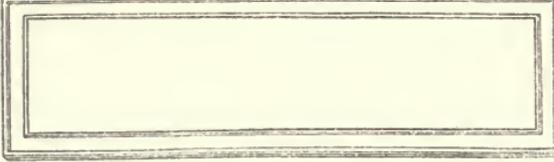


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ENGLAND AND AMERICA  
AFTER INDEPENDENCE

A SHORT EXAMINATION OF THEIR  
INTERNATIONAL INTERCOURSE  
1783-1872

BY

EDWARD SMITH



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## PREFATORY

*WHEN this study was undertaken, there was little idea in the mind of the author whereunto the thing would grow. It is well known that 'a mysterious ignorance broods over the British mind concerning our relations with America during the past century. No history of the period has ever attempted to deal in earnest with the question. Either from fear of offending national susceptibility, or on account of party shackles (and shackles indeed they are), few persons have ever dared openly to assert the case for Great Britain as it is done in these pages.*

*It has become The Case of Great Britain for the following reason: As the study proceeded, it seemed overwhelmingly clear that the conduct of the successive governments of Great Britain was uniformly equitable, candid, and conciliatory. The writer was thus unwittingly become in some sense an advocate, whose plea was the justifying of English dealings with America, and whose tendered proofs shewed that every effort had been made to deserve well of that country. And, in truth, it is difficult to find a wilfully unfair or unkind act toward the United States, performed by any British government since the Separation.*

*Several years have passed since the book was first written, and many things have happened. Not the least is the movement of latter days toward an Alliance, arising partly from better international sentiment than was used to prevail.*

*As these pages were based not upon second-hand information and opinion, but solely upon the letters and despatches of the actual persons who controlled events, there*

*is no alteration to be made because of the improved tone and temper of the two nations. The more intimate the relations between Great Britain and America become, the more interesting and instructive will be the consideration of the misunderstandings, and the perils, and the blunders, through which the two countries have passed into a career of friendly coöperation.*

*E. S.*

LONDON, August, 1899.

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## NOTES AND CORRECTIONS.

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- P. 11, l. 14 *et seq.*, v. Jefferson Memoirs II., 10, 11, 13.  
 12 7 " " I., 245, 342.  
 13 7 v. Adams's Works III., 386 *et seq.*  
 34 22 for Secretary of State *read* President.  
 74 20 *et seq.*, cf. Liston to Grenville, 4 Aug., 30 Sept., 7 Oct., 4 Nov.,  
 30 Dec., 1799.  
 93, last l. for were *read* was.  
 100, l. 1 cf. Randall's Life of Jefferson II., 391.  
 105 1 cf. Henry Adams II., 356.  
 109 18 cf. A.S.P. II., 145 *et seq.*  
 110, Note cf. Foreign Office, America (33).  
 110, Note date of 23rd Nov., 1805.  
 144, l. 10 after respect *insert due*.  
 156 2 for has *read* had.  
 183 7 for houses *read* Houses.  
 228, last l. quotation mark after impressment *instead of after*  
 superstition.  
 231, l. 20 *et seq.*, cf. Bagot to Castlereagh, 6 April, 1816.  
 232 cf. J. Q. Adams iv., 177, 181, &c.  
 247, Note for iii. *read* ii.  
 266, Note *Add*: Since the days of Lord Ashburton other maps  
 have been produced, with results confirmatory of  
 the British position.  
 305 It was believed at the time by many persons in England  
 that Russian instigation was at the bottom of this  
 Crampton affair. When G. F. Train was in London,  
 during the Civil War, he blurted it out as a positive  
 fact.  
 328 As late as 9th Nov., 1861, the "New York Tribune" said,  
 "the right to secede may be revolutionary, but it  
 exists nevertheless."  
 333, Note *Add*: See Parl. Papers, 1861, lxi., 315, for case of the  
 "Atlantic" (otherwise "America"), wrecked near  
 Cay Lobos, Bahamas, with a cargo of slaves, about  
 December, 1860, having cleared from New York, as a  
 whaler, in the previous April.  
 355, l. 18 For 10th *read* 20th May. The dispatch in question is  
 Adams to Russell, in correspondence respecting the  
 Shenandoah. Parl. Papers, 1866, lxxv.  
 383 Principal Authorities, &c. Under Chapters vii. and viii.,  
*add* Henry Adams: History of the U.S. during the  
 administration of Madison.



# ENGLAND AND AMERICA AFTER INDEPENDENCE

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## CHAPTER I

THE United States of America, thirteen in number, were at length independent, in the sense of being no longer colonial dependencies of Great Britain. Yet they had not ceased to be partially dependent upon other countries for the means of wealth. The natural resources of the States were but scantily developed. Even if their populations could raise sufficient supplies of food and clothing within their own boundaries, they could not hope, for some years to come, to raise themselves on a level with the nations of the Old World. And nothing could restore to them the privileges which had belonged to them as a part of the British Empire.

Amid the joy and congratulations with which the young confederacy stood alone, prepared for a glorious future, there remained the anxious thought in the minds of far-seeing Americans that one important matter required early attention. The United States wanted, first of all, a stable form of government, which should give cohesion to the elements of the new republic, and enable it to present a dignified front to the older countries of Europe. Credit with Europe was of supreme importance to them. Escape from faction at home was a matter of no less serious concern. The struggle for Independence had made them a Union. But it seemed that, peace having relieved them from the pressing need of coalition, the want of dignity and

sound authority in the government would sooner or later end in anarchy and disruption. It was the greatest peril to the confederacy that the several States were often unwilling to concur in measures of public utility—could not make the needful sacrifices for securing national stability. Congress was powerless to enforce the provisions of the treaty of peace. More than twelve months had elapsed between the signing of the preliminary treaty and its final ratification in January, 1784. Such was the apathy (perhaps mingled with distrust) which was shown by some of the States, that many weeks elapsed before the attendance of the required number could be procured, and then only twenty-three members were present at the ratification.

The provisions of the treaty included, among other matters, a settlement of the boundaries. The property of British subjects which had been confiscated was to be restored to them if they had not borne arms against the confederacy during the recent conflict. Creditors were to meet with no legal impediment to the recovery of debts incurred in either country before the war. The British government undertook to evacuate every post still occupied by the King's forces.

It was soon perceived by the wiser heads in Congress that America would owe much of her future welfare to amicable and permanent foreign relations. The primary cause of the war, viz., the interests of merchants and shippers, had been out of mind while the peace negotiations were proceeding; these reappeared in full urgency when friendly intercourse was resumed and the pursuits of peace came into question. The carrying trade of the North American colonies had been extensive and remunerative. But now that the States were independent and had become a 'foreign' country, their claim to a share in this trade was reduced to very small proportions, unless by concession from European powers. England, France, and Spain held the greater part of this trade in their hands, and the

maritime restrictions of these countries were absolutely prohibitory, in the West Indies and elsewhere.

This altered condition of things was unforeseen by the American negotiators. On the other hand, the English ministers knew as by instinct that the restoration of peace would bring its own questions to the front, and that one of the most urgent would be that of maritime rights. David Hartley, who represented them in Paris, was instructed that it was the King's desire to renew the intercourse and commerce beneficial to both countries upon a just and equitable footing. A plan of reciprocity was proposed, by which the merchandise of either country could be admitted to the ports of the other on the terms to which it was formerly liable; while the West India trade was offered to the Americans as far as it concerned the produce of their own country.

Nothing came of this proposal. The American commissioners in Paris were unwilling, or unready, to commit themselves to its consideration. The opportunity being lost, however, it was very soon discovered that some policy would have to be invented in order to protect and foster the shipping trade of the States. The Americans found themselves practically restricted to a home trade, excepting that which could be carried on clandestinely. The regulations of the time forbade any foreign vessel or subject trading with the British colonies; and the produce of the United States could not be brought to England except in British vessels. The French regulations, likewise, were highly prohibitory. Under the circumstances it was imperative for the merchants of the United States to take some measures for opening the ports of the world to their ships. At length it was resolved in Congress (7 May, 1784) that it would be of advantage to the States to conclude treaties of amity and commerce with the principal European countries. With this end in view, several appointments were made forthwith. Thomas

Jefferson was sent to the Court of Versailles, and John Adams to that of St. James's.

Adams had had considerable experience in public affairs. He was one of the leaders of the early opposition to the fiscal demands of the mother country, and a member of the sub-committee which drew up the Declaration of Independence. His diplomatic experience was at least as extensive as that of any possible candidate for the mission to London. He went to the Court of France in 1777; to Holland in 1780; and again to Paris as one of the commissioners to negotiate the peace of 1783, associated therein with Franklin and Jay.

Adams did not like England. He held the inconsiderate, the prejudiced, the low opinion of this country and her people which belonged to most New Englanders. This opinion was reflected in his idea as to the probable manner of his reception, and the 'perplexity, confusion, and fatigue' which awaited him. Such apprehensions proved to be trivial. A little reassured, on the eve of his departure, by courteous attention on the part of the British ambassador in Paris, he is surprised at Dover by receiving marks of particular respect. In London he finds the ministers and secretaries extremely polite to him. From private information given by semi-official personages who called upon him, he learned that the King and the ministry considered his appointment as a conciliatory movement, and wished to receive him 'in all respects like the other foreign ministers.'

It was upon the first of June, 1785, that Mr. Adams was presented by Lord Carmarthen to the King. The occasion was unusually impressive. There was sufficient reason for the new envoy to be gratified by the apparent friendly disposition of every one toward him. . . . 'the room was very full of ministers of State, lords, and bishops, and all sorts of courtiers. . . . You may well sup-

pose I was the focus of all eyes. I was relieved, however, from the embarrassment of it, by the Swedish and Dutch ministers, who came to me and entertained me in a very agreeable conversation during the whole time. Some other gentlemen whom I had seen before came to make their compliments, too, until the Marquess Carmarthen returned and desired me to go with him to His Majesty. . . . I was left with His Majesty and the Secretary of State alone.'

And this was Mr. Adams's excellent first speech to King George III. : —

'Sir, the United States of America have appointed me their minister plenipotentiary to your Majesty, and have directed me to deliver to your Majesty this letter which contains the evidence of it. It is in obedience to their express commands that I have the honour to assure your Majesty of their unanimous disposition and desire to cultivate the most friendly and liberal intercourse between your Majesty's subjects and their citizens, and of their best wishes for your Majesty's health and happiness and for that of your Royal Family. The appointment of a minister from the United States to your Majesty's court will form an epoch in the history of England and of America. I think myself more fortunate than all my fellow-citizens, in having the distinguished honour to be the first to stand in your Majesty's royal presence in a diplomatic character; and I shall esteem myself the happiest of men, if I can be instrumental in recommending my country more and more to your Majesty's royal benevolence, and of restoring an entire esteem, confidence, and affection, — or in better words, the old good-nature, and the old good-humour, between people who, though separated by an ocean, and under different governments, have the same language, a similar religion, and kindred blood. I beg your Majesty's permission to add that, although I have some time before been entrusted by my country, it was

never in my whole life in a manner so agreeable to myself.'

The King replied to him: 'Sir, the circumstances of this audience are so extraordinary, the language you have now held is so extremely proper, and the feelings you have discovered so justly adapted to the occasion, that I must say that I not only receive with pleasure the friendly dispositions of the United States, but that I am very glad the choice has fallen upon you to be their minister. I wish you, Sir, to believe, and that it may be understood in America, that I have done nothing in the late contest but what I thought myself indispensably bound to do, by the duty which I owed to my people. I will be very frank with you. I was the last to consent to the separation; but the separation having been made and having become inevitable, I have always said, as I say now, that I would be the first to meet the friendship of the United States as an independent power. The moment I see such sentiments and language as yours prevail, and a disposition to give to this country the preference, that moment I shall say: let the circumstances of language, religion, and blood, have their natural and full effect.'

On the 9th June, Adams was presented to the Queen, to whom he likewise made a speech of fine words; recommending to Her Majesty 'a rising empire and an infant virgin world.' He is a little impatient of these and other grand formalities, and is tempted to remark (as he wrote to John Jay) that the essence of things was lost in ceremony in every country of Europe. He is, however, tolerably well reassured as to the character of his reception in England.

The real business of the mission began, a few days later, with a private interview between Mr. Adams and Lord Carmarthen. After mutual assurances of cordiality, their conversation entered upon the grievances complained of by the Americans: the outlying posts within the limits

of the United States which were still held by British garrisons ; the restoration of ' negroes and other American property ' which by the seventh article of the treaty of peace were not to be exported ; the tendency of the restrictions on American trade to incapacitate their merchants in making remittances ; the losses of merchants on both sides if they were unseasonably pressed for the payment of debts contracted before the war ; the decision of questions of capture made after the armistice of January, 1783 ; and the liquidation of the charges of prisoners of war. To all these was to be added the great question of the commerce between the two countries.

An opportunity occurred for a conference with Mr. Pitt on the 24th August. Mr. Adams found this minister ' much more open ' toward him than he had expected. Their conversation became sprightly and good-humoured. That the treaty engagements should be observed was readily admitted. With reference to the debts, Mr. Pitt maintained that wars never interrupted the interest nor the principal of debts, and he did not see any difference between this war and any other, nor did the lawyers recognize any. Adams replied that the American lawyers made a great difference ; they contended that the late war was a total dissolution of all laws and government, and, consequently, of all contracts made under those laws ; that it was a maxim of law that a personal right or obligation, once dissolved or suspended, was lost for ever ; that the intervention of the treaty and the new laws was necessary for the revival of those ancient rights and obligations ; that these rights were in a state of non-existence during the war, and no interest during that time could grow out of them. He proceeded to remark upon the difficulty of paying the debts at all, arising from the restrictions on American trade ; and the conversation then passed to the question of a treaty of commerce between the two countries.

The envoy was unable to say what terms exactly would be agreeable to the States, but he hinted at the advantages which might belong to the Americans through a navigation act of their own. The right of every nation (he said) to govern its own commerce, its own exports and imports, could not be questioned; . . . 'Our ability to build the ships, and our abundance of materials, could not be doubted. Nobody would pretend that our produce would not find a market in Europe in our own ships, or that Europeans would not sell us their manufactures to carry home in them. Even England, if she should make ever so strict laws to prevent exports and imports in our own bottoms, would still be glad to receive and consume considerable quantities of our produce, though she imported them through France or Holland; and to send us as many of her manufactures as we could pay for, through the same channels.'

Mr. Pitt 'smiled assent' to these observations. But he pointed out to Mr. Adams that the English people were much attached to, and bound up with, their navigation. The latter rejoined that the navigation act, if carried into execution against America, would drive their trade to other countries.

Mr. Jefferson, who was in Paris at this time, seems to have stood in the position of prompter to Adams, with respect to a commercial treaty. But some of his arguments were rather more vigorous than the latter could make use of in negotiation; as, unless Great Britain made a treaty, no consul of hers could be received in the States, and no protection could therefore be given to her shipping, and so forth. It was one of Adams's surprises when in London, that anything like menace was thrown away upon the British government. To do him justice, there does not seem to be reason for supposing that any imprudence of his own revealed this unto him. A sounder

reason for concluding a treaty was offered in pointing out that the commerce of the United States with those countries not under treaty was liable to capricious varieties of treatment, as being under the jurisdiction of each State separately ; while that of the countries under treaty was mainly under the jurisdiction of Congress.

With all Adams's endeavours, he found little progress could be made with the English Cabinet on the questions at issue. At his pressing request, Jefferson came to London early in the year 1786, but without any satisfactory result. This may be accounted for, perhaps, by Jefferson's avowal of his 'belief of their aversion to having anything to do with us,' and by some exhibitions of animosity and impracticableness which he was unable or unwilling to conceal, when they had a joint interview with Carmarthen. Seven weeks were fruitlessly passed in an endeavour to have their plans discussed, at the end of which time Jefferson returned to his post in Paris.

These things were reported to Congress. And the reason for the deadlock was plain enough. The British government admitted there were infractions of the treaty of peace, on both sides, and was prepared to perform its part in the solution of affairs. But the American Congress was powerless to enforce the full execution of the treaty, on the part of the United States. Resolutions had been passed, exhorting the individual States to repeal all laws which might be repugnant to the compact. Circulars to the several governors were issued. But all was unavailing, to call the repudiating States to their duty, to the deep mortification of those who wished to respect the character of the nation. Washington was bitterly annoyed when the real truth of the matter came home to him. 'What a misfortune it is (he exclaimed) that the British should have so well-founded a pretext for their infractions ; and what a disgraceful part, out of the choice of difficulties, are we to act !'

Thus, the absence of a truly national feeling, embracing rational responsibilities, on the part of separate individual States, essentially hindered the attainment of that dignity and credit which must necessarily form the basis of amicable relations with the rest of the world.

Mingled with the unhappy animosity of American statesmen toward England was an almost complete ignorance of her *status* among the nations of the world, of her relative moral and political greatness, of her immense resources. At the period in question, it was an openly expressed opinion that England was surely at the beginning of her decline. Both friends and foes were apt to fall in with the idea that, with a swelling national debt, and with the loss of her American colonies, the sun of Great Britain was far past the meridian. John Adams perceived one gleam of hope for the old country: he confided to his friends that she could only be redeemed from speedy and total destruction by 'securing the real friendship' of America. And it is a constant wonder to him that so few Englishmen hold similarly gloomy views of the future of their country. They do not dream of impending disasters and doom. If they have any such apprehensions, they conceal them, and behave 'as if they thought America of small importance.'

This apparent absence of deep concern as to the doings of the American people lay at the root of much of their dislike, and the same underlies a good deal of the animus of after years. Mr. Adams well represented the public feeling of chagrin at finding that Great Britain did not consider her late colonists indispensable to her. He complained that the policy of England, in consulting first her own prosperity, was 'selfish and unsocial, almost hostile.' He was unable to dissociate his concern for the prospects of American traders from the direction taken by his solicitude for the future welfare of Great Britain.

But he was unreasonable in this that, in common with the rest of his colleagues among the American leaders, he omitted to notice that this country was full enough of her own affairs, entering upon one of the most perilous periods of her history. France, Holland, Spain, Denmark were, one and all, ready to take advantage of any false step made by England. Domestic politics, and the wild strife of parties, combined with the embarrassing state of her foreign relations to make the task of guiding and governing one of unparalleled difficulty.

This displeasure, this tendency to new estrangement through finding Great Britain too absorbed in her own affairs to give very close attention to her relations with the United States, must, of course, be considered relative to the antagonistic sentiments engendered during the war and kept alive by interested politicians. There was a suspicion in the American breast that the English people, especially the King and his friends, 'bore malice' toward the emancipated colonists! Jefferson is a particular exponent of this belief. 'That nation hate us (he says), their ministers hate us, and their King above all other men.' He thinks their hostility is much more deeply rooted since the war. Whoever may be his correspondent, he takes the opportunity to aver that the English are 'still our enemies.' . . . 'The spirit of hostility to us has always existed in the mind of the King, but it has now extended itself through the whole mass of the people, and the majority of the public councils.' These absurd notions were without basis. It might have commended itself to gentler minds that some love for his distant subjects would naturally enter into his unwillingness to part with the colonies. As for the people, even during the War of Independence vast numbers of Englishmen sympathized with the colonies; and when the contest was decided nearly everybody else joined suit. Everybody, from the King downwards, would let bygones be bygones.

There were, doubtless, many persons who had suffered injury, and many seeking in vain for settlement of their debts, whose soreness was not likely to diminish and who probably gave plain expression to their displeasure; but the nation, as a whole, was disposed to be conciliatory and fraternal.

Jefferson's anger was, to some extent, augmented by seeing the quality of the news from America sometimes retailed in the English journals. Occasional items would appear concerning disorders which had occurred, but which he maintained were exaggerated, and often fabricated to deter strangers from going to America, and 'probably paid for by the minister to reconcile the people to the loss of us.' But Jefferson had a rooted dislike of England, and a republican horror of her Government and Constitution. Nor was he favourably disposed toward any country of Europe. He held that an American, going to Europe for his education, would lose 'in his knowledge, in his morals, in his health, in his habits, and in his happiness.'<sup>1</sup> In a letter to James Monroe, dated June, 1785, he hazards the prediction that 'no man now living will ever see an instance of an American removing to settle in Europe and continuing there.' Apart from the numerous instances which speedily verified the absurdity of this, there was, oddly enough, in the following year, an emigration of one hundred Quaker and Baptist families: who left America and landed at Dunkirk,<sup>2</sup> 'in order to settle under the government of the French monarch.'

John Adams was a man of warmer disposition, less philosophic, and greatly more impulsive. He would have welcomed any form of government which promised best for his country, although he stood for a staunch repub-

<sup>1</sup> See a curious letter to J. Banister, with the reasons for this opinion, in *Memoirs*, i. 346, 347.

<sup>2</sup> *Annual Register*, 1786 [174.

lican. His habit of mind was querulous and suspicious. As a diplomatist he was held in high repute by his fellow-countrymen ; but, as is shewn by his records of the stay in England, he was too impatient of results, and was too apt to judge people and things by an American standard, to secure all the advantages which his opportunity might have given him. He was habitually suspicious of the English people. At first, he professed to believe in the existence of an awkward timidity in London society toward him. Aristocratic reticence, as a national trait, was as yet unrevealed to his eyes. 'This people (he says) cannot look me in the face ; there is conscious guilt and shame in their countenances when they look at me. They feel that they have behaved ill and that I am sensible of it.' His diary presently shews some amelioration of temper, a circumstance probably due to the character of the new friends he made. Among these were Priestley, Hollis, Dr. Price, Sir James Sinclair, Bishop Shipley, and others of the prominent Liberals of the day. But this came too late for any benefit to his mission.

The negotiations between England and the United States were destined to stand still until the former should be able to judge, from the progress of events, the safest course to pursue. Not only the unsettled state of the government in America, but the notorious jealousy and the hardly concealed animosity of several European nations, manifested in their attitude toward England, made it her business to look strictly and cautiously after her own interests. That it really behoved her to do so ought to have been manifest to the politicians across the Atlantic. But they were not far-sighted enough to discern the momentous issues at work in the Old World, or they would not have ascribed the tardiness of the British Cabinet exclusively to a supercilious indifference to the people and interests of America. At length, Adams was instructed to protract discussion, and to avoid getting a

categorical answer to his demands.<sup>1</sup> Really, this was the proper thing to do, but it might have been done in better humour.

If, however, disappointment dogged the steps of the American envoy, it was anything but disagreeable for plain Mr. Adams. His wife and daughter had joined him, after the separation caused by his long exile from home. They had every entertainment and acceptance in society that they could wish. Beyond this, Adams employed his leisure in the task of writing an account of the different republics of ancient and modern times, comprising an analysis of their successes and failures, and offering considerations on the future prospects of his own country.<sup>2</sup> When Jefferson joined him, in 1786, they made an excursion together, to the midland counties, concerning which Adams records in his diary some curious and very characteristic notes :—

‘Edgehill and Worcester were interesting to us, as scenes where freemen had fought for their rights. The people in the neighbourhood appeared so ignorant and careless that I was provoked, and asked, “And do Englishmen so soon forget the ground where liberty was fought for? Tell your neighbours and your children that this is holy ground; much holier than that on which your churches stand. All England should come in pilgrimage to this hill once a year.” This animated them, and they seemed much pleased with it. . . . Stratford-upon-Avon is interesting, as it is the scene of the birth, death, and sepulture of Shakespeare. Three doors from the inn is the house where he was born, as small and mean as you can conceive. They showed us an old wooden

<sup>1</sup> Jay to Adams, 3 Jan., 1786.

<sup>2</sup> Printed and published in London, 3 vols. 8vo, *A Defence of the Constitutions of the United States of America, in reply to Turgot's Lettre au Dr. Price, sur les législations Americaines.*

chair in the chimney-corner where he sat. . . . We cut off a chip according to custom.' . . . 'The gentlemen's seats were the highest entertainment we met with. Stowe, Hagley, and Blenheim are superb. . . . Architecture, painting, statuary, poetry, are all employed in the embellishment of these residences of greatness and luxury. A national debt of £274,000,000 sterling, accumulated by jobs, contracts, salaries, and pensions, in the course of a century, might easily produce all this magnificence. . . . The beauty, convenience, and utility of these country seats are not enjoyed by their owners. They are mere ostentations of vanity; races, cocking, gambling, draw away their attention. . . . The owners of these enchanting seats are very indifferent to their beauties.' And Mr. Adams piously hopes that it will be 'long before ridings, parks, pleasure-grounds, gardens, and ornamental farms, grow so much in fashion in America; for nature has done greater things and furnished nobler materials there.' From which we may gather some possible limitations to the knowledge of his own people and their aspirations. Very singularly it happens that his companion has left scarce any record of this tour beyond some notes on the more celebrated gardens they visited. Jefferson's plans for the future involved a fine garden of his own; and his special enquiries in England were directed to such practical things as might enable him to estimate the expense of making and maintaining it. It is very much to be regretted that Jefferson's stay in England was not longer. He might have amended some of his prepossessions against the old country.

The period of Mr. Adams's departure at length draws nigh. He complains of receiving only cold civilities from both the English ministry and the opposition leaders. This, however, could be nothing else than the reflection of his own sensitive and disappointed mood. An allusion of Lord Carmarthen's to the proposed new Federal Con-

stitution is secretly resented by the envoy, as appearing to insinuate that there is as yet no national government. He believes the 'concerted language' of the Cabinet to be that, as soon as there is one established they will condescend to treat with it. But his farewell reception by the King, on February 20, 1788, is gracious and flattering, and the interview passes with soft and friendly words.

Although there was no diplomatic mission to Philadelphia during Adams's period of residence in London, it was found convenient to make a consular appointment, which was done in the person of Sir John Temple, in November, 1785. The question was raised as to whether he should be received as a matter of course, or rather with the idea of granting a favour. Jay inclined to the latter view. Apart from this subtle consideration, it was thought that a refusal to receive the consul would be ascribed to pique or irritation. The matter proceeded with courtesy on both sides, and Temple was recognized as consul for the United States.

In December, 1786, Phineas Bond presented himself as British consul for the States of New York, Pennsylvania, Delaware, and Maryland. The question was again raised whether Great Britain had a right to expect such a mark of respect and civility, considering her omission to send a resident minister plenipotentiary. However, Mr. Jay took occasion to remind Congress that, in his opinion, Great Britain had more cause to complain of the United States than the States of Great Britain, since the peace of 1783. After some hesitation, Mr. Bond was fully recognized, and put into possession of all the privileges due to his office. He turned out to be an excellent appointment, for he was often of great service to the British government during the years which followed.

## CHAPTER II

THE new Federal Constitution at length came into operation. Great hopes were entertained of the work which it would accomplish, and of the dignified and authoritative position which the confederacy would occupy among the nations of the earth. The public creditors were especially anxious to see the new governmental machine at work. Although the public treasury was empty, there was entire confidence in the resources of the country. Beside those who were in anticipation of seeing their financial claims duly met, the merchants, the agriculturists, the shippers, alike dwelt upon hopes of ultimate prosperity for the States. While, however, the people were under these lively anticipations, their representatives in Congress were remarkably slow in getting to work. The first meeting took place, as appointed, on 4th March, 1789; but it was not until April 6th that a quorum could be got together for real business. On that day George Washington was chosen President of the United States.

The progress of affairs soon compelled Washington to turn his attention to the relations of his country with Great Britain. There were several urgent matters concerning which early action was necessary; not the least of them being a mutual exchange of resident ministers, without which the questions at issue between the two countries were likely to remain open, and even wear the aspect of grievances.

The continued British occupation of the northwestern posts was regarded by the Americans with unmeasured

indignation. It was not so much the presence of a few English soldiers within their territory: a circumstance almost held justifiable by some of the cooler heads, while the debts remained unpaid. It was the commanding influence which the occupation was supposed to give over the neighbouring Indian tribes which was particularly resented. The States wished to deal with and control the Indians for themselves. They had an account to settle with them because of their assistance given to the British army during the recent war. A sort of protective condition toward them still existed on the part of England. During 1786, one Captain Brant, an Indian officer drawing half pay from England, was received at the British Court and entertained by the best society in London. He had come to report to the King's ministers that the Americans were encroaching upon his people, and paying little regard to engagements as to boundary, having actually surveyed and laid out a part of their lands. Thus, the Indians could not feel pacifically disposed toward their neighbours; and apprehensions continued lest an early resort to hostilities should take place.

The fundamental obstacle to mutual accommodation lay in the avowed endeavour to repudiate, on the part of the Americans, their debts to English merchants which had been incurred before the war. The British ministry were not prepared either to evacuate the frontier posts or to enter into new commercial negotiations while this state of things lasted. It had been the custom for English merchants to give a year's credit to the colonists, after which period interest accrued. The accumulations had now reached, in some cases, a very considerable amount, at the same time that the means for repayment had become diminished. There was, really, great inconvenience throughout the States for want of ready money: hence a

desire to find excuse for repudiation of at least the accumulated interest, if not the principal sums. The best lawyers maintained that if debts were not confiscated through the war, neither should the interest be lost. Apart from the legal aspect of the case, grave local difficulties arose from the extreme unpopularity of the English creditor. The odium which attached to persons who sought recovery through the courts deterred many from bringing actions at law. Under the circumstances, we can understand Mr. Jay's extreme solicitude on having to declare to his fellow-countrymen his opinion, that the conduct of Great Britain in retaining the frontier posts was fully justified by the treatment she had sustained from defaulters in the States.

The necessity for friendly and equitable commercial arrangements between the two countries has already been shewn. The trade with the West Indies was the most difficult part of this question. The United States felt, and perhaps with some justice, that facilities for this trade might naturally be claimed. It was held that it fell properly within their reach, and that it was bound to be carried on clandestinely if the governments of Europe forbade it; for the islands could neither do without the products of New England nor the United States without those of the West Indies.

It occurred to Mr. Adams that one way of influencing England to a 'reasonable conduct' would be to take some measures for encouraging the growth in the United States of West Indian articles. Only, that at this date there were no semi-tropical States within the territory, this would have been a simpler and a happier course than to threaten various forms of retaliation. A parallel suggestion to encourage manufactures among their own people might have borne fruit if men had been found willing to exert the needful enterprise.

Nor was it unimportant to England herself that commerce should be put on a fair basis. There were several articles of trade derived from the United States which were of high importance to the English merchant, as rice, whale-oil, lumber, etc. The want of American masts, altogether superior to any sort found elsewhere, had been much felt during the war; and Adams was informed by British naval officers that the loss of many ships in bad weather was ascribed to the use of other than American masts. The demand for whale-oil was such, that very high duties did not hinder merchants and shippers from making enormous profits in that trade.

At length, in October, 1789, the President of the United States wrote privately to Gouverneur Morris, in Paris, giving him an unofficial commission to sound the British Cabinet as to the remaining difficulties concerning the treaty of peace, and whether they inclined to a treaty of commerce with the States. He was directed to urge that the time was past for unnecessary delays in evacuating the frontier posts, seeing that a Constitution was now established; and to press for speedy action respecting that object. For the same reason, a conciliatory disposition on the part of Congress was expected to follow with reference to the imposition of discriminating duties. In suggesting his treatment of the subject of a treaty of commerce, Washington proceeded: 'let it be strongly impressed on your mind that the privilege of carrying our productions in our vessels to their Islands, and of bringing in return the productions of those Islands to our own ports and markets, is regarded here of the highest importance; and you will be careful not to countenance any idea of our dispensing with it in a treaty. Ascertain, if possible, their views on this point; for it would not be expedient to commence negotiations without previously having good reasons to expect a satisfactory termination of them. . . .

‘It may also be well for you to take a proper occasion of remarking, that their omitting to send a minister here when the United States sent one to London did not make an agreeable impression on this country; and request to know what would be their future conduct on similar occasions. . . .’

This somewhat masterful communication assumed a good deal on behalf of the United States of America. Its tenour was solely their concern; and not the concern, the welfare, the predilections of England. Considering that the United States had just barely escaped civil war, where (as Washington himself had in bitterness of spirit said) it was ‘one nation to-day and thirteen to-morrow,’ it was expecting a good deal to ask any European country to make permanent arrangements with them. Neither England nor France were yet assured of the stability of the American republic; while there were influential persons in France and in America simple enough to believe that Mr. Pitt had plans of reconquest in view. But this was one of the points of character which raised Washington above the level of the mere politician: coolly ignoring the abundant tokens of weakness around him, and determined only to recognize his country’s latent elements of greatness.

Gouverneur Morris, bred to the bar, was now engaged in mercantile pursuits. He had been living in France since January, 1789, speculating, and watching the markets; moving in the best society; and deeply interested in the stirring public occurrences of that year. In August and September he was in London on business affairs. Enquiring in the city as to a loan, he learns that nothing of that kind can be done, for the name of America ‘terrifies the mercantile part of the community.’

Washington’s letter reached him in January, 1790. After some detentions he arrived in London, and on the 29th March had an interview with the Duke of Leeds.

The Duke (who as Lord Carmarthen had held official communication with Mr. Adams) received Morris in a warm and friendly manner, and expressed the highest pleasure at seeing the President's communication. He declared it to be the wish of all His Majesty's ministers to cultivate friendly relations between the two countries. He did not seem to go, however, beyond general assurances. Referring to the non-compliance of some of the States with the article of the treaty of peace which stipulated the payment of debts incurred before the war, it was urged in reply that the Southern States had been deprived of their resources in negro labour; but Morris proceeded to imply that the inability of the national government to compel payment was a condition of things which had ceased to exist since the establishment of the Federal Constitution. On the point of sending an accredited envoy to America, the Duke said there had been an intention to appoint one; giving the rather feeble reason for delay that it was not easy to find a person of suitable ability.

On the 19th May, Morris called the attention of the minister to a new topic. In order to man a small expedition to avenge the Spanish insult at Nootka Sound, the press-gangs were set to work; and it was alleged that several Americans had been impressed. This grievance was now mentioned, and Morris suggested the issue of certificates of United States citizenship as a protection to American seamen. The following day, an interview with Mr. Pitt gave opportunity for this and all the other matters at issue being discussed anew. Morris reminded Mr. Pitt that although an envoy had been sent to the King of Great Britain, there had been no reciprocal compliment. This led him to what was, apparently, the crowning grievance against the British government, viz., that they kept America at a distance and seemed to wish to avoid intercourse. This Mr. Pitt denied. He assured

Morris that they were very disposed for friendly connexions with the American States. The interview closed pleasantly, the ministers undertaking to consult together over the questions placed before them.

Considering the clouded state of the political horizon, it is not surprising that Morris's patience was tried by an unwillingness of the British ministers to commit themselves to any arrangements with him. As statesmen of the Old World, they could condone the irregularity of his secret mission. But it was their business to temporize, and see what turn European affairs would take. In a letter to President Washington, dated 1st May, he had already given an outline of the difficulties which appeared ahead, especially with respect to France: from which he assumed that Great Britain would 'rather keep things in suspense with us, being herself in a state of suspense with others.' This is, perhaps, the first small spark of sympathy with England's vast difficulties which occurs among the American politicians. Even this is not much. Up to this date there is, in their whole conduct toward us, no trace of consideration for anything unconnected with the mercantile spirit. There could hardly have been discovered a better envoy than Morris, with the particular objects in view. He was himself fully occupied with extensive and complicated speculations. An ingenious and successful merchant, he possessed social gifts which enabled him to enter the more exclusive classes in London and Paris. And it is clear that he could rise superior to the current querulous attitude of Americans. In a letter to Washington (16th August) he says: 'I wait with anxious expectation to hear what Congress may have done in relation to this country, as well as upon the important subject of finance; for that also would have no small influence with the British Cabinet. . . . If, at the same time, their mercantile interest should *feel* that we have a government, it might produce a general conviction

that we are not to be trifled with. Incidental circumstances among foreign nations may give us momentary advantages, and doubtless it is the duty of all public servants to watch those moments, and turn them to the best account. But it is by the solidity of our domestic system alone that we can become permanently and intrinsically respectable; consequently it is by that alone that we can hope for permanent and useful connexions.' These reflections, made by the envoy when there was a prospect of having to relinquish his mission without result, betoken an awakened sense of international feeling on a basis of mutual respect.

Morris did not neglect opportunities of attempting to sound his English acquaintances on matters international. The result of his efforts appears to have been, usually, to find that the English people were not disposed to rush into the arms of America, nor to conclude further treaty arrangements, in the existing unsettled condition of both continents. There was abundant evidence, however, of good-will personally to Morris as well as to his country. Men less eager than Adams and Morris would have reflected that time was on their side: stability and prosperity in the new republic, and proofs of good-will toward England, were far more likely to bring her 'to her senses' than any spiteful threats. Up to the date of which we are writing, there was little or no agreeable public sentiment toward the British nation. The journalists and the politicians alike hated and dreaded the old country and people of which they knew so little. Even Gouverneur Morris, after several weeks' residence here, notwithstanding very flattering attentions from everybody remains strangely influenced by prejudice and ridiculous suspicions. Meeting Charles James Fox at dinner, he observes that Mr. Fox scrutinizes him closely, 'to see what I am.' After dining with Lord Lansdowne, 'the noble Marquess advances sentiments full of love and kind-

ness for America. I am, however, at liberty to believe just as much as I please.'

The Cabinet of St. James's might surely be pardoned for holding their hand, with a people who had so little to offer in return for whatever concessions were made to them. The reciprocal advantages presented to England were almost *nil*. To round off the new republic, and to foster her mercantile interests, made the one grand concern, let what result might follow to the welfare of Great Britain. American envoys could, with the French ministers, chuckle over the loss to George III. of what they called 'the brightest jewel in his crown,' and forthwith come to that sovereign and request that other jewels might be cast away. Unquestionably the demand that the West Indian trade should be thrown open to the world was, at that time of day, unreasonable. What rendered it absurd as well as unreasonable was, that a French minister of state had long ago told Mr. Adams that they meditated taking a similar course to that of the British, in their navigation laws, and to confine the trade between the French West Indies and the United States to ships built in France and navigated by French seamen.

Mr. Morris had further interviews with the Duke of Leeds, in September, shortly before returning to Paris. He was told that a minister to the States would soon be appointed. No other question was settled, and a new one relative to the impressment of American seamen had been added to the list. But he had certainly paved the way for future negotiation.

The Duke of Leeds being succeeded by Lord Grenville, the new Secretary for Foreign Affairs forthwith selected Mr. George Hammond as the first minister from Great Britain to the United States of America. Mr. Hammond had held a secretarial post in connection with the peace

negotiations of 1783, and had since gathered diplomatic experience in Vienna, Copenhagen, and Madrid. His personal acquaintance with Jefferson while in Paris added some consequence to his selection as minister to America. Jefferson had finally left Paris in the autumn of 1789, to become Secretary of State. The new envoy reached Philadelphia in October, 1791. In return for this long-delayed compliment, President Washington at once appointed a minister for Great Britain, in the person of Thomas Pinckney.

Meanwhile the United States government were extending their consular appointments. In August, 1790, an elaborate circular was sent to the consuls and vice-consuls, defining their duties and responsibilities. Joshua Johnson was sent to London, with careful reminder of the important trust confided to him. He was instructed to forward regularly to the Secretary of State the principal official journals; to make an annual report on the British fisheries; and to watch the operations of the press-gang, with a view to protecting American seamen.

The renewal of official diplomatic intercourse between the two countries began with a letter of Jefferson dated 29 November, 1791, in which he reminded the British minister that the treaty of peace was still not fully executed.

In reply to the Secretary's overture, Mr. Hammond informed him that the King of England suspended the execution of the one article of the treaty because of American neglect to observe the fourth, fifth, and sixth: the two points were inseparable and must be discussed together; and that he was instructed to enter into discussions as to the most practicable and reasonable measures for giving full effect to the treaty. Being pressed as to the full extent of his powers, he stated that he was not empowered to conclude any definite arrangement, and that his instructions were of a generally plenipotentiary

character. The consideration of plans for a commercial treaty was likewise a proposed part of his functions.

Jefferson now proposed that a plain statement of the grievances on both sides should be made. He would set the example:—

‘I have the honour to propose (he said) that we shall begin by specifying, on each side, the particular acts which each considers to have been done by the other in contravention of the treaty.

‘The provisional and definite treaties, in their seventh article, stipulated that His Britannic Majesty should with all convenient speed and without causing any destruction or carrying away any negroes or other property of the American inhabitants withdraw all his armies garrisons and fleets from the United States and from every post place or harbour within the same.

‘But the British garrisons were not withdrawn with all convenient speed nor have ever yet been withdrawn, from Michillimackinac, on Lake Michigan; Detroit, on the straits of Lake Erie and Huron; Fort Erie, on Lake Erie; Niagara, Oswego, on Lake Ontario; Oswegatchie, on the river St. Lawrence; Point-au-fer, and Dutchman’s Point, on Lake Champlain.

