the age of barbarism, and is advantageous to her at the expence of every other nation — that it is just to attack her with the same weapons which she employs.

And in pursuance of this assertion the second part proceeds to decree:

- that the British Islands are in a state of blockade.
- that all commerce and correspondence with the British Isles are prohibited.
- that letters and packets addressed to England or to Englishmen, or written in English, shall be intercepted.
- that every British individual whom the troops of France or those of her allies can lay hold of, shall be a prisoner of war.
- that every warehouse, any commodity, every article of commerce which may belong to a British subject is good prize.
- that the trade in English goods is prohibited, and every article that belongs to England or is the produce of her manufactories or colonies is good prize.
- that no ship from England or her colonies, or which shall have touched there, shall be admitted into any harbour.
- that this decree shall be communicated to all our allies whose subjects as well as those of France have been victims of the injustice and barbarity of the English maritime code.
- and this decree is further stated to be in force, and considered

as a fixed and fundamental law of the French Empire as long as England shall adhere to the PRINCIPLES herein complained of.

The sum of this decree is, that England shall be erased from the list of commercial and even civilized nations, until she abandons her maritime code which has raised her to her present pitch of superiority over other nations, and that France and her allies and dependants are pledged and required invariably to maintain this which has been since called the continental system, till England shall have been reduced to make these concessions.

II.

On the 24th November, 1806, the above decree was recapitulated in a proclamation from the French minister to the senate of Hamburgh, which states:

— that as several of the citizens of Hamburgh were notoriously engaged in trade with England, the Emperor of the French was obliged to take possession of the city in order to execute his decree.

This threat was the same day executed by Marshal Mortier at the head of a division of the French army.

This proclamation and occupation of Hambro' is particularly important, as being the first act of that principle on which France has ever since, as we shall see, proceeded, of not only extending her continental system to all places within her reach, but actually seizing upon neutral countries, that she might extend the continental system to them; so that the original violence and injustice against England became the source and pretence of more violence and injustice against all rights and laws of nations, and an excuse for the most outrageous usurpation and hostile seizure of neutral territory that has ever been attempted.

III.

These proceedings of the government of France produced, on the part of England, the measure which is called Lord Grey's Order in Council, because his lordship was secretary of state at the time it was issued: 7th January, 1807.

This order states:

- that the decrees issued by the French government to prohibit the commerce of neutral nations with the British dominions, or in their produce or manufactures, are in violation of the usages of war.
- that such attempts on the part of the enemy would give rise

*Majesty an unquestionable right of retaliation, and would warrant His Majesty in enforcing against all commerce with France, the same prohibition which she vainly hopes to effect against us.*

*— that His Majesty, though unwilling to proceed to these extremities, yet feels himself bound not to suffer such measures to be taken by the enemy, without some step on his part to restrain this violence, and to retort upon them the evils of their own injustice.*

*— and that therefore it is ordered that no vessel shall be permitted to trade from one port to another belonging to France or her allies, or so far under her controul that British vessels may not freely trade thereat.*

This was, as it expresses itself to be, a mitigated measure of retaliation, one intended rather to call France to a sense of her injustice and the neutrals to a sense of their own duty, than to inflict a vengeance on the enemy adequate to his aggression; but it very properly states the right in Great Britain to go the whole length of complete retaliation; and it strongly intimates that if this moderate proceeding should fail of its effect, more effective, but equally justifiable modes of retaliation would be adopted.

Shortly after the publication of this order, Lord Grenville's and Lord Grey's ministry went out of power, and that of the Duke of Portland, which included Mr. Perceval and Mr. Canning, came in. Their first proceeding in this matter was on the 11th November, 1807, when finding the measures of further retaliation, threatened in Lord Grey's order of January preceding, were become absolutely necessary from the increasing violence of the French, and the continued supineness of the neutrals, they published an Order in Council which is the next document that I present to my readers.