‘The British officers have undertaken to exercise a jurisdiction over the country and inhabitants in the vicinity of these forts; and

‘They have excluded the citizens of the United States from navigating, even on our side of the middle line of the rivers and lakes established as a boundary line between the two nations.

‘By these proceedings we have been intercepted entirely from the commerce of furs with the Indian nations to the northward, a commerce which had ever been of great importance to the United States, not only for its intrinsic value, but as it was the means of cherishing peace with those Indians, and of superseding the necessity

for that expensive warfare we have been obliged to carry on with them during the time that these posts have been in their hands.

‘On withdrawing the troops from New York, 1st a large embarkation of negroes, of the property of the inhabitants of the United States, took place before the commissioners on our part for inspecting and superintending embarkations had arrived there, and without any account ever rendered thereof. — 2d, near three thousand others were publicly carried away by the avowed order of the British commanding officer and under the view and against the remonstrances of our commissioners. — 3d, a very great number were carried off in private vessels if not by the express permission yet certainly without opposition on the part of the commanding officer, who alone had the means of preventing it, and without admitting the inspection of the American commissioners. — 4th, of other species of property carried away the commanding officer permitted no examination at all. . . .

‘A difference of opinion too having arisen as to the river intended by the plenipotentiaries to be the boundary between us and the dominions of Great Britain and by them called the St.-Croix: which name, it seems, is given to two different rivers; the ascertaining of this point becomes a matter of present urgency; it has heretofore been the subject of applications from us to the government of Great Britain.

‘There are other smaller matters between the two nations which remain to be adjusted, but I think it would be better to refer these for settlement through the ordinary channel of our ministers than to embarrass the present important discussions with them; they can never be obstacles to friendship and harmony.

‘Permit me now, Sir, to ask from you a specification of the particular acts which being considered by His Britannic Majesty as a non-compliance on our part with the

engagements contained in the 4th 5th and 6th articles of the treaty induced him to suspend the execution of the 7th and render a separate discussion of them inadmissible.'

Some time elapsed before Mr. Hammond was able to collect and arrange all the materials for presenting the British case. They included a formidable series of the acts and ordinances of the several States; upon which was founded a series of charges against some of them of systematic delays and denials of justice to the British creditor.

. . . 'Immediately after the ratification of the definitive treaty of peace, the Congress of the United States by a proclamation announcing that event and by a resolve dated 14th January 1784 required and enjoined all bodies of magistracy, legislative, executive, and judiciary, to carry into effect the definitive articles and every clause and sentence thereof, and earnestly recommended to the legislatures of the respective States to provide for the restitution of all estates rights and properties of persons resident in districts in possession of His Majesty's arms between the 30th November 1782 and the 14th January 1784 who had not borne arms against the United States; and that persons of any other description should have liberty to go to any part of the United States, to remain twelve months unmolested in their endeavours to obtain the restitution of their estates rights and properties confiscated. . . .

'In consequence of the little attention which had been manifested to this proclamation and recommendation, and of the answer given 20 February 1786 by the Marquess Carmarthen to the requisitions of Mr. Adams respecting the posts and territories ceded by the treaty of peace to the United States, the Congress transmitted in April 1787 a circular letter to the governors of the respective States, recommending to the different legislatures to repeal

such acts or parts of acts as were repugnant to the treaty of peace.

‘In this circular letter . . . the Congress further declare they have deliberately and dispassionately examined and considered the several facts and matters urged by Great Britain as infractions of the treaty of peace on the part of America, and regret that in some of the States too little attention appears to have been paid to the public faith pledged by the treaty.

‘It is observable that Congress neither in this proclamation nor the recommendation takes any notice of the fourth article of the treaty of peace, by which it was agreed that creditors on either side should meet with no lawful impediment to their recovery of *bonâ fide* debts; nor does either the proclamation or the recommendation extend to the stipulations in the close of the fifth article, whereby it was agreed that all persons who have interests in confiscated lands should meet with no lawful impediment in the prosecution of their just rights. . . . It does not appear, however, that this proclamation and recommendation had any general and extensive effect upon the legislatures of their respective States.’

The letter of Mr. Hammond then proceeded to specify particular acts which Great Britain considered to be infractions of the treaty; the indictment being accompanied by an appendix of the acts and judicial decisions under which complaints had arisen. It recited a great number of unjust prosecutions, confiscations, and denials of justice, in which British merchants and other of His Majesty’s subjects had suffered irreparable injury.

Mr. Jefferson’s rejoinder, a bulky and ingenious document, went through all the charges which had been made, giving the American version in the manner of an advocate. He also added a new counter-charge, to the effect that the treaty of peace had been infringed by the British before it was known in America, by the acts of their

commanders at the period of the evacuation: a circumstance which would throw the first American infractions to a date posterior to those of the British.

Hammond was somewhat staggered at this new position being taken up. He had not heard of it before, and believed the English ministers had not heard of it. He forwarded the document to London, and waited. A year afterwards he could give Jefferson no information but that he had communicated with his Court on the subject; and upon another reminder, several months later, he could only observe that 'probably' delay was caused by the continued disregard of the claims of British merchants.

In truth, Hammond was beginning to discover that Jefferson's turn for exaggerating the points in favour of his own country and minimizing the grievances of England was not shared by other members of the American government. The President was of singularly just and impartial temper. Alexander Hamilton, Secretary of the Treasury, was hardly less so than Washington, and he was still more disposed to encourage a friendly attachment to Great Britain than were either of his colleagues. The British minister found himself so often in accord with General Hamilton, that a closer and more confidential intercourse grew up between these two men.

Hammond's despatch to Lord Grenville, dated 8th June, 1792, enclosed Mr. Jefferson's severe analysis of the British complaints. It reveals the growing mutual dissatisfactions in the American Cabinet, and points to the improbability of the negotiations proceeding satisfactorily while in present hands: 'The great quantity of irrelevant matter contained in this paper, the positive denial of many facts which I had advanced upon the authority of the British agents and of other reputable persons in this country, the unjustifiable insinuations thrown out with respect to the mode of prosecuting the war and to

the conduct of His Majesty's ministers subsequent to the peace, and the general acrimonious style and manner of this letter, all contributed to excite in me considerable surprise. I therefore waited upon Mr. Hamilton, and communicated to him very freely my opinion of this extraordinary performance. This gentleman treated me (as he has done upon every occasion) with the strictest confidence and candour. After lamenting the intemperate violence of his colleague, Mr. Hamilton assured me that this letter was very far from meeting his approbation or from containing a faithful exposition of the sentiments of this government. He added that, at the time of our conversation, the President had not had an opportunity of perusing this representation: for, having returned from Virginia on the morning only on which it had been delivered to me, he had relied upon Mr. Jefferson's assurance that it was conformable to the opinions of the other members of the government. Notwithstanding this explanation, which in reality I could esteem only a decided proof of personal confidence, I thought it my duty to take some immediate notice of this paper to Mr. Jefferson himself.' . . .

The result of an interview with the Secretary of State was not calculated to produce conviction in the mind of either party. Jefferson maintained that the information given to the British minister was inaccurate on several points. The latter (relying on Mr. Consul Bond, who had assisted him in the inquiry) held that, although there might be some errors in his statement, the general evidence of the American infractions of the treaty was not invalidated by Jefferson's counter-statement. Secretly convinced that the statements on the other side were inaccurate or exaggerated, Mr. Hammond announced that the negotiations could not proceed further until he had referred home for instructions. He wrote to Lord Grenville (3d October) in a tone of much vexation,

expressing his conviction that Jefferson had been grossly misinformed and was a willing instrument of the deception practised on him.

It is not surprising, then, that confidence between these two men was being entirely destroyed, nor that they had little intercourse except in case of necessity.

## CHAPTER III

THE outbreak of war between England and France was an occasion for the deepest anxiety in America. The thing itself was bad enough, but the circumstances under which it was officially announced were unexpected and alarming. The news had only reached the government a few days, to be followed by the arrival of an envoy from the French Convention, armed with unusual powers and possessing all the enthusiasm of the most zealous members of that body.

By treaty with France, the United States had bound themselves to guarantee the possessions of that country in America; and had consented to a stipulation under which French privateers and prizes could shelter in the Atlantic ports while those of the enemies of France could not. Now, American ministers were prepared to recognize the French republic, and to receive her envoy; but they could not determine that the United States were bound to engagements under a treaty which would now expose them to 'dangers never dreamed of when the treaties were made.' This is one of the lessons learned by democracies when it is too late. In the present instance, the Secretary of State announced by public proclamation a sort of neutrality, but the language used toward the outer world is not to be reconciled with the language and the conduct shown in communications with their 'ancient allies.'

The French of 1793 had some general contempt for treaties as inconvenient arrangements which infringed the principles of Liberty and Equality. Their action now, in virtually demanding that the United States should give more than moral aid in the conflict with England,

was based not so much upon any stale treaty of alliance as upon the assured belief that America would hasten to help them in delivering the world, once for all, of British tyranny. The French representative, Edmond Genet, reached Charleston in April, 1793. Orders had been issued by the National Convention to their naval officers for the capture and forfeiture of enemy's goods found on neutral vessels. Immediately on his arrival, Genet proceeded to equip two privateers, *manned them with Americans*, and sent them cruising along the coast under the French flag. Numerous captures of homeward-bound British vessels soon resulted. Genet found sufficient anti-English sentiment to countenance and support him. He presently sailed for Philadelphia, making several prizes of British vessels on the way thither. By the time the French envoy obtained audience of General Washington, the minister from England had a tolerably long list of complaints against him.

The President and his colleagues were unanimous in declaring the utter illegality of these proceedings, although the bias toward or against England was manifest in the varying opinions as to the mode of dealing with them. Hamilton held that adherence to a policy of neutrality required that the prizes be instantly restored to their owners. Jefferson, on the contrary, maintained that owners ought to be left to the courts of law to recover their property; and thought that the English should be satisfied with a simple disavowal on the part of the United States. Washington presently conformed to the opinion of Hamilton, that the affair was a mere question of neutrality demanding the interference of the government. Mr. Hammond was forthwith assured that the seizure of British vessels within American waters was an act of disrespect to the United States to which its government could not be inattentive, and that offenders against the proclamation of neutrality would be brought to condign

punishment; the equipping of cruisers in any of their ports was entirely disapproved, and the government would take effectual measures to prevent it. The Secretary of State likewise communicated these views to De Ternant, the resident French minister, giving in very plain terms an expression of the President's wish that immediate restitution be made of the unlawful seizures.

While all this was going on another difficulty was brewing. The French republic was at war with England: but Europe was likewise at war with France. And, in the view of the British government, a strict neutrality on the part of another nation forbade not only the equipment of cruisers in their ports and the furnishing of munitions of war, but the providing of food stuffs. The European Coalition had determined that corn and meal were to be kept out of France if her foreign sources of supply could possibly be closed; and, as England was the only maritime power among them which could make any display of force upon the ocean worthy of the name, to England it fell to perform this office. Accordingly, in June, 1793, special Instructions were issued to 'His Majesty's ships of war and cruisers,' directing them to stop all vessels, laden wholly or in part with corn, flour, or meal, bound to any port in France, which vessels were to be sent to any British port, to be purchased by the government or to be released 'only on the condition of security being given by the master that he will proceed to dispose of his cargo in the ports of some country at amity with His Majesty.'

This exercise of belligerent rights roused anew the ill-humour of Thomas Jefferson. At first he pretended to disbelieve in the authenticity of the Instructions, which he had not yet received officially. Upon the contingency that it was all true he hastened to acquaint Mr. Pinckney with the opinion of the American government: that it was contrary to the law of nations, and manifestly unjust to

‘interrupt the agriculture of the United States or the peaceable exchange of its produce with all nations.’ He further pointed out that this action, together with the general disinclination of the British Court to attend to American demands, was tending to draw them into the great conflict, which was far from their wish and which they were determined to avoid if possible.

Mr. Pinckney wrote from London in despatches which crossed with those of Jefferson. He informed the Secretary that he had consulted Lord Grenville on the subject of the Instructions, and that there was, at present, not the slightest chance of their being relaxed. Lord Grenville had assured him that the best endeavours would be made to prevent inconvenience to subjects of the United States from the unavoidable incidents consequent on war. The steps taken by the British government were held by them to be no infraction of neutral rights: that, indeed, they were more favourable to neutral countries than the law of nations justified.

It might be supposed from Jefferson’s remonstrances that the Americans were taken by surprise. But Thomas Pinckney had written home, before the actual outbreak of war, intimating that plans would be resorted to of distressing the enemy by hindering his food supplies. It was commendable that he should be so well-informed. It must be taken for granted that he knew less of the intrigues that were going on in order to draw the United States into more intimate alliance with France, or he would not have wasted his time in innocent appeals to international law. The ‘Additional Instructions’ were framed on conditions which were new. The circumstances were these, under which it was determined to anticipate and to frustrate the provisioning of France by American means. Early in the year 1793 Lord Grenville learnt that among the plans of Citizen Genet was one for opening a negotiation with the American govern-

ment for liquidating the payment of their remaining debt to France (now standing at three millions of dollars) by transmitting to the ports of that country a supply of corn and provisions equal to the amount of the outstanding debt. If this turned out to be the true state of the case, provisions actually shipped on account of the French government were clearly French property, and as such liable to capture even in American bottoms. As one of the evidences of the French intention to utilize America in the prosecution of the war with England, the British government could hardly be justified in neglecting to provide the most stringent means for defeating these plans.

Other sources of annoyance were rapidly bringing the two countries to the brink of a rupture. One of them was an insinuation that the Indian tribes were being tampered with, that they were being incited by the Governor-General of Canada in their incursions upon United States territory. Among other ingenious methods of disseminating this absurd calumny was the publishing of a pretended address to the Indians by Lord Dorchester.<sup>1</sup> It is much to be lamented that this charge against the Canadian governor still occurs among the ill-tempered inaccuracies of recent American historians. But the disclaimer of Mr. Hammond on behalf of the British Cabinet, although acknowledged in diplomatic intercourse, was scouted in public speeches and private writings. And the story served for the time being to discredit English officials and ministers and to strengthen the hands of those interested in embroiling America with Great Britain.

Mr. Pinckney, whose post in London was of an ordinary diplomatic character, had the troublesome question of impressment to deal with.

The practice of impressment, odious to the British public and having only dire necessity to justify it, had long

<sup>1</sup> V. Appendix to this chapter.

been sanctioned by custom and regulated by statute. As already mentioned, the prospect of hostilities with Spain had caused this matter to be now one of concern to the Americans, and the consuls of the United States were specially charged to investigate any reports or allegations of kidnapping.

A very great number of the 'immigrants' of the period consisted of sailors and others who had worked their passage across the Atlantic. Able seamen deserting from British ships of war found a sort of sanctuary on board of American merchant vessels, and seized the first available opportunity of declaring themselves American citizens. It was not a small perplexity that the two nations had a common language. An authorized press-gang was not likely to be too nice on the question of nationality; hence there were undoubted cases of injustice and hardship certain to arise, and quite enough of them to give colour to a grievance. The proposal made by Gouverneur Morris, to issue certificates of citizenship, was not found to be workable. Jefferson said they were 'not to be thought of,' seeing that, a seaman not having one in his possession, 'there would almost remain an authority for his capture.' The British authorities might be excused, perhaps, for disregarding American views on the subject, after the frequent accounts they received<sup>1</sup> of

<sup>1</sup> As for example:— 'A very injurious practice is carried on here [Norfolk, Va.] . . . by the owners and captains of ships belonging to citizens. In order to encourage British seamen to enter on board their vessels, they raise their wages, which induces them to take an oath before a magistrate that they are citizens of the United States. . . . This practice is very frequent, and causes many disagreeable disputes between the British officers and

seamen, and often causes desertion from the British ships, to the great detriment of the British merchant. And it is frequent, my Lord, on the arrival of American vessels which have British seamen on board, under some pretence or other to apply for a warrant and have them committed to jail, and there remain until the ship has sailed, by which means the poor sailors often lose their wages.' (Consul Hamilton to Lord Grenville, Oct., 1793.)

the treatment of seamen in American ports, and of the artful means taken to induce them to desert.

It might have been possible to adjust these differences between Great Britain and the United States through the ordinary channels of diplomatic intercourse, but for the ill-feeling kept alive by party spirit. Jefferson's mischievous habit of antagonism toward everything British, on the one hand, and Hamilton's conciliatory disposition, on the other, represented a clear division of opinion among all persons who attended to the course of public affairs. And when it was known that war had broken out between England and France all the prejudices against Great Britain which had taken root during the struggle for independence acquired new vigour. 'By a great proportion of the American people it was deemed almost criminal to remain unconcerned spectators of a conflict between their ancient enemy and republican France. . . . Disregarding totally the circumstances which led to the rupture, except the order which had been given to the French minister to leave London, and disregarding equally the fact that actual hostilities were first commenced by France, the war was confidently and generally pronounced a war of aggression on the part of Great Britain, undertaken for the sole purpose of imposing a monarchical government on the French people. The few who did not embrace these opinions, and they were certainly very few, were held up as the objects of public detestation, and were calumniated as the tools of Britain, and the satellites of despotism,' says Judge Marshall in his 'Life of Washington.'<sup>1</sup> The reasons for our vigorous action on the seas, in response to the orders of the National Convention<sup>2</sup> and in accord with the plans of the European

<sup>1</sup> ii. 256.

<sup>2</sup> 'The French ships of war and privateers may stop and bring into the ports of the Republic such neutral vessels as are loaded, in whole

or in part, either with provisions belonging to neutrals and destined for enemies' ports, or with merchandise belonging to enemies.' (Decree of May, 1793.)

Coalition, were quietly ignored. It was but another 'insolent manifestation of superior force, intended to mortify the national pride and injure the national interests of the United States of America.' We do not find parallel comment on the depredations of French privateering, which was still more harassing to American trade.

An opportunity for the exhibition of ill-will on the part of Congress was furnished by the presentation of a Report, which the Secretary of State had been instructed to prepare, on the existing commercial regulations between the United States and foreign countries. After very long delay<sup>1</sup> this Report was printed, when it appeared that the arrangements of England were not more unfavourable, generally, with the United States than were those of other countries. Indeed, some articles stood on a better footing. Meanwhile, Jefferson had determined to withdraw from the administration and retire into private life. His position in the Cabinet (which he described as a 'cock-pit') had long been unsatisfactory, with his very strong French sympathies. His resignation took effect near the end of 1793, Edmund Randolph succeeding him as Secretary of State.

The question of commercial intercourse with foreign countries was brought forward for discussion in Congress in January, 1794. On the fourth of that month James Madison laid upon the table a series of resolutions, the basis of which was an additional duty on the productions and on the tonnage of vessels of nations having no commercial treaty with the United States, together with an

<sup>1</sup> 'When after the lapse of nearly three years it was at length produced, such egregious errors were detected that a supplementary report became necessary. Accuracy had not, indeed, been its object. The Report was designed to support a system of discriminating duties, in which the importation of French

was to be encouraged at the expense of British products and manufactures. . . . The Report was kept back until an opportunity offered of using it with effect; and this session, when national sympathy and national hatred were at their utmost height, was deemed a fitting occasion, &c.' (*Wolcott Memoirs*, i. 119.)

entire reciprocation of the restrictions alleged to be imposed upon American navigation. It was not disguised that the scheme was wholly a plan of retaliatory action against Great Britain. Some members of Congress were prepared to go any length in the attempt to humble her. Yet Madison's resolutions came to nothing, after a discussion extending over several weeks.

In support of the resolutions, it was urged that it was proper to discriminate between nations having treaties with the United States and those having none. That ill-will and jealousy had at all times been the predominant features of the conduct of England toward the United States; while that of France, on the contrary, had been warm and friendly. That the present time was favourable to their views now that their enemy was embarrassed with a dangerous foreign war. That in the event of a commercial war, the effects would be much more sensibly felt by England, in all her mercantile and manufacturing interests. At least 300,000 British manufacturers would be thrown out of employment, and in the complication of distress to which such a measure would reduce them they would consider the United States as a natural asylum for wretchedness; and the British government would surely beware of taking any steps which might provoke such a catastrophe. The admission that the existing commercial regulations of Great Britain were as favourable to the United States as to other countries had no bearing on the case, and 'ought not to satisfy America,' for she was in a position to insist on perfect commercial equality.

It was urged in reply that political considerations should be excluded, and that only the commercial aspect of the question should be considered. As for Mr. Jefferson's report, it was calculated to induce an entirely false estimate of the comparative conditions of the commerce with foreign nations.

The eloquence of Fisher Ames brought down the mem-

bers to a very sensible moderation of temper. He pointed out that it was not correct to say that Great Britain had shown no disposition to negotiate on commerce, since, during the peace negotiations, Lord Lansdowne had wished to arrange a commercial treaty on liberal principles. This fact, perhaps, was not popularly known, because the whole course of conduct pursued by popular leaders had been to obscure and hinder any efforts after a good understanding. If any were to blame for neglecting that opportunity it was the American negotiators. Mr. Ames ridiculed the notion of England's enmity and France's disinterested affection toward the United States. He denied the statements, freely and impudently made, about England excluding their ships from her ports. He pointed to the constant prosperity of America. 'Trade (he said) flourishes on our wharves, although it droops in speeches . . . why endeavour to divert it from one channel to another, merely because it may be in the end more profitable and is not certain to be?' And for the country to form the project of changing the policy of nations, and to begin the abolition of restrictions by creating restrictions of its own, was equally ridiculous and inconsistent. But that he would have a quarrel on his hands with everybody, he was prepared to throw into the fire all restrictive and prohibitory laws of trade, not excepting the resolutions under debate.

The course of this acrimonious discussion was intermitted by other proposals. It was not enough to burden the commerce of England while giving bounties to that of France. The nucleus of a naval force must be provided. A military armament was suggested. Upon these matters no decision appears to have been arrived at; but a proposal to lay an embargo on all shipping bound to foreign ports, for a period of thirty days, ended in the President being empowered to carry the resolution into effect. This was followed by a motion for sequestering all debts due

from Americans to British subjects, and with the resulting funds indemnifying the citizens of the United States for depredations committed on their commerce by English cruisers. While this was yet in their mouths, another resolution was framed: that all commercial intercourse with Great Britain be suspended until she should make compensation for the losses sustained under the Order in Council.

In the opinion of many persons, war with Great Britain seemed to be now inevitable.

But it happened that a despatch from Pinckney reached the hands of the President, early in April, while all these violent resolves were yet only threatenings. Washington laid before Congress Mr. Pinckney's letter, in which was conveyed intelligence of some modification of the latest 'Additional Instructions,' and an explanation of the important (although temporary) reason for the issue of an Order in Council. The motives for exercising these restrictions, which concerned trade with the West India Islands, having now ceased, they would be relaxed. This intimation was conveyed in such friendly terms, and with obviously very pacific intentions, that the Federal government perceived that the period for negotiation had not nearly passed away. Accordingly they opposed all the irritating measures which continued to be proposed, while giving weight to those which had regard to the defence of the country.

The President now determined to send a special envoy to the English Court: one that should carry with him a 'full knowledge of the existing temper and sensibility of the American people.' Mr. John Jay was selected for the onerous post.

## APPENDIX TO CHAPTER III

The charge made against Lord Dorchester, of inciting the Indians to war with the United States, continues to be reiterated in writings of boasted reputation. The matter is of sufficient importance to justify some documentary evidence in disproof of it. The following papers have, besides, a certain interest in themselves : some of them have never before been published.

*Authentic copy of a reply made by Lord Dorchester, in a deputation from seven tribes of Indians, at a council held at the castle of St. Lewis, in the city of Quebec, on the 10th day of February, 1794.*

Reply of his excellency Lord Dorchester to the Indians of the seven villages of Lower Canada, as deputies from all the nations who were at the general council, held at Miami, in the year 1793, except the Chawanous, Miamis, and Loups.

Children, — I have well considered your words, and am now prepared to reply.

Children, — You have informed me, that you are deputed by the seven villages of Lower Canada, and by all the nations of the upper country, which sent deputies to the general council, held at the Miamis, except the Chawanous, Miamis, and Loups.

Children, — You remind me of what passed at the council fire, held at Quebec, just before my last departure for England, when I promised to represent their situation and wishes to the King, their father, and expressed my hope that all the grievances they complained of on the part of the United States, would soon be done away by a just and lasting peace.

Children, — I remember all very well; I remember that they pointed out to me the line of separation which they wished for between them and the United States, and with which they would be satisfied and make peace.

Children, — I was in expectation of hearing from the people of the United States what was required by them; I hoped I should have been able to bring you together, and make you friends.

Children, — I have waited long, and listened with great attention, but I have not heard one word from them.

Children, — I flattered myself with the hope that the line proposed in the year eighty-three, to separate us from the United States, which was immediately broken by themselves as soon as the peace was signed, would have been minded, or a new one drawn in an amicable manner; here, also, I have been disappointed.

Children, — Since my return I find no appearance of a line remains ; and from the manner in which the people of the States move on, and act, and talk on this side, and from what I learn of their conduct towards the sea, I shall not be surprised, if we are at war with them in the course of the present year ; and if we are, a line must be drawn by the warriors.

Children, — You ask for a passport to go to New York. A passport is useless in peace. It appears, therefore, that you expect we shall be at war with the States before your return. You shall have a passport, that whether peace or war, you shall be well received by the King's warriors.

Children, — They have destroyed their right of preëmption ; therefore all their approaches toward us since that time, and all the purchases made by them, I consider as an infringement on the King's rights, and when a line is drawn between us, be it peace or war, they must lose all their improvement of houses on our side of it. The people must all be gone who do not obtain leave to become the King's subjects. What belongs to the Indians will, of course, be confirmed and secured to them.

Children, — What farther can I say to you ? You are our witness, that on our part, we have acted in the most peaceable manner, and borne the language of the United States with patience, and I believe our patience is almost exhausted.

Given under my hand, at the castle of St. Lewis, in the city of Quebec, on the 10th of February, in the year of our Lord 1794.

(Signed) DORCHESTER.

By his excellency's command,

(Signed) HERMAN WISSINS RYLAND, *Secretary*.

The 'speech,' as it stands [copied from the *Annual Register*, 1794, pp. 251, 252], was never made. Certainly it was not issued authoritatively in such manner. No English official, especially one in the delicate and difficult position held by Lord Dorchester, could thus commit himself without incurring immediate disgrace. He had received the Indians in friendly conference, at their own request, and the foregoing dignified and generous reply was doubtless adopted and put into form by some officious persons who were willing enough to publish anything likely to make it uncomfortable for the American frontiersmen. The following extracts from official correspondence will shew Mr. Randolph's unfriendly grievance and the attitude of English ministers in face of it.

## RANDOLPH TO HAMMOND, 20TH MAY, 1794.

(American State Papers, Foreign Relations, i. 461.)

He calls attention to the speech of Lord Dorchester (10th February), and proceeds :—

. . . ‘At the very moment when the British ministry were forwarding assurances of good-will does Lord Dorchester foster and encourage in the Indians hostile dispositions towards the United States. If it was a part of the American character to indulge suspicion, what might not be conjectured as to the influence by which our treaty was defeated in the last year, from the assembling of deputies from almost all the nations who were at the late general council on the Miami, and whose enmity against us cannot be doubtful? How nearly would that suspicion approach to proof, were we to recollect that so high an officer as himself would not rashly hazard this expression: “I should not be surprised if we are at war with the United States in the course of the present year; and if we are, a line must then be drawn by the warriors.”’

‘But this speech only forebodes hostility, — the intelligence which has been received this morning is, if true, hostility itself. The President of the United States has understood, through channels of real confidence, that Governor Simcoe has gone to the foot of the rapids of the Miami, followed by three companies of a British regiment, in order to build a fort there. . . .

‘Let me therefore inform you, Sir, that I have it in charge from the President of the United States to request and urge you to take immediate and effectual measures, as far as in you lies, to repress these hostile movements; — to call to mind that the army of the United States in this march against the enemy will not be able to distinguish between them and any other people associated in the war; — to compare these encroachments with the candour of our conduct and the doctrines you have maintained, and to admonish those who shall throw obstacles in the way of negotiation and tranquillity that they will be responsible for all the unhappy consequences.’

## HAMMOND TO RANDOLPH, 22D MAY, 1794.

(American State Papers, i. 462, 463. Enclosure in Hammond to Grenville, 25th May.)

. . . ‘Though I never can acknowledge the right of this government to require from me, so categorically as you have required it, an explanation of any measure emanating from the Governors of Canada, over whose actions I have no control, and for whose conduct I am not responsible, I am willing to admit the authenticity of the speech to certain Indian nations, to which you have alluded, and which you

have ascribed to the Governor-General of His Majesty's possessions in North America. But in order to ascertain the precise sense of the only passage of that speech to which you have referred, and of which you have given merely a partial citation, I shall quote the passage at length : " Children, — Since my return I find no appearance of a line remains ; and from the manner in which the people of the States move on, and act, and talk on this side, and from what I learn of their conduct toward the sea, I shall not be surprised if we are at war with them in the course of the present year ; and if we are, a line must be drawn by the warriors." — From the context of this whole passage, it is manifest that Lord Dorchester was persuaded that the aggressions which might eventually lead to a state of hostility had proceeded from the United States. And so far as the State of Vermont (to which I presume his Lordship principally alluded) was implicated, I am convinced that that persuasion was not ill-founded. For notwithstanding the positive assurances which I received from your predecessor on the 9th July, 1792, in answer to my letter of the 5th of the same month, of the determination of the General Government to discourage and repress the encroachments which the State and individuals of Vermont had committed on the territory occupied by His Majesty's garrisons, I assert with confidence that not only those encroachments have never been in any way repressed, but that recent infringements in that quarter, and on the territory in its vicinity, have been since committed. . . . In regard to your declaration that " Governor Simcoe has gone to the foot of the rapids of the Miami, followed by three companies of a British regiment, in order to build a fort there," I have no intelligence that such an event has actually occurred. But even admitting your information to be accurate, much will depend on the *place* in which you assert that the fort is intended to be erected, and whether it be for the purpose of protecting subjects of His Majesty residing in districts dependent on the fort of Detroit, or of preventing that fortress from being straitened by the approach of the American army. To either of which cases, I imagine that the principles of the *status quo*, until the final arrangement of the points in discussion between the two countries shall be concluded, will strictly apply. In order, however, to correct any inaccurate information you may have received, or to avoid any ambiguity relative to this circumstance, I shall immediately transmit copies of your letter, and of this answer, as well to the Governor-General of His Majesty's possessions in North America, and the Governor of Upper Canada, as to His Majesty's ministers in England, for their respective information.' . . .

## HAMMOND TO RANDOLPH, 7TH JUNE, 1794.

(Foreign Office, 'America,' No. 19. Enclosure in Hammond to Grenville, 9th June.)

'Sir,—Having in conformity to the assurance expressed in my letter of the 22d ult. immediately transmitted copies of that letter and yours of the 20th ult. to the Governor-General of His Majesty's possessions in North America, to the Governor of Upper Canada, and to His Majesty's ministers in England, I concluded that any further communication between us on the subject of those letters would for the present have been suspended. But as you have resumed the discussion at some length in your letter of the 2d inst. . . . it was incumbent upon me to reply in detail to the several points you have stated, and which you have been pleased to represent as "a train of recrimination against the United States," although, one alone excepted, I had merely collaterally adverted to them, as referring to the allusion of Lord Dorchester "to the conduct of this government towards the sea," and had expressly asserted that I was not disposed to urge them as general topics of recrimination. I must be permitted, Sir, to repeat that I can never acknowledge the right of this government to require from me, so categorically as you have required it, any explanation of measures pursued by *other* servants of the crown in *other* departments, over whose actions I have no control, for whose conduct I am not responsible, and with whom I have no other public connexion than that which results from the circumstance of our being employed in the service of the same master. . . .

'Your extract from Lord Dorchester's speech appearing to be a partial mutilated citation, inasmuch as it was not a detailed separate position, but a member of a sentence immediately connected with, and flowing from, parts which preceded it, I esteemed it proper to quote the entire passage. From this it is manifest that Lord Dorchester founded his expression, "that he should not be surprised if Great Britain was at war with the United States in the course of the present year," on his knowledge of the inhabitants of the United States, as well on the side of Canada as toward the sea. I therefore, Sir, cannot but imagine that "the sense of the Governor-General" is materially affected by the preliminary words: for certainly there is an evident distinction between the expression of an opinion that the conduct of the United States might continually lead to a state of hostility between them and Great Britain and the detached unconnected assertion that it would not be a matter of surprise to him if Great Britain should be at war with the United States in the course of the present year. With respect to your declaration that I had not contradicted your "assertion that Lord Dorchester fostered and encour-

aged in the Indians hostile dispositions toward the United States," I have no difficulty in confessing that, as those few words contain the whole of your assertion upon this matter, they really escaped my notice. Had I attended to them, I should certainly not have omitted remarking that I deduced from the whole tenour of the speech an inference different from your assertion, which can apply to those passages only of the speech wherein Lord Dorchester demonstrates his regret at the continuance of the war, and his concern that his hope of a pacification being effected had been disappointed, — or, to those in which he alludes to the infringement by American citizens on the territory occupied by His Majesty's arms. In none of these passages, however, has his Lordship expressed any personal sentiment relative to the origin of the Indian war, or to the causes that have hitherto retarded the restoration of peace, which can be construed into a disposition to impute more of blame in either case to one party than to the other. . . .

'With respect to your repetition of the assertion you advanced in your letter of the 20th ulto. of the Indians to whom his speech was addressed, having been *assembled* by Lord Dorchester's directions, that unless your means of intelligence are more accurate than mine I entertain a firm conviction that the information on which you have founded your assertion is totally erroneous. For I can assure you, Sir, that I have reason to believe that those Indians were not *assembled* by Lord Dorchester, but that the speech in question was an answer to a message brought by a deputation of Indians, who had proceeded to Quebec spontaneously, and unsolicited by his Lordship. This belief is farther confirmed by the second paragraph of the speech itself, — "Children, you have *informed* me that you are *deputed* by the seven villages of Lower Canada." I shall not, however, dwell on this part of your letter, as the passage of it to which I have last referred, connected with the succeeding sentence ["although it cannot be by any means believed that this was written in order to usher in the intelligence which soon after arrived of his speech, yet it is difficult to account for so long an interval under the circumstances supposed"], seem to convey an insinuation so unmerited, that I feel too much the respect that I owe to the Court which I have the honour of serving, and to my own character, to urge farther any argument which might be construed into a solicitude to refute it.'

LORD DORCHESTER TO MR. HAMMOND.

(Enclosure in Dorchester to Mr. Dundas, 21st June.)

'Quebec, 21 June, 1794. I was much pleased with the judicious manner in which you answered Mr. Secretary Randolph concerning

my reply to the Indians explaining our situation with the United States. You have put it in the power of every one, whose mind is not too much heated, to form a just estimate of his candour and moderation ; indeed, I think nothing can be added to what you have said on the subject.' . . .

LORD DORCHESTER TO MR. SECRETARY DUNDAS, 21ST JUNE.

(Colonial Office, 'Lower Canada,' vol. lxix.)

'Sir, I inclose a copy of my letter to Mr. Hammond in answer to the complaint of Mr. Secretary Randolph concerning my reply to the Indians, and our occupying a post near the Rapids of the Miami.' . . .

LORD DORCHESTER TO THE COLONIAL SECRETARY (DATED  
4TH SEPTEMBER, 1794).

'Yesterday evening I received a letter from Mr. King with a copy of yours of the 4th of June, and its inclosure purporting to be my answer to a message from the Indian nations assembled at the Miamis last fall. I have compared this with the copy in my office, and find it tolerably correct considering the hands it passed through ; one paragraph is omitted, and there are besides some few alterations, all of which I am apt to think were designed. I could have no doubt of the pacific and friendly disposition entertained by His Majesty's government toward the United States, nor of the Duty which this disposition imposed on me to act in perfect unison therewith, and certainly no private inclination excited a wish to the contrary.' . . . (But on his return to America he found the disposition of the States very different.) . . . 'In this condition of things it was impossible for me to give the Indian deputies hopes of peace, agreeably to their request in ninety-one, and I saw no reason to conceal from them my opinion on this head, nor on any other which so greatly interested them. I am now very sorry to add that hitherto I have not learned one circumstance which could authorize me to change that opinion.' . . .

Lord Dorchester offered his resignation, but the Duke of Portland pressed him to reconsider it (25th December).

The whole tenour of Portland's instructions to Dorchester, and of Grenville's to Hammond, was in favour of an early termination of the hostilities then existing between the United States and the Indian tribes.

LORD GRENVILLE TO MR. HAMMOND, 20TH NOVEMBER, 1794.

(Foreign Office, 'America,' No. 19.)

. . . 'I have in my separate Despatch taken notice of the Indecency of Mr. Randolph's repeated and public Insinuations that the Indian war had been promoted or encouraged by this Country. In addition to what I have there said, I have to observe that, even if the facts mentioned in one of his Letters on that subject had been true in the manner in which they are there stated, the Conduct of a few unauthorized individuals joining the Indians cannot be considered as affording any evidence of the intentions or instructions of the King's Government here or in America, any more than the numerous Acts of Hostility committed by Americans against this Country during the present War would prove the conduct or views of the American Government to be hostile toward us. In both Instances the dispositions of the two Governments may be friendly, and yet the acts of their subjects may frequently be at variance with these dispositions. The case is common between friendly Nations, and the remedy is no less so. The usual course followed on these occasions is well known and established by all Treaties. A State in such cases may either call upon the Government of a friendly Nation to punish Individuals if the crime can be proved against them, or may take the punishment into its own hands when the individuals are actually found in the commission of such Acts. But it requires the strongest evidence to authorize the imputing those acts to the government of another country. And in this instance no such evidence exists or could exist.' . . .

## CHAPTER IV

THE envoy was ready to depart by the 12th May, 1794, and he reached London on the 15th June. His instructions included three principal objects: compensation to American merchants for losses sustained through the British Orders in Council; a settlement of all outstanding disputes relative to the treaty of peace; and a commercial treaty.

Mr. Jay was cordially received by Mr. Pinckney, whose functions were understood not to be encroached upon by the appointment. Indeed, the President had expressly declared that his confidence in Pinckney was undiminished. And if this gentleman's dignity was a little overshadowed by the special mission, he admitted the necessity and importance of Jay's appointment, and embraced every opportunity of assisting him and rendering his stay in England agreeable.

The King at once commissioned Lord Grenville to treat with the new envoy. 'The sincerity and candour of the two negotiators soon led to a degree of mutual confidence that both facilitated and lightened their labours. Instead of adopting the usual wary but tedious mode of reducing every proposition and reply to writing, they conducted the negotiation chiefly by conferences, in which the parties frankly stated their views, and suggested the way in which the objections to those views might be obviated. It was understood that neither party was to be committed by what passed in their conversations, but that the propositions made in them might be recalled or modified at pleasure.'<sup>1</sup> Neither were the secretaries permitted to be present at these confidential interviews.<sup>2</sup>

<sup>1</sup> Jay's *Life*, i. 233.

secretaries were John Trumbull and

<sup>2</sup> Trumbull's *Life*, 177. These J. Bland Burges.

On some points it was found that perfect agreement was impossible. Concessions were made on both sides. On the question of the emancipated negroes Grenville was adamant: he insisted that the words in the treaty of peace were intended to secure the American inhabitants from further depredation, and not to entitle them to the restitution of property lost by the fortune of war. 'The negroes, at the time they were carried away, were no more the property of their former masters than were the ships, horses, etc., which had been taken in battle.' But the most desirable points were yielded. The frontier posts were to be evacuated at an early date; and trade with the West India Islands was to be permitted under certain limitations.

It was fortunate that Mr. Jay possessed full powers. He was enabled to carry through the negotiation without the interference and delay consequent upon reporting progress and asking for instructions. His despatches home contained hints as to the points he would have to concede, and the Secretary of State replied with his views and his interpretations. Jay was determined to make the best treaty possible, without fear of personal consequences to himself, and the thing was happily settled before any comments reached him. On the 19th November, 1794, the treaty was signed. The envoy wrote home to his friends in a spirit of confidence, tempered with the admission that he had done the best thing possible under the circumstances. He was prepared for considerable censure, whatever the result of his labours. But he had determined to conclude the business on admissible terms and as quickly as possible. He found the temper of the English people so friendly wherever he went, that he was determined not to hazard any changes in this genial disposition by such delays as would be incurred by waiting for and governing himself by opinions and instructions.

It is most significant, that Mr. Jay came to an England

and to an English people of which he knew little or nothing. It was all surprise to him, that the majority of persons were not only not inimical toward but really rejoiced in the growing prosperity of the United States. As for the King, and the ministers, there is no single sign during Jay's residence in London of anything but a disposition of entire good-will. 'I do not mean (he writes to President Washington) an ostensible and temporizing, but a real good disposition.' To Tench Coxe he writes, 'It may seem strange, yet I am convinced that, next to the King, our President is more popular in this country than any man in it.' To Ellsworth, 'Further concessions on the part of Great Britain cannot, in my opinion, be attained. The minister flatters himself that this treaty will be very acceptable to our country, and that some of the articles in it will be received as unequivocal proofs of good-will.' And to Washington, 'My mission was regarded as a strong proof of your desire to preserve peace, and the perfect and universal confidence reposed in your personal character excluded every doubt of your being sincere. . . . This government is not yet entirely convinced that a pacific and conciliatory system will be supported by the inclination and correspondent conduct of the great body of the people. Various circumstances, however, induce me to believe that the Cabinet ultimately determined to give conciliation a fair experiment, by doing us substantial justice, and by consenting to such arrangements favourable to us as the national interests and habitual prejudices would admit. To relax the navigation act was to alarm those prejudices, and therefore was a measure which required caution and circumspection, especially in the first instance. . . . To admit us into their East and West India dominions and into all their continental American territories, under any modifications, were decided deviations from their former policy, and tended to shock ancient prejudices. Yet

these things have been done. None but a strong administration would have ventured it. These are offerings to conciliation, and include (though not confessedly) satisfaction to our claims of justice.'

The envoy did not return to America immediately. Much as he wished to get home, his state of health compelled him to avoid the risks and discomforts of a winter voyage. But he had little reason to regret this. He made new friends in England, and had further opportunity of satisfying himself that he was under no delusion as to the amicable feelings of this country toward the United States of America. He does not express it in so many words, but it is clear (from his correspondence) that he felt his own people were committing an enormous blunder in holding an attitude of unquenchable animosity toward old England. While he remained in London, Jay's character and manners secured him the best attention in society, which was not diminished by the successful issue of his negotiation.

These were the leading points of Jay's treaty:—

A Board of Commissioners to be appointed, to adjust the questions arising from the captures of American vessels by British cruisers under the Orders in Council, and to award compensation for those which had been improperly seized;

Another commission to be formed, whose duties would be to enquire into the infraction, by the United States, of the treaty of peace, relative to the non-payment of British creditors,—their functions to extend likewise to the consideration of the recent captures of British ships by French cruisers in American waters;

The northwestern forts to be evacuated by the British by the 1st June, 1796, and a boundary commission appointed to settle the frontier line;

The West Indian trade to be opened for vessels of seventy tons and under, upon condition that the goods

should be imported into the United States only, and sugar, coffee, cocoa, and cotton not to be exported to other countries than Britain ;

Trade was granted with the British East Indian possessions on equal terms, and perfect reciprocity of commerce and navigation was agreed upon between the British Islands and the United States ;

A specified list of contraband articles was given ; and regulations were made as to privateering in the case of either country being at war with a third power.

The treaty reached Philadelphia on the 7th March, 1795, nearly five months after being despatched from London.<sup>1</sup> It was taken under consideration by the Senate on the 8th June. Between these two dates every effort was made by the Democratic party to prepossess the public mind against what were alleged to be the provisions of the treaty. Their objections were, really, to making any treaty at all with Great Britain. When its contents became known their rage was boundless.

After a fortnight's deliberation, during which period a solemn secrecy was observed,<sup>2</sup> the Senate of the United

<sup>1</sup> The reason of this delay was the capture of the *Tancarville* packet, carrying the November and December mails from England, by the *Lovely Lass* privateer. This latter vessel had been made prize of by the *Citoyen Genet*, and was fitted out in Baltimore, along with two other British captures, 'under circumstances of peculiar aggravation,' as Hammond says [28 April, 1795]. At this period, the complaints of the British envoy relative to the manning of privateers in American ports should have been made a *casus belli* by the British Cabinet. For, the complaints are not solely concerned with reporting illegal acts, but ex-

tended to the undisguised connivance of every class of American officials. Jefferson knew of these things, as also did Randolph.

<sup>2</sup> In spite of the precautions taken, some parts of the negotiation were occasionally published during their progress (Marshall, v. 523). It may be that Mr. Pinckney communicated somewhat too freely with his friends at home. He owns that Mr. Jay allowed free intercourse on the subject in London. But it was thought proper to refuse any communication on the topic with James Monroe, the envoy at Paris. As the latter had promised to the National Convention that he would convey to

States resolved to empower the President to ratify the new treaty, with the exception of the article relating to West Indian trade. But they could get no farther. Several days of indecision supervened. For, an outside public had to be dealt with. The entire Senate, and the President himself, wanted to hear the voice of this public: a voice that was already clamouring against a government suspected of monarchical designs: a public that looked upon all this mystery and secrecy as an intolerable usurpation of popular rights. A public, moreover, who were bursting with impatience to get a definite reason for their wrath.

At length, Randolph had instructions from the President to cause an abstract of the treaty to be published. The Secretary of State soon learned, however, that it had already appeared in the 'Aurora' that very morning (29th June), to which paper it had been communicated by one Mason, senator from Virginia.

There was neither indecision nor indistinctness about the public voice now. Every form of vituperation and indignity was heaped upon the head of those responsible for the situation. Town meetings were held in the principal cities, at which the most violent and exaggerated language prevailed. At New York the treaty was publicly burnt in the streets, by a mob flourishing the French flag. After the conclusion of the Philadelphia meeting a deputation paraded the streets, burning treaties liberally as they passed the houses of the English minister, of the consul, and of a senator who was known to have voted for ratification. Boston, Richmond, Baltimore, and other commercial centres, spoke with no uncertain sound.

them all the information he could about the London negotiation, it was made very unpleasant for him when he was found unable to reveal a word. Cobbett says [*Porcupine*, ii. 239] that a series of papers against the treaty was begun in the *Independent Gazetteer*, two days after its arrival in America, with the object of holding it up to public execration. These comments must have been purely speculative.

What, then, were the omissions of Jay, or his failures to accomplish the full spirit of his instructions ?

They were these : Impressment was a matter left untouched by the treaty. The emancipated negroes were left out of consideration. French goods in American bottoms remained liable to seizure. Contraband goods were henceforth to include the materials for equipment of ships, beside provisions, with the reservation that value was to be paid for those that were seized. The West India trade was only partially conceded. Mr. Jay having satisfied himself that there were two sides to one and all of these questions, and that he could honestly write home and say that he had made the best treaty possible under the circumstances, and that if this one failed he despaired of another : the envoy was entitled to all the honours invariably accorded by every respectable nation, in ancient or modern times, to the statesman who has solved an international dispute. For the present, however, they called him 'rogue,' and burnt him in effigy. The fundamental objection to the whole affair was the entering into any peaceable arrangement whatever.

President Washington felt the situation to be a very hazardous and anxious one. He dared not risk a misunderstanding with France. It was the most serious crisis which had occurred since he had been in charge of the Administration. France and England were as Scylla and Charybdis. From the one, unfriendliness certainly, hostility probably, might be anticipated, while there was no foreseeing the consequences of a rupture with the other. Washington nursed the French alliance, believing that country to be still a 'natural ally.' This sentiment was quite in common with that of a vast number of the American people, founded partly on their remembrance of the aid given them in the great struggle, and partly on the natural sympathy with their own recent emancipation

from priests, kings, and aristocracy. The circumstance that France was in the hands of a daring and cruel mob, and that her envoys were examples of impudence and indiscretion, does not appear to have impressed the Americans very deeply, even though their shipping was suffering terribly from French privateers. Indignation did not stoop to notice the outrages of a country which was menacing the peace and the welfare of the whole world. All this can only be accounted for by a consideration of the heterogeneous character of the American people. Besides numerous recent immigrants from France, Germany, Sweden, and other European countries, the old colonial element was being acted upon by an annual swarm of Irish malcontents<sup>1</sup> and of English refugees from justice and deserters from duty.

The event of the final decision upon the treaty was associated with an unexpected catastrophe.

Edmund Randolph did not disguise his antagonism toward England. He was a particular exponent of the idea, very extensively prevalent and immensely popular, that the English were constantly endeavouring to inflict petty annoyances on the States. His national resentment tempted him into some incivilities toward the English envoy, of which Hammond, bred in the decorous school of European diplomacy, did not fail to complain. One of these incivilities lay in the printing and publishing such portions of Hammond's replies to him as he chose. His official correspondence was marked with evasion, and Hammond rather angrily says in one of his despatches<sup>2</sup> that Randolph is 'of a disposition not to reject but rather to improve upon the prevarications and subterfuges practised by his predecessor.' Beside this, there was frequent

<sup>1</sup> In the summer of 1791 at least four thousand five hundred Irish emigrants landed in Philadelphia alone. (Consul Bond to Lord Grenville, 10 Sept.)

<sup>2</sup> 22 Feb., 1794.

connivance with the escape of Franco-American privateers. Other breaches of neutrality were perpetrated and excused by official forms.<sup>1</sup>

Now that the fate of the British treaty hung in the balance, Mr. Randolph offered the last obstacle to its ratification. Information arrived to the effect that the 'provision' order had been renewed, and Randolph insisted that the treaty should not be ratified unless that order were recalled. Hamilton wrote to Philadelphia, indignant at the news of the revived provision order, with views supporting those of Randolph. The President likewise recognized the objection, and a memorial from the government was drafted for the British Cabinet. But before this could be signed, despatches arrived from London which compromised Mr. Randolph in such a manner as to lead to his immediate retirement from the scene.

Certain despatches from the French minister, Fauchet, had been captured by a British cruiser, which found their way into the hands of Lord Grenville, who thought proper to forward them to Hammond for use at his discretion. In a letter to the National Convention, Fauchet had made statements and insinuations which, if true, would brand Randolph and other American statesmen with infamy. At this time of day no one has any doubt that Fauchet's accusations were alike reckless and baseless. But, at the period in question, all parties believed in Randolph's

<sup>1</sup> Hammond's reports and enclosures to Lord Grenville are a magazine of information on the trickeries and evasions possible to 'neutral' powers. He is always endeavouring to get redress for some breach of neutrality, as in such cases as these: During the short embargo in the spring of 1794, a French vessel, *l'Aimable Gentille*, obtained a passport to leave for St. Domingo, in ballast. She was presently overhauled by a British cruiser, when her ballast was found to consist of 150 barrels of gunpowder, besides ammunition and other stores. (H. to G., 3 Aug.) A 'French' privateer, *La Montagne*, of 14 guns, was taken by a British ship of war, which had been fitted out at Charleston. The crew was found to consist solely of natives of Great Britain, Ireland, and America! (H. to G., 5 Sept.)

guilt. And Mr. Hammond may be excused for believing that fresh proofs of Randolph's duplicity, in diminishing the Secretary's influence, would serve the interests of harmony between the two countries. When the President heard that Randolph was prepared to 'sell his country' and to betray his friends, he announced his immediate determination to ratify the treaty with Great Britain.<sup>1</sup>

It would not be just, however, to support the view held

<sup>1</sup> During Mr. Jay's negotiations with Lord Grenville, there were matters discussed between them concerning which we can, of course, never know the real truth. A distinguished writer of recent times has boldly ventured to add to the crimes of England the artful design on the part of the negotiators, of seizing the opportunity to degrade Randolph in order to secure the reception of Jay's treaty. (*V. Omitted Chapters in the Life of Edmund Randolph.*)

It is difficult for an Englishman to believe Grenville capable of the conduct ascribed to him, and quite impossible to accept all Mr. Conway's deductions. If we understand him rightly, Jay and Grenville planned together that Randolph's position should be rendered untenable and that Hammond should be recalled as soon as possible. 'The British Prime Minister had instructed Hammond, in case Randolph could not be turned from his course, to conspire with others for his downfall' (p. 260). On a careful reperusal of the Foreign Office Despatches ['America,' xix.], there are no proofs to be found of this. True, Lord Grenville expresses himself warmly about Randolph's animosity, and his diplomatic discourtesies (especially that of adhering to

the calumny concerning Lord Dorchester after its denial), and broadly hints that Randolph is endangering peace by his conduct; he further suggests that Hammond should 'converse confidentially with those persons in America who are friends to a system of amicable intercourse between the two countries,' so that Randolph may be convinced either of the necessity of changing his tone, or may be placed 'in a situation where his personal sentiments may not endanger the peace of two countries between whom I trust a permanent union is now established.' (G. to H., 20 Nov.) This is perfectly legitimate, that the removal of an obstacle to peace between two sensitive nations should be recommended by one of the diplomatists concerned. Doubtless Mr. Jay concurred in disapproving Randolph's conduct. But the apologist of Randolph is scarcely justified in the assumption that he was sacrificed either to personal malignity or to an affair of State.

The affair of the intercepted despatches happened many months afterward. False as was the imputation against Randolph, for the time being Lord Grenville may be excused for believing them a confirmation of the Secretary's duplicity.

by some popular interpreters that the ratification was precipitated by Randolph's mischance alone. It is not to be supposed that the discovery of one more intrigue, among the hundreds that abounded, would have very great weight either way. The President was conscious of an immense responsibility; with a great tide of popular feeling in motion, and the likelihood of its growing into alarming force. The ratification was completed on the 14th August, 1795, and Washington's decision was at once justified by events. The wave of public vehemence subsided, and the domestic concerns of the United States resumed their ordinary course. Affection for, and confidence in, the Chief Magistrate were again assured. More sober opinions concerning the merits of the treaty began to be maintained. Those who usually supported the measures of the government felt that a great stake in the country was established. The ratifications were exchanged in London, in October, 1795.

There is an American historian who boasts that Providence has always interfered on behalf of the United States when the nation was on the eve of a great blunder. In the present case, it is not yet clear to all American minds whether the British treaty was, or was not, salvation. It is certain that it was followed by a bound of prosperity throughout the country. The reflective historian would be willing to believe that Mr. Jay's much-abused treaty was the first practical sign that the United States had become an independent power. But it remains matter of dispute to this day. One party cannot forgive the provision order, 'which rendered it impossible to reciprocate the services France had rendered in the Revolution;' and upon this ground denounces the government which allowed this claim to be ignored. Others, because they would have to acquiesce in the acknowledged endeavour of France to entrap America into active support against the European coalition, have tacitly dropped this

grievance, and tell us that 'there probably never was any measure of President Washington's administration which admitted of a more complete vindication for its sound policy, its justice, and its advancement of the real interests of the nation.'

In process of time, commissioners were appointed to carry out the provisions of the treaty with respect to the defaulting creditors and the compensations due on account of the illegal prizes. The frontier posts were relinquished in due course, and in this perhaps the most troublesome thorn was removed from a bitter controversy. On this last matter, it is difficult to understand the extreme hostility of feeling which had animated the Americans, unless we recollect that so much of all their grievances was but sentimental. The forts were far away in the wilderness, and the temporary British occupation was an actual benefit to the States, in that the Indians were overawed and controlled by a disciplined power. Had these settlements been untimely evacuated, they would have been speedily lost. In 1796, the small Federal forces were inefficient for maintaining them properly. Their relations with the neighbouring Indians were always unsettled and dangerous. A proposal of Lord Grenville's, to create a belt of territory for occupation by the Indians between the British and American frontiers, could not be entertained, for several reasons. The expectations of immediately acquiring a monopoly of the fur trade were not realized, for the British merchants and traders had only to transfer their factories across a river or other boundary.

## CHAPTER V

MR. HAMMOND returned to London after Jay's treaty was disposed of. For his diplomatic career there was nothing but approval. His prudence and ability were specially remarkable in the manner with which he had foiled the agents of France, and the minister at home was greatly assisted by Hammond's vigilance in the anticipation of their intrigues. It was of the first necessity to nullify the endeavours to favour France at the expense of Great Britain, on a principle of good faith toward both England and the United States; and Mr. Hammond's success in doing so was recognized on all sides as soon as he reached home. He now became an Under Secretary in Lord Grenville's department. His official post in London continued to bring him into contact with American politics and politicians.

One of these more prominent men was Gouverneur Morris. On the arrival of James Monroe at Paris, in 1794, Morris had been heartily glad of the opportunity to get quit of the French people. After a short residence in Switzerland he came to England. He found that Mr. Jay had made himself universally liked in London, while Pinckney was regarded with some amount of distrust. Morris finds himself at dinner one day with a party of English 'jacobins,' who are 'really insufferable,' and he does not wonder that Mr. Pinckney gives offence by 'keeping such company.' He is welcomed as an old friend, goes into society, and makes a tour of England and Scotland. Grenville held a conference with him, discussing the politics of all Europe and America, in the course of which the former expressed an apprehension that the Americans were not so well-disposed toward

Great Britain as he had been led to imagine. Of course he did not know that Gouverneur Morris was one of those looked upon with suspicion by his fellow-citizens, as something of an aristocrat if not an actual secret partisan of monarchy. The King was habitually gracious to both Morris and Pinckney.

Another rising American statesman was in London at this period. This was John Quincy Adams, who had, as a youth, resided here with his father when the latter was minister from the United States. He was just now representing his country at the Hague, and was deputed to sign in London the ratification of Jay's treaty.

Adams's temper toward England and her ministers was different from Morris's. As he was a minute and conscientious diarist, there can be no mistake as to his sentiments. He seems to have entertained a particular dislike to Mr. Hammond, whose manner was very friendly, as was doubtless his real intention. Hammond mentions to him that there is some wish that Pinckney should go home, and that J. Q. Adams should take his place. Among a series of ill-humoured remarks, Adams writes, 'If I stay here any time, he will learn to be not quite so fond, nor yet quite so impertinent.' He regarded Hammond's intimate acquaintance with American politics and intrigues as in some sort an offence. There was, perhaps, some excuse for sensitiveness (although hardly for anger) at this, because when Hammond talked about the Virginians, — the Southern people, — the democrats, and so forth, it might be taken to imply that the States were by no means 'United.' Any appeal to Mr. Adams's sentiment or feeling was resented by him. Allied to this ill-temper was a suspicious habit. He lodges at Osborne's hotel in the Adelphi. Hammond recommends him to take lodgings in a private hotel, as being less noisy. 'Does he wish to have facilities for keeping spies over me, greater than my present lodgings give him?'

The evidence of this querulousness — which lasted to the very end — is not confined to his own diary. Gouverneur Morris notices it whenever they meet. He finds Adams deeply tinctured with suspicion, seeing ‘design in everything;’ and presently records that the people Adams has to do with are becoming ‘disgusted’ with his jealous temper and suspicious turn of mind. He writes (22d February, 1796): ‘Mr. Adams, who was with me this morning, in his wrath and indignation at the conduct of the British government, seemed absolutely mad. He breathed nothing but war, and was content to run into it at the hazard of our finances, and even of our Constitution. . . . I tell him, when he asserts that the Administration of this country means ill to us, that I think they only mean good to themselves, — excepting always two or three men who are personally vexed at our prosperity.’ Again, there is a birthday drawing-room at which all the world and Gouverneur Morris are entertained. ‘Both Pinckney and Adams were invited, but neither of them came.’

All this is so deeply to be regretted because of the grand opportunities that were missed. It lay with these public men to remove some of the difficulties existing between the two nations. It was greatly in their power to induce friendliness. For Morris it must be said that he did much to improve mutual relations. He succeeded in creating an impression in society that there was something remaining, in America, of the old aristocratic urbanity; that there was that which made it possible to recognize the cousinly relation. Thus we find that princes, and cabinet ministers, and others in whom were the destinies of England for the time being, could meet Mr. Morris on equal terms, and discuss the future of the United States with a calm and rational temper. John Adams had not been unsuccessful in English society; although he exhibited a too highly pitched idea of the relative importance

of his own country, and there had been a suspicious habit of mind in his dealings with the English Cabinet. But his son's unfortunate disposition interfered altogether with his power to appreciate the golden opportunity found in his hands. During six months in London he might have conciliated everybody; he might have rendered nugatory the ill-humour of Jefferson, the half-concealed dislike of Pinckney. But no: all in England was undervalued and misunderstood, especially everything connected with State transactions. Even the circumstance that Adams's mission in London was informal became occasion for refusing and resenting too close a confidence. He was mightily angered because the character of minister plenipotentiary was sometimes erroneously forced upon him.

The successor of Thomas Pinckney at the Court of St. James's was Mr. Rufus King, senator from New York, a successful lawyer, and a politician of moderate views. In company with Alexander Hamilton, he had warmly and exhaustively supported Jay's treaty while it was yet under discussion. His knowledge of commercial and maritime law placed him in the position of one who could guide those persons that listen to argument rather than to passionate declamation. No better selection could be made for the vacant post of minister to London. It was, also, Mr. King's personal wish to go, in the belief that he could thus render some public service. Just at this period, there was an unusually strong current of doubt in political circles of Philadelphia concerning several leading men who were suspected of hankering after a copy of the British Constitution. Any gravitation of opinion toward monarchical principles was publicly disavowed, however common it might be in private. Washington, and Hamilton, and King were among those men exposed to such misgivings; and the nomination of the last, as successor to Pinckney, gave fresh opportunity to innuendoes unfavour-

able to sterling republican morality. The essential thing to be considered, however, was the choice of a man likely to make himself agreeable to the British Court and people, and Rufus King was sent to London. The appointment justified his own anticipations ; and in the event gave him a title to be considered one of those who helped to raise the credit, and the national dignity, of the United States of America. From his despatches home it soon became evident that mistaken notions had all along been held concerning the British temper ; and that neither the people, the government, nor the King himself, had any disposition but to watch with admiring interest the progress of the United States.<sup>1</sup>

The new envoy to Philadelphia was Mr. Robert Liston. He arrived out in May, 1796, and was received amicably by the principal officers of State. His instructions breathed an entire confidence on the part of Lord Grenville that the misunderstandings between Great Britain and America were being reduced to a minimum. 'In every possible contingency (he wrote) you will give the most unqualified assurances of the sincere desire of His Majesty to carry into effect, on his part, every stipulation of the treaty, and of the concern which he would feel if any measures on the part of the United States should place him under the disagreeable necessity of withholding even for the shortest time the full execution of an arrangement calculated, as His Majesty trusts, to lay the foundation of personal union and harmony between the two countries.' That these good intentions were not fully realized was due

<sup>1</sup> 'Nothing can exceed the applause that is here given to our government, and no American who has not been in England can have a just idea of the admiration expressed among all parties of General Washington. It is a common observation that he is not only the most illustrious, but also the most meritorious

character that has hitherto appeared. The King is, without doubt, a very popular character among the people of this nation. It would be saying very much to affirm that next to him General Washington is the most popular character, and yet I verily believe this to be the fact.' (R. King to A. Hamilton, 6 Feb., 1797.)

to no fault of the English government. The conduct of the French Directory barred any prospect of harmonious relations. They threatened a special mission to America, backed up by a naval force, to remonstrate anew against the British treaty. A few months after his arrival, Liston found there was a scheme in actual preparation for a French reconquest of Canada. Neither of these designs came to anything, partly because of the unremitting diligence and patience exercised to render such schemes nugatory, partly because of the national volatility of character; perhaps also for want of money. Privateering was still found the best game to play.

Spain would have given some trouble but for her inferiority of power. Neither France nor England could be forgiven by her for their foothold in America. Both countries were suspected of designs on Louisiana and the adjacent territories. In one case, during the year 1797, there was some basis for misgivings concerning Great Britain, under these circumstances. It was discovered that one Chisholm had made overtures to Mr. Liston, and the latter had to endure a good deal of insult and calumny from the Spanish minister in consequence. It appears that a design was formed (in which Blount, a United States senator, was implicated) to seize upon Florida, which was believed to be ripe for independence. The idea of Chisholm was to 'restore' Florida to Great Britain, and he believed it to be an easy task if she would furnish some little assistance to the settlers. How Liston discountenanced the scheme is shewn by his excellent reply (dated 2d July) to the Secretary of State, when Pickering raised inquiries about it:—

. . . 'In the course of last winter some persons did actually propose to me a plan for an attack on the Floridas, and the other possessions of His Catholic Majesty adjoining to the territories of the United States.

'The general outline of the project was that the expe-

dition should be undertaken by a British force sent by sea, and seconded by a number of men resident within the limits of the United States, who I was assured would be willing to join the King's standard, if it were erected on the Spanish territory.

'I informed the projectors that I could not give any encouragement to a plan of this nature; and I particularly stated two objections to it,—the impropriety of any measure that tended to a violation of the neutrality of the United States, and the inhumanity of calling in the aid of the Indians, a circumstance hinted at in the conversation that had taken place on the subject.

'I conceived it to be my duty, however, to mention the business in my correspondence with my superiors, and I lately received an answer, acquainting me that His Majesty's ministers did not think proper to give any countenance to the project.

'You must allow me, Sir, to decline entering into any further particulars. On the one hand because, although I have all along suspected that the persons who proposed the plan to me might not improbably be employed by the enemies of Great Britain to endeavour with sinister views to insinuate themselves into my confidence,—yet, as these my surmises may be false, I should not be justified in betraying the secrets of men who have meant me well;—and, on the other hand, because, however loose the principles of these speculators may have been on the subject of the law of nations (as it regards the duties of neutrality), none of them, in their intercourse with me, ever expressed sentiments that were in any degree hostile to the interests of the United States.'

This business caused Liston considerable anxiety. The Spanish minister was offensive and calumnious. Yrujo was an open partisan of the anti-British faction in Philadelphia, and their opportunity was well served by the inauspicious incident. Liston succeeded, however, in

keeping up a good feeling with the American government; and, when a communication from London on the subject of Chisholm was shewn to them, no misunderstanding remained. The 'democratic faction observed with regret' Liston's successful endeavours to promote amicable relations between America and Great Britain. And he had the warmest approval from Grenville for the satisfactory manner in which he had met the demands of the United States government. Grenville further professed to be glad that the incident had occurred, because of the further opportunity of displaying the correctness of British principles.<sup>1</sup>

The British envoy had repeated colloquies with Mr. Pickering upon the very difficult question of the seamen. Liston proposed an additional article to the treaty, stipulating the reciprocal restitution of deserters. But they could not come to any decision, which is perhaps natural, seeing that a stout British sailor was one of the most welcome of immigrants. Once a 'citizen,' duly naturalized, it was maintained that he had the same rights with the native-born American, and ought equally to be protected from impressment.<sup>2</sup> All parties were increasingly annoyed by the activity of the press-gang in search of deserters, yet none had the courage to insist upon measures which would have reduced impressment in American waters to a minimum. The matter was further complicated by those cases, by no means few in number, in which American seamen had voluntarily entered the British naval service.

Some curious light is thrown upon this question in a letter received by Liston from Rear-Admiral William Parker, in command on the Jamaica station; from which is extracted the following extraordinary passage: 'For my own part, I am cautious in letting Americans, how-

<sup>1</sup> Grenville to Liston, 9 Sept.

<sup>2</sup> Hildreth, iv. 540.

ever much they may desire it, come into my ship, from their occasioning desertion and instilling improper ideas into the minds of the seamen; and this becomes now pretty generally the sense of the captains under my command.'

Now, there can be no doubt that a solid grievance could be established against British naval officers, upon very little basis or none at all, if a few American sailors could pursue this line of conduct. Enlistment, followed by disappointment and disgust at the severe discipline, succeeded by endeavours to seduce the British sailor from his duty, would be the consequential prelude to a complaint of forcible detention. No officer with a sense of what he owed to the service, and what was due to his professional reputation, could long endure such abuses as these.

When, at length, an American official — Colonel Silas Talbot — was sent to the West Indies in order to obtain the release of American seamen detained on board His Majesty's ships at that station, Mr. Liston gave him every aid, and suitable introductions; and he was received very politely. But, very soon after his arrival, the difficulty was found to be insoluble. He expected too much, and gave a far wider scope to the object of his mission than the admiral held to be just and reasonable. Sir Hyde Parker had succeeded to the command, and he found himself compelled to resist Mr. Talbot's demands; complying so far with the obvious necessity of the case as to issue a proclamation enjoining the officers under his command to cease enlisting any American sailors at all into the service.<sup>1</sup>

Robert Liston appears to have been generally acceptable to that section of the American people who desired good-will with foreign powers. He succeeded in accom-

<sup>1</sup> Foreign Office, 'America,' 33. L. to G., 30 Aug., 1797.

modating numerous minor difficulties as they arose. But his career was embittered by one matter which no effort of his availed to rescue from failure. This difficulty was the conduct of the commissioners appointed to execute that article of Jay's treaty which dealt with the British creditors.

Two gentleman from England, Messrs. Rich and Macdonald, arrived out in the summer of 1797, and two Americans were appointed to join them. A fifth commissioner was then chosen by these four, in accord with the treaty arrangement. Everything was ready for the duties of the board to commence. The envoy wrote home, cheerfully, announcing that operations were to be soon on foot, and that he had selected a young lawyer of some promise to represent the British claimants. But he was speedily disappointed. The Americans were not accustomed to yield ready justice to any British subject, especially in money matters; and the two commissioners, Messrs. Innes and Fitzsimons, entered upon their duties with an apparently fixed determination to yield to no claim whatever which could be resisted. Obstacle after obstacle, excuse after excuse, presented themselves to bar the demands of the unfortunate British creditors. They had begun by raising questions as to the construction of the sixth article itself. A delay of many months was occasioned by the illness of Mr. Innes, and by a new appointment on account of his death. Sitgreaves, the new member of the board, was still less disposed to assent to any proposals made by his British colleagues. Both he and Fitzsimons habitually withdrew from the sittings when any decision was imminent likely to be unfavourable to their views. Unfortunately, the members of the administration appeared unwilling to aid the commission by conciliatory instructions. One of their own judges had publicly insisted that 'national differences should not affect private burdens.' But they were impressed with the

fear that the total amount of the claims, if recognized, would be too enormous for the country to bear. Even of those persons well-disposed toward Great Britain, there were some to maintain it would be better to wage a seven years' war with her than to acquiesce in Mr. Macdonald's proposals.

These things went on for upwards of two years. At length Sitgreaves made some ground of offence at an opinion of Macdonald's, and refused to sit any longer at the board.<sup>1</sup> The commission was suspended, to Macdonald's great disappointment, who had entered upon the business with zeal, sanguine hopes, and entire candour. Grenville wrote gravely to Liston, expressing his regret that he had not been able to intervene, and prevent the suspension of the commission, by inducing the government to interpose its authority. But Liston was of opinion that the conduct of the commissioners was actually countenanced by the administration; that their mistaken views as to the scope of the British claims was a source of alarm which hindered them from dealing fairly with the opportunity of settling the vexatious question. He tells Grenville that his indignation at the conduct of the Americans is such that he can hardly speak of it with calmness. It is not surprising that he presently asked permission to return home.<sup>2</sup>

In the event, Mr. Sitgreaves was sent to London to confer with Rufus King as to a settlement of the British debts. It was proposed that the United States govern-

<sup>1</sup> Certain English judges were reported to have described the States as having been in a state of rebellion with respect to Great Britain, before the peace, and Macdonald quoted this, adding that he believed them to be right. On hearing these words, Sitgreaves announced that he held it his duty, as an American

citizen, to discontinue his attendance at a board where such sentiments were declared: he would not sit 'to hear the sovereignty of his country called in question.' (Enclosure in Liston to Grenville, 4 Nov., 1799.)

<sup>2</sup> Foreign Office, 'America,' 42. L. to G., Aug.-Nov., 1799.

ment should undertake the responsibility of these liabilities; and at length, in 1802, a convention was agreed upon by which the American government undertook to pay £600,000 in three annual instalments. This paltry sum was hardly a tithe of the real amount due to the British merchants. Ten years later than this, Parliament was being petitioned by the remaining creditors on account of large sums due to them.

Very different was the result attending the proceedings of the commission which sat in London, under the seventh article of the treaty, to dispose of claims arising from illegal or irregular captures of either American or British ships.

The English members of the board were John Nickoll and John Anstey; the Americans, Christopher Gore, William Pinkney, and John Trumbull. The last named, elected by the other four, was well known in London society. As an artist he had been in England some years previously, a friend of West, Cosway, and others. He acted as secretary to John Jay during the negotiations of 1794. He had also been a soldier, and a more or less successful merchant, so that his knowledge of mankind and his fitness for the post of umpire may be assumed.

Trumbull's account of the first difficulty which faced them is instructive. The British members of the board thought they could not sit in judgment, and reverse the decisions of the highest court of appeal; the Americans thought otherwise, and maintained that their decisions were to be solely in conformity with the law of nations and the principles of justice and equity, implying that there was no appeal whatever from their decisions. Trumbull leaned to the opinion of his fellow-countrymen. After some consideration it was agreed to consult the Lord Chancellor (Loughborough). An audience was asked

and obtained, all the members of the commission being present. The answer to their question was 'immediate and frank.' Lord Loughborough said: 'The construction of the American gentlemen is correct. It was the intention of the high contracting parties to the treaty to clothe this commission with power paramount to all the maritime courts of both nations, — a power to review, and (if in their opinion it should appear just) to reverse the decisions of any or of all the maritime courts of both. Gentlemen, you are invested with august and solemn authority. I trust that you will use it wisely!'

This board forthwith proceeded to its duties, and accomplished a great work, without any of those inharmious and indecent interruptions which characterized the doings in Philadelphia. But upon learning the suspension of the American commission, the British members of that sitting in London were withdrawn: the King, however, accompanying the order by careful declaration of his wish to fulfil his engagements under the treaty, and his intention to authorize the resumption of their functions on the part of the British commissioners. The suspension of the work was not of long duration. The board concluded its labours in 1804, after having adjudicated upon a great number of cases. Large sums of money were paid, on either side, in settlement. The American claims are acknowledged to have been most satisfactorily met; the total amount received from Great Britain, in indemnities, being estimated at £2,330,000 sterling.

## CHAPTER VI

It was natural that, upon the conclusion of peace in 1783, one consequence of popular sympathy with the revolted colonies would be a desire to know something of the interior condition of the States; of their natural productions; of social affairs, and the prospects held out to immigrants.

At first Englishmen were not drawn to the consideration of these questions in so great a degree as were the people of France, Germany, Sweden, and other countries of Europe. It is true, the stream of Irish emigration to America had long since set in; but it was not until the complex disturbances of men's minds evolved from discussion of the French Revolution had made it necessary for some to expatriate themselves, that Englishmen began to court the new republic in any great number.

The earliest European traveller who became a popular authority on the resources and prospects of the United States was Jean Pierre Brissot, the renowned Girondist leader. An immediate demand for his book ('New Travels in the United States, performed in the Year 1788') was raised in England. The translator boasts that Brissot had, by his publication, done a service to mankind, — since information about America had been hitherto 'corrupt, false, interested, and base,' and had been of that quality most probably for reasons of State, derived as it was from a few ministerial governors of provinces 'whose business it always was to deceive.' As Brissot was a fanatical anglophobe, the translation of his book thus fell into highly sympathetic hands.

There is a spirit of exaltation in Brissot, which cannot find faults and does not dream of failure in the objects

of his enthusiasm. His topic now being America, the Americans are the benefactors of the human race. 'You will see in these travels the prodigious effects of liberty on morals, on industry, on the amelioration of man.' He descants upon the simplicity of manners and the prevalence of virtue in the New World. He admires the free and independent tone of the Quakers. He notices the evidence of untiring industry which is so needful for developing a young country. And all is ascribed to their emancipation from a galling tyranny. That the ancestors of these people brought from England their industrious habits, and their love of industry and virtue, does not occur to his mind. On the contrary, his book is, in more senses than one, an attack upon England. To such an extreme is his hatred of this country indulged, that he says the Americans 'ought to detest the English;' and suggests that innovations be made in the language 'on a principle of philanthropy,' so as to aid in the gradual effacement of their origin. Notwithstanding these exaggerated sentiments, Brissot's work on America is very interesting and instructive. Together with the journal of his tour, much space is devoted to statistics of trade, and of the progress of settling in the country, and the prospects of manufacturing enterprise. For some years the book remained a source of information to enquirers.

Things were getting ripe for English enquirers. At the date when Brissot's work was published, the great convulsion of the eighteenth century was yet undreamt of; which should send forth a multitude of Europeans to found new homes in the New World. In 1788, the thoughts and the pursuits of peace were foremost in men's minds. The people of England, if they thought of America, were rather concerned in sending their manufactures thither than in transporting themselves. A year or two later, the warmest British sympathizers with the

French Revolution were far from anticipating that a wholesale expatriation of their fellow-countrymen would be one of the results flowing from that event. In 1792, all was changed : numbers of men, especially among the educated and prosperous classes of society, saw that their fortune and their personal liberty would be better served in a country where there did not exist restraints on extreme licence of public speech.

One of these was Mr. Thomas Cooper, of Manchester, a man of very superior talents and learning, who had studied law, medicine, and the natural sciences ; with an honoured social position, but with a recently acquired reputation for a 'seditious' person. He was one of a deputation sent with a congratulatory address, by the democratic societies, to the French National Assembly. Seeing the consequences which followed any one's making undue ostentation of his political sympathies with France, Cooper determined to go and see if America was 'a fit place to live in.' He left England in August, 1793, and, having satisfied his mind on that point, returned in the following year for the purpose of fetching away the remaining members of his family. Before leaving the second time, he printed 'Some Information concerning America,' in which he portrayed the advantages which the New World had to offer. The absence of extreme poverty, the comparatively good behaviour of the 'common people,' the great blessing of having a large family, and what he considered the superior form of government, were the recommendations he offered to his old friends at home. Cooper's settlement in the United States was justified by results. He became one of the colony settled around Dr. Priestley, at Northumberland, Pa. He was far too pronounced in his political opinions. Under the Libel and Sedition Act of the Adams administration, he suffered imprisonment and fine for an attack on the government. But he was a successful lawyer, and was made a judge ; and was after-

wards professor of chemistry at Dickinson College, Carlisle, Pa. He died in 1840.

A more interesting 'enquirer' of the period was Mr. Henry Wansey, a clothier and woollen merchant of Salisbury, who published 'An Excursion to the United States of North America in the Summer of 1794.' He was present in the Hall of Congress when Madison's retaliatory resolutions were being discussed. He breakfasted with George Washington, and had a talk with him over the woollen trade and manufacture. Dr. Priestley arrived out while Wansey was there. The younger Priestley had come in the preceding year, with a view to engage in the cotton manufacture. Wansey's notices of the various factories which had been started, in accordance with Hamilton's patriotic designs, shew these things not to have fulfilled the expectations of the projectors. They were too ambitious in design, and were already threatening heavy loss. Wansey's impression was that the country was, as yet, too thinly populated for manufacturing enterprises on any large scale. At New Haven, a woollen factory started by an English gentleman from Bocking, Essex, was being subsidized by the State. A cotton factory near New York, 'with all the new improvements by Arkwright and others,' was confronted by several difficulties: one of these being that the English workmen were dissatisfied, prepared to leave the factory as soon as they had saved up a few pounds, in order to become landholders of the country and to 'arrive at independence.' Wansey was evidently a sober-minded and cautious man. Inducements were held out to him to settle and begin the clothing business, but he did not perceive the advantages of such plan. He protests that recent accounts of the United States have been deeply prejudiced one way or the other: Cooper's tale he calls a 'puff.' His own journal is devoid of exaggeration, unless with respect to his extreme admiration of the form of government he found.

Further endeavours to instruct the Old World concerning the New included a ponderous compilation from Raynal, Brissot, and others, by the Rev. William Winterbotham, a worthy dissenting minister who thus beguiled the days of imprisonment on the State side of Newgate. To him America promises an asylum where 'they may almost say the wicked cease from troubling and the weary are at rest.'

Beside these publications was another which received more notice from the general public. This was Isaac Weld's 'Travels through the States of North America and the Provinces of Upper and Lower Canada, during the Years 1795, 1796, and 1797.' Weld is an intelligent and careful observer. The topographical descriptions, the personal adventures, the anecdote, are all vivid and excellent. But his story did not please the Americans, for he crossed the Atlantic 'strongly prepossessed in favour of the people and the country he was about to visit, and returned with sentiments of a different tendency.' The gradual process of disillusion is obvious to the reader. Not that Mr. Weld complains very much. He is not even querulous over the discovery that the blessings of extended liberty have been overrated. He extols everywhere the hospitality and the personal attentions he enjoyed. The personal discomforts he sometimes experienced are treated in an equable temper. And there is nowhere any trace of a tendency to depreciate things because they are not exactly to his mind. But he, unconsciously perhaps, lays bare a few matters which patriotic Americans would rather have had decently hidden from sight. Some of these things have a bearing upon events which have been treated in former pages of this work.