#### IV.

On the 11th of Nov. 1807, The Duke of Portland's administration issued two Orders in Council; the first of which states:

*— that the Order of the 7th January has not effected the desired purpose either of compelling the enemy to recall his Orders, or of inducing Neutral nations to interpose against them; but, on the contrary, that they have been recently enforced with increased rigour.*

*— that His Majesty is therefore obliged to take further measures for vindicating the just rights and maritime powers of His People, which are not more essential to our own safety, than to the independence and general happiness of mankind; and in pursuance of these principles of retaliation (already asserted in the first Order) all the ports of France, and her Allies, and all other ports or places in Europe from which the British flag is excluded, shall be considered in a state of blockade; and all their goods and manufactures shall be considered as lawful prize, thus retaliating upon France, and her Allies, their own violence.*

*— that His Majesty would of course be justified in making this retaliation, as unqualified and without limit, as the original offence; but that unwilling to subject Neutrals to more inconvenience than is necessary, he will permit to Neutrals such trade with the enemy's ports, as may be carried on directly with the ports of His Majesty's dominions, under several specifications and conditions which are set forth as favourable exceptions to the general rules of blockade.*

The second Order in Council of this date sets forth:

*— that articles of the growth or manufacture of foreign countries cannot be by law (namely the Navigation Act), imported into Great Britain, except in British Ships, or the native shipping of the country itself which produces the goods.*

*— that in consequence of the former order of this date, which says, that all neutral trade with France must touch at a British port, it is expedient to relax, in some degree, this law, and to permit the shipping of any friendly or neutral country to import into Great Britain the produce or manufactures of countries at war with her.*

*— that all goods so imported shall be liable to the same duties, and under the same warehousing regulation as if imported according to the Navigation Act.*

The sum of these Orders in Council is, that France having declared that there shall be no trade in communication with England, His Majesty resolves that the ports of France, and every port from which, by the controul of France, the British flag is excluded, shall have no trade except to or from a British port; but that His Majesty is still desirous to encourage and protect Neutral Commerce, as far as is consistent with such an opposition to the enemy's measures, as is essential to the safety and prosperity of the British dominions.

V.  
Next comes the Decree, dated Milan, December 17, and published in Paris the 26th of December, 1807, reciting:

—that the ships of Neutral and Friendly Powers are, by the English\* Orders in Council of the 11th of November, made liable not only to be searched, but to be detained in England, and to pay a tax rateable per centum on the cargo.

—that, by these Acts, the British Government denationalizes ships of every nation; and that it is not competent to any Sovereign or country to submit to this degradation of the Neutral flag, as England would construe such submission into an acquiescence in her right to do so, as she has already availed herself of the tolerance of other Governments, to establish the infamous principle that free ships do not make free goods, and to give the right of blockade an arbitrary extension, which infringes on the sovereignty of every State, and it is therefore decreed.

—that every ship, to whatever nation it may belong, which shall have submitted to be searched by an English ship, or to a voyage to England, or shall have paid any English tax, is, for that alone, declared to be denationalized, to have forfeited the protection of its own Sovereign, and to have become English property.

—that all such ships, whether entering the ports of France, or her Allies, or met at sea, are good prizes.

—that the British Islands are in a state of blockade, both by sea and land, and that all vessels sailing from England, or any of her colonies, or the port of any of her Allies to England, or her colonies, or the port of an ally, are declared good and lawful prize.

—that these measures (which are resorted to only in just retaliation of the barbarous system adopted by England, which assimilates its legislation to that of Algiers,) shall cease to have effect with respect to all nations who shall have the firmness to compel the English Government to respect their flag. They shall continue to be rigorously enforced as long as that Government does not return to the principle of the law of nations, which regulates the relation of civilized states in a state of war. The provisions of the present decree shall be abrogated

\* Though this decree recites the Orders of the 11th November, it has been said, that these orders were not known at Milan when the decree was made; and that this preface was subsequently affixed in Paris, when the decree came to be published there.

and null, in fact, as soon as the English abide again by the principles of the law of nations, which are also the principles of justice and honour.

On the whole of this decree I cannot offer any more appropriate observations than those which were contained in the MORNING CHRONICLE of the 4th of January 1808, which I therefore extract.

“The Orders in Council of the 11th of November have produced from the Emperor of the French the decree (just inserted). Totally overlooking the first violence offered by himself to the Neutral Commerce, which the law of nations had sanctioned as the means of softening the calamities of war, he imputes to the measure of our government all the blame of this his last most furious denunciation against the trade of the world. Without at all entering into the question of whether our ministers were prudent or the contrary, in imitating the act of the enemy, we must say that nothing can be more impudent, or more false, than the allegation that the British were the original aggressors against the freedom of commerce. The late ministers (Lords Grenville and Grey) in the firm and temperate notice which they took of the French Decree which put the British Isles in a state of blockade, DISTINCTLY STATED TO THE UNITED STATES OF AMERICA, THAT THEIR ACQUIESCENCE IN A CODE WHICH VIOLATED THE RIGHTS OF INDEPENDENT STATES, WOULD COMPEL THIS COUNTRY TO TAKE MEASURES FOR ITS OWN PROTECTION.