We have seen that, ever since the peace of 1783, the American politician nursed his wrath against the British government because of our retention of a few frontier posts, which were held, and intended to be held, until

there was some likelihood of the enormous private debts due to British merchants being settled. We have seen that absurd charges were made, of British attempts to inflame the Indian tribes against their unwelcome neighbours. The popular mind in America was taught that England chose these means of thrusting before it the proofs of her undying hatred and hostility. Few persons knew anything at all about these remote posts beyond the traders who coveted the rich supplies of furs, and the knaves who were making compulsory purchases of territory from the Indians at a nominal cost. Highly extravagant notions of the advantages withheld by the occupation of these isolated forts were entertained by the people of the United States, with the very slightest foundation in fact.

Mr. Weld had the advantage of frequent friendly intercourse with both American and British officers, and peculiarly favourable means of getting at the truth. He tells us that at Fort Oswego trade was carried on uninterruptedly by the people of the adjoining territories, notwithstanding the existence of the British fort and settlement. By the surrender of this place, nothing was gained by the Americans which they had not enjoyed before. At Fort Niagara there was considerable traffic in furs, but the town in which this trade was concentrated was on the British territory across the river, and the sole difference made by the evacuation of the fort was that a few merchants living within its limits crossed over to the other side. And there was no probability that more would be gained in the course of time, because it was easier for British traders to bring goods and return produce by way of the river St. Lawrence, than for New York merchants to do so by land across a half-settled region. The Indians were not likely to transfer their trade from the hands of the British, to whom they were really attached, and who could moreover afford to pay them much better than

the American traders. At Fort Detroit a town had sprung up ; but after the evacuation a new town speedily arose on the opposite side of the river. At Fort Michillimachinack, a remote spot at the extreme northern limit of Lake Michigan, the same result obtained : a better fort and a more suitable place for settlement and trade were founded on an adjacent island ; and, at the period of our author, there appeared no prospect that the trade with the Indians would be wrested from the British.

Another matter alluded to by Weld is the treatment of the British creditor. We can understand the mortification which would be felt by a Virginian of the time, and his efforts to minimize or excuse it, on learning that the system of repudiation was damaging the fine old seaport of Norfolk. Here is Weld's statement of the case : ' Norfolk would be a place of much greater trade than it is at present, were it not for the impolicy of some laws which have existed in the State of Virginia. One of these laws, so injurious to commerce, was passed during the war. By this law it was enacted that all merchants and planters in Virginia, who owed money to British merchants, should be exonerated from their debts if they paid the money into the public treasury instead of sending it to Great Britain. . . . The treasury at first did not become much richer in consequence of this law ; for the Virginian debtor, individually, could gain nothing by paying the money that he owed into the treasury, as he had to pay the full sum which was due to the British merchants ; . . . his credit would be ruined with the British merchants by such a measure, and it would be a great impediment to the renewal of a commercial intercourse with them after the conclusion of the war. However, when the continental paper money became so much depreciated that one hundred paper dollars were not worth one in silver, many of the people who stood indebted to the merchants in Great Britain began to look at the measure in a different point

of view ; they now saw a positive advantage in paying their debts into the treasury in these paper dollars, which were a legal tender. Accordingly they did so, and were exonerated of their debts by the laws of their country, though in reality they had not paid more than the one hundredth part of them. In vain did the British merchant sue for his money when hostilities were terminated ; he could obtain no redress in any court of justice in Virginia. Thus juggled out of his property, he naturally became distrustful of the Virginians ; he refused to trade with them on the same terms with the people of other States, and the Virginians have consequently reaped the fruits of this very dishonourable conduct.' It is satisfactory to know that, in 1796, after the ratification of Jay's treaty, the judges of the Supreme Court of the United States ruled that these debts should all be paid over again to the British merchant.

Weld does not appear to be unduly severe upon the American personal character. If he tells us of their inquisitiveness with strangers, their covetousness, their cruel dealings with the Indians and such of their neighbours as could be outwitted, their habitual spirit of dissatisfaction, the intolerable incivility of the menial classes, it is but a foretaste of what we have heard from later reports. Whenever he can speak favourably, he endeavours to do so. He marks the apparent growth of taste in the principal cities, and bears full testimony to the hospitality he experienced. But he does not entertain any purpose of revisiting the country, when the time comes to turn his thoughts homeward. Nor does he hold similar views to those of Thomas Cooper with regard to the prospects for immigrants. He ventures to recommend Canada as, in many respects, a superior country for the settler coming from England. Morality and good order (he says) are much more conspicuous amongst the Canadians of every description ; drunkenness is much less

common, and political and religious animosities are at a minimum.

Mr. Weld notices that the people of Philadelphia were getting somewhat gayer than of old. Public amusements were now permitted; dancing assemblies and concerts were sometimes held, and there were two theatres and an amphitheatre in the city. The performers were mostly from Great Britain and Ireland. One of these, a Mr. Priest, has left an account of his professional tour (London: 1802). He found the Philadelphians very fond of theatrical representations. Without displaying any general partiality for men and things American, nor, indeed, making many comparisons, he tells cheerfully of the hospitality and kindness of the townsfolk. He soon finds that the art of overreaching your neighbour had attained high perfection, and owns to have delivered himself somewhat freely, on occasion, as concerning the national worship of the Dollar. He likewise considers that Thomas Cooper had recommended emigration to America with more enthusiasm than judgment.

Mr. Priest makes mention of the practice pursued at some immigrant ports of cargoes of passengers being sold on their arrival, for terms of years, to pay their passage money. This would be hardly credible were it not supported by abundant testimony. Besides Irish, great numbers of Dutch and German emigrants were brought every year from the Hanse towns and from Rotterdam. Weld's statement on the point is plain and circumstantial: 'The vessels sail thither from America, laden with different kinds of produce, and the masters, on arriving there, entice on board as many of these people as they can persuade to leave their native country, without demanding any money for their passage. When the vessel arrives in America, an advertisement is put into the paper, mentioning the different kinds of men on board, whether smiths, tailors, carpenters, labourers, or the like,

and the people that are in want of such men flock down to the vessel; these poor Germans are then sold to the highest bidder, and the captain of the vessel, or the shipholder, puts the money in his pocket. Thousands of people were brought from the north of Ireland, in the same way, before the war with France. . . . When I tell you that people are sold in this manner, it is not to be understood that they are sold for ever, but only for a certain number of years; for two, three, four, or five years, according to their respective merits. A good mechanic, that understands a particular kind of trade for which men are much wanted in America, has to serve a shorter time than a mere labourer, as more money will be given for his time, and the expense of his passage does not exceed that of any other man. During their servitude these people are liable to be resold at the caprice of their masters . . . if they attempt to run away they may be imprisoned like felons. The laws respecting *redemptioners* (so are the men called who are brought over in this manner) were grounded on those formed for the English convicts before the Revolution, and they are very severe.'

Great numbers of persons crossed the Atlantic every summer, lured by the prospects held out to emigrants. The Irish continued to pass over in thousands, some of them continuing the civil occupation to which they had been educated, and arriving at fortune or other worldly eminence. Their presence in New York and Philadelphia, and in other large towns, added immensely to the anti-British sentiment. It would be a very interesting enquiry to follow the fortunes of some of these men, successful as lawyers, soldiers, merchants, in their adopted country: a corresponding loss to their own unfortunate native land. Many of them persisted in their fatal taste for politics. There were others to whom expatriation taught prudence; who left such matters for cooler heads, or only meddled again at periods of unusual national

impulse. For example, there was a nephew of Robert Emmet, bearing the same name, who became a judge of the New York State Court. At the time of the contemplated Irish insurrection of 1848, he was one of the Directory formed in New York with the object of aiding the scheme. One of the more notable townsmen of Philadelphia for upwards of fifty years was Mathew Carey, a printer, who had quitted Dublin after an imprisonment for libel. He started a newspaper, the 'Pennsylvania Herald,' and subsequently a bookselling and printing business, and flourished as a vigorous democratic pamphleteer. One of his productions was a bulky affair on the wrongs of Ireland. But, as Carey advanced in life, he settled into quiet and useful citizenship, devoting himself indefatigably to measures of social welfare. The old publishing business is still represented in Philadelphia.

Another Irishman of note, in compulsory exile, was Archibald Hamilton Rowan. He was very early recovered from the illusory expectations he had formed. The country, he said, was a heaven for the poor and industrious, but a hell, compared to any part of Europe, for any other rank of society: 'a fine country for those who can plough and dig, but even they must take care to avoid the harpies who await their landing, and must immediately dash into the country.' The climate, the disgusting manners of the people, the state of society, the 'pride of wealth and ignorance,' were unbearable. Dollars were the grand object of life. 'The American youth are the most ill-behaved I have ever met with, not to say ill-natured, and they do not improve much when they come to be men.' Rowan carefully avoided politics, notwithstanding the many temptations which lay in his way through the presence of former associates. He was near being embroiled on one occasion, when a hot Democrat brought forward his name in connection with a certain anti-British demonstration, and Cobbett gave it publicity

in his ferocious way; but, by an appropriate remonstrance, Rowan succeeded in closing the incident. As he declined to take up naturalization when the Alien Bill became law, he returned to Europe, and presently received a free pardon and the restoration of his estates in Ireland.

Of the Englishmen who settled in America, the most part were content to begin life again without holding aloft their political grievances. Even Dr. Priestley, who had suffered beyond measure for his advanced opinions, — who might have nursed his wrath if any one were justified in doing so, — even he declared that having been born an Englishman he would die one. He never was naturalized, although he advised his sons to become American citizens. Dr. Priestley was quite a convert to republican principles. He had satisfied himself that there were better sources for the prosperity and happiness of the greatest number in his adopted country: but it was not for him, nor for others in like situation, to revile their native land nor its government; although it had been supposed necessary, in time of panic, temporarily to control freedom of speech.

An example occurs, in the case of James Thomson Callender, of one emigrant from Great Britain who became notorious for a wrong-headed journalist. He was a refugee because of a rubbishing but malevolent pamphlet ('The Political Progress of Britain'), published at Edinburgh, full of stories of the irrevocable past, which any schoolboy might have compiled. He obtained Jefferson's public approval of the thing, reprinted it, and found himself a celebrity. Eventually he started in Richmond an anti-Federal newspaper, and got into trouble for violent language used toward his original patrons, the Jeffersonians. A deserved obscurity hangs over Callender's later years.

The striking career of William Cobbett, during his

residence in America, was rather the product of accidental circumstance than the outcome of any plan. He was neither a refugee pamphleteer nor conspirator, nor a man of advanced views disappointed in his efforts to propagate them upon an inadaptable soil. He was so far advanced, however, in 1792, as to believe that the denial of justice which he had experienced in England was impossible in a republican country. A few months in France having dispelled his illusions concerning her new government, he sailed for America. At Philadelphia he occupied himself in teaching English to some of the French emigrants and in translating for the booksellers.

A superlatively active mind like Cobbett's could not go on for very long in this mode of life. And Philadelphia was a place where few minds could remain inactive. We may look round the whole world of that period, and find very few cities in which the manifold tempers of men were being put to the proof as they were in Philadelphia. It was the political centre of the United States. During the session of Congress the city emulated Paris and London in point of gaiety. All political cries and grievances were heard there, in many tongues. Quakerism was breaking down, except as regarded its mercantile genius; and the pleasures of life were beginning to modify habits and social customs. The port was busy enough in spite of odious British maritime domineering. Besides, — which is a certain token of prosperity, — the printers and booksellers were flourishing, with pamphlets and newspapers galore, and abundant reprinting of English and French literature.

Cobbett's disillusion as concerning democratic modes of government, begun in France, was complete in Philadelphia. Although a champion of liberty and of popular rights to the end of his days, he eschewed republicanism for ever. The intense antagonism toward England which was displayed everywhere around him, alongside of the

absurd and violent domestic party struggles, doubtless caused him to reflect that ignorance, as much as discontent, had a large share in the profession of democratic principles. His first published essay arose from a jealousy of the honour of his native land on finding that she had no defender in the American press. His ultimate renown as an anti-democratic journalist he ascribes, probably with great justice, to that affection for England which was still alive in the bosoms of all the better part of the people, who only wanted the occasion and the example openly to express their sentiments in defiance of the misrepresentations so long in circulation.

It began in this wise. A French pupil one day brought to Cobbett a copy of the paper from New York, containing certain congratulatory addresses to Dr. Priestley on his arrival. The Frenchman did not disguise his glee at the accompanying invectives against England, and a dispute between teacher and pupil ended in the former resolving to write and publish a pamphlet in defence of his native country. He had acquired an astonishing power of expressing himself racily and warmly in good sound English; and his task was soon completed, under the title 'Observations on Dr. Priestley's Emigration.' The discovery that he could write, and write to the purpose, resulted in the production of other pamphlets. In 1796, he opened a bookshop and printing-house, and began a daily newspaper, under the title 'Porcupine's Gazette,' which soon became the leading Federalist paper in Philadelphia. Porcupine was reckoned the ablest writer on that side.

The fame of the new writer swiftly sped across the Atlantic. When it was found he was an Englishman, admiration developed into calculations as to the possible value of his services to the ministry at home. But he lived independent of subsidy, or of any other patronage beyond that of his readers. Among the numerous imputa-

tions on the resident British minister was that of publicly paying for pamphlets 'containing insults and calumnies against the French Republic and her agents.' Mr. Liston thought proper to notice and to disclaim this charge, in a despatch homewards,<sup>1</sup> and to assure him that the author of the pamphlets was prompted solely by 'attachment to his country and zeal for good order and government:' alluding to him as a native of England, a man of uncommon ability and strength of mind, who had for some years past pleaded the cause of Great Britain, defended the government of the United States, and attacked the French Revolution and its partisans with equal spirit and success.

As a matter of course, Cobbett's enemies were numerous and vindictive; comprising, as they did, the entire democratic section of the public. At length, the Spanish envoy at Philadelphia instituted an action against him, for 'libelling' the King of Spain. This prosecution failed; but a second action, brought by Dr. Rush of Philadelphia, who had been ridiculed by 'Porcupine' for his novelties in the treatment of yellow fever, had more serious results. Cobbett's affairs were so far deranged, and his business prospects in Philadelphia so damaged, that he left the city and tried to reëstablish himself in New York. The attempt was not successful; and, after a few months, he determined to return to England.

There are many surprises in store for the reader of American history. By no means the least is the circumstance that it was thought necessary, at any period, for the government to protect itself against 'aliens.' Such was the case in the year after George Washington's retirement. John Adams was now President. The country was alleged to be swarming with 'spies and secret agents, foreign emissaries, fugitives from justice' from England,

<sup>1</sup> Foreign Office, 'America,' 37. Liston to Grenville, 25 June, 1798.

France, Ireland, Germany. With the prospect immediately threatening of a war with France, the great voice of French sympathizers in the States was a source of sincere disquietude. Yet it is difficult to understand how the Federal administration could suspect such danger as to justify the resort to legislation against aliens. In the event, it thoroughly discredited the Federalist party, and helped to bring their opponents into power.

It was in July, 1798, that the Alien and Sedition Acts were passed. The President was empowered to order all such foreigners as he should judge dangerous to the peace and safety of the United States, or should have reasonable grounds to suspect were concerned in any treasonable or secret machinations against the government thereof, to depart out of the country within such time as should be expressed in such order, — the penalty in case of disobedience being imprisonment for a term not exceeding three years. The Sedition Act was directed against opposition to measures of the government, and ‘impeding the Executive.’ Penalties were also enacted for false, scandalous, and malicious writings against the United States or the Executive power.

Among those who were disturbed by the publication of these enactments were Rowan and Priestley, neither of whom wished to become naturalized citizens. The former was anxious to get home again to his family and estates. Dr. Priestley continued to regard England as his country, while preferring to reside in America. Priestley had to endure a good deal from Peter Porcupine, who, in common with other Federalists, regarded him as an alien. In consequence of this attitude, he solemnly raised the question as to his position under the act, in a series of ‘Letters to the Inhabitants of Northumberland,’ in which he called attention to his peaceful pursuits and his entire abstention from party politics. But neither of these gentlemen were in any danger. The only effect of the Alien

Act was to institute a temporary panic among the French party, under which a number of French residents, including the philosopher Volney, shipped off at once to their native land; and to inflict a check upon French immigration. The sedition law was enforced against only a few persons of Callender's class. 'The whole scope and object of these laws was to rid our nation of a set of spies, with whom the intriguing policy of France fills every country she wishes to subdue,' according to a well-known Federal writer of the day. Without doubt some such means were necessary for the moment: if they are characterized as obnoxious and reactionary, it is by that party which was not in power and was not confronted with the unfortunate necessity of meeting the case with some sort of vigour.

## CHAPTER VII

It is abundantly clear that the attitude of France operated powerfully against the existence of cordial relations between Great Britain and the United States. A traditional sentiment in favour of 'their ancient ally' naturally held with the latter. The support in the war of Independence, which the colonists had enjoyed at the hand of France, was not likely to be forgotten, since not only the agents and emissaries of that nation, but likewise the Gallican sympathizers at home, based their pretensions to close alliance upon the abiding recollection of it. Those were not few in number who avowed that the Americans owed their independence to France. Perhaps no one would be unwilling to concede that point. All the world knows the scheme by which the government of Louis XVI. hoped to reëstablish their influence, if not their power, upon the American continent. The secret treaty of 1778, of 'amity, commerce, and defensive alliance with the United States,' gave to the French a renewed foothold across the Atlantic. Their final expulsion by the British, fifteen years previously, took from them the expectation of any shred of empire being reserved for them on the American continent. But the revolt of the colonies presented to the French government a new opportunity: of humbling their ancient foe in the rebellion of her own offspring and in active support of that rebellion, beside the contingency that an alliance thus begun would render the American States more or less a dependency, in view of future conflicts with that foe. The event proved the sagacity of the advisers of Louis XVI. And were it not for the arrogance of the Directory when their turn came, and of Buonaparte when his turn came, the political rela-

tions of France with the United States might have become more permanent.

If the leaders in the French Revolution succeeded in upsetting everything in their own country, they did not obliterate all their oldest traditions. Of these, that of Anglophobia survived. That sentiment grew in intensity with the progress of events. Transplanted in another soil, it grew still more malignant and unreasoning. Spouters from the Paris clubs brought their hatred of England with them across the Atlantic, and spouted anew in democratic societies composed of the riff-raff of American townfolk. The natural result of this was that a large number of the people were actually engaged in a covert warfare with Great Britain. Unfortunately, this unconcealed animosity was not confined to the heated multitude. Men calling themselves statesmen were betrayed into acts which a friendly partiality for France could not justify. They refused or neglected the manifest tokens of good-will on the part of England, and condoned the most impudent and outrageous conduct at the hands of the French people and their agents.

But Nemesis awaited them. While the Americans were toying with French anarchists in the hope of humiliating Great Britain; while they were openly discussing and discounting her probable downfall, they were preparing for themselves one of the grossest humiliations which a nation can endure at the hands of another.

Mr. James Monroe had been sent as envoy to Paris in place of Gouverneur Morris. He arrived there a few days after the ninth Thermidor. The Terrorists were disposed of, and the National Convention was beginning to breathe freely once more. They could now, among the multitude of projects, consider more seriously their foreign relations. Of their allies across the Atlantic they did not fail to take account.

And they had reason for some concern at the doings of

their good allies. About the time of Monroe's arrival it became known that Jay had been despatched to London on a peaceful errand: at the very moment when they were hoping to drag the United States into the European conflict. They were more than uneasy at this piece of news; and on the appearance of Monroe were not, at first, quite certain how to deal with him. His credentials were offered in vain. They learnt, however, that Monroe was a sympathizer with their Revolution; and having, at length, written to the Convention announcing his arrival as the 'representative of their ally and sister republic,' that body decreed that he should be publicly received into their bosom. A momentary but intense fervour was displayed. Nice speeches were made; a fraternal embrace with the President followed; and the envoy was offered a residence at the public expense. The flags of France and of the United States were ordered to be suspended together in the hall of the Assembly.

Monroe soon found himself in difficulty. His instructions included an assurance of entire concord between the two countries, and, that the Jay mission to London had simply the object of settling some outstanding differences with Great Britain. Any imputation of a wish to sacrifice the French alliance to any connection with Great Britain was to be repelled with firmness. Monroe's special objects in negotiation with France were compensation for illegal captures at sea and repayment of outstanding advances. But instead of offering to pay old debts, the Convention wanted more money, and presently asked if the United States would grant a loan of five millions of dollars, — the avowed need of it being that of pressing the war against England. In disregard of his instructions, which expressly stated that 'aids in men and money' could not be given to France, Monroe was weak enough to support this demand, and even to encourage expectations that it would be acceded to. This was very fine for the minister of a neutral nation!

As for the mission to England, Monroe was absolutely at sea when called upon for details. He appealed to Jay for information. But between these two men there was little or no political understanding: and, as Jay had no wish to be disloyal either to Great Britain or to his own country, he could not see his way to making a confidant of Monroe while the negotiations were pending. Distrust grew into uneasiness on the part of the French authorities, and uneasiness into freely expressed dissatisfaction, when the British treaty was known to be complete and a copy of it could not be obtained by the American minister in France. This, together with the disappointment over the 5,000,000 dollars, put an end to further negotiations.

In process of time, Monroe received intelligence from Pickering that the treaty was ratified; the announcement being accompanied by sharp and earnest comments on 'the predilection manifested toward France by men who forgot they were citizens of an independent State.' Monroe's position was really pitiable. The reproaches of Pickering might be swallowed, as the words of a jealous and rival politician. But those of the French Directory were very swords. They asserted that the nation had been treated with duplicity and injustice, and that the conduct of the United States government evinced a settled adhesion to England and a settled hostility to France. And they presently intimated to the unhappy envoy that they considered the Franco-American alliance at an end the moment the British treaty was ratified. In the first heat of passion it was resolved to suspend the functions of the French minister to the United States, and to despatch a special envoy to express the deep displeasure of the Directory at the conduct of the American government. They were induced by Monroe's representations to desist from this harsh proceeding.

The failure of Monroe to improve their relations with France drew upon him the censure of the American gov-

ernment. It was, however, their own concern in sending for envoy a man whose strong partisanship rendered him an unsuitable agent for so delicate a mission. The insolence they had been accustomed to, from the French Convention and her agents, might have warned them to make an earlier display of independent spirit. It was too late, in 1795, for President Washington to write to Monroe conveying his 'decided opinion that no nation had a right to intermeddle in the internal concerns of another.' As a matter of course, the Directory took fresh offence on learning that Monroe was recalled from his post. They alleged that it resulted solely from his friendly disposition toward their country. Personally he was acceptable rather than otherwise. When they parted it was with some effusiveness, Barras solemnly telling him that the French Republic expected the successors of Columbus, Raleigh, and Penn, always proud of their liberty, would never forget that they owed it to France!

General C. C. Pinckney, elder brother of the envoy in London, was appointed as the new minister to France. Upon hearing this, the Directory informed Monroe that they would not acknowledge nor receive another minister plenipotentiary until after the redress of the grievances declared against the American government. On Pinckney's arrival, his efforts to get some sort of recognition were evaded. The official who communicated with him at length silenced his importunities by referring him to the minister of police. He waited in Paris, however, in spite of implied threats of imprisonment, until official notice was given him to quit the territory of the republic. He then retired to Amsterdam.

The election of the second President of the United States was the occasion of a new offence to the sister republic. Jefferson was not the chosen one, having received fewer votes than John Adams. This incident 'snapped the last bond of confidence between France and the United

States' (according to one of Jefferson's biographers). Wolcott says that many persons voted for Jefferson because his election was necessary to prevent a rupture with France. The prompt action of the Directory, on hearing the news, evinced the depth of their feelings. A decree was issued immediately, to the effect that the treaty with the United States had been modified by Jay's treaty with Great Britain. In consequence of this, enemies' goods in neutral vessels were declared to be lawful prize; furthermore, every seaman on board a vessel belonging to the enemies of France was to be regarded as a pirate, including even Americans who might choose to hold any commission with them.

President Adams now saw that a serious misunderstanding with France was inevitable. Unless the States could give unmistakable proof of their independence, war would probably ensue. The armies of the Directory were in the full tide of victory at this period; and the prospect of their being presently directed to the shores of North America, and possibly entering on a career of conquest and annexation, was very unwelcome. It was necessary, therefore, to consider plans for the defence of the country, in view of eventualities. Congress gave a ready assent to proposals for organizing the militia and of preparing the nucleus of a naval force.

But the democratic party in the United States having to be counted with, some of whose members actually went so far as to justify the conduct of the French Directory toward General Pinckney, it was determined to make yet another diplomatic effort in the cause of peace. A new mission was sent to France, consisting of Elbridge Gerry (a democrat), John Marshall (federalist, a soldier of the Revolution, and later a distinguished judge), and General Pinckney. The envoys reached Paris in October, 1797.

But the Directory behaved worse than ever. To the

dismay of Adams, despatches came from the envoys complaining of the gross ignominy with which they were treated: how they were refused an audience, and how three informal agents were employed to intrigue with them. And these three were 'nobodies,' whose individuality was kept secret and only indicated by the initials X, Y, Z. Their plain demand of the envoys was *money*. If they would obtain a loan of at least 20,000,000 dollars, the Directory would then take into consideration the American claims for compensation; otherwise, the depredations might go on unrestrained. And these were indeed depredations. According to a recent report presented to Congress, there were scheduled 308 illegal captures by French ships between October, 1796, and June, 1797.<sup>1</sup> Alternate threats and cajolery, with the obvious design of making the United States active parties in the European war, were applied to the American envoys, until they were compelled to relinquish their errand in despair. Pinckney and Marshall returned home. Gerry remained, under a tacit permission from the Directory. There was a secret hope that he might yet be wheedled into some terms. Indeed, his colleagues seem to have suspected him of a willingness to suit the wishes of France. But, by return of mail, Gerry had peremptory orders to return to America, and 'turn his back on a country that had treated him with contempt.'

<sup>1</sup> The behaviour of the French toward 'neutral' nations was not permitted to escape some adverse criticisms at home. In December, 1797, the question of privateering was under discussion in the Council of Five Hundred, when Pastoret made this extraordinary declaration: 'Our agents at St. Domingo announce to the Minister of Marine that, having no other financial resources, and knowing the unfriendly dispositions

of the Americans, they had, to avoid perishing, armed privateers; that already 87 corsairs were at sea; and that for three months the administration had subsisted, and individuals had become enriched, by the produce of their prizes. . . . It is astonishing to hear the French government accuse the United States of hostility when, without a declaration of war, they are capturing all their vessels.'

Thus was accomplished that severance of American and French interests which destroyed any prospect of a participation of the United States in the European war. France had supposed that the differences between England and the States were insoluble; that their mutual resentments were far too deeply rooted for amelioration. Instead of obtaining the coöperation of America in the endeavour to humiliate Great Britain, she now discovered that her 'ancient ally' was anticipating an early beginning of hostilities with herself; that active preparations for war were afoot; that the venerable Washington had accepted the post of commander-in-chief; and that anger at her presumption had at length begun to penetrate the body of her friends and apologists.

The wily Talleyrand perceived the import of all this. He managed to keep open some sort of negotiation. President Adams gave way, and nominated a new mission to France. After months of delay, the envoys (Murray, Ellsworth, and Davie) reached Paris to find the Directorial government overturned, and Napoleon in power as First Consul. The Dictator received them amicably and respectfully. He knew better than his predecessors in authority the immense value of an American alliance, and he had reasons of his own for cultivating it. The ensuing negotiations proceeded intermittently, more than once on the point of being closed without result. The three envoys stuck manfully to their instructions. At length a convention was agreed upon, of a temporizing character (30th October, 1800), which was intended to secure indemnities for spoliations of the shipping trade, and to establish precautions for preventing breaches of neutrality.

The United States of America may be said to have become independent of France, after the period of these occurrences, by the acquisition of Louisiana.

In April, 1802, Lord Hawkesbury learned from the

American minister that Spain had ceded to France the provinces of Louisiana and Florida, and that France would thus become interested in the navigation of the Mississippi. By the treaty of 1783, this important river had been declared open and free for ever to the subjects of Great Britain and the citizens of the United States. The British Cabinet were fully alive to the importance of this affair. In reply to Mr. King, Lord Hawkesbury observed that the event was highly interesting to His Majesty and to the United States, and that it would be more necessary than ever that there should subsist between the two governments a spirit of confidence. He thought there could be no possible pretext, on the part of the French, for excluding British or Americans from the navigation of the Mississippi. He further informed Mr. King that no communication whatever, either from France or Spain, relative to the proposed cession, had been received by His Majesty.

Meanwhile, a bargain was on hand in Paris, where Livingston and Monroe were on mission to the First Consul. It ended in the sale of Louisiana to the United States. The measure had its attractions for both sides; but, in truth, the French Emperor was badly off for money. After a decent pretence of negotiation, the benefit to both parties appeared so obvious that the question was soon reduced to a chaffering over the amount to be paid. The price was at length fixed at fifteen millions of dollars.

On learning from Rufus King the news of the sale of Louisiana to the United States, the British Cabinet hastened to congratulate him, and to renew their expressions of good-will toward his country:<sup>1</sup> 'I have received His Majesty's commands to express to you the pleasure with which His Majesty has received this intelligence, and to add that His Majesty regards the care which has been taken

<sup>1</sup> Hawkesbury to King, 19 May.

so as to frame the treaty as not to infringe any right of Great Britain in the navigation of the Mississippi as the most satisfactory evidence of a disposition on the part of the government of the United States, correspondent to that which His Majesty entertains, to promote and improve that harmony and good understanding which so happily subsist between the two countries, and which are so conducive to their mutual benefit.'

We do not meet with, in American writings, any acknowledgment of the friendly part taken by Great Britain in this affair. Rufus King had already been told by Mr. Addington that, in case of a rupture of the peace of Amiens, England would immediately occupy New Orleans, but only as a preventive measure; that, were she to occupy it, it would not be to keep it, but to prevent 'another power' from obtaining it; and that, in his opinion, this would be best effected by its belonging to the United States, — a view in which Mr. King very naturally acquiesced. Had the British government possessed any of that exclusive and acquisitive turn so often ascribed to them, it was then in their power to obtain possession. They had only to get the peace broken while Louisiana was yet in French hands.

The acquisition of this large territory put the United States into a position once more to hold a high tone toward the old countries of Europe, and especially toward Great Britain. After these hard dollars were paid down, they could negotiate with France on something like equal terms. It was the cleverest act of the Jefferson administration. On the news being received in Washington, accompanied by the intelligence that hostilities were resumed between England and France, the attitude of the American government immediately became firm, and even haughty. In a conversation with Pichon, the French envoy, Jefferson declared that the United States meant to take higher ground than hitherto; that 'Europe had

put their spirit of moderation to proofs that would be no longer endured.' With Edward Thornton (then representing Great Britain) Jefferson was habitually cordial. He had taken repeated opportunities of reminding him that he was a man of peace, and that it was an old mistake to represent him as an enemy to England.<sup>1</sup> This was now changed. A marked difference in his demeanour was obvious. Events shewed that any apparent leanings toward England could be dissipated as soon as Jefferson felt himself in a position to dictate to her.

There was no mistake about this when the new minister arrived from England, in the person of Anthony Merry. This gentleman had anticipated much satisfaction with the appointment (which had been made partly on the recommendation of Mr. Rufus King), and he was looking forward to an agreeable period of residence. But he landed in America to find himself coolly received, and surrounded by an atmosphere of unmistakable ill-will. Whispers were circulating of the various grievances which would justify a declaration of war against Great Britain. Merry found himself exposed to breaches of etiquette<sup>2</sup> which seemed to him to be tokens of intentional insult. He soon had occasion to write home complaining of this marked inattention to him, giving his opinion that it was a part of the unfriendly disposition now existing toward the monarch of Great Britain. Edward Thornton who was still in America, likewise informed Hammond that the acquisition of Louisiana had considerably exalted

<sup>1</sup> Jefferson had actually proposed (April, 1803) to his Cabinet an alliance with England, one of the inducements to be offered being 'to let her take Louisiana.' But none of his colleagues would listen to so liberal a concession. Livingston and Monroe had instructions from Madison that if the French government meditated hostilities, or forced a war

by closing the Mississippi, the two envoys were to invite England to an alliance. (V. Henry Adams, ii. 1.)

<sup>2</sup> V. Henry Adams, ii. 361 *et seq.*, for an amusing chapter on Mr. and Mrs. Merry, and their arduous struggle to maintain the minister's rightful position in official society at Washington.

President Jefferson in his own opinion ; that a real change had taken place in the views of his government which could be dated from the first arrival of the intelligence that the purchase was completed ; and that the change ‘ derived additional force from the opinion that Great Britain could not now resist, under her present pressure, the new claims of the United States.’ Everything (he added) now depended upon firmness in our dealing with them.

It is by no means insignificant that, very shortly after the rupture of the peace of Amiens, James Monroe was directed to proceed to London and take up residence as minister in place of Rufus King. The latter gentleman had been an unexceptionable and most successful envoy. He had carried through several minor questions with considerable satisfaction to both countries. He had taken immense pains to anticipate the smaller difficulties which arose, and to obtain explanatory statements of Jay’s treaty, and had succeeded in settling a convention relative to the boundary dispute. Moreover, he was acceptable in society, and was thus all the more able to supplement his official zeal by those friendships which are really indispensable to complete the harmonizing elements which belong to the character of the true ambassador. So much as this could not yet be expected of Monroe: a very worthy man, but one holding strong prejudices, particularly in favour of France. His value as an envoy had yet to be established, for his career in France had brought him anything but distinction. There was, however, the almost certain expectation that a prolonged residence in London would open his eyes to what little merit might exist in the rival nation to which he was now accredited.

It was during Merry’s period of residence at Washington that the affair known as Burr’s conspiracy arose. Burr appears to have first sounded the French and Spanish ministers, and subsequently detailed his plans to Mr.

Merry. He alleged that<sup>1</sup> the inhabitants of Louisiana were determined to render themselves independent of the United States, and that the execution of their design was only delayed by the difficulty of previously obtaining an assurance of protection and assistance from some foreign power. After his trial and acquittal, on a charge of treason, Burr turned his attention to plans for colonizing Texas and Mexico, and allowed himself to entertain hopes of assistance from Great Britain. He came to London in 1808, and personally laid his proposals before the British ministry, but, without success. In April of the following year he was informed officially that his presence in England was embarrassing to the government, and he was compelled to withdraw. After two years' travel in Europe he returned, and suffered much privation from poverty and from the watchful attentions of the Alien Office. At length, he secured a passage for New York, and left England in very bad humour with her. These things unfortunately tended to provoke the ever-ready suspicions as to the good faith of the British government.

Mr. Merry had many discussions with the Secretary of State upon the questions at issue between the two governments, but without being able to come to an arrangement. The renewed outbreak of war had brought with it fiercer tempers on the part of the combatants, while the Americans were as far as ever from grasping the real state of affairs. New blockades, which hindered their trade, and the claim of right of search for deserting sailors, were regarded by them as only the wanton insults of a more powerful nation jealous of their growing influence and wealth. In vain did Merry urge that the right of search had always been exercised by the British, and that it certainly would not be abandoned under existing circumstances.

<sup>1</sup> Merry to Harrowby, 29 March, 1805.

President Jefferson adhered to the doctrine of 'sailors' rights' with great perseverance. At length, in 1805, Congress was induced to pass an Act 'for the more effectual preservation of peace in the ports and harbours of the United States,' under which a marshal was empowered to board any foreign ship of war in American waters, and seize any one who had 'violated the peace,' that is, had impressed a sailor. The President was further authorized to interdict at will the ports of the United States to any foreign armed vessels.

There would have been, perhaps, less of threatenings and murmurs but for the notion that Great Britain was in mortal peril at the hand of her adversary. She was believed to be already so overwhelmed with debts, and oppressed by her misfortunes, as to be no longer in a position to disregard the menaces of the United States; that the insatiable hatred of Napoleon was slowly but surely bringing her to the dust.

## CHAPTER VIII

ONE of the first topics requiring the attention of Mr. Rufus King, upon his arrival in London in 1796, was that of the impressment of seamen from American ships.

Thomas Pinckney had been unable to make any progress with this business. A practice had grown up, with his connivance, of the American consuls in European ports granting certificates of citizenship. It will be remembered that Thomas Jefferson had not taken kindly to the plan of certificates. But they had crept into vogue, and Mr. King was now asked by Lord Grenville, upon what authority did the consuls act? Having referred the question to Pickering, the new Secretary of State, King was instructed that the practice of the consuls, in granting these certificates, might be considered as sanctioned by their government 'by implication, if it had not been done explicitly.' Pickering added that the same thing was practised by the consuls of other nations as a natural and necessary measure.

In reply to this, Mr. King informed the Secretary of State that Lord Grenville was dissatisfied with the practice, and that a formal notification had been made that all future applications for certificates must come through the American minister. In consequence of this decision he found his hands full. Since his arrival nine or ten months since, 271 seamen had claimed his interference. He believed many of them were *bonâ fide* cases; and some men had 'with singular constancy generally persevered in refusing pay or bounty, though in some instances they had been in service two years:' a circumstance, however, which might in some cases be attributed to British obstinacy. Mr. King urged, with all his power,

that the authorizations should be restored to the consuls. But Lord Grenville insisted that the difficulties of the case rendered it impossible to accede to his wishes. It was putting too important a trust into the hands of consuls. He reminded Mr. King of the peculiar position of Great Britain with reference to her mercantile marine. The ships of the United States were known to be largely manned by British sailors, and they had great facilities, from similarity of language and habits, for protecting themselves under the American flag. The laws of Great Britain rendered all British sailors liable to be called upon to serve in the defence of their country; and no British subject could, by such a form of renunciation as that prescribed in the American law of naturalization, divest himself of the allegiance to his sovereign. 'Such a declaration of renunciation, made by any of the King's subjects, instead of operating as a protection to them, would be considered as an act highly criminal on their part.' Besides, many of the certificates given by consuls were positively known to be false. In one flagrant case, disgrace had followed upon representations made to the Secretary of State: the American consul and vice-consul at Lisbon being discarded from the service of the United States in consequence of proved irregularities on this matter of certificates.<sup>1</sup>

The American authorities were unable (or unwilling) to appreciate the detriment to the British naval service caused by the facilities for desertion. Local magistrates

<sup>1</sup> The letters and enclosures received by the Foreign Office in London are plentifully furnished with illustrations of the dishonesty practised in connection with seamen. Fraudulent certificates of nationality were issued in great numbers. Here are two of the examples sent home by Mr. Merry (August, 1806): Dennis Wheeler, aged 18, paid a quarter-

dollar to the customs clerk at Rhode Island for a certificate of citizenship, and subsequently made affidavit that he was born at Waterford. John Smith, aged 22, born at Newcastle-upon-Tyne, obtained at Baltimore a similar protection, having got a shipmate to make notarial declaration that he was a native of Boston.

would coolly profess ignorance of any rights but those of 'their fellow-citizens.' While negotiations were going forward in London, our envoy at Philadelphia was face to face with the difficulty; which, for him, meant the addition of insulting evasions and something of personal contumely. He hears of ship after ship losing a portion of her crew immediately on arrival at an American port, and British naval officers exposed to personal affronts in the endeavour to reclaim them. In May, 1797, the *Squirrel* frigate, which landed the British commissioners for liquidating the debts, lost twenty men by desertion, and these could not be recovered because of the protection given to the sailors by American mobs. A British government packet would arrive at New York, and forthwith lose nearly all her crew. The captain of a frigate would meet his own men on shore, the very boat's crew which had landed him, supplied with certificates of citizenship. There were not infrequent instances in which a body of sailors would desert a frigate in favour of an American sloop-of-war, whose commander would refuse to surrender them, and allege his own construction of official orders as an excuse. Over and over again, known deserters were received into the United States naval service. The government openly permitted the engagement of British seamen, who likely enough were easily induced to relinquish the severe but healthy discipline of His Majesty's ships of war in favour of milder treatment, better pay, and comparatively better *status* as 'citizens.' This had been going on for many years. As far back as 1791, one of the earliest complaints of the newly appointed British consul at Norfolk was (as he wrote to Lord Grenville): 'the constant and successful endeavours of the Americans to encourage seamen to become citizens is an evil which at present admits of no remedy.'

All this loss of men was gain to the other side not in naval matters alone. The impulse to the American car-

rying trade through the facilities granted under Jay's treaty, and by their privileges as neutrals, could not have been so great without the aid of British sailors. Lord Grenville appears to have foreseen this. In a representation to Mr. King of the temptation which lay before persons who were 'desirous of exempting themselves' from their duty, he pointed out that, under present circumstances and the prospects before them, the Americans would have to man their merchant shipping largely with foreign sailors, and particularly British. His opinion was more than justified. During the years ending with the peace of Amiens, the carrying trade of the United States grew amazingly. It 'rushed, and roared, and swelled on,' as one patriotic writer has it. These four years, between 1797 and 1801, were exceptionally prosperous years for the United States; and one great stimulus to that prosperity was, without doubt, the acquisition of many thousand sturdy British sailors.

Now that James Madison was Secretary of State, there appeared less likelihood than ever of an accommodation. Madison was not far behind Jefferson in his hostility toward England. When Mr. Thornton, *chargé d'affaires*, desired him to order the restoration of a deserter who had immediately taken service in a revenue cutter, he coolly replied that neither the law of nations nor the provisions of any treaty enjoined the mutual restitution of seamen.

An annual report was presented to Congress on the matter of impressment. This enabled the government to keep alive a useful expedient toward inflaming an anti-British sentiment. But there were to be found members of Congress who could detect exaggeration, and who did so. It was pointed out by R. G. Harper, in a debate of 29th May, 1797, that instead of 'thousands' of American seamen being in British custody, there had been within the preceding six months only forty-two pressed

men who were proved to be Americans. On it being retorted that only a few ports had made returns, — New York, in particular, not being among them, — Harper drew his hearers to the inference that there were no returns to make: that no impressments had taken place from vessels arriving at or departing from New York and other important places which did not appear in the return. There were other men who went beyond Harper, having the boldness to admit, in speech and in writing, that the British were justified in acting as they did for self-protection.

The great question of Neutral Rights, as opposed to the belligerent rights of those countries which were at war with France, had risen into prominence through the determination of the allied powers to hinder the provisioning of France from outside sources.

By treaties of 25th March, 25th May, 14th July, and 30th August, 1793, the King of Great Britain engaged reciprocally with Russia, Spain, Prussia, and Austria to shut their ports against French ships, and to allow no exportation of military or naval stores, or corn, grain, salt meat, or other provisions, to the ports of France; and also engaged to make every effort to prevent non-combatants affording, under cover of their neutrality, any direct or indirect protection to the commerce and the property of the French. As we have seen, the ability to enforce these plans lay almost wholly in the naval forces at the disposal of Great Britain.

Very soon after the commencement of hostilities Lord Grenville learnt that systematic arrangements were in preparation, through the aid of American merchants, for supplying flour and other provisions from the United States. Immediate action was taken upon this discovery. By Order in Council of 8th June, 1793, His Majesty's ships were instructed to detain all vessels laden wholly or

in part with corn, flour, or meat, bound to any port of France, and to send them to such ports as should be convenient, in order that the cargoes might be purchased on behalf of His Majesty's government, and the ships released after such purchase and a due allowance for freight; or the masters of such ships might be permitted, on giving security, to dispose of their cargoes in the ports of any country at amity with His Majesty. It was also held lawful to seize and make prize of any ships attempting to enter a blockaded port, and to send the same for condemnation. A further Order in Council of the 6th November made it lawful to stop and detain all ships laden with goods the produce of any French colony, or carrying provisions or other supplies for the use of any such colony; the same to be brought for adjudication in the English Courts of Admiralty. These last instructions were modified by a new Order of the 8th January, 1794, which restricted the operation of privateers and others to vessels and cargoes coming from or going to the French West India Islands.

On the 25th January, 1798, a further Order in Council was framed to meet the new combination of events in Europe. France, Spain, and the Dutch provinces were now included in a regulation which was intended to render impossible all trade with those countries, and with any island or settlement belonging to them. In the following year a blockade was established of all the ports of Holland, enforced with strictness for several months, and suspended in the month of November.

In spite of these restrictive conditions, the commerce of neutral nations grew amazingly. While British shipping declined from year to year, — very much on account of the drain of sailors into the navy, — the vessels of the United States were absorbing most of the carrying trade of the world. They could pour into the French and Spanish ports the products of their colonies, and could supply

those colonies with the manufactures of the respective mother countries. By appeal to the principle that the flag should cover the merchandise, and by artful plans for securing immunity to that flag, American shippers were usually successful in evading the British regulations. The cases in which they were not successful were numerous enough ; and these formed the sum of the 'depredations' upon American commerce which were long the stock-in-trade of the American politician.

The process was this. A ship would clear out, say, from an island of the French West Indies, carrying papers which ostensibly shewed the destination to be a neutral port. Under cover of that alleged destination, some would be bold enough to proceed under all hazards to a port of the mother country. But it was more usual to sail to the neutral port, and there obtain fresh papers purporting to indicate an embarkation of the goods from that port ; the cargo meanwhile remaining in the ship's hold absolutely untouched. Of course it was permissible to land the goods, pay the dues, and reëmbark them. But the American flag, supported by false certificates, was habitually employed to cover merchandise which was not landed at all until it reached port in the enemy's country. Thus, an immense trade was kept up by France and Spain with their respective colonies ; notwithstanding the vigilance of the British navy in carrying out the Orders in Council.

Now, this was not Neutrality : and the British government, fully informed through the proceedings in the Courts of Admiralty that every ingenuity was exercised to defeat the objects in view, could not be expected to regard the actors in this fraudulent system otherwise than as covert belligerents.

It must be remembered that, in consequence of the European war, neutral nations were reaping the profits of a trade closed to them in times of peace. The regula-

tions of both France and England, and of Spain in still stricter degree, forbade any free trade with their colonies. Under the severe conditions of the naval contest, French mercantile vessels were completely driven from the ocean. Their only resource was the neutral flag. By its means, such articles as coffee and sugar were supplied to them. On the conclusion of the peace of Amiens, in March, 1802, there was an immediate change with respect to colonial produce. The American shipping trade, which had been 'rushing, and roaring, and swelling on,' speedily diminished, while the British mercantile marine as quickly revived. The ordinary maritime regulations in force during times of peace brought trade back into its ancient channels. Foreigners were no longer able, nor was their assistance required, to supply colonial merchandise to Europe and European goods to the colonies. No sooner was that short-lived peace at an end, than the neutral flag became active as ever. And the United States of America resumed their pathway to riches and power, over the dissensions existing upon the European continent.

During this truce of eighteen months there was a manifest approach of harmonious relations between England and the United States, notwithstanding our return to the regulations of the colonial monopoly. President Jefferson made strenuous efforts to be friendly with Mr. Thornton. The latter wrote home in a hopeful spirit. 'A very great change (he says) has gradually taken place in the opinions of all ranks in this government in favour of Great Britain, which has struck observers more likely to be impartial than myself.' Thornton had, however, still to complain of the encouragement given to the desertion of British seamen. He also found that measures were taken to prevent British vessels from entering American ports in competition with the shipping of American merchants.

The fall of the Pitt ministry being succeeded by the

peace cabinet of Mr. Addington had something to do with Jefferson's change of tone toward this country. Rufus King hoped very much from Addington; and his tenure of office certainly justified, in some degree, the expectations which had been indulged that favourable concessions would be obtained from his administration in favour of the States. The treaty of 1794 was about to expire. New and more liberal arrangements were to be looked for if the peace in Europe were not to signify comparative stagnation to American trade.

These cheerful anticipations were suddenly cast to the winds by the resumption of hostilities between England and France. American shipping was again at the mercy of the ubiquitous British navy. Great Britain was fighting for her very existence, and once again could not permit neutral flags to be serving the purpose of her antagonist. The French islands of Martinique and Guadaloupe were blockaded. The English West Indies were no longer accessible by American shipping except clandestinely. The result was a revival of 'depredations' upon American commerce. The people in the maritime States were justly enraged. Complaints and memorials poured into Congress. With the bare record of these untoward circumstances before them, and knowing nothing and caring nothing about the merits of the conflict going on in Europe, they could only trace their misfortune to the ill-will of Great Britain. Nor did it suit the dominant political party to enlighten the public. It would sometimes appear that the leaders themselves were judicially blind to the real facts. Jefferson, writing to Livingston and Monroe at Paris (May, 1803), actually propounds the opinion that Great Britain is meditating plans for the emancipation and independence of the whole of the American continent south of the United States.

At this juncture, James Monroe was transferred to

London as envoy, in succession to Rufus King. His ill-success with the French Directory, while minister at their 'court,' does not appear to have stood in the way of a reappointment to France after the accession of Napoleon.

Monroe's disposition had been hitherto unfavourable to England. His predilections were wholly French, and adverse to the notions and interests of this country. It took him long to acquire any insight into the British character. After two years of residence here, addressing a formal note to the Foreign Secretary on the subject of the condemnation of American vessels, he presents the same defective apprehension of facts which had characterized all previous remonstrances on the part of his government. There is the usual appeal to the textual law of nations, and there is the writer's own opinion that our proceedings do not accord with our agreements and concessions; with a total absence of any recognition of the peculiar circumstances of the day, any acknowledgment of the evasions practised under the neutral flag. Considering the deliberately cold manner in which Monroe, and Madison, and Jefferson ignored the interests of Great Britain, it is not surprising that the English ministers of State half suspected the existence of arrangements, between America and France, of a character highly compromising to a power professedly neutral.

The popular clamour against Great Britain was continuous. Memorials to the President of the United States poured in from the chief commercial centres. At length, Jefferson took formal notice of the matter, in a message to Congress (January, 1806) on the subject of 'interpolations in the law of nations by the decrees of France and by the Orders in Council of the King of England.' This was referred to a committee of the whole House, and a series of debates ensued which breathed nothing milder than a sentiment of War. A resolution was offered by Mr. Gregg (Pennsylvania) proposing to suspend all fur-

ther importations from the British dominions until equitable and satisfactory arrangements could be made. Several weeks were occupied in discussing this and similar resolutions; the text of which was non-intercourse, the tone and temper of which was War. There was some opposition, on common-sense principles, but the decision in favour of strong measures was almost unanimous. A sentence or two from a leading opposition speaker, Mr. John Randolph of Roanoke, may be worth reproducing, as testimony to the existence of an impartial spirit to be found even among some American politicians of the period:—

‘What is the question in dispute? The carrying trade. What part of it? The fair, the honest, and the useful trade that is engaged in carrying our own productions to foreign markets and bringing back their productions in exchange? No, sir; it is that carrying trade which covers enemy’s property, and carries the coffee, the sugar, and other West Indian products to the mother country. . . . It is not for the honest carrying trade of America, but for this mushroom, this fungus of war, for a trade which, as soon as the nations of Europe are at peace, will no longer exist; it is for this that the spirit of avaricious traffic would plunge us into war.’ He spared no taunts at the greedy commercial spirit of the seaports which was the source of the trouble, nor at the partisan spirit which omitted to regard the parallel enormities of Spain and France. He pointed at the eight hundred ships of war belonging to Great Britain, as forbidding any hope of successful conflict with her. He held over their heads the threatening aspect of France, who must inevitably succeed to the dominion of the ocean in the event of Britain’s failure and destruction. He expressed his belief that the public sentiment, notwithstanding the outcry of the shipping interest, was not in favor of going to war. Further, he told them that Great Britain was fighting an

antagonist that violated at will the territories of all other nations, and that threatened her own existence: she was contending, not for the dismantling of Dunkirk, of Quebec, or of Pondichéry, but for the saving of London and Westminster. . . . 'Could they ask her to respect the neutral flag at the expense of her own existence, — a flag which was fraudulently protecting the property of a belligerent which respected no neutral territory in the world?'

These words were thrown away. The prevalent public spirit was too strong to be affected by appeals to reason. After some weeks' discussion Congress passed an act to prohibit, from and after the 15th of November, the importation into the territories of the United States of goods, wares, and merchandise from any port or place situated in Great Britain or Ireland.

The period of grace implied in delaying the operation of this measure for so many months appears to have been intended to invite further negotiation. Monroe's endeavours to get attention from the English ministry had met with indifferent success. It was difficult to impress English statesmen, of whatever views, with the supreme importance of the interests of American shippers while Napoleon was threatening the very existence of their land. Monroe's explanation of the slowness of negotiation is that 'Our unexampled prosperity, and rapid rise, excite their jealousy and alarm their apprehensions.' He has not a word, — not an idea, to spare for consideration of the perils and the anxieties which were besetting Great Britain.

The project of a convention between the two countries was under consideration in London in April, 1804. Lord Hawkesbury was the first Foreign Secretary with whom Monroe conferred, but a change in the ministry caused this matter to be postponed. Lord Harrowby succeeded to office, and an endeavour was made to interest him in American concerns, but he was unable to give immediate

attention to them. Moreover, the American envoy felt 'wounded and irritated' because of the minister's omission to utter any friendly sentiments toward the United States; while everything he did say was in an unfriendly tone, 'much more being apparently meant than was said.' At a later interview Monroe found that he must have misunderstood Harrowby, who now 'expressed a wish that delays in negotiation would not affect the friendly relations subsisting between the two powers.' After an absence on mission to Spain, Monroe had to begin his tale again with Lord Mulgrave. But he failed to impress the new minister. This is hardly to be wondered at, seeing that he began by insisting that 'Great Britain had no more right in war to interfere with or control the commerce of a neutral power with the colonies of an enemy than she had in peace.'

Monroe was now beginning to despair, and thought of returning home. But better prospects suddenly dawned for him on the appointment of Charles James Fox as Foreign minister. He would remain in England a little while longer. Mr. Fox read his documents and papers, including a copy of Madison's new pamphlet, 'An Examination of the British Doctrine;' and expressed generally liberal statements. He was even disposed to concede some of the American demands relative to the carrying trade, but that, at present, the views of his colleagues did not correspond with his own. At this juncture, the news arrived from America that Jefferson had determined on a special negotiation with a view to a treaty on the basis of that of 1794.

The gentleman selected to join Monroe in London was a sterling character, Mr. William Pinkney, of Maryland. He had been in England before, associated with Mr. Christopher Gore as commissioner under the seventh article of Jay's treaty. Both of these men were highly respected in London, and stayed on for several years

after the abrupt suspension of the commission. Pinkney gave himself up to study, especially in English literature and law. Unlike some of his fellow-countrymen, he took pains to find out what there was to admire about Old England, and this without diminution of attachment to his own country. He had delighted to sit under the gallery of the House of Commons when Mr. Pitt was speaking, whom he declared he could listen to for ever. Returning home in August, 1804, he became Attorney-General of Maryland, and had splendid prospects before him, when Jefferson invited him to join Monroe in the special mission to the English Court.

Mr. Pinkney reached London on 25th June, 1806. In consequence of Mr. Fox's illness, business was necessarily postponed,<sup>1</sup> and it was not till August that the envoys were enabled to meet Lord Grenville, who received them with cordialty and expressed deep interest in their mission. He was too busy to enter into details with them, and Fox was either busy or unwell; accordingly, Lords Auckland and Holland were invited to confer with the envoys, a business they undertook with great willingness. They found the American commissioners 'fair, explicit, frank, and intelligent.' A nearer acquaintance with Monroe gave both of them a high opinion of him, as diligent, earnest, and sensible, and a pleasant man to deal with. It was, perhaps, an advantage for Monroe that he was losing his predilections for France, and acquiring some respect for England and her institutions.

Lord Holland was not an entire sympathizer with the high-handed dealings of the late ministry with respect to neutral shipping. But neither he nor his colleague shrank from the duty of upholding the dignity of their country.

<sup>1</sup> 'In the mean time, every communication from you and Mr. Pinkney will meet with the same attention which it will always be the pride of the Foreign Office to shew to the ministers of the United States, our half-countrymen.' (Sir Francis Vincent to J. Monroe, 21 July.)

At the outset they expressed a hope that some means would be found to suspend the execution of the Non-importation Act during the progress of the negotiations.<sup>1</sup> There was some further delay caused by the illness and death of Mr. Fox. But at length the envoys were enabled to report to Madison the details of their negotiation, including the circumstance that both parties were irreconcilable on the question of impressment.<sup>2</sup> And on the 27th December they announced the conclusion of a treaty 'on all the points which have formed the object of our negotiations,' excepting that of impressment.

And all this work was in vain. The American envoys had been instructed, beside the obtaining a provision against impressment, and compensation for captures recently made, through a board of commissioners to be appointed, — to secure a commercial treaty on the basis of that which had expired in 1803. They had not only signed such a treaty, but had obtained one or two minor advantages which had not appeared in the former one; notably the omission of 'provisions' from among the articles declared contraband. On the other hand, commercial intercourse with the British Colonies was more restricted. Although the treaty contained no article dealing with impressment of American seamen, the President of the United States was made aware of the difficulty of reconciling the views of the parties to the negotiation. In a long and careful despatch to Madison, the envoys described the progress of their conferences on the subject, and the impossibility of getting any immediate concession;

<sup>1</sup> Jefferson saw the justice of this suggestion, and immediately complied with its terms. A bill passed the House of Representatives, in December, suspending the act.

<sup>2</sup> It appears, however, that they came very nearly to an agreement. By a project for an article offered

by Holland and Auckland, it was proposed to forbid the impressment of *native* subjects of the United States: this was rejected by Monroe and Pinkney because it did not include *naturalized* subjects. (*American State Papers, Foreign Relations*, iii. 140.)

while they seemed to hold out the hope that, although the British government did not consider itself at liberty to relinquish formally, by treaty, its claim to search American vessels for English seamen, its practice would nevertheless be essentially, if not completely, abandoned. In sending forward an analysis of the treaty (by despatch of 3d January, 1807), the envoys have to confess to their unfortunate omission; appealing, at the same time, to their opinion recently expressed as to the British practice in future. 'That opinion (they said) has been since confirmed by frequent conferences on the subject with the British commissioners, who have assured us that, in their judgment, we were made as secure against the exercise of their pretensions, by the policy which their government had adopted, as we could have been made by treaty. It is proper to observe, however, that the good effect of this disposition, and of its continuance, may depend in a great measure on the means which may be taken by the Congress hereafter to check desertions from the British service.'

But now appeared another factor, which rendered nugatory all the praiseworthy efforts of these four men. On the 21st November, 1806, the celebrated Berlin decree of Napoleon was issued, which amounted to a wild sentence of outlawry against everything British. The news reached London in the midst of the final negotiations and before the treaty was signed. The English Cabinet was prepared to retort upon the enemy without delay, but ministers were honourably determined to consult the government of the United States before retaliating to the bitter end. The envoys assured them that the President would not acquiesce in the new pretensions of France; and upon this intimation the treaty was allowed to be signed, with the understanding that if the United States submitted to the maritime usurpations of France, Great Britain would hold herself absolved from the conditions of the treaty.

Messrs. Monroe and Pinkney were mistaken. Perhaps they had been so long absent from home as to have lost, to some extent, the exalted tone which it was usual for American statesmen to hold toward England. Madison's hectoring despatches could not have been powerful enough to counteract the effect of living so long among the English people. The patience, the courtesy, the obvious honour of the English negotiators told upon them. The prejudices of Jefferson and Madison in favour of France were thousands of miles away. The envoys themselves were in the thick of things. They had begun to see England's real difficulty. They knew that circumstances were against her, and that she could not concede everything; while everything was to be hoped for in a propitious future. And they were sincere enough in the belief that, as far as they had gone, their negotiations with the English ministers would be appreciated at home.

But they reckoned without their host. Jefferson refused to ratify their treaty. He did not even consult the Senate about it. The reason, or the excuse, given was that it did not deal with impressments. In truth, his old sentiments were too much for him. He chose the dictation of France, with all its potential dangers to his own country, rather than yield a single point to the object of his long-lived hatred. With a deplorable lack of judgment, he overlooked the concessions made by England, misunderstood her motives, and blinded himself to her obviously fair and friendly conduct in negotiation. The consequence of all this was several years of further disaster, and many years of chronic ill-humour between the two countries.

The immediate result of his losing this opportunity was not only to add prodigiously to the losses and vexations of American merchants, but to add fuel to the flames of war. It did not seem to occur to Jefferson that if England succumbed in the great contest, there was nothing to hinder the United States from becoming a victim

to Buonaparte's ambition. It may be that he did not see the full drift of the Berlin decree. It is altogether probable that he chuckled over the new attack upon England, without regarding any possible consequences to America. He made no protest to France against the Berlin decree until a year or more had elapsed, and when it was found that American shipping suffered under it. General Armstrong, the envoy in Paris, appears to have remonstrated to the Foreign minister for the first time in August, 1807, and then without instructions from home. It is true some enquiry was made of Armstrong by Madison, in May, as to the effect of the decree upon their relations with France; but it was not until February, 1808, he informed the envoy in Paris that an embargo had been put in force in consequence of the French decree and contemporaneous British measures: and this only because the Milan decree of December, 1807, had left them no alternative.

Some explanation of this inconsistency and partiality lies in the fact that the President and his Secretary of State had a public behind them whose prejudices they dared not to ignore.<sup>1</sup>

<sup>1</sup> 'A total surrender of all her claims by Great Britain, at that time, would not have been acceptable, because it would have forced the United States into an alliance with England, contrary to the popular sentiment, which was decidedly in favour of the French cause.' (Garland, *Life of Randolph*, i. 165.)

## CHAPTER IX

MATTERS were now sufficiently grave to justify apprehensions lest there should be, sooner or later, a drifting into war. The temper of a large portion of the American public was at a high point of tension. Had the means of offence been sufficient to warrant an appeal to arms, they would have resorted to it. The language used by speakers in Congress, and the hostile clamour outside, were alike marked by unreasoning and vehement passion.

There was considerable excuse for this excitement. A flourishing illicit trade, including contraband of war, was being carried on between Europe and the principal ports of the United States, in spite of all the efforts of British cruisers to arrest it. British ships were hovering about the coast, seizing vessels in great numbers and sending them to the Court of Admiralty at Halifax. In defiance of the known determination of Great Britain, and of their own loudly vaunted position as neutrals, who 'found it their duty and their interest to live at peace with the rest of the world,' American merchants and shippers were content to run all the attendant risks for the sake of the splendid profits which accrued to those who were lucky enough to run the gauntlet safely.

An unfortunate incident which occurred in April, 1806, outside the harbour of New York, gave a temporary intensity to the public clamour. The thing was undoubtedly an accident, but it served the purpose of affording a definite charge of wanton offence. A British squadron was cruising in these waters, consisting of the *Leander*, the *Cambrian*, and the *Driver*. In the course of the afternoon, 25th April, several vessels were overhauled, most of them being suffered to proceed after an exami-

nation of their cargoes. One of the shots which were fired in order to bring the vessels to, in the usual manner, unfortunately struck a small coasting sloop which happened to come in the line of fire, killing the captain, Jesse Peirce. The shot was alleged to have come from the *Leander*. The New Yorkers were furious on hearing this intelligence. A grand jury found a true bill for wilful murder against Captain Whitby of the *Leander*.<sup>1</sup> President Jefferson issued a proclamation forbidding the three ships of the squadron from entering the harbours or the waters of the United States.

A worse thing happened in the following year. Numerous desertions were taking place from British ships of war, and every demand for their surrender was treated with cool contempt. In some cases men adopted the uniform of the militia, or disappeared into the interior of the country; others joined a merchant vessel, or even a ship of war. One of the vessels which profited by these enlistments was the United States frigate *Chesapeake*, then fitting out for the Mediterranean service. This was done openly. Several known deserters were seen in the streets of Norfolk with the recruiting party of the *Chesapeake*. The magistrates were appealed to in vain. So secure were such men from the reach of the law that one of them abused his late captain to his face in the open street. Every effort failed to recover any of these seamen.

This was in March, 1807. Information having been given of these occurrences to the commander-in-chief upon the station, Admiral Berkeley, he issued an order to the captains under his command, and directed them, in case of meeting the *Chesapeake* at sea beyond the waters of the United States, to shew to her captain that order, and to insist on a search for deserters from the *Belleisle*, *Bellona*, *Triumph*, *Chichester*, *Halifax*, and *Zenobia* :

<sup>1</sup> Captain Whitby was tried by court-martial after he returned home, and acquitted.

if a similar demand were made by the American, he was to be permitted to search for any deserters from the United States service.

On the 22d June, H. M. S. *Leopard*, Captain Humphreys, fell in with the *Chesapeake* and hailed her. On learning his object, Commodore Barron of the latter vessel sent word to Captain Humphreys to this effect: 'I know of no such men as you describe. The officers that were on the recruiting service for this ship were particularly instructed from the government, through me, not to enter any deserters from His Britannic Majesty's ships; nor do I know of any being here.' He further intimated that the crew of his ship were not to be mustered by any but her own officers. Captain Humphreys could discern no symptoms of acquiescence, and, as he was resolved on carrying out the admiral's instructions, a shot was fired across the bows of the *Chesapeake*. Nothing resulted from this but what appeared to be hasty preparations for resistance. Accordingly, a couple of broadsides were discharged from the *Leopard*, which were answered by a few shots from the *Chesapeake*. After a third broadside she hauled down her colours.

The *Chesapeake*, being forthwith boarded by a party from the *Leopard*, and her books produced, it appeared there were four deserters on the ship; one from H. M. S. *Halifax*, and three from the *Melampus* (a vessel not included in the admiral's order). There were twelve other known British subjects on board the American frigate, but only these four were carried off. Ratford, the deserter from the *Halifax* ('under circumstances aggravated by mutiny') was subsequently hanged. The others were alleged to be of American birth, although they had been in the British service; these were sentenced to a flogging, but ultimately pardoned.<sup>1</sup>

<sup>1</sup> V. Ralfe's *Naval Chronology*, vol. ii. pp. 35-43, for this court-martial in full.

It is difficult to understand Commodore Barron's obstinacy in refusing compliance with the request of the captain of the *Leopard*. The three Americans had previously been claimed as deserters, according to his own official letter. Ratford alleged at his trial that both Barron and the captain of his ship had mustered the crew soon after the deserters from the *Halifax* came on board. Besides, the *Chesapeake* appears to have been really unprepared for action. Their apparent intention to resist was misunderstood on board the *Leopard*. Unfortunately, the affair resulted in three seamen of the *Chesapeake* being killed, and eighteen persons, including the commodore, wounded. The ship herself was badly injured.

The news of this occurrence reached Mr. Canning before he received a complaint from Mr. Monroe. The envoy was immediately informed of it, and sincere regrets were expressed. The action of the *Leopard* was disavowed, reparation was promised, and further information was awaited with real concern. Monroe appears to have been quite satisfied with assurances that the thing was unauthorized.

Meanwhile, a furious proclamation was issued by President Jefferson, interdicting all British ships of war from entering the ports of the United States. In accord with his usual exaggerated style when specially animated against Great Britain, he informed his countrymen and the world in general that the enormity was committed 'with the avowed purpose of taking by force, from a ship of war of the United States, a part of her crew; and, that no circumstances might be wanting to mark its character, it had been previously ascertained that the seamen demanded were natives of the United States,'—and that he had thought proper to require all armed vessels of Great Britain to depart immediately from the harbours and waters of the United States.<sup>1</sup> This proclamation was for-

<sup>1</sup> 'We do not hear of similar proclamations against the French under

warded to Monroe, in a despatch by Madison of the most extraordinary character. All negotiation with the British government on other subjects was ordered to be immediately suspended until satisfaction was arranged. The enormity was not a subject for discussion. The British government was to be apprised of the importance of fully complying with the expectation of the United States, that they would receive in reply every solemnity of form, and every other ingredient of retribution and respect, which were proper in the strongest cases of insult to the rights and sovereignty of a nation. An entire abolition of impressments from vessels under the United States flag was to be made an indispensable part of the satisfaction. Reparation was to be made without difficulty or delay. If it was refused, Monroe was to make arrangements for hastening homeward all American ships remaining in British ports. And the messenger (Doctor Bullus, of the *Chesapeake*) was to proceed onward to Paris, carrying the fiery cross to the American minister in residence there.

Of course, this passionate bluster could not last after the arrival of Monroe's despatches in return. It was obvious to all parties that the attack on the *Chesapeake* was not only unauthorized by the British government, but was regarded as unjustifiable. And when Mr. Canning asked the American envoy the meaning of a certain proclamation just issued, and which he had been shewn in an American newspaper, Mr. Monroe doubtless felt that, if by one of her own officers England committed a grievous fault, she had yet some dignity to maintain. Canning very properly wanted to know if the measures threatened in the proclamation were to be carried into effect without any previous request for explanation of parallel provocation. In the summer of the same year, the U. S. sloop-of-war *Hornet* was boarded, in the port of Lorient, by a French officer and party. They carried off five Frenchmen, naturalized citizens of the United States, who had been several years in the American naval service; but not a murmur was heard on the subject.' (James, iv. 333.)

the unfortunate incident? Further, the British minister would not permit this question to be mixed up with the other topics of negotiation.

The matter was at length dealt with by determining to send a special envoy to the United States. Meanwhile, Mr. Canning maintained that the right of Great Britain to impress her seamen had nothing whatever to do with the question before them. In a communication to Monroe (23d September, 1807), he explained that no pretension of a right to search ships of war for deserters was asserted by Great Britain; that the essence of the complaint against Admiral Berkeley was, that he had committed an unauthorized act of hostility; that the provocation received, although it could not justify the act, might possibly extenuate it. Under the circumstances, and considering the language and the tone of the President's proclamation, immediate reparation would not be made: much had already been done by the prompt disavowal on the part of the government when they first heard the news; and they should now lose no time in sending a minister to America, furnished with the necessary powers for bringing the unfortunate dispute to a conclusion.

While this affair of the *Chesapeake* was under consideration, the errand of Messrs. Monroe and Pinkney was in abeyance. They had written formally to George Canning, proposing to renew negotiations on the basis of the treaty which Jefferson had returned to them unratified. At length, on the 22d October, the Foreign minister made reply to this official note, pointing out, with a touch of irony, that the proposal to negotiate anew upon a treaty already solemnly concluded and signed was wholly inadmissible.<sup>1</sup> He informed the envoys further, that His

<sup>1</sup> 'The undersigned is commanded distinctly to protest against a practice altogether unusual in the political transactions of States, by which the American government assumes to itself the privilege of revising and

Majesty was not satisfied that the American government had taken any effectual steps with respect to the French decree of the preceding November, by which the whole of His Majesty's dominions were declared in a state of blockade; that, nevertheless, His Majesty, having signed the treaty, was prepared to give the fullest extent to all its stipulations, if it were ratified by the President of the United States.

A week after the receipt of this intimation, Mr. Monroe was making preparations for returning homeward, having notified Mr. Canning that, pursuant to instructions, he must decline separating the two questions at issue.<sup>1</sup> Mr. Pinkney remained in London, and was presently appointed the resident minister plenipotentiary to the Court of St. James's. It is pleasing to find that a protracted stay in England had a salutary effect upon both of these excellent men. Their harshness of temper toward Great Britain almost disappeared. They made many friends among the official people with whom they were brought in contact. Writing a farewell note to Lord Auckland, on the eve of his embarkation, Monroe says: 'I could not sail without recalling to mind the very friendly intercourse which took place between us in the

altering agreements concluded and signed on its behalf by its agents duly authorized for that purpose, — of retaining so much of those agreements as may be favourable to its own views, and of rejecting such stipulations or parts of stipulations as are conceived to be not sufficiently beneficial to America.' (*American State Papers, Foreign Relations*, iii. 199.)

<sup>1</sup> Monroe appears to have been called upon to explain his conduct as soon as he reached home. In a letter to Madison (3 Feb., 1808) he contends that positive commercial

advantages were secured by the treaty, and that the principle urged by the U. S. government relative to impressments was reserved, not surrendered. (*A. S. P.* iii. 173-183.) This long letter was afterwards printed and published in the States, and made an excellent counter-blast to the intrigues going on against Monroe; containing, as it did, an account of all the difficulties which had attended each question as it arose, and an explanation of the reasons why his mission came a little short of the President's requirements.

late negotiation, and the honourable and confidential manner in which it was conducted by Lord Holland and yourself, to which I shall always do justice.' And a very acceptable evidence of the way in which, while the two nations were drifting further apart, the men engaged in trying to settle their differences were drawn to one another, is furnished by an offer of Lord Holland to Mr. Pinkney in the case of a war supervening. He writes (June, 1808), that if he is thus compelled to go home, and he wishes to leave his son in London to complete his education, Lady Holland and himself will see that he is going on properly at school, and take care of him during the holidays!

In order to understand the increasing irritation of all parties at this period, let us recur to the causes which were at work in the ruthless efforts of the chief European belligerents made with a view to destroy the maritime trade of either country.

During the summer of 1806, the whole line of coast from Hamburg to Brest was effectively blockaded by the British fleets. On the 21st November of that year, Napoleon issued the Berlin decree, which forbade any trade or correspondence with the British Isles and their inhabitants, and ordered the confiscation of all English property wherever it could be seized. All Englishmen were outlawed with respect to France and her unwilling allies. No ship coming direct from England or the English colonies, or which should have been theirs, was to be permitted to enter any French harbour. Further, the British isles were declared to be in a state of blockade.

Seeing that all the French fleets were carefully confined in harbour, there was very little, if any, force behind these big words. The real sufferers from the decree would be the intrepid neutrals who chose to run the gauntlet of the French corsairs. The British Order in

Council of 7th January, 1807, seems to recognize this; and, without proceeding to a wholesale retaliation, the order merely forbids any shipping trade between any ports in the possession of France or her allies. It was expected that the Berlin decree would be modified, if not revoked, upon this mild act of retaliation, and that neutral nations would find it their interest to interpose and resist. Events did not justify these views. Accordingly, a series of Orders in Council were issued in November, which, although not reaching the barbarity of the French decrees, were sufficiently severe toward the compulsion of neutral powers. All ports and places from which the British flag was excluded were held to be blockaded. All trade in the produce or manufactures of the countries at war with His Majesty was to be deemed unlawful, and any vessel trading in such goods, and with such countries, liable to confiscation. No ships would in future be exempt from a like peril which had been transferred to a neutral with the object of escaping condemnation. Conditions were given, in additional Orders, by which neutrals could avoid the consequences of not being timely informed of these things, and by which certain exceptions would be made by the issue of licenses. Besides, certain favours were granted to the shipping of Prussia and of Portugal, which countries had been compelled by Napoleon to be a party to his schemes.

The reply to the British orders, on the part of the French Emperor, went a step further in the path of reprisal. It was dated Milan, 26th December, 1807:—

‘Every ship, to whatever nation it may belong, that shall have submitted to be searched by an English ship, or that shall have paid any tax whatsoever to the British government, is thereby, and for that alone, declared to be denationalized, to have forfeited the protection of its King, and to have become English property.

‘Whether the ships thus denationalized by the arbitrary

measures of the English government enter into our ports, or those of our allies, or whether they fall into the hands of our ships of war, or of our privateers, they are declared to be good and lawful prizes.

‘The British Islands are declared to be in a state of blockade, both by land and sea. Every ship, of whatever nation, or whatsoever the nature of its cargo may be, that sails from the ports of England, or those of the English colonies, and of the countries occupied by English troops, and proceeding to England, or to the English colonies, or to countries occupied by English troops, is good and lawful prize, as contrary to the recent decree, and may be captured by our ships of war or our privateers, and adjudged to the captor.’

The last Order in Council was duly communicated to the American Secretary of State, on the 12th March, 1807, by Mr. Erskine. He explained that neutral powers were expected to resist the unjust pretensions advanced in the Berlin decree; that His Majesty regretted the inconvenience to neutral nations, but he must act in retaliation if that decree were not resisted. Neutral nations could not expect the King of England to suffer the commerce of his enemies to be carried on through them whilst they submitted to the prohibitions against English commerce contained in that decree. At present His Majesty would confine himself to a blockade of the enemy's ports, which he was enabled to do by his decided naval superiority. But neither Madison nor Jefferson seemed able to regard any point, except the loss of the profitable trade which American shippers had been enjoying. In their communications with Erskine and with Pinkney, they neither admitted nor denied the peculiar circumstances of the time. It did not concern them that we had at least a consistent idea in the war, which must be pursued to the bitter end. It did not concern them that neutral trade, in a given case, could become a breach of

neutrality. And, seeing that the unexampled power in the hands of Great Britain enabled her to surpass the most daring efforts of Buonaparte, the American government treated her as the worse offender of the two, pretending that she was the aggressor.<sup>1</sup>

During the shipping season of 1807, the trade of Great Britain had seriously diminished. Many shippers had held their hands in consequence of the Berlin decree. The trade of America, on the contrary, did not slacken. It was too profitable to be relinquished even with the immensely enhanced risks which attended it. In the face of the British Orders in Council, the European seas were crowded with their vessels; and they suffered heavy losses corresponding with their enterprise.

At length, the matter was taken up by Congress, and, the Committee on Foreign Relations having recommended a measure of non-intercourse, a resolution was carried in the House of Representatives to the effect that the House could not, without a sacrifice of their rights, independence, and honour, submit to the late edicts of Great Britain and France. This took the shape of a bill, passed on the 21st December, laying an embargo on 'all ships and vessels in the ports and places within the limits or jurisdiction of the United States bound to any foreign port or place.' In sending forward to Pinkney the news of this enactment, Madison was careful to tell him, for the benefit of the English Cabinet, that it was a measure of precaution only, called for by the occasion, and not intended to be hostile. Meanwhile, the later orders had not yet reached him; but in his next despatch Madison was quick to report that those new decrees had reconciled

<sup>1</sup> Jefferson's message to Congress, October, 1807, presents an example of the hardihood with which the character of the European crisis was ignored. In one place he says, 'The government of that country [Great Britain] has issued an order interdicting all trade by neutrals between ports not in amity with them; and, *being at war with every nation on the Atlantic and Mediterranean seas*, our ships are required,' etc., etc.

all the people to the embargo. They were soon impatient over it, however. In April the House of Representatives authorized the President in certain contingencies to suspend its operation.

Pinkney's task in London was by no means easy. He made repeated demands for the repeal of the Orders, in exchange for which the embargo would be revoked and the commercial intercourse between Great Britain and America restored. Canning would not entertain any suggestion that the embargo was caused by the Orders in Council. A comparison of dates shews that he was right. It was not until February, 1808, that Erskine had been able to hand to the Secretary of State the orders of the previous November.

In point of fact, the Orders in Council were carrying out their intent: the hindering of neutral aid to belligerent Europe. And part of the consequent burdens and privations fell also to the lot of the English people; for, while our merchants were compelled to remain in port from fear of French corsairs, the loss of the North American trade with Great Britain was very severely felt.

After months of vain remonstrance, Pinkney appears to have felt it was hopeless to bring the English ministry to meet his views. And it looks, indeed, like a complete change of front when (21st September, 1808) he writes to Madison urging an adherence to the embargo. 'A partial suspension (he says) would land us in a war with France, which would place us at the mercy of Great Britain.' It was probably in consequence of this opinion reaching the United States that the Senate presently passed a bill for renewing the enforcement of the embargo.

The position of General Armstrong, envoy in Paris, was still less satisfactory than that of Pinkney in London. He complains bitterly to the Foreign minister, Champagny, of the consequences of the French and Eng-

lish decrees. He says that appealing to their convention (1808), or to the law of nations, is like appealing to the dead. Indeed, the French treated the Americans with something very like contempt. Writing to Mr. Pinkney (26th June, 1808), Armstrong says that arguments from America are not much good in Paris. Their repeated attempts to influence the French minister 'may be fairly presumed to have done mischief, inasmuch as it has tended to establish a creed, that words in some form or other are the only means we have to employ.'

It was quite clear that America was expected to join in an offensive alliance with France, the alternative being a wholesale confiscation of her vessels. At length it was openly avowed.<sup>1</sup> Madison alleged the existence of a sim-

<sup>1</sup> Champagny to Armstrong, 15 January, 1808: 'The United States, more than any other power, have to complain of the aggressions of England. . . . In the situation in which England has placed the Continent, especially since the decrees of the 11th November, His Majesty [Bonaparte] 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 their dignity to acknowledge the monstrous principle, and the anarchy which that government establish on the seas. . . . War exists then, in fact, between England and the United States, and His Majesty considers it as declared from the day on which England published her decrees.' A few days later, when in council, Napoleon became indignant at a proposal made to modify the decrees of November, 1806, and December, 1807, and declared that they should suffer no change, and that the Americans should be compelled to take the

positive character either of allies or enemies. (*A. S. P.* iii. 249, 250.) American ships were forthwith confiscated, on the merest pretence, and without any hope of redress. (Armstrong to Madison, 22 Feb., 1808.) About this time Erskine called the attention of the United States government to the contrast between the different modes in which the English orders and those of France were carried into execution. 'By His Majesty's, the utmost consideration is manifested for the interests of those nations whose commerce he is reluctantly compelled to impede, and ample time allowed for their becoming acquainted with the new regulations and conforming to them; whereas France, without any previous notice, and without any interval, applies her orders to trade already entered upon in ignorance of any such order, and subjects to condemnation ships whose voyages when commenced were in strict conformity to all the regulations at that time promulgated by France.' (Erskine to Madison, 23 Feb., 1808.)

ilar design on the part of England. He writes to Pinkney (4th April, 1808): 'The conduct of the two great contending nations toward this country . . . fully displays their mutual efforts to draw the United States into a war with their adversary. The efforts on both sides are too little disguised to be worthy the discernment of either; and are addressed, moreover, to motives which prove great ignorance of the United States, and, indeed, of human nature.' In reality, through their own gross ignorance of England and her people, and of the motives and principles which governed the acts of the ministry at this perplexing period, both Jefferson and Madison were powerfully coöperating with Napoleon in his hostile career against the peace of the world. A short period of withdrawal from being the carriers between France and her colonies might have restricted the profits of some American merchants, but it would have given a character of real neutrality to the proceedings of the government. As matters stood, an avowed alliance with France would have done very little harm to England other than that her sham neutrality was already doing. It was already 'War in Disguise,' as a bold pamphleteer of the period expressed it.