“As to the origin of the violence there is nothing more clear, and Buonaparte cannot, by any pomp of words, disguise from his own people, or from America, to whom indeed the whole basis of the present decree is addressed, the fact of his being the author of the hardships which France and its dependencies are doomed to suffer.

“The decree, indeed, is entirely directed to America: it is a menace to her—she must chuse her party—and we suspect the result will be that she will abstain from all intercourse with both.

“The 4th paragraph in which he professes to hold himself in readiness ‘to abrogate and annul the provisions of the decree as soon as the English shall again abide by the principles of the law of nations,’ was yesterday interpreted, we know not why, into an offer of pacification. It is obvious that his meaning in the above quotation is, that if we shall yield to ‘his law of nations,’ we may have peace. HIS LAW OF NATIONS IS NOT THE LAW AS

WRITTEN, SETTLED, AND ACTED UPON BY THE CIVILIZED WORLD, BUT A NEW CODE, BY WHICH ALL THE ADVANTAGES OF OUR MARITIME RIGHTS ARE TO BE SACRIFICED, AND FREE BOTTOMS ARE TO MAKE EVERY THING THEY CARRY FREE, EVEN ARTICLES WHICH ARE CONTRABAND OF WAR. TO THIS LAW OF NATIONS WE TRUST GREAT BRITAIN WILL NEVER SUBMIT."

## VI.

A good deal of discussion arose with America about the operation of these Decrees and Orders upon the American Trade; and in order to simplify the construction of the latter, and to apply the principle of retaliation more directly against France herself, and with less injury to Neutrals, the Orders of November 1807 were superseded by that of 26th of April 1809; which declares *the whole coast of France and her Dominions, as far northward as the river Ems, and southward to Pesaro and Orbitello in Italy, to be under blockade, and all vessels coming from any port whatever to any French port, liable to capture and condemnation*; the effect of this order was to open all ports, not actually ports of France, even though the British flag should be excluded therefrom, to neutral commerce, and to place France, and France only, in the precise situation in which, by her decrees, she endeavours to place Great Britain.

## VII.

By a decree of the French government, issued at Fontainebleau on the 19th of October, 1810, it was expressly declared, *that in pursuance of the 4th and 5th articles of the Berlin decrees, all kinds of British merchandize and manufactures which may be discovered in the custom-houses, or other places of France, Holland, the Grand Duchy of Berg, the Hans Towns, (from the Mayne to the sea), the kingdom of Italy, the Illyrian Provinces, the kingdom of Naples, and in such towns of Spain and their vicinities as may be occupied by French troops, shall be confiscated and BURNED.*

Thus the matter at present stands; on the side of France the decrees of Berlin and Milan are in force, and to them are opposed the British order of 26 April, 1809; and as long as the blockade of England by France remains unrepealed, so long must England possess an undoubted right to persist in her system of retaliation.

It now becomes necessary to explain shortly the conduct of AMERICA towards England and France respectively:—from which we shall judge whether America has always acted with a strict impartiality towards the two belligerents, and whether she really has any fair ground of complaint against Great Britain.

## VIII.

A very short time before France began to act upon these new principles, a TREATY OF COMMERCE had been, in 1806, negotiated at London (between Lords Holland and Auckland on the part of England, and Messrs. Munroe and Pinckney on that of America), and sent over to America to be ratified: but the Berlin Decree having appeared almost at the moment of the signature of this treaty, it was accompanied by a Declaration by Lords Holland and Auckland on the part of England:

*"That in consequence of the new and extraordinary measures of hostility on the part of France, as stated in the Berlin Decree, Great Britain reserved to herself (if the threats should be executed, and that Neutrals should acquiesce in such usurpations) the right of retaliating on the enemy in such manner as circumstances might require."*

## IX.

This treaty, the President of the United States refused to ratify; principally because the question of impressing seamen was not definitively settled. The British Government replied, that this was a subject of much detail, and of considerable difficulty, arising out of the almost impossibility of distinguishing British subjects from Americans: and it added, that it would be highly inexpedient that the general treaty should be lost, or even delayed on this account; that Great Britain was ready immediately to proceed in a separate negotiation in this point; and that in the meantime, her officers should be ordered to exercise the right of search and impressment, with the greatest possible forbearance.