What is still more to the point, in the existing state of American parties neither the President nor his Secretary of State could afford to concede anything to England as against the interests of France. The English ministry knew of their own French sympathies, and of the popular anti-British sentiment which they had helped to nourish, and had very just reasons for believing that the government of the United States was not in a position to act in an independent spirit, with a presidential election near at hand.

## CHAPTER X

THE commissioner selected to proceed to America, in the affair of the *Leopard* and *Chesapeake*, was Mr. G. H. Rose. His instructions were, in the first place, that he must be properly and respectfully received. He was to discuss officially no other topic but that of reparation for the outrage, and certainly not to enter into the question of impressment from merchant vessels. The recall of the proclamation against His Majesty's ships of war was to be made a *sine qua non* before entering into any negotiation. After this concession, the commissioner might renew the disavowal already made, state that Berkeley was removed from his command for acting without orders, and promise a provision for the widows and orphans of those persons killed on board the *Chesapeake*. He was instructed that ample proofs of provocation existed, in the despatches of Admiral Berkeley and in the official correspondence of British consuls in America, because of the many unjustifiable insults paid to British officers in the American ports: these things were considered to extenuate the admiral's fault, although he had been removed from his command.

Having proceeded thus far, His Majesty hoped that the United States government would proceed to remove other causes of complaint, especially the notorious encouragement given to the desertion of British sailors; and further expected that there would be a formal disavowal of Commodore Barron's conduct in giving protection to deserters from His Majesty's navy, and in denying the fact of their being on board his ship.

Mr. Rose was not received in a manner altogether becoming to the occasion. Mr. Monroe had landed a

fortnight previously; yet the government, aware of the mission, had made no preparations for its suitable recognition. On reaching Norfolk, Mr. Rose was under the necessity of requesting, as a favour, that the *Statira* might come into port without violating the proclamation against His Majesty's ships of war. He was determined not to land until assured that he would be received with due respect and hospitality.<sup>1</sup>

Having been introduced to the President and Vice-President of the United States, Mr. Rose formally communicated to the Secretary of State the object of his mission. He was precluded, he said, from entering into any negotiation concerning the *Chesapeake* affair as long as the President's proclamation remained in force. That instrument was regarded in Great Britain as a menace, and it had materially affected the position of things after the apology, after the disavowal of Berkeley's order, after the disclaimer of any offensive intentions toward America. The King's proclamation of 16th October, 1807, offered ample security against any future attempts to assert pretensions to search their ships of war.<sup>2</sup> After some weeks' delay, Mr. Madison replied at great length, and in a severe tone, complaining of the conduct of British officers in the ports of the States; asserting that the President's proclamation was not caused solely by the affair of the *Chesapeake*, but was provoked by previous incidents.

<sup>1</sup> *Gentleman's Magazine*, lxxviii. 163, 261. Turreau, the French minister, is understood to have taken offence at the mission of Mr. Rose; and threatened to demand his passports if he were recognized in an official capacity.

<sup>2</sup> 'Proclamation for recalling and prohibiting British seamen from serving foreign princes and States.' It is very curious that, immediately after the conclusion of Rose's mission, the Navy Department at Washing-

ton decided that no foreign seamen, whether deserters or not, should serve on board the U. S. ships of war. (Madison to Pinkney, 4 April, 1808.) It would be still more curious to learn how long this order was observed. During the war of 1812, hundreds of British seamen were serving against their native country. By the proclamation of October, 1807, such persons were held to be guilty of high treason.

He would not yield. Consequently, Mr. Rose had no alternative but to declare his mission at an end, — adherence to the proclamation being regarded by His Majesty as a spirit of hostility quite unjustified, after the declaration of his sentiments, and after the repeated proofs of his desire for reconciliation.

Mr. Rose does not appear to have been generally treated in a manner befitting the bearer of a peaceful and conciliatory message from another power. As England was proud, even to arrogance, at that period, and something of a Power beyond the mere name, it does not redound to the wisdom of the American government to have rejected the opportunity. But, if we are to believe the Federalist writers, the Jeffersonians had really no wish to be friends with England. The present grievance was far too valuable for party purposes. Mr. Rose explained afterwards, from his place in Parliament, how impracticable had been the endeavour to conclude the business of his mission without getting into protracted discussion, the nature of which was quite incompatible with the honour of his country.

On the 23d January, 1809, Mr. Canning sent a despatch to the British envoy at Washington, instructing him that His Majesty would withdraw the Orders in Council of January and November, 1807, so far as respected America, on the condition that the American government would contemporaneously withdraw the interdiction of its harbours to ships of war, and all non-intercourse and non-importation acts, so far as respected Great Britain, leaving them in force with respect to France and the powers which acted under her decrees. It was, besides, to be understood that America was willing to renounce during the present war the pretension of carrying on in time of war all trade with the enemy's colonies from which she was excluded during peace; and, as a security for the observance of the embargo as regarded France and the powers, Great Britain was held to be at liberty to capture all such American

vessels as might be found attempting to trade with their ports. This despatch to Erskine was accompanied by another of the same date, renewing in almost identical terms the offers of reconciliation concerning the affair of the *Chesapeake* which had been made by Rose. And the minister was instructed 'steadily and peremptorily to refuse any demand for further mark of His Majesty's displeasure to Admiral Berkeley than that which was in the first instance manifested by that officer's immediate recall.' As if to ensure Erskine's vigilance on the respect to his country, Mr. Canning added that the manner in which the proposal for adjustment was received would be the best test of the general disposition of the American government.

These instructions were prepared the day after receipt of a letter from Erskine, who was induced to believe there was a better disposition arising toward Great Britain. In conversation with Madison (who had just been chosen President), Robert Smith (Secretary of State), and Albert Gallatin, he had understood that the conditions above-mentioned were now suggested by them, and that the American government was disposed to fulfil them upon the repeal of the British decrees 'so far as respected America.' Mr. Canning, whose great ability and whose desire for reconciliation were obvious to the American minister in London, had doubtless impressed the American government with his statesmanlike powers. The individual members of that government had extremely friendly relations with Mr. Erskine, and the zeal of the latter for an international understanding was untiring. The moment seemed opportune. Under the circumstances, Canning hastened to profit by it. He directed Erskine to exhibit his instructions *in extenso* to the Secretary of State if he thought fit. Upon receiving a distinct recognition of the three principal conditions, His Majesty would forthwith send a special minister to America with full powers to conclude a formal treaty.

Nevertheless, all this brilliant promise ended in failure, — in one of the grossest blunders to be found in our diplomatic annals. Erskine not only exceeded his instructions, but departed widely from the cautious spirit which had dictated them. Everything demanded by the Americans was granted, while two out of the three principal conditions upon which the negotiation was based were entirely ignored. And the Secretary of State was permitted to offer, apparently without any protest, the very suggestion as to Admiral Berkeley against which Mr. Canning had specially provided.

The arrangement offered by Mr. Erskine was developed in a series of letters exchanged between him and Mr. Smith, reciprocally delivered day by day (according to directions from London) so as to avoid committal to a reply, in each case, of which he did not know the terms. This ingenious plan ought to have saved our unfortunate envoy, as was doubtless intended, from omitting to comply with the very least wish of the King of England; but it might have been just as well left out, seeing the utter imbecility with which the whole thing was carried through.

In a first letter, dated 17th April, a renewed offer of reparation was made concerning the *Chesapeake*. Erskine forgot to mention the indispensable condition that the proclamation against His Majesty's ships of war must be first withdrawn. Of course, the President accepted this gracious offer. He probably thought it was an exhibition of the weakness and pusillanimity underlying all British assumption of superiority; for the letter of acknowledgment handed in by Mr. Smith included the following remark: 'But I have it in express charge from the President to state that, while he forbears to insist on a further punishment of the offending officer, he is not the less sensible of the justice and utility of such an example, nor the less persuaded that it would best comport with what is due from His Britannic Majesty to his own honour.'

On the following day, Mr. Erskine wrote that he was instructed to communicate His Majesty's determination to send to the United States an envoy extraordinary, invested with full powers to conclude a treaty on all the points of the relations between the two countries. In the mean time, with a view to contribute to the attainment of so desirable an object, His Majesty would be willing to withdraw his Orders in Council of January and November, 1807, so far as respected the United States, in the persuasion that the President would issue a proclamation for the revival of intercourse with Great Britain. This being acknowledged, and the President's word given, a third letter was written on the 19th April, stating that, in consequence of the acceptance of yesterday's proposal by the President, Erskine was authorized to declare that His Majesty's Orders in Council of January and November, 1807, will have been withdrawn, as respects the United States, on the 10th day of June next.

Here, it will be seen, was no allusion to the colonial trade which the Americans were expected to renounce during the war, nor to the 'security for the observance of the embargo,' embodied in the third condition under which the negotiation had been undertaken. These omissions, together with the offensive suggestion as to the King's honour, rendered Mr. Canning justly indignant. The envoy had actually gone to the extreme of concession without having obtained anything in return. He was at once informed that the arrangement he had made was disavowed; and, seeing that he had wandered so entirely from his instructions, and had shewn himself so insensible to what was due to the dignity of his sovereign as to have consented to receive such expressions as those of Mr. Smith, he would be recalled from his post. His zeal and good intentions were not doubted, but it was impossible he could any longer continue in the exercise of his functions.

The regrets incident to this unfortunate blunder were intensified by the effect upon the temper of the two peoples. On the news of the proposed withdrawal of the British orders being known in America, there was rejoicing on every hand. At New York the Federalists made special demonstration, because they concluded that 'French sentiment' had received a wholesome check. 'The people of both parties universally rejoiced because the prosperity of America was about to be restored and their restrictions and privations were at an end. The granaries and warehouses, wherein the produce of America had so long been pent, were once more opened; and the ports, which had been condemned to inactivity, were again enlivened with all the activity and bustle of cheerful industry.' This transitory gleam of sunshine was speedily clouded over when the news came of the disavowal. As for the government, their very natural joy at having got everything for nothing was rudely dispelled.

There was scarcely less concern in England. The American trade was wanted, if it could be secured without sacrifices unworthy of the nation. We had as much need of the open seas as any of our neutral friends. Only dire necessity had compelled the British government to assume the arrogant powers they had lately exercised. All had looked forward to the result of these negotiations with hope. And when the time came for the instructions of Canning to be published, it was seen by everybody that they had comprised the elements of a complete reconciliation. Meanwhile, the people in London had no opportunity, as the Americans had enjoyed, of even a temporary congratulation. The ship which brought home Erskine's despatches carried also the printed correspondence between him and Robert Smith. The ministry at once saw what had happened, and the need for instant disavowal. The news spread. Only a week later a motion was made in Parliament for the production of papers: Canning him-

self seconded the motion, and, when they were printed, it was apparent that the envoy had given the concessions offered without obtaining the required conditions. People almost doubted whether any papers had been withheld. A year later, Canning was still under the necessity of meeting attacks made upon him in the House of Commons relative to his directions to Mr. Erskine; to which, however, he was able to make triumphant answer.

No explanation appears ever to have been given of Erskine's fault.<sup>1</sup> He had been in America since the year 1806, was on good terms with everybody, knew something of the party spirit which dominated all public affairs, and understood the critical questions which were afloat between the two countries. Enthusiasm, perhaps, carried him onward; and, after a too hasty perusal of Canning's despatches, he may have been too ready to make any compact which promised to go toward closing these questions amicably. In a sort of explanatory letter to Robert Smith (14th August, 1809) he says: 'I had such strong grounds for believing that the object of His Majesty's government could be attained, though in a different manner, and the spirit at least of my several letters of instruction be fully complied with, I felt a thorough conviction on my mind that I should be acting in conformity with His Majesty's wishes, and accordingly concluded the late provisional arrangement on His Majesty's behalf with the government of the United States.'<sup>2</sup> Erskine does not appear to have

<sup>1</sup> There was a pathetic scene in the House of Lords one evening. Lord Erskine took occasion to remark, in reply to certain insinuations that his son had purposely failed to comply with his instructions in order to compromise the party of Canning, that it could not be; but if it were so, he should never speak to him again in the whole course of his life.

<sup>2</sup> His successor held a very un-

qualified opinion of this muddle and its author:—'Erskine is really a greater fool than I could have thought it possible to be, and it is charity to give him *that* name. It would require a volume to explain to you the mischief he has done, on the present occasion in particular, and how his conduct generally has given encouragement to the hostile disposition this government manifests

found any defender in England. Lord Holland 'flew out immediately,' as well he might, considering the pains he had taken over these very topics. The opposition in Parliament, supported by Mr. Whitbread, maintained that Erskine had acted up to the spirit, although not the letter, of his instructions, until Canning silenced them by full evidence to the contrary.

The new mission was confided to Mr. Francis James Jackson, a rising diplomatist who had recently gained credit at Copenhagen. He entered upon the task with the full conviction that it was a most delicate, if not desperate, enterprise. That he was not prepared for quite such unceremonious treatment as he received may be inferred from the fact that he stipulated for a year's appointment previously to leaving home. His task was indeed desperate. Before his arrival in America the word was given that 'Copenhagen Jackson' was not to be received. When he landed, the newspapers and the mobs were allowed to insult him at pleasure.<sup>1</sup> He had to wait for three weeks or more before getting an interview with the President. And every step taken by the government shewed that they had no intention, from the first, to accept the opportunity of reconciliation. The whole course of

toward us. Now that I have gone through his correspondence, more than ever am I at a loss to comprehend how he could have been allowed to remain here for the last two years. To be obliged to wade through such a mass of folly and stupidity, and to observe how our country has been made, through Erskine's means, the instruments of these people's cunning, is not the least part of my annoyance. Between them, our cause is vilified indeed.' (F. J. Jackson, Washington, 20 Oct., 1809. *Bath Archives*, i. 25.)

<sup>1</sup> Thirteen men deserted from the ship which brought Mr. Jackson over, *H. M. S. Africaine*. The British consul at Baltimore had them arrested; but there was no remedy. The Chief Justice, on being appealed to, ordered their release; his opinion coinciding with that of the Secretary of State to the effect that deserters from British vessels ought not to be arrested or detained under the authority of the United States government.

the negotiation was characterized by an alternation of childish bluster with cunning efforts to obstruct it by verbal quibbles.

Jackson and his suite reached Washington early in September. While awaiting the pleasure of the President, he made a close study of the archives of the British mission, and satisfied himself there was a rooted hatred of Great Britain and a manifest partiality toward France exhibited in all dealings of the United States government with this country. Madison had partisan needs similar to those of his predecessor, and his tone toward Erskine corresponded with Jefferson's. Erskine had been too long in Washington. He had become far too indulgent toward the American government, and was beginning to imbibe a sense of their precious grievances against European powers. Jackson perceived that his own difficulties would be enhanced by the tone which Erskine had allowed them to use toward him without disapproval.

The first thing demanded of Jackson was an explanation of the disavowal of Erskine's arrangement. To this he replied that the late minister had already given it. Indeed, the Secretary of State had received Erskine's explanations, and had admitted they were not 'devoid of weight.' Jackson soon perceived that this was part of the studied hostility with which he was to be treated. Mr. Smith intimated that oral interviews would be dispensed with, and that the remainder of the negotiation must be upon paper. But Mr. Jackson was resolved to 'bring them in some degree to their senses.' He protested against this unprecedented mode of putting an end to verbal communication, but, rather than hamper the negotiations he would submit; and forthwith renewed the offer concerning the *Chesapeake*, on the same terms as before. He added, that the only real cause of the disavowal was that Erskine had acted directly contrary to his instructions. As Erskine had shewn to the Secretary of State

the three principal conditions upon which concessions were to be granted, they of course knew beforehand that he was not fulfilling his instructions. An acrimonious exchange of letters made things worse. The pretence was made that Jackson charged the American government with a previous knowledge<sup>1</sup> that Erskine's arrangement would be disavowed. Jackson reminded Mr. Smith that he had already admitted that he knew of the three conditions. Upon this, which the Secretary considered an aggravated repetition of his offence, Mr. Jackson was informed that they would have no more communication with him. Upon this last proof of the glaring hostility toward his peaceful mission, he announced that he would leave the seat of government and retire to New York, there to await His Majesty's commands. Writing home to his brother (14th November), he says: 'I wished to have prevented an explosion, but this government was bent upon one, and it is now evident that the determination not to come to terms was made at the time of my arrival, and would sooner have shewn itself if I had not so often removed the obstacles that were thrown in my way.'

There can be no doubt that Mr. Jackson did the very best for his mission. But with these unreasonable people it was hopeless to expect fair treatment. What is to be thought of men, calling themselves statesmen, who published in their party newspapers their diplomatic correspondence before the ink was scarcely dry? By the time of the rupture, the newspapers (and their public) knew nearly as much as the principals themselves, and were commenting upon Mr. Jackson's letters to the Secretary. And the comments were accompanied by menace. Such were the threats offered in the public press that he found it expedient to request passports and safe-conduct for his family and servants. On the same day, Jackson issued a circular letter to the British consuls, informing them of

<sup>1</sup> Which the Federal newspapers had already done! (Hildreth, vi. 193.)

the breaking off the negotiations and the temporary removal of the mission to New York. This last was treated as a new offence, on a par with the action of Genet, who once upon a time appealed 'to the people' against President Washington.

Meanwhile, Mr. Oakeley, Secretary of Legation, remained in Washington to communicate with Mr. Smith. The latter received the news of Jackson's departure and the demand for passports with 'very apparent marks of surprise and confusion.' Two days later Smith had another interview with Oakeley (which he particularly and repeatedly pressed upon him was quite unofficial); when he told him, 'unofficially,' their knowledge of the three conditions never was attempted to be contradicted! He said there had been a misunderstanding; — but the American government did want some apology for the disavowal of Erskine's agreement.

Mr. Jackson refused to go back to Washington unless officially invited. This was, of course, out of the question. The Madison Cabinet could not thus stultify themselves with their whole party in full cry against the offending envoy. They had already been somewhat damaged, in the eyes of their friends, by the publication of the full history of Erskine's arrangement. The Federal press were disposed to favour Mr. Jackson. When his conduct was presently discussed in Congress, there was found a considerable body of opposition to the government. Very soon after leaving Washington, the envoy saw that public opinion was growing in his favour. At New York, and afterward at Philadelphia, people began to show great attention and civility. Writing home to his brother (10th January), he says: 'That public opinion should have been against me, in the first instance, considering the pains taken by the government with that view, is not surprising; but the Americans have since shewn that they are able, and some of them willing, to judge for themselves; and

the Secretary of State has been very generally laughed at for his pains. So sure did he think himself of universal applause that he sent copies of his correspondence to the heads of the opposition party, who have given it as their opinion that he could not have understood my letters.'

There is, really, some reason for believing that Robert Smith was a thoroughly incompetent man for his responsible post. His long-winded letters in the controversy are not his own. Madison's style is obvious throughout. It would not be a surprising thing to discover that Madison was not fully aware of the three conditions, while Smith was in full knowledge of them, and that the indignation of the writer was that of the President and not of his Secretary. Erskine had positively stated to Mr. Canning that the conditions specified in his instructions had been submitted to the Secretary of State. We do not know that Madison ever saw them in full.<sup>1</sup> However this may be, it is certain the President had no desire to take up a conciliatory attitude. The animus of Madison in everything concerning Great Britain was not disguised. His message to Congress (29th November) bears a heavy indictment against England, well fortified by recent circumstances. On the contrary, the shortcomings of France are treated with indulgent pen. Although at this very time French deserters were being taken by force out of American ships, and American sailors seized under Buonaparte's decrees were languishing in French prisons, the President does not waste many words over these iniquities.<sup>2</sup> The message was, in short, a party manifesto.

<sup>1</sup> After Mr. Smith's retirement from the Secretaryship there was a public quarrel with Madison (with the inevitable pamphleteering). He states (p. 12) that Madison insisted on writing the offensive paragraph about Berkeley 'contrary to my ideas of propriety.' For what Madi-

son thought of Smith, and why he had to be dismissed, *v. Writings of Gallatin*, ii. 495, etc. *Gallatin's Life* has some interesting revelations as to the intrigues of the period.

<sup>2</sup> 'With France, the other belligerent, whose trespasses on our commercial rights have long been the

Mr. Jackson had the satisfaction of finding that there was full approval at home of his proceedings, and of his correspondence. The feeling in London was that the Americans meant to quarrel and meant to go to war. Lord Wellesley, the new Foreign minister, condemned their conduct in strong terms. But it did not require a distinguished official to discern why this negotiation failed. The Americans wanted a war, if only as an experiment. Madison knew full well that the party on which he was depending would not listen to any plans for a cordial understanding with England. Eight years of Jeffersonian influence had nourished a lively war spirit in the Democratic party. Their indulgence toward France seemed to have no abatement, even in the face of new indignities and impertinences. At this very time there were American merchants in Paris who publicly offered the grossest insults and menaces toward Great Britain; while their own resident minister was appealing in vain for redress on account of French confiscation and ill-usage.

That it was simply a party matter is obvious from what is still asserted by those writers who condemn the Jeffersonian principles and tactics. Jackson's own experience is overwhelming confirmation of it. As soon as he got into the New England States, he found himself among a set of politicians who repudiated the acts of the central government. 'The governor of Massachusetts (he says, writing to his mother) has written to me to invite me to Boston, where he says he and many others will be happy to receive me. That State . . . has done more toward justifying me to the world than it was possible, from the nature of things, that I or any other person could do in the present stage of the business. The legislature, which

subject of our just remonstrance, the posture of our relations does not correspond with the measures taken on the part of the United States to effect a favourable change.'

is not a mob, like many that have passed resolutions, has agreed to a report of a joint committee, and passed resolutions in conformity to it exculpating me altogether, and in the most direct manner censuring the conduct of the President and the general government. In this State [New York] they have also declared unequivocally in my favour, and in Congress I have met with many able advocates, with whom, as well as with the good people of Massachusetts, I am totally unacquainted. . . . Their hospitalities and attentions to me and my family enrage the Democrats beyond anything.' This continued during the remainder of his stay in America, which lasted for several months of 1810.

After his return home, Mr. Jackson was entertained at the London Tavern by the body of Anglo-American merchants in London, a number of public men being invited to meet him. He was thus enabled to dismiss the American incident with a complete clearing of his reputation as a diplomatist.

## CHAPTER XI

ON learning that certain changes in the English Cabinet has resulted in the exclusion of Mr. Canning from office, the American government appears to have entertained the hope of a more pliable character taking his place. But the Marquess Wellesley was less disposed than his predecessor to stand on ceremony with the Americans. From what he could gather of recent events, he felt that courtesy itself was being strained. Their impertinent and unreasonable conduct toward Mr. Jackson, crowned by the curt refusal to take any further notice of him, closed the door to respectable diplomacy. In consequence of this position, Mr. Morier, who had carried the last despatches to Jackson, was directed to remain at Washington as *chargé d'affaires*.

The subjects in dispute were revived (January, 1810) by Mr. Pinkney making formal application to Lord Wellesley, with the view of transferring negotiation to this side of the Atlantic. He was instructed to complain of Mr. Jackson's conduct and to demand his recall. His review of the correspondence with Mr. Smith, and of the series of 'misunderstandings' that had succeeded one another, formed an ingenious indictment; in which Jackson's 'repeated imputations upon the honour and sincerity of the American government' took a leading part. This, of course, was not renewing the negotiations. Lord Wellesley, in reply, left no room for uncertainty as to the opinions of his colleagues. He informed Mr. Pinkney that the king had not 'marked with any expression of his displeasure the conduct of Mr. Jackson, whose integrity, zeal, and ability had long been distinguished in His Majesty's service; and who does not appear on the present occasion to

have committed any intentional offence against the government of the United States.' He added that His Majesty was ready to receive with sentiments of undiminished amity and good-will any communication which the government of the United States might deem beneficial to the mutual interests of both countries, through any channel of communication which might appear advantageous to that government.

The delicate irony conveyed in this last sentence was lost on Mr. Robert Smith. He wrote back to Mr. Pinkney that Lord Wellesley's message indicated an apparent indifference to the character of the diplomatic intercourse between the two countries; further instructing him that, if circumstances warranted the step, he might hand over the London mission to a *chargé d'affaires*. Mr. Pinkney, however, was still under the delusion that the English ministry might be found more tractable than their predecessors in office.

Meanwhile, an unexpected circumstance gave fresh hope to the envoy that he would at last secure one important concession from the British government. He learned from General Armstrong that the Berlin and Milan decrees were now revoked, and to become inoperative on and after the 1st November next; and hastened to communicate the intelligence to Lord Wellesley. He took for granted the revocation of the British Orders in Council would follow of course. In reply, Wellesley referred him to the King's declaration already made to the American government, on 23d February, 1808; he was now commanded to repeat that declaration, and to assure Mr. Pinkney, that whenever the repeal of the French decrees had actually taken effect, His Majesty would feel the highest satisfaction in relinquishing a system which the conduct of the enemy compelled him to adopt.

The month of November had scarce opened when Pinkney eagerly hastened to remind Lord Wellesley that the

date had passed for which the repeal of the Berlin and Milan decrees was promised: 'it could not be doubted' that the repeal had taken effect; and the relinquishment of the British system, so important, so indispensable to the trade of the United States, would of course immediately follow. Wellesley presently replied, that he had not been able to obtain any authentic intelligence of the repeal of the French decrees. Pinkney did not, nor could he, supply such intelligence, because the practices and depredations of the French were carried on with undiminished vigour; yet he pressed his demand, on the ground that American ships had sailed to Europe in full faith that all the troubles had ceased. He had no other proof to offer. But he explains that 'on such an occasion it is no paradox to say that the want of evidence is itself evidence.'

At length, on the 29th December, Lord Wellesley told him plainly that the continued conduct of France toward neutrals proved that the French decrees were still in force, and that England was still awaiting the fulfilment of the conditions under which she would willingly consent to withdraw her Orders in Council. Pinkney's patience was now exhausted. And Wellesley having once more told him that Great Britain insisted upon carrying out her own plans of self-defence against France, and that she could not relinquish them at the desire of the United States government, Pinkney determined that it was useless for him to remain in London. He obtained final audience of the Prince Regent on the 1st of March, 1811.

That the English Cabinet was right in suspending a decision is sufficiently shewn by the course of events. Whether President Madison ever believed in Napoleon's good intentions it is impossible to say. He had issued a proclamation, dated 2d November, 1810, upon the promised period falling due, announcing the repeal of the decrees, and restoring the privilege of free intercourse for French war-ships in American ports. A year later Secre-

tary Monroe was writing to Joel Barlow in Paris, hoping that France would act 'in conformity with her principles,' etc. The English government, together with the rest of the world, sought in vain for any proof of sincerity on the part of France. The American people themselves began to look upon the pretended repeal of the decrees as 'a mere delusive trick.' Their merchants and shippers had ventured out to what was an immensely lucrative affair if successful, the sense of danger being forgotten in the eagerness to secure the earliest profits of a reopened market. But it was a year of great spoil. French privateers infested the American coasts as vigilantly as ever, while British men-of-war would spare no culprit of a merchantman whose papers manifested a design to evade the British Orders in Council. It was a busy year for the Courts of Admiralty; and the more so that the condemnation of prizes was not hurriedly despatched. The chief judge, Sir William Scott, had a batch of cases before him, upon which he adjudicated the 27th June, 1811, after lengthened postponement. In giving judgment he said: 'The claimants fail to produce any evidence of the revocation of the French decrees. I think I am justified in pronouncing that no such event has ever occurred. The only document referred to on behalf of the claimants is the letter of the person styling himself the Duc de Cadore [Champagny]. That letter is nothing more than a conditional revocation. It contains an alternative proposed: either, that Great Britain shall not only revoke her Orders in Council but likewise renounce her principles of blockade, principles founded on the ancient and established law of nations; or, that America shall cause her neutral rights to be respected, *i. e.* join France in a compulsive confederation against this country. It is quite impossible that England should renounce her principles of blockade to adopt the new-fangled principles of the French government, which are absolute novelties in the law of nations.' . . .

If, however, the British Cabinet could justify a strict adherence to belligerent rights, no one could help feeling considerable sympathy with the government of the United States. The difficulty of their position was this: not so much that the American merchants were suffering deprivations and losses at the hands of Europe, but that their annual revenue was diminished by the failure of import dues.<sup>1</sup> Their income depended almost entirely upon these, and there was no possible alternative resource. Direct taxation was unknown, and it would have been permanent ruin to the reputation of any American politician bold enough to propose it.

The power which was the best able to execute its maritime severities, and so to reduce the customs receipts as to derange the financial position of the government, was naturally held the party to blame. The conduct of the numerous French and Danish corsairs, whose operations were confined to certain localities, could pass with a few half-hearted complaints. But the high-handed mistress of the seas must needs be called to account, rather, for the enormous and effectual interference with the national trade. The plans of an embargo upon their own ships and of non-intercourse with Great Britain and France, which were successively adopted as measures of retaliation, were found to paralyze their own trade, and diminish the revenue, without bringing any corresponding benefit. To this failure to produce any of the results expected must be ascribed the tenacity with which Madison persisted in throwing upon Great Britain all the blame, and all the popular obloquy which his party could succeed in raising against her.

That which, most of all, rendered the English Cabinet impenetrable to any argument or appeal for relaxation,

<sup>1</sup> In the year following the embargo, the revenue of the United States fell from twenty-six millions to ten millions. (*Annual Register*, 1810.)

and 'made the Admiralty shudder at the thought of concessions to America,' was the feeble manner in which the Americans yielded to the unprincipled demands of France. Their conduct over the Rambouillet decree is a case in point. The United States having, by non-intercourse Act of Congress, 1st March, 1809, forbade the entrance of French (and all other belligerent) vessels into their ports under penalty of confiscation, it was decreed by the French emperor that all vessels navigating under the flag of the United States, or in whole or in part possessed by a citizen or subject of that government, which should enter the ports of France or her colonies, should be seized, etc. In pursuance of the Rambouillet decree, the French made a clean sweep of all American property within their reach. One hundred and thirty-two vessels, worth with their cargoes about eight million dollars, were sold, and the proceeds confiscated. Notwithstanding all this, — a procedure to which no deed of Great Britain could furnish any parallel, — the American government pretended that France had set the first example of returning to the rights of neutrals; and continued to allow access to their ports to French vessels while they excluded the English.

Mr. Pinkney's mission being at an end, the negotiation on matters of dispute between the two countries was once more transferred to Washington. Early in the year 1811, Mr. Augustus J. Foster was nominated minister plenipotentiary, with fresh hopes of an amicable adjustment.

Before he arrived at his post, however, a fresh source of inquietude arose, in the shape of an encounter between an American frigate and a British sloop-of-war. The latter was the *Little Belt*, Captain Bingham, 20 guns, in search of H. M. S. *Guerrière*, for whom she carried despatches. The *Guerrière*, a 38-gun frigate, had recently impressed an American sailor, who remained on board and entered as one of the crew. The U. S. frigate

*President*, Commodore Rodgers, 44 guns, had general orders to protect the coast and shipping of the United States, with private instructions to pursue the *Guerrière* and demand that seaman. On the 10th May, while the *President* lay in the river Chesapeake, the commodore came unexpectedly on board, and preparations were made for an immediate cruise. Among the 'preparations' those of the surgeon were not omitted. At sea, two days later, the ship was cleared for action. On the 16th a sail was descried, and signalling and manœuvring went on the whole day until dusk. The Americans had the *Guerrière* on their minds, and probably believed it to be that ship which was in sight. The *President* overtook her about 8 P. M., and hailing began. But neither commander was disposed to answer before being acknowledged, for both of them claimed to have hailed first. While this indecision prevailed a gun went off, and in two minutes a fierce action was proceeding, which lasted half an hour or more. The British ship at length ceased firing, being much damaged, and having suffered considerable loss in killed and wounded. A boat with an officer in command being sent from the *President*, it was found their combatant was the *Little Belt*. Expressions of regret were immediately offered. Captain Bingham asked why they fired at him. He was answered that he fired the first gun. This he denied positively, and continued to deny; adding (in his despatch to the admiral), 'Nor is it probable that a sloop-of-war within pistol-shot of a large 44-gun frigate should commence hostilities.' It is admitted that a gun on board the *President* went off 'by accident;' and, as the *Little Belt* had prepared for action when it was obvious that a contest was imminent, it may be understood the flushed temper on both sides was ready for conflict.

There was much hard swearing over this business. An American court of enquiry decided that the British sloop

was the aggressor. The British were just as positive the frigate took the offensive. It is not for us, with so many ingenious naval historians already in the field, to tell which way the case really stood. But one may be disposed to think that if the *President* was chasing the *Little Belt* for a long afternoon, and believed her to be a frigate of nearly her own size, when she was in fact barely one third, and had an armament of less than one half, Commodore Rodgers and all his officers must have been very short-sighted. Captain Bingham remarks in his despatch, that it appeared to him evident, by the manner in which the American officer apologized, that had he fallen in with a British frigate he certainly would have brought her to action. There might be found, possibly, some persons who would pretend to doubt that it was Commodore Rodgers's intention to engage the *Guerrière*, but few could question his determination to break the peace.

There was a good deal of applause on shore. The opinion prevailed, indeed, that Rodgers had pursued the *Little Belt* with the very purpose of avenging upon her the still unatoned-for attack on the *Chesapeake*. There is, even now, some credit assumed for this incident, 'this lucky accident for our flag and the prowess of our navy.'<sup>1</sup> When the Secretary of State was enabled to present the result of the official enquiry, he informed Mr. Foster that Captain Bingham had, without any justifiable cause, made a hostile aggression on the flag of the United States; and he expected that His Britannic Majesty, viewing it in the same light, would give it the attention it merited. Foster, for his part, did not view it in the same light. After referring to the unaccountable differences of statement concerning the first fire, he courageously remarked

<sup>1</sup> Schouler, ii. 330; *v.* also, Hildreth, vi. 247, and the conical bluster which is brought into American school-books over this affair. There were, however, New Englanders who scoffed at Captain Rodgers and his unlikely story.

to Monroe that, from the concurrent testimony of several officers of the United States ship as to the orders given by Captain Rodgers on nearing the *Little Belt*, there appears to have been an impression on that officer's mind that an encounter was to ensue; and, as the *Little Belt* was evidently endeavouring to avoid him, such an idea could only have arisen from the opinion he entertained of his own proceedings as likely to bring it on.<sup>1</sup>

Another matter, which arose shortly before Foster's arrival in America, was the occupation of West Florida by the United States. The settlers in that territory, neglected by the mother country, had asserted their independence, and demanded annexation to the States. In his message to Congress (December, 1810), Madison had announced the intention of the government to take possession of West Florida. This determination was based on the ground that it was really a portion of Louisiana, to which they had a right by purchase, also that no satisfaction had been made by Spain for past spoliations on American commerce. Morier had already taken official notice of the project, considering it an act of hostility to one of His Britannic Majesty's allies. In July, 1811, Mr. Foster resumed the topic, informing Mr. Monroe that the Spanish minister in London had expressed the feelings of the government of Spain respecting the aggression, and that Pinkney could offer no explanation whatever of the motives which actuated the American government. Monroe, in reply, said he could not admit the right of Great Britain to interfere in the matter, but he was willing to explain, in a friendly manner, that the people of West Florida had arisen and shaken off their allegiance, and that the American government had interposed. Moreover, they held that Spain really had no longer any title to the territory, since it formed a part of Louisiana.

<sup>1</sup> *V. Naval Chronicle* for 1811, vol. xxvi., for documentary matter on this affair.

The affair of the *Chesapeake* was settled in the autumn of 1811, upon the terms already offered by Erskine. In accepting the reparation, Monroe could not refrain from a further reflection on the absence of any punishment for Admiral Berkeley.

During the whole period of his mission, which lasted about a year, Foster was engaged in trying to explain to the American government the British system of defence and retaliation with reference to the French maritime hostilities; while Monroe was endeavouring to make Foster understand how unjust and degrading to the nation were the British restrictions. Foster reminded him that the present ruler of France did not scruple to violate any law, provided he could thereby crush the maritime power of England; that Great Britain was contending for her very existence, and for all that was dear to her; that Buonaparte having declared he was no longer bound by the established laws of war, and having trampled upon the rights of every other independent nation in order to effect his purpose, and there being no evidence that he really intended to relax his recent decrees, Great Britain must continue her system of retaliation and resistance. 'Do the American government (he warmly asked) really wish to aid France in her attempt to subjugate Great Britain? Does America expect that Great Britain contending against France will, at the instance of America, disarm herself and submit to the mercy of her opponent?'

To these representations Monroe turned a deaf ear. His colleagues held an attitude of cold indifference. It was not their concern. They relied upon the British refusal to recognize the pretended revocation of the French decrees for an excuse of supporting the charge of wilful hostility; and that charge was artfully employed to wield the public mind. There could be no doubt now that a resort to arms was intended. Even before Foster's arrival

at Washington, the non-appointment of a minister was beginning to be regarded as a *casus belli*. Now that he was here, sturdily maintaining the justice of England's position before the world, and the dangers which threatened both countries from the usurpations of Buonaparte, it was made a new offence that Mr. Foster persisted in denying the revocation. At length, Monroe began to evade answering the envoy's arguments, declaring that he had already said enough.

In the eagerness of the American people for Trade, Trade, Trade, they must needs have Trade at any price, whence there naturally arose a watchful jealousy lest other nations should out-rival them. When Louisiana was in the market, the fundamental reason for securing that territory was to save it from falling into the hands of Great Britain. The secret cause of displeasure with English interference in the fate of West Florida was the apprehension that she wished to seize it for herself. The coffees and sugars of the Indies, and all the multitudinous products of the torrid zone, so much in request on the European continent, were regarded with similar jealousy. As the nimble and indefatigable offspring of another great 'nation of shopkeepers,' it was natural for the Americans to believe the English still more rapacious than themselves, and to be unable to account for their belligerent rules on any other terms. Pinkney, writing to Madison, 21st September, 1808, says: 'The spirit of monopoly has seized the people and government of this country. We shall not, under any circumstances, be tolerated as rivals in navigation and trade.' Ridiculous! Jonathan Russell (to Monroe, 4th March, 1812) is a little more misleading: 'In the House of Commons Mr. Rose virtually confessed that the Orders in Council were maintained to promote the trade of England at the expense of neutrals, and as a measure of commercial rivalry with the United States.' If the Washington government suffered itself

to be deluded thus by its representatives abroad, it was time for James Monroe to think that he had said enough.

Let us hope they did not inconsiderately delude one another. Yet, while the Secretary of State was bandying words with Foster as to the sincerity or the double-dealing of the French, the President himself was aware that their obnoxious decrees were in full force. 'It would seem that Great Britain is determined against repealing her Orders, and that Buonaparte is equally so in the destruction of her commerce, to which he readily sacrifices his own commerce with the United States.' A year later: 'France has done nothing toward adjusting our differences with her. It is understood that the Berlin and Milan decrees are not in force against the United States, and no contravention of them can be established. On the contrary, positive cases rebut the allegation.'<sup>1</sup>

With the continued reports of French privateers being allowed to take British prizes into American ports; with renewed complaints of encouragement to desertion of British seamen, and the inveigling them into the naval service of the United States; with the obstinate refusal of the American government to give weight to old-established rules of international duty, — it cannot be matter of surprise that English ministers remained firm. Each successive Cabinet during this long crisis, however variable in sentiment on domestic matters or on the conduct of the European war, remained consistent in view as to what was expected of Neutrality. Lord Wellesley does not differ in opinion from any one of his predecessors in office, when he directs Foster to state to the American government that 'before America can justly claim the rights of a neutral nation, she ought to fulfil the established duties belonging to that character.'