These arguments and this proposition did not, however, induce the American President to ratify the treaty. He would settle all or nothing; and thus, not only this point remains undecided, but many others (of much greater importance), which the treaty had concluded, have been set adrift again, and all the relations between the two countries rendered precarious, and almost hostile.

It unfortunately happened, that June, 1807, the commanding officer of His majesty's ship Leopard having understood that

some deserters from his ship had been received on board the American frigate Chesapeake; and having in vain required their release from the American captain, attacked the Chesapeake at sea, and obliged her to strike; but he then contented himself with taking out of her his own men, and restored the ship to the American commander. An event of this nature called for, and received the immediate disavowal of His Majesty's government; the captain was tried, and his admiral superseded; and Mr. Rose was sent without loss of time to America to offer reparation, and to state to the American government, that Great Britain did not pretend to a right to demand by force any sailors whatever from the national ship of a power with which she was on terms of peace and amity. In the mean time the President had issued a proclamation, excluding all English ships of war from the American harbours. Mr. Rose was instructed to require the recall of this proclamation, previous to his official offer of reparation. This was refused on the part of America; and of course the negotiation was not concluded. The proclamation continued to be executed against England, while the ships of the other belligerents were freely admitted.

## X.

Exclusive of this affair of the Chesapeake, America appeared, in the spring of 1808, to have considered herself equally aggrieved by the acts of both countries, and (unwilling to side with England in order to oblige France to withdraw from her system of violence against neutral rights, which had obliged England to have recourse to her retaliatory acts) the United States determined to draw within their shell, and have nothing to do with either. In this view they laid a GENERAL EMBARGO upon all the shipping in their ports, and denied themselves all commercial intercourse whatever with any European state.

## XI.

This act of the American government was very unpopular throughout the Union, and on the first of March, 1809, THE NON-INTERCOURSE LAW was substituted in its place, by which the commerce of America was opened to all the world except to England and France; and British and French ships of war were equally excluded prospectively from the American ports.

## XII.

In the interval, Mr. Canning had instructed Mr. Erskine His Majesty's Minister to offer to America a reciprocal repeal of the prohibitive laws on both sides upon certain terms; namely, 1st. The enforcement of the non-intercourse and non-importation acts against France. 2dly, The renunciation on the part of America of all trade with the enemies colonies, from which she was excluded during peace. 3dly, Great Britain to enforce the American embargo against trade with France, or powers acting under her decrees.

Mr. Erskine did indeed on the 18th and 19th April, 1809, conclude an arrangement with the American government, but in terms by no means conformable to the spirit or letter of his instructions; and Mr. Erskine having frankly communicated those instructions to the American government, it was aware how unlikely it was that such an arrangement should be ratified at home. It was therefore no matter of surprise either here or in America that this negotiation again failed.

## XIII.

In the mean time the French government, (affecting to be indignant at certain pretended advantages given by America to the British trade, in passing the non-intercourse act) in a decree dated from Rambouillet, 23d March, 1810, declared, that from the 20th May, 1809, all American vessels which should enter the French ports, or ports occupied by French troops, should be sold and sequestered. This act however was not made known till the 14th May, 1810.

## XIV.

Notwithstanding these acts of violence on the part of France, America could not be persuaded that her honour and interests demanded some immediate act of retaliation, and nothing was done till the non-intercourse act expired, when an act of the congress was passed, eventually renewing certain parts of the non-intercourse act in certain events. By this act it was decreed, that in case either of the belligerents should cease to violate the neutral rights of America before the 2d of February, 1811, the non-importation articles of the non-intercourse act should be revived against the other. By this act, America still contemplated France and England as EQUALLY injuring her commerce; and contented herself with merely complaining through her minister, of the



operation of the Rambouillet decree, though it was, at the same time, characterised by America as a signal aggression on the principles of justice and good faith.

## XV.

The condition thus offered by America, France determined speciously to accept; but in accepting it to act in such a manner as still to reap the advantages accruing from her decrees, without relieving England from her part of the pressure occasioned by them; and in this she was but too well seconded by the disposition of America, who proposed to her that whilst she suspended the operation of her decrees against the American trade AT SEA, (which indeed, had she been inclined, she had not the means to enforce), she might in effect do the same thing by giving to the enforcement of her decrees the character of MUNICIPAL REGULATIONS; and accordingly on the 5th of August, 1810, the Duke of Cadore intimated to General Armstrong, that the decrees would not be executed upon the citizens of America, after the 1st of November following, if either England recalled her Orders, or America should cause her flag to be respected.

## XVI.

As England could not, upon this insidious offer, accept the first part of the alternative, offered by France, America in her turn accepted the second, and declared that she would cause her flag to be respected: but as there would be some inconvenience in demanding from England the abandonment of her most sacred maritime rights, such as the right of visiting and searching a neutral ship for enemy's property—the right of blockading, by actual force, the ports and harbours and rivers of the enemy's coast—the right of precluding a neutral from carrying on, in time of war, the trade of a belligerent, to which she is not admitted in time of peace—(all of which and more indeed is demanded by France, and apparently acceded to by America) the Government and Congress of the United States deemed it to be sufficiently conformable to the demands of France, that they should exclude British ships of war from their ports, and prohibit all importation of British produce; and France seems to consent to consider these restrictions as tantamount to causing the American flag to be respected, and as rescuing the American ships from the imputation of being denationalized. Upon this principle the President proclaimed the re-

newal of the non-importation articles of the NON-INTERCOURSE ACT against Great Britain on the 2d of November, 1810; and the Congress enacted the same by law on the 28th February, 1811. When this act passed, the relations of peace and commercial intercourse were restored between France and America, and French ships were allowed to enter into American ports, at a time when France still retained many millions of American property seized under the Rambouillet Decree, which had had a retrospective effect for the space of twelve months, and when the operation of the burning decree was carried into effect without any regard whether or not the produce of British industry, so destroyed, had legally become, by purchase or barter, the bona fide property of neutral merchants.

With respect to England, who by the act of the 28th Feb. 1811, was put upon the footing of an enemy, the only source of complaint which America possessed, was that the blockade of the French coast was still persisted in and enforced, as the only effectual means of retaliating upon the violent and unjust decrees of the enemy.

## XVII.

On the 1st Nov. 1811, Mr. Foster, His Majesty's Minister in America, was at length enabled to bring to a conclusion the differences which had arisen on the Chesapeake affair without sacrificing the rights of Great Britain, or derogating from the honour of His Majesty's Crown; but it cannot be said that the American Government accepted the concession and atonement with either dignity or grace.

## XVIII.

During the last year (1811) little else has passed between the British and American governments, than assertions on the part of America; that, as the French Decrees have ceased to violate the neutral rights of the United States, they must claim from Great Britain an equally favourable exemption from the operation of her Orders in Council. The reply of Great Britain is, that the fact is not so; that France continually and formally declares upon all occasions, that her Decrees ARE STILL IN EXISTENCE; that they are, and must remain, the FUNDAMENTAL laws of the French empire; that they are to lead the way to the destruction of the maritime power of Great Britain, the enemy, as France will have it, and the only enemy of the liberty of the seas. From the alleged necessity of continuing these

Decrees in operation, and of enforcing their efficiency in countries which still pretend even to national independence, Bonaparte endeavours to convince Europe, that she ought to submit quietly to his usurpations; and he is extending the line of the French frontier from the mouths of the Rhine to those of the Niemen, for the express purpose of excluding the British trade from all the ports of Holland and the Baltic, and of enabling himself to ensure a punctual execution on the part of his allies of his CONTINENTAL SYSTEM.

## XIX.

While America was thus asserting that the French decrees were repealed, the minister of foreign relations at Paris put an end to all doubt on the subject, by an official report to the Emperor, dated the 10th March, 1812, which sets forth; first, an explanation of the maritime laws of the nations; viz.