<sup>1</sup> Madison to Jefferson, 7 June, 1811, and 25 May, 1812.

## CHAPTER XII

A NEW generation of senators and representatives was coming to the front. The younger men in Congress were still less disposed to brook the insolence of foreign powers than were the surviving 'patriots' of the Revolution. Yes, Young America knew better! Was their independence to be nothing more than an empty word? Not while a few ships could be got together. Were they to sink into a position, after all, in which everything they held dear depended on the forbearance of Europe? Was the country able to defend itself? would it ever be able to defend itself, if not now? The time had come for resolute self-assertion, and war if need be.

It was on the 6th December, 1811, that a distinctive warlike attitude was first assumed in the House of Representatives. A report had been presented by the Committee on Foreign Relations, from which it appeared that all hopes of accommodating the differences with Great Britain by negotiation were abandoned. The question to be considered was, therefore, whether the maritime rights in dispute were worth the hazard and expense of a war. The opinion of the committee was that the Orders in Council should be resisted by war; but they could not decide how far they ought to go for the sake of the general carrying trade. Peter B. Porter, chairman of the committee, said that upon the ground of a mere pecuniary calculation, a calculation of profits and loss, it would be for their interest to go to war to remove the Orders in Council, rather than submit to them, even during the term of their probable continuance. But there was another point of view (he added) in which the subject presented itself to the committee, and that was as regarded

the character of the country. They were a young nation, and he hoped they cherished a little pride of spirit as well as a great deal of justice and moderation. Their situation was not unlike that of a young man just entering into life, and who, if he tamely submitted to one cool, deliberate, intentional injury, might safely calculate to be kicked and cuffed for the whole remainder of his life; or, if he should afterward undertake to retrieve his character, must do it at ten times the expense which it would have cost him at first to support it. They should clearly understand and define those rights which as a nation they ought to support, and they should support them at every hazard. Were there such a thing as rights between nations, surely the people of the United States, occupying the half of a continent, had a right to navigate the seas without being molested by the inhabitants of the little island of Great Britain! The committee did not hesitate to give it their opinion, on these grounds, that 'we ought to go to war in opposition to the Orders in Council.'

Another member of this committee, Felix Grundy (Tennessee), informed the House that the Indian difficulties in the West were fomented by Great Britain, with her promises, her baubles, and her trinkets; that the blood of a fellow-citizen had already been shed in a charge upon some Indians, therefore war was already going on. Richard M. Johnson (Kentucky) rejoiced that the hour of resistance was at hand, for the 'infernal system' of Great Britain had driven them to the brink of a second revolution. The folly, the power, and the tyranny of Great Britain had taken away the last alternative of longer forbearance; and he should never die contented until he saw her expulsion from North America, and the incorporation of her territories with the United States. The Canadians had correct ideas of liberty and independence, and only wanted an opportunity to throw off the yoke of their task-masters.

Mr. J. C. Calhoun (South Carolina) supposed that the report either meant war, or empty menace, and hoped no member of the House was in favour of the latter. He held that war was the only means of redress for their wrongs, and would not hear of any longer submission. In a similarly defiant humour, other speakers continued a debate that lasted over several days, spiced with the frequent boast that Canada was about to fall into their hands an easy prey.

On the other hand, the party of peace had much to say in deprecation of this warlike spirit. Keep the country in peace (they said) even with all your privations. Are you going to war to protect your merchants, under the idea that it is they who give life to agriculture? It was the cultivator, and the planter, whose surplus products gave prosperity to the merchant. The country had been steadily growing in wealth and population. Peace and plenty were reigning throughout the land: was the disturbance to society, the pecuniary loss, and the general derangement of affairs consequent upon war, worth incurring for the sake of an unrestricted carrying trade, — for the sake of conquering and adding to their territory the British provinces of Canada? The question never had been whether they had or had not cause of war, but whether the true interests of the United States did not, under all circumstances, call aloud upon them to cherish peace, and to avoid war and its evils as the last alternative.

Among the opponents to the resolutions was John Randolph, who appealed to the House on other grounds. What republicanism is this (he asked) which has become so infatuated with standing armies, loans, taxes, navies, and war? — which offers itself as an instrument and a party to the plans of the new Attila? what republicanism was this, which had plans of conquest, even if the coveted land was to be subdued by the principles of fraternity? — ‘The people of that country are first to be seduced from

their allegiance, and converted into traitors, as preparatory to the making them good citizens. Although some of our flaming patriots are thus manufactured, I do not think the process would hold good with a whole community.' — And who, really, was to profit by the war? A few lucky speculators and merchants and contractors. If they did obtain Canada, would they be any nearer their point? 'You have taken Canada: have you conquered England?' . . . And after all, seeing that by a course of stupid and impolitic legislation, with their embargoes and their non-intercourse acts, they had helped to bring themselves into their present predicament, was there no way out of it by retracing their steps and acknowledging their own want of foresight? It was a rash charge, with no foundation beyond suspicion and surmise, that Britain had stimulated the late Indian hostilities: was it rather 'our own thirst of territory, our want of moderation, that had driven these sons of nature to despair?'

But it was to be War, right or wrong. The objections to raising a force of soldiery were easily overcome. The more expensive affair of providing and equipping ships of war made some of even the war party to waver. Granted, that they must have some sort of a navy if they were going to make any impression on Great Britain, — that the ports of the Union could only be protected by some naval force: any large scheme was too pregnant with mischief to the State. If it were determined to augment their navy, so as to rival those of Europe, the public debt would remain permanent; direct taxes would be perpetual; the paupers of the country would be increased, and the nation be bankrupt. And what, after all, if these vessels were only to be built to fall into British hands? Her navy of 1042 ships included 207 captured from her enemies! . . . 'Establish a navy (said McKee, of Kentucky) and this country may bid farewell to peace, be-

cause you thereby organize a class of society who are interested in creating and keeping up wars and contention.' As for the need of a navy for the protection of commerce, the experience of the Old World contradicted the notion; for Holland, with almost no navy, possessed an extensive and profitable commerce, while Spain, at the same period, with a large and powerful fleet, had no commerce. 'And when we turn our eyes from foreign governments to our own, we find that no people since Adam were ever more prosperous or more happy than the American people have been for the last eight or ten years previous to the year 1808. Private fortunes have been accumulated with unequalled ease and rapidity. Commerce has prospered beyond example; agriculture has flourished; and the revenue is abundant, beyond the wants of the government. And did this state of prosperity exist at a time when your commerce was protected by vessels of war? No: but at a time when your navy was out of use; and in proportion to the increase of your naval expenditure in the same proportion has your commerce declined.'

By resistance to the more extreme proposals of the Navy Committee, — which contemplated a fleet of 40 frigates and 25 ships of the line, besides a new dock for repairs, — the plans were brought down to 'an appropriation of 480,000 dollars for repairing and fitting out the *Constellation*, *Chesapeake*, and *Adams* frigates, with 200,000 dollars annually for three years toward buying timber for rebuilding three other frigates of the old navy too rotten to be repaired.' — A renewed endeavour, made in the Senate with much spirit, to get an authorization for 20 new frigates, was unsuccessful. It is obvious, from this result, that a good deal of the speechifying was mere bluster, and that Congress was not inclined to go much further than words. Mr. Cheves, one of the committee, had asked, 'If Great Britain had not the Canadas

on our borders, how could we attack or resist her, armed as we are? If we possess ourselves of the Canadas, *and this we shall certainly do in the event of a war*, how and where shall we then continue the war without a naval force?' — These questions were in the minds of all, but there was an astonishing reluctance to assume the necessary burdens: a circumstance that gives to the whole proceedings an air of unreality. Cheves's appeal meant something, or nothing.

While these debates were going on, the party wire-pullers were engaged in the more momentous question whether the government could be actually induced to declare war against Great Britain. It was quite clear that a majority of those persons who could influence affairs were determined on it. But was the President in accord with them? Madison was in nomination for a second term of the presidency; but the leaders of the war party, in Washington at least, refused to accept him as the republican candidate. His own personal judgment seemed altogether against war. His private correspondence with Jefferson shews it was a popular tendency.<sup>1</sup> Both Jefferson and Madison always posed as men of peace. Albert Gallatin, Secretary of the Treasury, was of the same mind. He accounted for their failure to preserve peace by ascribing it to 'domestic faction.'<sup>2</sup> Under the circumstances, Madison and Gallatin were in an awkward position. They two practically constituted the government. And they must be thrown overboard by their party inevitably, if they hesitated to take the tide of

<sup>1</sup> 'You will see that Congress, or rather the House of Representatives, have got down the dose of taxes. It is the strongest proof they could give that they do not mean to flinch from the contest to which the mad conduct of Great Britain drives them.' (Madison to Jefferson, 6 March, 1812.)

<sup>2</sup> Gallatin to Jefferson, 10 Nov. All the extraordinary features of this period are inexplicable without reference to the private and unreserved communications between the heads of parties. Nothing has contributed to the elucidation of events like their publication.

popular passion. At this crisis, however, a communication made to Congress by the President sufficed to raise a storm which literally blew the sails from his hands. His message stated that, 'in the midst of amicable professions and negotiations on the part of the British government, through its public minister here, a secret agent was employed in certain States in fomenting disaffection to the constituted authorities of the nation, and in intrigues for the purpose of destroying the Union.'

The facts were these: Captain John Henry, native of Ireland, *naturalized citizen* of the United States, sometime soldier, wine-dealer, editor, etc., and now settled in Vermont, on the northern frontier, having resumed his journalistic pen, by some means got acquainted with Sir James Craig, governor of Canada. The threatening tone of feeling toward England, the probability that war would sooner or later ensue between the two countries, and the certainty in that case that Canada would be the first hope and object, rendered the governor duly vigilant. Listening too readily to Henry's professions and suggestions, Sir James authorized him to proceed on a mission of enquiry around the northern States of the Union, early in 1809, with the object of ascertaining the disposition of the inhabitants, how far they were favourable or otherwise to the British cause. Henry went recklessly beyond his instructions, endeavouring to tamper with the loyalty of some Americans to their Union. Here was the grave error of judgment on the part of Sir James, that he employed a person who was but a mere adventurer upon a delicate and really justifiable enquiry.

Captain Henry presently found his way to London. Sir James Craig had returned home to die, and was succeeded in the governorship by General Prevost. Henry made application to the ministry of the day for reward and for the recognition of his services. The English Cabinet, quite ignorant of the business, referred him back to Canada, with recommendations to Prevost, who would

be better able to recognize the value of his 'services,' to remunerate him by some valuable post. This was not good enough for Captain Henry. His claim for expenses, and for services rendered, was £32,000. He returned to America in company with a French rascal of similar stamp, and proceeded direct to Washington, avowedly to take revenge on the British government. Madison listened to the story, swallowed it greedily and hastily, paid Henry 50,000 dollars out of the secret service money, and flew to the national representatives with this last and crowning evidence of British perfidy in his hands. Why he did not first consult the British minister upon such grave matter does not appear. Why the bare word of a renegade Irishman was to be taken without a moment given to verification; how an Irishman of any sort could foment disaffection in a New England State, particularly in favour of Britain: these things do not seem to have occurred to President Madison. For once more, his own prejudices were received as evidence. He had nothing to listen to on the impulse of the moment, but the means of justifying his impending surrender to the war party. Nothing could have been more opportune. The correspondence was read in the Hall of Congress amid solemn silence, tempered with explosions of indignant rage. The discussion which followed brought all parties into unison. Representatives from the north protested the loyalty of the frontier States, and repudiated the imputations that any person had been influenced by Henry's representations. While they had been secretly debating the naval and military estimates, the opposition on the one side had left the other in very narrow majorities. Now, the unanimity was perfect. The papers were ordered to be printed, and to be distributed throughout the Union.<sup>1</sup>

<sup>1</sup> Seeing the mischief which came of all this, it is small consolation to know that Captain Henry reaped no benefit from his crime. His French friend cheated him out of nearly all his ill-gotten money, and he has never been heard of again.

On Wednesday, the 1st of April, Madison sent a confidential message to Congress, in these terms: 'Considering it as expedient, under existing circumstances and prospects, that a general embargo be laid on all vessels now in port, or hereafter arriving, for the period of sixty days, I recommend the immediate passage of a law to that effect.' This was understood to mean that the country was making preparations for war: it was avowed during the debate which followed in secret session. Before the day closed, a bill was passed laying an embargo on all ships and vessels in the ports of the United States, in the terms of the President's message. On the following day the Senate fixed the period at ninety days. There was some ingenuity, not to say cunning, in this expedient. Two objects would be obtained: giving time for the bulk of the shipping trade to get safely home, and allowing the same time for the conversion of many of these vessels into privateers. It may be said, at once, that in this respect the embargo was fully justified by results.

This act was followed by the passing of a bill designed to promote the filling up of new regiments. Shortly after, a very violent bill was carried in the House of Representatives, ostensibly for the 'protection, recovery, and indemnification of American seamen,' — the proposed penalty for impressment being death as 'a pirate and a felon.' The Senate preserved sufficient coolness not to place American laws quite on a level with those of the French usurper, and happily rejected this measure.

Among the new leaders of the American people at this period, two men of great promise stood out above the rest, distinguished equally for their republican zeal and their brilliant oratorical powers. These were John C. Calhoun and Henry Clay.

Calhoun had but recently entered the legislature. His abilities very speedily became apparent: he was placed

upon the Committee on Foreign Relations, and, during the ominous discussions early in the year 1812, held a commanding influence in the House of Representatives. He felt that the present case was one for fighting. Henry Clay was of still more fiery stuff. He had been sent twice to the Senate from his State (Kentucky), and had been elected to the House of Representatives when the war crisis was impending. He was at once elected Speaker of the House. In that legislative body its president is not precluded from taking active part in debate; thus Henry Clay was in a position not only to enforce his views upon the House but to lead a party of his own.

And it was unmistakably a Clay party which brought matters to a head. While the embargo bill was being discussed, he declared that it meant war, and nothing but war. Did the opposition continue to remind the House of the risks attending war, and of their unprepared condition, — he thundered out appeals to the national honour, in tones which carried all. ‘Weak as we are (he said) we could fight France too, if necessary, in a good cause, the cause of honour and independence. . . . We have complete proof that Great Britain would do everything to destroy us. Resolution and spirit are our only security. War, after all, is not so terrible a thing. There is no terror in it except its novelty. I pity such gentlemen as choose to call these sentiments Quixotic, for their deficient sense of honour!’

Strangely enough, the Federalist opposition was backed chiefly by the New England States, the ports of which might be held to have the real grievance against Great Britain. It was there that the maritime restrictions were felt. Besides, it was not for the north to quarrel with their neighbours the Canadians. But it was too late for opposition. Only John Randolph of Roanoke made a last stand. He proposed a resolution in the House that it was inexpedient to resort to war against England. They would

not listen. The rules of the House were applied to enforce silence upon him, and there was no longer any obstacle to the wishes of the advocates of war.

On the 1st of June, President Madison sent a message to Congress, in which it was intimated that the legislature must decide whether the country was to continue any longer passive under its accumulated wrongs.

To expect that Madison, under the pressure of existing circumstances, could avoid exaggeration and misrepresentation in the statement of his case, would be too much for average human nature. He had to write, to order, a war manifesto. He had to shew a case against Great Britain which should paralyze the still powerful opposition party in Congress and justify himself to the world. For self-deception, his task was easy ; since his habit had been, all the years during which he was mixed up in foreign affairs, to ignore the equitable demands made upon neutrals by Great Britain, to ascribe exceptionable motives to all her public acts, to minimize the vile and insolent aggressions of France, and to pander to the mercantile jealousies of his own countrymen. As matters stood, it needed no such wordy torrent of misrepresentation and insincerity to fan the flames of war. The thing was, perhaps, necessary as a formality from the chief of the executive ; and the circumstance that popular passion could no longer be withstood made it incumbent on the President to assert uncompromisingly the existence of full justification for the plunge they were about to take.

On the 4th of June, the last communication from Foster to the Secretary of State was laid before Congress, in which the envoy maintained that America, as the case then stood, had not a pretence for claiming from Great Britain a repeal of her Orders in Council. After this, the Senate entered into discussion (with closed doors), and on the 18th an Act was passed declaring the existence of war between the kingdom of Great Britain and Ireland and

the United States of America. The measure was carried in the House of Representatives by a majority of 79 against 49. Three days later, this decision was communicated to Mr. Foster, accompanied with an acknowledgment of the respect and good wishes that he had personally inspired. Foster made one more effort for peace, and suggested to Monroe that hostilities at least might be suspended until the declaration of war was received in England. This suggestion was declined by the President, who announced that diplomatic intercourse between the two countries must be considered at an end.

It will be understood that with so many commercial interests in Great Britain dependent upon free intercourse with other countries, and with such extensive and friendly personal relations existing with the American people, the chronic misunderstanding between the English and American governments could not escape very severe criticisms at home.

The parliamentary opposition during the early years of this century was small in number but robust and energetic. It included a few apologists of revolution and some admirers of Buonaparte, and all looked at the rising nation across the Atlantic with keen anticipations of its ultimate prosperity. Indeed, there were many ardent friends of America on both sides. The House of Commons included very few among its members who did not more or less rejoice in the establishment of the United States on some sort of constitutional basis, and in the prospect of a nation of Anglo-Saxon origin enjoying the heritage of the New World. Heterogeneous as were the elements of the new republic, quarrelsome and jealous as they had shewn themselves in their dealings with Great Britain, all classes of Englishmen turned with friendly interest as to a country and people whose material welfare promised to rival that of any nation in modern times.

At this early period of their history, the Americans were just as sensitive concerning the good opinion of other peoples as they are in our own day ; but they were not so able, perhaps not so willing, to do justice to the views of impartial spectators. For this reason, the impression dwelt upon their minds that only those persons who publicly defended them and extolled their systems, and supported their claims, and generally prophesied smooth things, were to be reckoned among their friends. Those members of Parliament, therefore, who busied themselves in resisting ministerial measures, were regarded as a slender, forlorn hope ; because, forsooth, their censures included a condemnation of the firm attitude of government with respect to neutral powers.

The retaliatory Orders in Council were the subject of considerable discussion in both houses of Parliament. The system was alleged to have been provoked, in the first instance, by the English blockade of the continental ports from Prussia to Gibraltar. There was sufficient truth in this allegation to make an argument of ; but Napoleon was undoubtedly the original aggressor (unless we go as far back as the year 1794, and ascribe everything as springing from the action of the allies in hindering the American supplies of flour to the French Convention). In his determination to subjugate Great Britain, Napoleon had united in a league nearly all the states of Europe, for the purpose of excluding British trade from the territories under his imperious control. The Berlin decree declared the British islands in a state of blockade. The retaliation which followed on both sides left the matter thus : France prohibited all commerce with England, and England prohibited all commerce with France and the States under her control, unless in vessels bound to or from a British port.

It was argued in Parliament, against the Orders, that they inflicted grave injustice on neutrals ; that an enor-

mous contraband trade with France and Europe generally had been created; and that the Orders in Council were doing the work of the Berlin decree by stopping our own trade, and causing supplies to be smuggled into France by neutral shippers. America was represented to be the chief sufferer from these rigorous proceedings. If, however, her 'sufferings' were great, her profits were immense. It was overlooked by her partisans that the resumption of hostilities in Europe had been her opportunity, and that the risk of defying the belligerent rules was amply covered by the accumulation of dollars which rewarded successful evasion. It would have been more just to oppose the policy of the Orders as wrong in principle, seeing that Britain was a commercial and manufacturing nation which could not afford to assist in the destruction of her own markets even for the sake of inflicting wounds upon her enemy.

When, in 1812, the subject was again under serious discussion, because of the acute stage of international misunderstanding which had been reached, the opinion was growing that England had indeed done herself sufficient injury by imitating the tactics of the French Emperor. The distresses of 1810-12 have been ascribed to various causes: such as the rapid introduction of machinery into manufactures, the failure of the landed interest to bear the burdens of the tax-gatherer, the heavy unremunerative expenditure of the war, etc. It was now discovered that an important cause of the public embarrassments was to be found in the loss of the American markets through the operation of the Orders in Council. There was, perhaps, some justice in ascribing the contraction of trade partly to this cause. But the loss of the American trade was more strictly due to the action of the Americans themselves: in their embargoes and their non-importation acts, by which means they indulged the hope that they would bring the European combatants 'to their knees.'

It was this that curtailed the enterprise of commerce, and stopped the perennial activities of the carrying trade.<sup>1</sup> If the manufactures of England were withheld from American ports, it was because they were forbidden entrance; and if the voice of the American people was getting louder and louder in complaint, the grievance was not so much that depredations upon the neutral flag continued, as that that flag was hanging listless in port and that ships and merchandise were rotting in harbour, by order of the legislature; while the British carrying trade had a temporary revival in consequence. These were the things that really strained the equanimity of the American public.

The subject came up for renewed discussion in Parliament, on 28th February, 1812, upon a motion of the Marquess Lansdowne for the appointment of a select committee to take into consideration the existing state of the commerce and manufactures of the country, particularly with reference to the effect of the Orders in Council. The ministry successfully resisted the motion, after having listened to the arguments adduced, and affirmed that there were other causes for the recent embarrassments in trade, and that more favourable prospects were

<sup>1</sup> 'The idea of letting commerce take care of itself was extensively entertained. The merchants preferred it to an embargo. Trade embarrassed, but not altogether destroyed, by Orders and Decrees, was a game of hazard, in which, if the losses were frequent, the gains were enormous.' (*Life of W. Plumer*, p. 363.)

The embargo (1808) was an utter failure as a means of coercion. At one time it was considered in Paris as a welcome accession to Napoleon's views on the part of the American government. General Armstrong

writes: 'Here it is not felt, in England it is forgotten. I hope that we will raise the embargo, and make in its stead the experiment of an armed commerce.' (Armstrong to Madison, 30 Aug., 1808.)

'It is scarcely conceivable that Mr. Jefferson should so obstinately persevere in the odious measure of the embargo, which he cannot but see has impaired his popularity and hazards its destruction, — if he were not under secret engagements to the French Emperor.' (T. Pickering to C. Gore, 8 Jan., 1809.)

opening. A few days afterward Mr. Brougham raised a similar debate in the House of Commons, with like result. In consequence, however, of the presentation of petitions from the centres of manufacturing activity, both houses were again brought into active consideration of the topic. A considerable body of evidence was offered before committees of the houses, the opinion of witnesses predominating against the continuance of the Orders. On the 16th June the matter appeared again ripe for discussion, and Brougham introduced a motion in the Commons for repeal of the Orders, which caused an animated debate. It was shewn by ministers that a majority of the petitioners from Glasgow and from Liverpool were in support of the continuance of the Orders, that the merchants of Bristol were unanimous in their favour, and there was no petition from London against them. But it was impossible to abstain from some concession to the urgent and repeated popular demand. It was inevitable that the Orders were doomed; and Lord Castlereagh presently stated that an official statement should appear in the next 'Gazette' revoking the Orders in Council as far as they regarded American vessels, on the condition that the government of the United States revoked their interdictory acts against British commerce.

Meanwhile, the English Cabinet had not been unmindful of the pressing nature of the question. It was natural, as it was their duty, that they should object to Parliament dictating to ministers, in the midst of delicate negotiations, what course they were to take. But, in truth, they were very seriously occupied, during all the early part of this year, in the endeavour to come to terms with the American government.

All parties now knew that the French government had attempted to deceive them with respect to the Berlin and Milan decrees. They had never been repealed. And it was now publicly and impudently announced that they

were still in force, and would continue to be rigidly executed, until certain impossible conditions were yielded by Great Britain. On the 21st of April, the Prince Regent was advised to issue a Declaration on the Orders in Council, to the effect that he was determined to continue resistance to the code of France. Recapitulating the course of events which had brought the belligerents to their existing arbitrary position toward each other and toward neutral powers, His Royal Highness supposed that the United States government, actuated not less by a sense of justice to Great Britain than by what was due to its own dignity, would be disposed to recall those measures of hostile exclusion which, under a misconception of the real views and conduct of the French government, America had exclusively applied to the commerce and the ships of war of Great Britain. And in order to accelerate the reëstablishment of perfect friendship, and to give decisive proof of His Royal Highness's disposition, it was determined that, if by any authentic act of the French government it should appear that the Berlin and Milan decrees were repealed, the Orders in Council of 7th January, 1807, and 26th October, 1809, would be wholly and absolutely repealed.

The British Cabinet, alive to the agitation existing in America, does not appear to have believed the Washington government capable of precipitating the threatened hostilities. Lord Castlereagh wrote to Mr. Foster of 'the desperate folly of attempting to force or intimidate Great Britain,' as though the attempt were not immediately at hand. He told him of the concern of the Prince Regent, about the embarrassments in which the insidious policy of the enemy and their own weakness had placed the American government, and as to the importance of rescuing America from the influence of France. And the British ministry was anxious to assist their retreat from the position without any necessary sacrifice of national

dignity. But, before these instructions could reach Foster, the new embargo was in force, ships were being turned into privateers, and the merchants themselves were preparing for the plunder which was certain as soon as war was declared.

The issue of the Prince's declaration set the diplomatic machinery in London into fresh activity. Mr. Russell, American *chargé d'affaires*, again appealed to Lord Castlereagh, protesting the reality of the French decrees, but still without offering any evidence of the fact; and he must needs renew the hypocrisy that 'the United States of America have no authority to enquire into the conduct of France toward other powers.'<sup>1</sup> But, in a few days, an entirely new complexion came over things. Mr. Joel Barlow, American minister in Paris, on being made acquainted with the Prince Regent's declaration, had consulted the Duke of Bassano, Minister of Foreign Affairs, and had received from him in reply, besides other documents, a decree of the French Emperor, dated 28th April, 1811, in the following terms:— 'In consequence of the Act of the 2d March, 1811, by which the Congress of the United States have enacted exemptions from the provisions of the Non-intercourse Act, which prohibit the entrance into the American ports to the ships and goods of Great Britain, or its colonies and dependencies;— Considering that the said law is an act of resistance to the arbitrary pretensions consecrated by the British Orders in Council, and a formal refusal to adhere to a system derogatory to the independence of neutral powers, and of their flag, We have decreed, and decree, as follows:— The decrees of Berlin and Milan are definitively, and from the date of the 1st of November last, considered as never having taken place with regard to American vessels.'

<sup>1</sup> This doctrine had been a favourite resource with American politicians ever since the first decree. These decrees were 'municipal' regulations, with which no other nation had any concern.

Barlow had never before seen this. He was convinced it had not been made known to the British government. The Duke of Bassano told him it was communicated to Jonathan Russell. Russell, writing to Monroe, says he has never heard of such a thing: but he now encloses it in a communication to Lord Castlereagh, equivocally expressing a hope that it will remove all doubt as to the revocation in question! Not a word from anybody about the perfidious conduct of the French Emperor. Not a word about the crafty plan of keeping this document pigeon-holed until America and England were heartily embroiled and on the brink of war.

However, it was now too late for accommodation or explanation. Unhappily, a fresh source of delay arose, through the assassination of Mr. Perceval and the consequent derangement of the administration; and it was not until the 23d of June that the revocation of the Orders appeared in the 'Gazette,' five days after the American declaration of war. Russell sent the news home to Monroe at once.<sup>1</sup>

Lord Melville stated, in his place in Parliament, that the opinion prevailed here that the revocation of the Orders in Council would have pacified the American government. But the news was received in the United States almost with unconcern.

<sup>1</sup> This Jonathan Russell was a specimen pettifogger. It was the misfortune of the American government that some of their officials could not keep faith even with themselves. Acknowledging formal receipt of the Revocation from Lord Castlereagh, Russell 'promised himself' the satisfaction of sending it home 'accompanied with the hopes you state to be entertained by His Royal Highness the Prince Regent, that it may accelerate a good understanding on all points of difference between the two States.' He not only omitted to do this, but represented the document as wrung from England unwillingly: 'yielded to coercion, instead of being dictated by a spirit of justice and conciliation.'

## CHAPTER XIII

IN the year 1812, Great Britain stood before the world in a position unexampled in modern times. She posed as champion of all the remaining hopes of civilization, engaged in a life-and-death struggle with the egregious despotism of Napoleon. She knew that her own existence as a nation was threatened, and that candid friends were prophesying her downfall; and she believed, meanwhile, that the liberties of Europe might be saved if she did not flinch.

This is now ancient history: so ancient, that it is difficult for an advanced (and a democratic) generation to realize the peculiar passions of the period; to understand the heroic attitude of a nation that believed she was for God and the people against the Powers of Darkness, and was in fierce conflict with the latest enemy of mankind. It is not easy to judge the motives which led English ministers of state, confronted as they were with a powerful opposition both in and out of Parliament, to continue resistance to the bitter end. The means which they used for carrying on the contest, and for retaliation upon the enemy, are not easily to be understood of us, who have learned of irresponsible critics and complacent historians, — all so wise after the event, that these or those operations were ill-judged, that these and the other plans were expensive and disastrous.

↓ But we do know this: that while England was thus engaged in resisting the avowed attempt to destroy her, her difficulties were immensely enhanced by the ungenerous conduct of her alleged offspring. There was never any real neutrality on the part of the United States from the time of Genet's escapade down to Madison's declara-

tion of war. If they did not send out ships of war, they allowed their fellow-citizens by hundreds to man the French privateers. Their moral support of France was so near to an open alliance that their own domestic affairs were deranged by the incriminations and recriminations consequent upon this unwelcome charge, repeatedly and unhesitatingly made by one half of the nation against the other half. We have seen how the subjects of Great Britain were seduced from their allegiance, in very great numbers, during a period when not a sailor could be spared from the British navy. We have noted the partial conduct of the Executive in frequently calling England to account for her shortcomings, while condoning the acts of her enemy so far as to incur the expressed contempt of that adversary. We have seen them enter into a sort of maritime contest of their own, further adding to the difficulties of Great Britain;—until they discovered that embargoes were unpopular and useless at home, and non-intercourse only irritating, without being an efficient means of coercion. At length, we have the spectacle of this presumptuous people, believing that the opportunity is at hand to acquire the long-coveted possession of Canada, seizing the supposed time of Britain's extremity in which to execute their purpose.

For this was the undoubted object of the declaration of war. The supporters of government, by their speeches in Congress, openly and frequently avowed it; the proof is complete in the reproaches hurled at them by their Federal opponents.<sup>1</sup>

<sup>1</sup> This position is beyond controversy. Hundreds of allusions to their designs on Canada could be found in American speeches and writings, similar to those already quoted from Congress and to the following excerpts:—

'The capture of Canada is certain whenever the Americans please to

take it. It is contrary to the nature of things that England could prevent it,' etc., etc. (Medford, *Oil without Vinegar*, 1807.)

'Two of the avowed objects of the war were, the conquest of Canada and the plunder of the high seas.' (Garland, i. 308.)

'The Americans had been declar-

The plans of the American government were well-conceived, and worthy of a better cause. For upwards of two months an embargo had been in force, by which means the shipping of the eastern States could be got out of harm's way, while that of Great Britain remained in ignorance of the perils so near at hand. During the same period privateers were being hastily fitted and manned. The Canadians were invoked to shake off the 'tyranny' of the mother country, at the same time that bodies of troops were massed upon the frontier in the possible case of some compulsion being necessary. The war-ships of the United States were few in number, but splendidly equipped, and having many British seamen included in their crews. So artfully, indeed, were timed the preparations, that five days had not elapsed after the declaration of war when the first naval encounter took place. Captain Rodgers, in the frigate *President*, having left New York on the 21st of June in pursuit of the Jamaica home-bound fleet of 100 sail, fell in with the *Belvidera*, one of the convoy, on the morning of the 23d. An engagement ensued; Captain Byron, of the *Belvidera*, being only made aware of the existence of war by this unexpected incident. The Jamaica ships happily escaped. The invasion of Canada was hardly so prompt a performance, but it was energetic enough to have caused irreparable disaster to Great Britain had there been any failure of allegiance on the part of the Canadian people.

A great delusion rested on the Americans with respect

ing, for several years, that they would take the Provinces. They had even boasted of the ease with which the intended conquest could be made by them whenever they pleased. They believed, or pretended to believe, that the majority of the people, owing to dissensions and a desire to be free from the mother country, would not take part

against them in the contest with Great Britain.' (Miles, iii. 201.)

'The American government had been for several months collecting an army of 3000 or 4000 regular troops and militia, around and west of Detroit, in order to strike a blow upon Canada the moment war should be declared.' (Ryerson, ii. 346.)

to Canada. Perhaps it is not dispelled yet. Like all democracies, they could not understand the existence of loyalty to any restrictive form of government; and they looked with something akin to contempt on their neighbours who still adhered to it. General Hull's proclamation to the Canadians had a bombastic, a brazen tone, on the model of those which the French Directory had employed in order to win over the European nationalities. But there was no mob, so to speak, in all Canada. Hull actually waited inactive for several days after crossing into the territory, in the fallacious hope of an early insurrection in his favour.

When the news of the declaration of war reached Quebec, business immediately stood still, and the people at once rallied to the governor's appeal to their loyalty and to the true interests of their country.<sup>1</sup> Drilling went on with enthusiasm; and the means of defence which had been duly considered under Sir J. Craig were put into operation. The new governor, Sir George Prevost, was a very popular man. His active measures soon manifested to the Americans the wild error they had committed. General Hull's advance was speedily checked. His forces retreated across the river; and, on the 16th August, one month after leaving Detroit, they suffered the humiliation of a surrender of that fort with 2500 men and 33 guns.

<sup>1</sup> 'The declaration of war issued against Great Britain by the United States, when first announced, appeared to be an act of such astonishing folly and desperation as to be altogether incredible. . . . That that government, professing to be the friend of man and the great supporter of his liberty and independence, should light up the torch of war against the only nation that stands between itself and destruc-

tion or madness altogether incomprehensible.'

. . . 'Our enemies have said that they could subdue this country by proclamation; but it is our part to prove to them that they are sadly mistaken; that the population is determinedly hostile to them, and that the few who might be otherwise inclined will find it their safety to be faithful.' (Address of the House of Assembly of Upper Canada, 5 Aug., 1812, Ryerson, ii. 342.)

The infatuation which possessed the Democratic party with reference to the pretended iniquities of Great Britain was not shared by their political opponents. True, there was hostility toward this country on all hands. But it was known by all persons of moderate turn, that misrepresentation and party spirit lay at the root of the whole difficulty; and that no adequate reason could be found for plunging the nation into a war which, sooner or later, must prove an unequal conflict. Even among those who were carried along with the war party, many were forced to acknowledge the obvious absence of unanimity in the country. The want of proper resources, the perilous nature of an undertaking the end of which could not be discerned, and the financial burdens which would be entailed on the country, were made the subject of earnest warning. It was pointed out that by engaging in this foolish war, the nation was distinctly placing itself on the side of France, with full recollection of the indignities perpetrated upon them by the government of that country. In the eastern States these ideas broke out into open remonstrance, almost defiant in tone, against the administration. On the eve of his embarkation, Augustus Foster wrote home from New York that already at least nine tenths of the people appeared bitterly to regret the war.

Madison himself began talking of peace almost as soon as war was declared. The thing had been undertaken against his better judgment, though he had yielded to the seduction (or the intimidation) of his friends. He had permitted himself, all his life, to rail blindly against Great Britain, and had thus aided in the formation of a public spirit which was now beyond his control. He was essentially a man of peace, and would have been content to expend his powder in the shape of verbose despatches.

That the President was sincere in talking of peace to his friends and correspondents cannot be doubted. Our

returning envoy actually brought proposals with him, in a letter confided to his care from the Secretary of State to Jonathan Russell. This despatch informed Russell that war was declared; that it was 'resorted to by necessity, and of course with reluctance;' that the government looked forward to the restoration of peace 'with much interest and a sincere desire to promote it on conditions just, equal, and honourable to both parties.' If the Orders in Council were repealed, and impressments were discontinued, there was 'no reason why hostilities should not immediately cease.' This was amazingly considerate, seeing that the plunder and devastation had already begun, and must necessarily continue for weeks, and even months, entirely on one side of the combat.

But this despatch contained, also, something new; something that was not an idle reiteration; something that had not been said before. For Monroe went on to suggest: 'As an inducement to the British government to discontinue the practice of impressments from our vessels, you may give an assurance that a law will be passed (to be reciprocal) to *prohibit the employment of British seamen in the public or commercial service of the United States.*' This, after twenty years of vain appeals to meet the case by some sort of legislation, envoy after envoy having urged the American government not to allow the public encouragement of deserters: after twenty years of remonstrance from consuls, naval officers, and others, on account of the open seduction of naval and mercantile seamen, and the hardihood with which local magistrates connived at such things: after twenty years of threats, misunderstandings, curses, bloodshed! This, with several hundred British seamen actually serving on board their ships of war!<sup>1</sup> This, as an inducement!

<sup>1</sup> The earlier naval operations of the war were signalized by several combats in which the Americans were victorious; in all which cases, however, the superiority of tonnage, weight of metal, etc., was upon their

Such an 'inducement' offered twenty years before, followed by legislation fairly and rigidly enforced, would have been a source of mutual satisfaction in comparison with which all other concessions appeared insignificant. One such magnanimous step would have been the parent of a hundred others. The fire-eaters of Philadelphia and Washington must have sought in vain for combustible elements, with this grievance disposed of in a manner worthy of a nation that would be great. At any period during these fatal years the English people would have recognized the generous nature of the concession. Now that the tardy offer had at last come (as an inducement), it appeared to the English government too obviously an expedient to gain time for further experiments in warfare, while hostilities were as yet confined to offensive operations at sea from the other side.

Lord Castlereagh had little disposition to waste words with Mr. Russell. He told him that, if the American government was so desirous to get rid of the war, there would be an opportunity of doing so on learning the revocation of the Orders in Council. Russell was unable to understand the great difficulties surrounding the question of impressment. He was 'mightily shocked' at the sug-

side. Their crews were picked men, and included a goodly proportion of deserters from the British navy. Of 460 men on board the *Constitution* (which beat the *Guerrrière*), there were about 200 British, many of them 'captains of guns.' The captain of the *Constitution* used every art to inveigle the defeated crew to enlist in the U.S. service. The commodore of the *United States*, after defeating the *Macedonian*, declared to the captain there was not a seaman on his ship who had not served from 5 to 12 years on a British man-of-war. In this case, likewise, per-

tinacious endeavours were made to enlist the prisoners. On board the *Chesapeake*, during the famous fight with the *Shannon*, there were men who had deserted from that very frigate. (James, vol. vi. *passim*.)

One American historian appears to have made out, after all, that, 'instead of its being a war for the rights of American seamen, it was but a war to support the pretension of giving to British seamen, by employment in American ships, protection against the rightful claims of their own sovereign.' (Hildreth, vi. 350.)

gestion (of Mr. Hamilton, Under-Secretary) that the United States might deliver up the native British seamen who had been naturalized in America. It was plain to English ministers that the question of revocation of the Orders was now put in the background, and impressment installed as the main grievance; and it appeared quite out of the question to discuss this intricate matter with such a man as Jonathan Russell.

It seems most probable that the English Cabinet scarcely believed in the seriousness of the crisis, and that America had not taken up the sword in earnest. They could not recognize the sense of an appeal to arms, under the circumstances. Hence there was little attention given to the ominous preparations which had been in hand for several months preceding the outbreak. Nothing was done in the way of retaliation except to give orders that American goods and shipping be brought in and detained until further notice. The chance conflicts which took place in and near American waters, as in the case of the *President* and *Belvidera* above mentioned, represented the meagre part that Britain was taking in the fray. When Russell departed homeward, 'disappointed and grieved' at the inattention shewn to the proposals conveyed through him, the English government was meeting Madison's white flag in another way, through Sir John Borlase Warren, in command at the Halifax station. On the 30th September, the Admiral wrote to James Monroe proposing a cessation of hostilities, on the ground that the Orders in Council had been revoked. This, however, availed nothing. After a month's interval, Monroe wrote to Admiral Warren, expressing the President's desire for peace, but making the abolition of impressment a *sine quâ non*, and stipulating that the practice be suspended during the armistice. Beside this, the governor of Canada agreed upon a temporary truce with General Dearborn, commander-in-chief in the northern States, in the expectation

that the intelligence of the repeal of the Orders in Council would lead to an amicable adjustment of affairs. To this arrangement, however, Madison refused his consent.