*The flag covers merchandise; the goods of an enemy under a neutral flag are neutral, and the goods of a neutral under an enemy's flag are enemy's goods—the only goods not covered by the flag, is contraband of war; and the only contraband of war are arms and ammunition—In visiting neutrals, a belligerent must send only a few men in a boat, but the belligerent ship must keep out of cannon shot.—Neutrals may trade between one enemy's port to another, and between enemy's and neutral ports—The only ports excepted, are those really blockaded; and ports really blockaded, are those only which are actually invested, besieged, and in danger of being taken—such are the duties of belligerents and the rights of neutrals.* The report then proceeds to state, that the Berlin and Milan decrees have rendered the manufacturing towns of Great Britain deserts—distress has succeeded prosperity; and the disappearance of money and the want of employment endangers the public tranquillity; and then it denounces that, until Great Britain recalls her Orders in Council, AND SUBMITS TO THE PRINCIPLES OF MARITIME LAW ABOVE MENTIONED, the French decrees must subsist against Great Britain, and such neutrals as should allow their flags to be denationalized; and finally, the report avows that nothing will divert the French emperor from the objects of these decrees,—that he has already, for this purpose, annexed to France, Holland, the Hans Towns, and the coasts from the Zuyder Zee to the Baltic; that no ports of the continent must remain

*open, either to English trade or denationalized neutrals; and that all the disposeable force of the French empire shall be directed to EVERY PART OF THE CONTINENT, where British and denationalized flags still find admittance; and finally, this system shall be persevered in, till England, banished from the continent and separated from all other countries, shall return to the laws of nations recognized by the treaty of Utrecht.*

The sum of this report is, that the Berlin and Milan decrees are in full force, and must continue to be so, until England shall, not only recall her Orders in Council, but, shall also abandon all her great maritime rights; and that these decrees subsist against not England alone, but America, and all other countries which shall not unite in an endeavour to overthrow the ancient system of maritime law; and further, that France considers herself authorized to invade and seize any neutral territory whatsoever, for the sole object of excluding all British trade from the continent, and that all his violent and outrageous usurpations in Holland, Germany, and the shores of the Baltic, have been prompted, and are attempted to be justified by this motive.

Will, or can America submit to this?

## XX.

In order to bring to a distinct issue the verbal discussion between England and America, and to place the relative measures of England and France clearly before the neutrals; the British government on the 21st April 1812, put forth to the public a Declaration and Order in Council, detailing the present state of the contest between the two belligerents—and stating that as soon as the Berlin and Milan decrees are revoked, the Orders in Council are abrogated—and engaging beforehand that a proof of the absolute repeal of the French Decrees produced in an Admiralty court shall be held, in fact, to be a satisfactory proof of the absolute revocation of the British Orders in Council.

## XXI.

Since this declaration, but before it reached America, an embargo was laid on by act of Congress for ninety days, for the 4th day of April, 1812.

## CONCLUSION.

Thus the matter now stands; and I think it must be clear that until France repeals her decrees, it is impossible that Great

Britain can relinquish the PRINCIPLE of *retaliation*. Great Britain, who is herself the main spring of the commerce of the world, must more than any other country regret and suffer, from the interruptions of trade; but will trade revive, if she should recede? Will commerce thrive, if she abandons her ancient maritime rights? For it is nothing less than this, that France demands, and America endeavours *collaterally* to enforce.

If America admits that France, under the pretence of *municipal regulations*, has a right to prohibit *all* commerce with Great Britain; and that British produce and manufactures (to whomsoever belonging or wherever found, not only in France itself, but in countries under her control, or in territories adjoining to France, and subject to invasion from her *on this very pretence*;) are to be seized, confiscated, and burned; if, I say, America suffers all these infractions of neutral rights, without remonstrance or complaint, it is plain, that, as far as she is concerned, she plays into the hands of France, and lends her assistance to the ruin of England.

But what effects would the repeal of the Orders in Council actually have? I will enumerate them.

1. It would restore the American trade; and that portion of manufactures which are usually consumed in America itself would immediately revive.

2. It would open to England no other market for any branch of manufacture whatsoever than the *home market of America*—for France having a right by municipal regulations to exclude British articles from her territory, and to extend for this purpose her territory over the whole face of Europe; any article of British produce and manufacture imported by an American, would be as liable to be confiscated or burned as it is at this moment.

3. France would be relieved from all the pressure she now feels. America would supply her with all kinds of raw materials, as well as of colonial produce, and would convey to her from the distant parts of Europe all kinds of stores and timber, and the various materials of naval strength. France would have just what trade she pleased to have; she would continue the prohibition, all over Europe, of British manufactures, with a double view, first to encourage her own, and next to ruin ours. And all inconvenience and pressure being thus removed from her, there would no longer exist any means or hopes of forcing her to a system more equitable towards Great Britain.

4. America would become the carrier of the world.—She and France would divide the trade of the globe; and Great Britain, with all her command of the sea, would have the mortification to see the ocean covered with the commerce of France, protected under the American flag.

5. The British shipping interest would be *annihilated*, and that of America would rise up in its stead.—The East and West Indies and the home coasting trade would alone remain to us: and the two former we should not long possess, in competition with a rival whose means of ship-building are inexhaustible; whose flag would be the *only* neutral flag in the world; whose ships *alone* could trade at the ports of the continent of Europe; whose rates of freight and insurance would be proportionably small; in short, who would have all possible advantages, while Great Britain would have to labour with every possible disadvantage.

6. All British produce and manufacture would decline and expire, except only those for American or home consumption; because America, which would bring the produce of all other countries to France, would return with the manufacture of France to all other countries. It may be said, that England would undersell France: and so she certainly would in a fair state of trade; but, excluded from Europe and rivalled by America, there would remain to us neither the means nor motives of commercial enterprise.

7. Nor would the American market itself be of the advantage to Great Britain that at first appears; much of the ironwork, and all the linens of Germany would soon undersell the similar articles of English or Irish manufacture; and the increased intercourse between America and France, would inevitably oblige the merchants of the former to take returns in the produce of France or the continent of Europe; and by degrees, we should find that the natural result of such an intercourse would be, the advancement of manufactures and the influence of France, and the decline of those of Great Britain.

Much more might be added on this subject; but these are the principal topics that occur to me. I do not say that the Orders in Council may not be advantageously modified. I only insist upon it, that if the PRINCIPLE on which they are built be abandoned, we shall find that our commercial and political prosperity; so far from

being improved, will be vitally impaired by such a concession. Gold may be bought too dearly; and the immediate loss of all our European trade, and the eventual diminution of that which we should have with her, is rather too much to pay for a temporary accommodation with America.

When we shall have so far conceded, the other demands of France will be pressed upon us; then will be extorted from us the renunciation of our maritime rights, which Bonaparte candidly allows are the source of all our prosperity.

We live in perilous times: let us see that we are not driven *step by step* to the edge of a precipice, from which we shall not be afterwards able to recede, and let us not be induced, by temporary or local embarrassments in this or that branch of trade, to risk the ruin of all. Let us remember that every great public character of our days has assented, in its different stages, to the PRINCIPLE of the Orders in Council; let us pause well before we abandon a system which has had the concurrence of Mr. Fox, Lords Grenville, Grey, and Holland; of the Duke of Portland, the Marquis Wellesley, Mr. Canning, and Mr. Perceval.

Let us beware, lest the course we pursue be that of the savage, who cuts down the tree to get at the fruit, and who sacrifices the means of future existence to the gratification of an immediate and temporary want.—Let AMERICA too beware, for the danger is common; let her candidly and dispassionately review all her discussions with both parties, and she will find but too much reason to lament the keenness of her government to discover cause of complaint against England, and its almost miraculous deafness and blindness to the insults of France. There are now but two free nations on the face of the globe, Great Britain and America—let the latter beware how she raises her parricidal hand against the parent country; her trade and liberty cannot long survive the downfall of British commerce and British freedom. If the citadel which now encloses and protects all that remains of European liberty be stormed, what shall defend the American union from the inroads of the despot?

But it is not to be believed; America is too wise, is too honest, is too strong, to suffer herself to be dragged by any internal faction, or external force, into such a warfare; her causes of complaint against England are *trivial* when compared with the dangers with which the insatiable ambition and gigantic despotism of France threaten the civilized world.

Devoutly then I pray, and confidently even do I hope, that America, true to her own individual interest, and to the general and future welfare of mankind, will consent to establish with Great Britain the sincerest relations of amity, and to oppose to the outrageous aggressions of France, in the first instance, a firm tone of remonstrance, and, if that should fail, a bold and active spirit of hostile retaliation.

THE END.

R. DAVISON, Lombard-street,  
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