It was not until the 13th October that an order of the Prince Regent announced that general reprisals 'against the ships, goods, and citizens of the United States' were authorized from that date. Until then, the procedure had been most indulgent toward the shippers and merchants of America, who were allowed freely to dispose of their goods, and to depart with cargoes of British productions and manufactures; protections being, in addition, actually furnished to them against possible capture. An immense importation to the States of English goods was the consequence of this generous dealing. Some eighteen million dollars' worth of property arrived safely home, only to be confiscated under the Non-importation Act, and to be the subject of legal and congressional wrangle. In the end, this hard measure was found to lie heavily and undeservedly upon persons who were prompt to resent the sacrifice of their property; so the confiscations were annulled.

The time had now come for some sort of manifesto on the part of the British government, in order to protest the integrity of their position before the world. Accordingly, on the 9th January, 1813, the Prince Regent issued a Declaration of the causes and origin of the war, shewing that Great Britain had acted throughout toward the United States of America with a spirit of amity, forbearance, and conciliation, and demonstrating the inadmissible nature of the pretensions which had involved the two countries in conflict.

The statement of the British case began with the ambitious designs of Buonaparte; how his endeavours to destroy the power and independence of the British Empire had been frustrated by the valour of His Majesty's fleets

and armies; how this failure had been succeeded by attempts to annihilate the commerce of Great Britain, to shake her public credit, to render useless her maritime superiority, and to constitute himself the arbiter of the ocean. The rigorous measures he had adopted to coerce the neutral trade in furtherance of these plans were detailed, together with the mode of retaliation adopted by the King of England under this extreme provocation, and his endeavours to accommodate, as far as possible, his defensive measures to the convenience of neutral powers. The Declaration proceeded to complain of the conduct of the government of the United States in its partiality toward France, alike in its method of resistance to both belligerents and in negotiation with either. . . . 'Application was made to both belligerents for a revocation of their respective edicts, but the terms in which they were made were widely different: ' a direct engagement being offered to France that, upon revocation of the Berlin and Milan decrees, the American government would take part in the war against Great Britain if she did not immediately rescind her Orders; whereas, it was required of Great Britain not only that the Orders in Council should be repealed, but that no others of a similar nature should be issued, and that the blockade of May, 1806, should be abandoned; which blockade had not only not been objected to by the United States at the time it was issued, but had actually been represented by the American minister in London as so framed as to afford a proof of the friendly disposition of the British government toward the United States. Evidence of the hostile disposition of the American government was adduced, especially in their conduct concerning the pretended repeal of the French decrees, ' under which pretence the Non-importation Act was strictly enforced against Great Britain, whilst the ships of war and merchant ships of the enemy were received into the harbours of Amer-

ica.' . . . Upon production of the document purporting to be of April, 1811, the British government (although suspicious of its authenticity) were prepared to yield to the demand of the American minister, and to advise the repeal of the Orders in Council as far as respected the ships and property of the United States, provided their restrictive laws against British commerce were repealed. The Orders were repealed. But before the American government had received intimation of this, and notwithstanding that the Berlin and Milan decrees had been promulgated anew, they proceeded to the extreme measure of declaring war against Great Britain; adding to their former complaint against the Orders in Council a long list of grievances, 'some trivial in themselves, others which had been mutually adjusted, and none of them such as were before alleged by the American government to be grounds for war.' Their subsequent proceedings, and attempts at accommodation, were all based on the new scale of grievances; the suspension of the practice of impressment being insisted on as a necessary preliminary to the suspension of hostilities. Great Britain was, in short, required to 'agree, without any knowledge of the adequacy of the system which could be substituted, to negotiate upon the basis of accepting the legislative regulations of a foreign state as the sole equivalent for the exercise of a right which she has felt to be essential to the support of her maritime power.' After declaring that the British government had never excluded impressment from among the questions on which the two countries might negotiate, but had uniformly professed its readiness to receive and discuss any proposition on the subject, and had never asserted any exclusive right to the impressment of British seamen from American vessels which it was not prepared to acknowledge as appertaining equally to the United States with respect to American seamen found on board British merchant ships, his Royal

Highness proceeded to announce that he could not recognize the new doctrine as to the illegality of his blockades; he could not admit that Great Britain was to be debarred from the right of retaliation through fear of eventually affecting the interest of a neutral; he could never admit that the right of search in neutral merchant vessels for the impressment of British seamen could be deemed any violation of a neutral flag; besides, there was no right more clearly established than the right a sovereign had to the allegiance of his subjects, especially in time of war. . . . 'Their allegiance is no optional duty, which they can decline and resume at pleasure; . . . and if to the practice of the United States in harbouring British seamen be added their assumed right to transfer the allegiance of British subjects, and thus to cancel the jurisdiction of their legitimate sovereign, by acts of naturalization and certificates of citizenship, which they pretend to be as valid out of their own territory as within it, it is obvious that to abandon this ancient right of Great Britain, and to admit these novel pretensions of the United States, would be to expose to danger the very foundation of our maritime strength.' . . .

But the alleged causes of war which had been put forward by the government of the United States were not the real ones. The real origin was to be found in that spirit which had long 'unhappily actuated the councils of the United States: their marked partiality in palliating and assisting the aggressive tyranny of France; their systematic endeavours to inflame their people against the defensive measures of Great Britain; and their unworthy desertion of the cause of other neutral nations.' . . . All the tyrannical and contemptuous conduct of France toward them had been met only by such complaints as ended in acquiescence and submission, 'accompanied by suggestions for enabling France to give the semblance of a legal form to her usurpations by con-

verting them into municipal regulations.' Against this course of conduct the Prince Regent solemnly protested. 'Whilst contending against France, in defence not only of the liberties of Great Britain, but of the world, His Royal Highness was entitled to look for a far different result. From their common origin, from their common interest, from their professed principles of freedom and independence, the United States were the last power in which Great Britain would have expected to find a willing instrument and abettor of French tyranny.' . . . And the Prince Regent was determined to pursue the policy which the British government had so long and invariably maintained, in repelling injustice, and in supporting the general rights of nations.

When Parliament assembled, shortly after the promulgation of this document, some formal opposition was offered to its opinions and principles. It was clear to most people, however, that it had not been within the power of ministers to prevent the declaration of war. Mr. Augustus J. Foster, appealed to in his place in the House of Commons, declared that an earlier revocation of the Orders would not have averted war, and gave it as his opinion that the American government was not sufficiently master of the Congress to do what it thought most beneficial to the country. He shewed that, beside a party in America strongly partial to France, there was likewise an anti-Anglican party, who took every opportunity to foment animosity toward Great Britain. There were at least six 'United Irishmen' in Congress, distinguished by their inveterate enmity to this country. These circumstances, together with the fear lest differences of opinion might break up the Democratic party, — perhaps aided by those persons among the opponents of the government who were desirous of making it unpopular, — were the real causes of the declaration of war against Great Britain.

An address to the Prince Regent was agreed upon unanimously in both Houses of Parliament, approving of resistance to the unjustifiable pretensions of the American government, and offering the most zealous and cordial support to whatever measures might be necessary in defence.

## CHAPTER XIV

DURING these later years, while a portion of the American people were nursing their wrath against England, and each successive British Cabinet was more and more bewildered how to deal with these unreasonable folk, the governments of the European States were watching, with something like agony, the changing current of events on their own continent. In turn forced into alliance with or submission to Napoleon Buonaparte, or compelled to be in arms against him, their several territories presented so many entrenched camps; communication with which from the outer world was attended with hazard, discomfort, and ruinous expense. Some of them with unconcealed satisfaction, others with regretful apprehensions of her impending ruin, beheld England in conflict with the rest of the world. Such was the commanding influence over the faith of men, caused by the continued successes of the usurper and the wonderful recuperative powers of the French nation, that none seemed able to conceive of affairs returning to their old balance. Every European statesman was committed to the question: where, if at all, would the career of French conquest be arrested?

With this absorbing question the American politician avowedly had nothing to do. He knew little of Europe, and cared nothing. He could neither understand European constitutions, social arrangements, politics, nor diplomacy. The complex disturbances caused by the French Revolution and the usurpation of Napoleon (beyond the circumstance that there was originally some sort of tendency toward popular government) were of as small interest to him as if these things had happened in the planet Jupiter. He had but one idea as concerned Europe: that

idea was Trade. He would make commercial profits out of European dissensions, at any rate. He would trade, at any risk. He would send an envoy to this or that State, and insist on Trade. On friendly terms if you please; or you must be bullied into it! . . . And behind this idea was already arising the watchword, which presently took definite expression in Monroe's doctrine, of 'America for the Americans.' European interests and European intrigues were to be expelled across the Atlantic; and, certainly, the power of Britain on any part of the American continent be extinguished.<sup>1</sup>

In pursuit of their all-devouring idea, successive envoys from America, for a quarter of a century past, had been haggling with the principal European States over the terms of proposed commercial treaties. They had little other errand than this. Of the higher dignities of ambassadorial residence in a foreign land they appear to have had little conception, nor were they particularly successful in acquiring it with the opportunities they possessed. Perhaps Mr. Rufus King came nearest to a real notion of the value of his position: the most honourable one to which any man can be deputed by his country. In all cases, whether to France, Spain, Denmark, or elsewhere, the envoy from America appeared to be simply a delegate from the commercial spirit of the country, rather than from its nationality. Doubtless this would seem to accord with the Washington tradition of avoiding entanglements

<sup>1</sup> 'We are triumphantly asked if we expect to intimidate Great Britain. . . . We do not expect to intimidate her. We expect to meet her armies in the field and to vanquish them. The power of England must be extinguished in America. She must no longer be permitted to corrupt the principles and disturb the peace and tranquillity of our citizens.

Our frontier inhabitants must not be kept in dread danger from her Indian allies. And never shall we be secure among ourselves, and exempt from the mischievous intrigues of Europeans, until European power is expelled across the Atlantic,' etc. (Thos. B. Robertson, Louisiana, in H. Rep. 11 Jan., 1813.)

with European nations. But events were already proving too strong for that theory.

If, at length, there was any advance from the ground upon which a legation had hitherto been set on foot by the government of the United States, the appointment of John Quincy Adams as minister to the court of Russia must so be distinguished. The nomination was made in response to the appointment of a Russian consul-general at Philadelphia, M. Daschkoff, who was also empowered to act as *chargé d'affaires* and to enter into commercial connexions with the United States.

Adams reached St. Petersburg in October, 1809. He found the Emperor Alexander, who was just then in alliance with Napoleon, disposed to favour the system of France in her endeavours to break down the maritime arrogance of Great Britain. But, as the Foreign minister, Romanzoff, explained to him, they were all Anglomans in Russia, only they considered the English maritime pretensions made it essential that some great commercial State should be supported as her rival: the United States were such a State, and the highest interest of Russia was to support and favour them. He had been many years inculcating this doctrine at court, and the Emperor manifested a favourable opinion of his idea. Adams records several conversations on this topic, and the base of Romanzoff's views appears to have been always the discovery of some balance to the overbearing power of Great Britain upon the high seas. But the project of a commercial treaty, which might have given effect to these views, continued in abeyance because of the frequent threatenings of an outbreak of war between England and America.

It is somewhat surprising that Adams did not relent, in any degree, from his fanatical Anglophobia during his residence in Russia. Every reference to England is the

subject of ill-humoured or rancorous remark. With several distinguished European ministers in the diplomatic circle, he had numerous opportunities of seeing the selfishness and overbearing character of the Continental System. Yet he went so far as to taunt Lauriston, the French ambassador, with the unfulfilled promise to repeal the Berlin and Milan decrees, and with the underhand system of granting licences to English shippers, by which means America did not have a fair opportunity of profit. On another occasion he told Lauriston that the British ministry adhered to the Orders in Council because they thought war would be thus produced between France and Russia! From Baron Blome (Denmark) he got little comfort. The Danes were doing the best work for France. They considered all vessels under British convoy as fair prize: which signified a very great proportion of American merchant shipping. Adams told him that the orders of the King of Denmark fell most oppressively on American citizens; and that, really, the Continental System, instead of injuring the English, operated to their advantage, and to the ruin of their commercial rivals. Perhaps he was right. A convoy of nearly 700 sail entered the Baltic in the summer of 1810, the greater number of which would have done better never to have ventured: some were shipwrecked, and many of those which escaped the Danish privateers were confiscated by the Russian and French authorities. He was assured, however, by Romanzoff, that if the French persisted, the Continental System must lead to the total ruin of England.

Adams would listen to any story, any argument, which told against Great Britain. In conversation with the Emperor, or with the different ministers, there was with him invariably the assumption that England was entirely in the wrong; that her 'foolish obstinacy' was leading her rapidly to ruin. He once told Romanzoff that Lord Liverpool was at the bottom of the mischief.

Later, he discovered that it was Mr. Perceval.<sup>1</sup> But the course of events soon shewed him that he was almost alone in his opinions and in his feelings concerning Great Britain. The American circle at St. Petersburg might be strongly prejudiced in favour of France, but all the spirit of Russian politics was manifestly tending to a rejection of the Continental System. The rupture between Russia and France, in the year 1812, was almost directly due to the determination of Alexander no longer to submit to it.<sup>2</sup> At the same time, Russia was again in alliance with Great Britain, Lord Cathcart reaching St. Petersburg with his embassy very shortly after the news arrived in that city of Madison's declaration of war.

And now an unexpected gleam of sunshine appeared on the course of affairs. Alexander was acute enough to see that peace with England would lose much of its value if Russian commerce were to be imperilled anew by a naval war between England and the United States of America. He resolved to intervene, if possible, in order to bring the combatants to an understanding. Accordingly, despatches were sent to Daschkoff, offering the mediation of the Emperor of Russia; while Lord Cathcart wrote home to

<sup>1</sup> 'Mr. Harris [American Consul at St. Petersburg] told me, that Dr. Creighton had mentioned to him, that Sir Robert Wilson had said to him, that Mr. Perceval had assured him, that it was his intention to make war on the United States, and he expected to restore the northern provinces of the Union to British authority.' (J. Q. Adams, *Memoirs*, ii. 414.) D'Ivernois, who had been very intimate with Perceval, presently told Adams it was not true. But the latter does not say whether

the denial found acceptance with him.

<sup>2</sup> Madame de Staël came to St. Petersburg in September, 1812. Adams made an early call upon her, and found her in animated conversation with the English ambassador. With mingled astonishment and sorrow he listened to her, descanting in warm terms upon the admirable English nation, 'the preservers of social order and the saviours of Europe;' and imagined that her hearers must feel abashed at hearing their country thus besmeared! (*Memoirs*, ii. 400.)

the effect that a similar proposal would be made to the Court of London. These overtures came to nothing. But they paved the way to negotiations which ended in peace between the two countries.

Daschkoff presented to the American government (24th February, 1813) the Emperor's proffer of mediation, and expressed the regret with which His Imperial Majesty foresaw the 'shackles which the new episode was about to oppose to the commercial prosperity of nations.' Monroe was instructed, in reply, to state that the President saw in this overture proofs of that humane and enlightened policy which had characterized the Emperor's reign. . . . 'It was impossible that a war between the United States and Great Britain should not materially affect the commerce of Russia, and it was worthy his high character to interpose his good offices for the restoration of peace.' The United States were not the aggressors in the contest, and the President willingly accepted the mediation. Madison proceeded, further, to nominate two envoys to join Adams for the purposes of the negotiation. These were Albert Gallatin, Secretary of the Treasury, and James A. Bayard, a distinguished member of the Senate.

In London the Emperor's proposal was otherwise met. Directly they heard that an offer of mediation was on its way, ministers held a cabinet council. They came to a unanimous decision that the mediation ought not to be accepted; but they were willing to treat on the subject of peace directly with the envoys, either in London or at Gothenburg. On the Emperor's proposal being received, at the hands of Count Lieven, the British government replied with very friendly and polite assurances that there was no mediation which they should so readily and cheerfully accept as that of the Emperor of Russia; but, seeing that the differences with the United States involved certain principles of the government of England, they were of a nature which they did not think suitable to be

settled by a mediation. Count Lieven was instructed, presently, to renew the offer. But, having just received from Lord Castlereagh a detailed memorandum, giving at large the reasons why the British government declined any mediation to settle the dispute with America, his note was not presented.<sup>1</sup>

Romanzoff was disappointed and mortified at this result. He had expected much from the Emperor's personal intervention, and he seemed to appreciate it the more that it was his master's own idea. Yet, vexed as he was, he spoke to Adams 'friendly of England, as if she meant to do the best she could.' He even supported the pretensions of England to the right of search during war. Adams tried manfully to get the minister to think with him about this and other matters in dispute, and insisted that there was really no French influence or partiality in the American councils. When the Prince Regent's declaration came to hand, Adams was intensely annoyed. He discovered that Madison's war message had not been so prominently printed in the Russian papers as this new and hostile document, and complained to Romanzoff. In consequence of this, the Foreign minister promised that the documents should have equal publicity.

It was now for the Americans, if they thought proper, to act upon the expressed willingness of the British Cabinet to negotiate directly with their envoys.

Gallatin and Bayard had arrived at St. Petersburg in July, 1813. But, with the turn things had taken, they were uncertain as to the powers they possessed. Bayard held that they might legally treat with the British ministry, and wished to proceed at once. Gallatin was not at one with him on the point. Adams was altogether unwill-

<sup>1</sup> Adams alleges that Castlereagh settling the contest by a mediation, wrote direct to the Emperor Alex- and requesting the Emperor not to ander, at headquarters with the press the subject any further.' (ii. army, 'proving the impossibility of 541.)

ing to go to London, but supposed they had sufficient authority to do so. Gallatin and Bayard did not agree on the subject of impressment: the former maintained that unless the British yielded, there was no possibility of treating at all; while Bayard was prepared to concede the point, since the British had professed a readiness to modify the practice. There were some other differences between these two worthy men. Gallatin became restless, and wanted to go home.

It presently appeared that Castlereagh, being informed of the disinclination of the American ministers at St. Petersburg to enter into direct negotiations for peace, had written amicably to the Secretary of State explaining the motives upon which the British ministry had acted in declining the mediation. This news was speedily followed by other, to the effect that Madison had nominated a new commission, by which Henry Clay and Jonathan Russell were added to the first three, and had consented that Ghent be the place of meeting. The hopes of those at St. Petersburg again became sanguine, and Adams and Bayard prepared for their departure. Gallatin supposed he was no longer in commission, since his first nomination was not approved by the Senate, but the President again appointed him. The party reached Ghent early in July, 1814. They began their preliminary meetings on the 9th of that month, and on the 8th August were joined by three commissioners on the part of Great Britain.

The men selected to meet the American negotiators were Admiral Lord Gambier; Mr. Henry Goulburn, an official in the Colonial Department (known in later life as a somewhat distinguished Chancellor of the Exchequer); and Dr. William Adams, a leading lawyer in Admiralty practice. They were desired to meet with frankness and conciliation whatever propositions the Americans might be prepared to offer, and to assure them that the sincere wish of the British government for a permanent adjust-

ment of all differences was not abated by the successful termination of the war in Europe. The impending discussions were considered to be classed under the four following heads: '1st. The questions mainly affecting our maritime rights and strength, and especially the undoubted right of the Sovereign of these realms to claim and enforce, in war, the allegiance and service of his subjects; 2ndly, the protection which the Indians, as allies, are entitled to claim at our hands; 3rdly, the regulation of the frontier, to prevent hereafter, as far as possible, jealousy or collision; and 4thly, the question of the Fishery.' . . . The commissioners were instructed that the British government could never recede from the principle of holding their own subjects to the duty of allegiance, and that, if the American negotiators had any regulations to propose in order to check abuses of the right of search, such proposals would be weighed dispassionately. The difficulties, however, of finding a satisfactory expedient might render it desirable to waive this discussion altogether, if other points could be adjusted. To this the British government would have no objection, considering the question to be practically set at rest by the general peace.

Upon the subject of the Indians it was represented that 'some adequate arrangement in their interests' was to be a *sine quâ non*. This might be best effected by a mutual guarantee of the Indian possessions against the encroachment of either. The suggestion offered as giving the best prospect of future peace was that the two countries should regard the Indian territory as a usual barrier between them, to prevent collision; so that, having agreed to respect the integrity of this territory, they would have a common interest in rendering the Indians as far as possible peaceful neighbours to both.

It was thought further conducive to the interests of both, that some slight revision of boundary be made on

the side of Canada, not in a spirit of conquest but on a defensive principle, in order to meet the obvious system of aggrandizement on the part of the Americans, shewn so recently by their avowed intention to conquer and annex the British possessions. Lastly, with respect to the fisheries, it was proposed not to renew the concession to fish within the maritime jurisdiction of Britain without an equivalent.

Mr. Goulburn having submitted these points, Mr. Adams offered those upon which he and his colleagues were instructed. They were, 1, a definition of blockade, and, as far as might be mutually agreed, of other neutral and belligerent rights; 2. Certain claims of indemnity to individuals for captures and seizures preceding and subsequent to the war; 3. There were other points 'which might with propriety be subjects for discussion,' upon consideration of a treaty of commerce, which, in the event of a propitious termination of the present negotiation, they were authorized to conclude.

With two such sets of Instructions, after all that had occurred, it is abundantly evident that the two governments were as far away as ever from understanding one another. The Americans still seemed to think they were, in a measure, masters of the situation. They had learned nothing from the obstinacy with which Britain had clung to her maritime rights, and to her demands upon neutrals, during the European conflict. They were still possessed of the notion that Old England was on the brink of ruin. When they listened to the very moderate British demands, the commissioners were almost overwhelmed with disappointment and rage.

It had been a favourite idea of Lord Grenville, twenty years previously, to form a belt of Indian territory beyond the frontier of the United States; but it should have been supposed now, after witnessing the progress of encroachment, sometimes by forced sales and sometimes by armed

excursions, upon the possessions of the Indian tribes, during all these years, that no possible inducement suggested by another nation would lead them to desist. No, no! 'Extinction' was already an article of faith.<sup>1</sup> Further, it was a blunder to hint at the smallest revision of the Canadian frontier, on whatever equitable equivalent, if the British government expected to ease the path of negotiation.<sup>2</sup> At first sight it might not seem unreasonable that England should make some such demand, 'on a strictly defensive principle,' after the audacious attempt and miserable failure at the conquest of Canada. The command of the Lakes, from Ontario to Superior, was considered to be the natural military frontier of the British possessions in North America; and, as the weaker power on that continent, 'the least capable of acting offensively and the most exposed to sudden invasion.' Great Britain held herself entitled to claim the use of those Lakes as a military barrier. And it was considered necessary, in the interests of peace, not to divide the Lakes by a boundary line through the middle, but to make them exclusively the property of Great Britain in a military sense, leaving the sovereignty of the shore undisputed; while the Americans stipulated not to construct fortifications within a given limited distance of the water,

<sup>1</sup> Adams, talking with Gallatin, insisted on the moral and religious duty of the American nation to cultivate their territory, though to the necessary extinction of the rights of all savage tribes, '*by fair and amicable means.*' In answer to an 'insolent charge of the British plenipotentiaries against the government of the United States' of a system of perpetual encroachment upon the Indians, he maintained the same point, adding that it was a principle recognized by the law of nations. Gallatin was nearly converted by

his arguments. Bayard, having looked into Vattel, found himself able to agree with Adams. He was willing to admit that it was their duty. But the terms 'God, Providence, Heaven, being introduced,' Mr. Clay thought it was cant. And Jonathan Russell laughed. (*Memoirs*, iii. 40, 41.)

<sup>2</sup> Mr. Goulburn learnt from Henry Clay that his party conceived these propositions 'equivalent to a demand for the cession of Boston or New York.' (*Wellington Supplementary Despatches*, ix. 190.)

nor to maintain any armed vessels on the Lakes in question, nor upon the rivers emptying themselves into the same.

The American negotiators were not only not prepared to swallow these proposals, but they actually dreamed that Canada might be presented to them as a free gift.<sup>1</sup> So that it came to them as a 'painful shock,' that any proposal of limitation of the territory of the States should be made. They talked of throwing up the business and going home; with the tale of further overbearing insults, and of British jealousy at their increasing strength and population. This was the course to pursue, if they meant to keep alive a warlike spirit in America. But the commissioners were by no means agreed as to the point upon which to break off negotiations, although unanimous in rejecting the *sine quâ non*. And their mutual personal difficulties<sup>2</sup> stood in the way of anything so rash. Throughout the whole period of negotiation they had opportunities of breaking off, but their differing tempers, and varying opinions as to the most suitable point, prevented such catastrophe.

Mr. Goulburn appears to have taken the lead on the British side. He was desirous that the negotiations should be successfully carried through, and careful to say nothing which could in any degree cause irritation. He would avoid any needless 'opening for a sharp answer.' But Adams was not persuaded of these good intentions; who professes to have found, the more he conversed with Goulburn, 'the more the violence and bitterness of his

<sup>1</sup> 'I strongly urged the expediency of avowing as the sentiment of our government that the cession of Canada would be for the interest of Great Britain as well as for the U. S. I had drawn up a paragraph upon the subject *conformable to our instructions*. My colleagues would not adopt it,' etc. (J. Q. A. iii. 51.)

<sup>2</sup> Adams's despatches home were a sore anxiety: with Gallatin patching, Russell correcting, Bayard adding scraps, and Clay objecting, Mr. Clay was displeased with figurative language, as improper for a State Paper. (*Memoirs*, iii. 21.)

passion against the United States disclosed itself.' It was this ill-bred and ingrained habitual suspicion of Englishmen and English motives that had so often hazarded a rupture between the two countries that now threatened to break up the little congress at Ghent. Even Gallatin wrote (to Monroe, 20th August): 'Great Britain wants war in order to cripple us; she wants aggrandizement at our expense.' Adams freely reverts to the bitterness and rancour and jealousy of Great Britain. Under the influence of these chronic ill-humours as they were,<sup>1</sup> it is not surprising that the American negotiators ascribed the British proposals to a plan of intimidation and humiliation. In vain did Goulburn point out that the people of the United States had manifested all along a determination to conquer Canada, and that nothing had saved our colony but the excellent disposition of the people and the military arrangements of the governor who commanded there. In vain the gentlest reminders that England was not the aggressor, and that, nevertheless, the success of her arms would cause no diminution in her desire for a friendly and honourable peace. After the first meetings of the commissioners, it became clear to the English party that the Americans had learned nothing from their failure at conquest and annexation; that the negotiation for peace was little more than a manœuvre; and that they were prepared to go home with a good war-cry.

After some exchange of notes, in which the Americans urged their peculiar notions on the subject of blockades, and on the captures under the Orders in Council, and in which the English found themselves compelled to retreat

<sup>1</sup> Ill-humour: ready for display on small occasions as well as great. The British commissioners, on their arrival at Ghent, invited the Americans to meet them at their lodgings to verify powers, etc. This was advancing 'an offensive pretension to superiority.' Adams and his friends discussed the point for hours, and at length sent a message that they would be happy to meet them at any place 'mutually agreed upon.' (*Memoirs*, iii. 4.)

from their proposition of an intervening Indian belt of territory, it seems to have been discovered on both sides that very little beyond the *status quo ante bellum* was required as a basis for negotiation, if some arrangement as to the pacification of the Indians could be entertained by the Americans. On this point the British government remained firm. They insisted that the Indian nations should be included in the peace, and restored to all the rights, privileges, and territories which they enjoyed in the year 1811, previous to the beginning of the war.<sup>1</sup> At the end of September the American negotiators were informed definitely that the Prince Regent was willing to accept a provisional article on the subject, 'if their instructions were deficient in this particular;' or the negotiations might be suspended until they had time to obtain further instructions from their government.

This brought matters to a head. A few weeks later the Americans presented a project of treaty. As they admitted several ingenious but quite inadmissible articles on impressment, blockades, indemnities, etc., there was still a protracted delay before them. It was not till the beginning of December that they again met the British commissioners in order to discuss the project, and the objections which had been offered by the English government. Three weeks later, after much speculation as to the policy of yet breaking off the negotiations, they met Goulburn and his friends once more, and consented to sign a treaty. This was done on the 24th December, 1814.

These had been three or four weary months for John Quincy Adams. The commissioners had come to Ghent with a peace message from a war party. They were at

<sup>1</sup> Adams and his friends agree that the *sine quâ non* now presented — that the Indians should be positively included in the peace, and placed in the state they were in before the war — would undoubtedly be rejected by their government if now presented to them, 'but it was a bad point to break off the negotiations upon.' (*Memoirs*, iii. 37.)

liberty to prolong hostilities if that course should serve its purpose. Mr. Clay's position was particularly unfortunate; for it was he who, if any individual, must be regarded as greatly responsible for the war, and the prospect of having to conclude a peace in which the American demands were absolutely ignored naturally had a bad effect on his temper. Oh, he was for a war 'three years longer!' At the last moment he asked Mr. Adams to join with him and break off. Happily, Adams told him it was now too late; why did he not break off upon the Indian article, when he offered to do so?<sup>1</sup>

None of these good men knew England. They had the traditional ill-humoured point of view common with their fellow-countrymen<sup>2</sup> at that period. Mr. Clay was the only one of the party who believed the English Cabinet was really resolved on peace, and would concede some of their minor points rather than risk it. The rest of them seemed always in expectation that a point would be found upon which the negotiations could be broken off, putting upon the American commissioners the blame of the rupture. Alas! there is not a generous word for England throughout the entire business; no endeavour to excuse

<sup>1</sup> Mr. Clay was willing to leave the matter of the fisheries *as a nest-egg for another war*, but to make the peace without saying anything about it. Mr. Adams would not relinquish the fisheries, on the ground that their right to them was recognized as a part of their national independence, *i. e.* the right to fish and to land within British territory. Mr. Russell would insist for the fisheries as long as possible, but would give them up sooner than continue the war for them. (J. Q. A. iii. 60, 62, 117.)

<sup>2</sup> As for example: 'that mendacity which Spain, *like England*, makes a principal piece in the ma-

chine of her government.' (Jefferson to Mme. de Staël, 6 Sept., 1816, *Castlereagh Papers*, xi. 326.) . . . 'With all my childish vanity, I confess myself wholly unable to comprehend this vast system of Providence, in which I have been employed as a feeble instrument for more than fifty years: As far as my feeble, short-sighted faculties can reach, Great Britain appears to me to have been the principal aggressor, and the original disturber of the human race, for the last half century.' (John Adams to Elkanah Watson, *Men and Times of the Revolution*, p. 437.)

or palliate her conduct ; no congratulations for her European peace ; no effort to seize the present opportunity for improving international sentiment. And the work of Reconciliation was yet to begin.

The Treaty of Ghent, after providing for the reciprocal restitution of conquered territory, property, and prisoners, stipulated the appointment of commissioners for settling the boundary questions which had been revived ; the immediate conclusion of hostilities with Indian tribes, and the restoration to them of all their possessions, rights, and privileges as existing before the war ; and an agreement that both the contracting parties should use their best endeavours to promote the abolition of the slave traffic. No allusion was made to the pretensions on which the declaration of war had been founded. Indeed, the very basis of the first grievances was swept away by the conclusion of peace in Europe and the disposal of the Corsican usurper.

## CHAPTER XV

It was becoming perceptible, to those among the American leaders of opinion who were at all able to sink their prepossessions, that Great Britain was really a first-class power; and that her statesmen were men not to be trifled with. In the absence of this perception it is in no ways surprising that they should have sought to intimidate her by false charges, and by torrents of verbiage in support thereof; that, in speculating upon her motives, they selected always the worst conceivable; that they should have ventured rashly upon a perilous buccaneering contest, upon a war which a very important section of their own people characterized as 'gratuitous and wicked.' The event having proved that a tremendous blunder was committed in resorting to war, and that to take England at a disadvantage was not so easy as was at first supposed, it may be hoped the American government and people were prepared to entertain for the future some respect for their unwilling adversary.

Notwithstanding that the objects for which they declared war were quite abandoned, the news that peace was made was received in America with unbounded rejoicing. There was no party or section in the States able to look forward without serious apprehensions to another year like the two last, with their trade reduced and their financial credit on the brink of disaster. In England, those who were responsible for the conduct of affairs were heartily glad to have the American war off their hands.

With a great many persons in Great Britain, the occurrences of these later years had had the effect of arousing that hostile spirit toward the American people with which the English had long been unjustly taunted. Now, at

last, it was known to the world, — the jealous enmity with which the American governments had assailed Great Britain and her interests. They had themselves torn away the mask from their own faces. Their pharisaical appeals to human justice, to the law of nations, and to the ‘Almighty Dispenser,’ were now recognized as the expressions of a calculating and grasping spirit, ready to animate the most vindictive proceedings toward a rival nation. Hence, just when circumstances had enabled Great Britain to put forth her strength against the enemy instead of such force as could be spared from the European conflict, it is not to be wondered at that there was some dissatisfaction in England at the terms of peace. The leading journals were really bellicose. This temper, however, speedily passed away. There were too many absorbing public interests in view, and there was too much practical sense in the people of this country, for any such warlike sentiment long to prevail. By the time the American commissioners reached England (with commercial plans in their pockets) a general spirit of reconciliation was afloat, and the men were received with cordiality. For the first time in their common history, the course of negotiations had some prospect of being carried on with a mutual regard. Gallatin had old friends in London. Among these was Alexander Baring, who had been a staunch opponent of the Orders in Council on domestic grounds. From him Gallatin learnt that, however English people might differ as to the wisdom of this or that measure, the responsible government of this country represented the prevailing public opinion; and that it was indispensable as it was customary for Englishmen to respect the decision of the ministers to whom they had entrusted the helm of Authority.

Mr. John Quincy Adams, having been appointed minister plenipotentiary to Great Britain, proceeded to London

in May, 1815, and joined Messrs. Clay and Gallatin in their commercial negotiation.

The chief of their instructions was to endeavour to induce this country to relax the old colonial policy. In common with other European nations at that period, England persisted in regarding the trade of her own colonies as a source of industry and wealth which rightfully belonged to her, — in some sense as a set-off against such protection as she afforded them. This general understanding had never been questioned until after the peace which followed upon the Declaration of Independence; when the United States of America found out that their position before the world was altered, and that new outlets for mercantile enterprise must be discovered, and new concessions obtained for the right to trade with adjacent territories belonging to Europe. Successive American governments had now been occupied for thirty years past in urging some modification of the European rules, on behalf of their merchants and traders. Through their own arrogant temper, and in the belief that they could dictate to the rulers of Great Britain, they had lost several excellent opportunities of making a favourable arrangement. And now that the international atmosphere was cleared, in some measure, by the recent storm, they did not fail to renew their demands.

It was not yet time, however, for Great Britain to yield points without some pretence of an equivalent. The Americans were slow to learn this, and they had little or nothing in the shape of equivalents to offer. But it was a step in the right direction for Mr. Adams, in his first conversation with Lord Castlereagh, to tell him that, ‘as a token of the disposition of the American government,’ an Act had passed in the last session of Congress tendering on the part of the United States a reciprocal abolition of all discriminating duties of tonnage and open merchandise imported in their own or British vessels; besides,

that the President's message to Congress had recommended the exclusion of foreign seamen not already naturalized from the naval and merchant service of the United States.

The new Convention which resulted from this negotiation was, in a sense, an experiment of a partially free trade between the two countries. It was agreed by the second and third articles that there was to be a reciprocal liberty of commerce between the territories of the United States and the British dominions in Europe, with complete mutual protection to commerce subject to the laws of each country. No higher duties were to be imposed upon exports or imports in either of the two countries than were liable to be paid upon exports and imports from other foreign countries. The trade with the West Indies was not affected by the new arrangements, but it was permitted to the United States to have complete and unhindered intercourse for trade with the British settlements in the East, as Calcutta, Madras, and Bombay; and no higher duties were to be paid by vessels of the United States there than by vessels of the most favoured European states. American exports from India were to be freighted for some port or other place in the United States. Coasting trade in the East Indian territories was prohibited; and military and naval stores, and rice, were not to be shipped away except by special permission. The provisions of this Convention were obligatory for a period of four years.

Mr. Adams was recalled at the end of the year 1816, having been chosen by Monroe as his Secretary of State. His residence here does not seem to have reconciled him to the odious British character. It would be difficult to find any evidence of his having personally contributed to a sound mutual understanding between England and America, unless his speeches at City dinners count for something. In every negotiation or conference he reso-

lutely blinded himself to the British point of view. Equally suspicious of individuals as of the nation, John Quincy Adams is typical of the irreconcilable American politician. The things that did happen to please him were such as a proposal of Sir Richard Phillips to found in London an Anglo-American newspaper, in order to spread correct notions in England about America. Not a word, from beginning to end, of spreading correct notions in America about Old England. He thought, with Count Lieven, that the British government would rather allow the Mediterranean to be a nest of pirates than permit its free navigation by other powers. After a conference with Mr. Wilberforce on the efforts to suppress the slave trade, he discovered only 'another impudent attempt' to extend the right of search. Among his most curious confessions are those concerning precedence: he was not quite sure that he got his due place at the Lord Mayor's table, although, as 'His Lordship' was Matthew Wood, it is not likely the dignity of an American envoy would be forgotten; and a very curious wrangle arose between the three negotiators when the Convention of 1815 was being prepared for signature: Adams wanted his country to appear first and Great Britain second, at any rate in the copy of the document which was to be sent home, — and he carried his point.<sup>1</sup>

All this was not for want of social and other opportunity. Seldom was an envoy treated with more distinction, with more open-hearted welcome. The Prince Regent was cordial enough from first to last. He began with, 'Mr. Adams, I am happy to see you;' he continued and ended with the friendliest demonstrations. In return for this, Mr. Adams details some new examples of the Prince's frivolity, and of the vulgar jokes about him. Certain

<sup>1</sup> The copy of the Convention used and consequently appears with the by the compiler of the *Annual Register* is taken from Adams's version, United States of America holding precedence.

circles paid much court to the American minister, prominent among which were Lord Holland, Sir James Mackintosh, the Duke of Sussex, Mr. Wilberforce. His most intimate friends appear to have been Jeremy Bentham and Lord Erskine, both of them ardent admirers of the rising republic. The City of London was particularly attentive to Adams. He lived at Ealing; one of his neighbours was General Dumouriez, still an exile, and vain as ever.

The successor of John Quincy Adams was Richard Rush, a lawyer of Philadelphia, son of the celebrated Dr. Benjamin Rush. He came to London in December, 1817, and remained here as American minister for more than seven years. He appears to have had high qualifications for the post. He held firm views upon the questions remaining at issue between the two countries, and was fully as pertinacious as any of his predecessors in advancing the American view; yet all was done with complete urbanity, with that courteous readiness to give weight to his opponent's reasonings so calculated to win the regard of English statesmen.

As one who made real advances in the establishment of an *entente cordiale*, the career of Mr. Rush in London deserves especial consideration. The reader of these pages will have noticed that it is the individual men who, after all, influence the true international sentiment. It is sadly evident that, of the misunderstandings and disasters of the past twenty or thirty years, some would have been avoided had there been less of passion, and prejudice, and inexperience in the men entrusted with the international message. As the French republicans had done, so the Americans had habitually underrated and despised the idea of any school of Diplomacy; that one of all human institutions which most requires the union of tact, and discretion, and self-discipline with the softer

and more benevolent tendencies, combined with an extensive acquaintance with the history of mankind. Both of the young republics were content to entrust men with diplomatic duties who had but a rudimentary possession of these qualities: good men, able in their respective callings, honourable, enthusiastically patriotic, but coming far short of what is ever demanded in the character of an ambassador.

Mr. Rush possessed the necessary qualities in a high degree. He respected England and he respected his own country. And his success as American minister in London had much to do with enabling the people of Great Britain to think better of his country and to realize the fact that the United States of America were become a great nation.

The topics for discussion with the British government were by no means diminished in number or importance with the lapse of time. The treaty of Ghent had settled nothing. The commercial Convention of 1815 had barely touched the ambitious designs of American traders; and that Convention would expire in 1819. The old grievances connected with a time of war had not been dealt with. The question of the runaway slaves, and other 'property,' beside that of the Newfoundland fisheries, became new sources of irritation which had not existed before the peace of Ghent. Boundary questions were open; and another had arisen by the occupying of a site at the mouth of the Columbia River competing with the operations of the Hudson's Bay Company.

Beyond these things, another cloud arose occasioned by the revolt of the Spanish colonies in North and South America. There was little prospect that there could be any permanent return to allegiance, after emancipation was once in view. The Spanish government clung to a hope that amnesties and concessions, assisted by the medi-

ation of England, would reduce the colonies to allegiance. But the British Cabinet explicitly declared for commercial freedom for the South American colonies, and would not assent to any plans for armed coercion; and, moreover, insisted upon the abolition of the slave trade. The United States refused to take part in the business except on the basis of the independence of the colonies. The danger was lest war should break out between Spain and the United States, in which case the inevitable maritime questions would arise, tending to bring Great Britain into the conflict.

Again, in the spring of 1818, a circumstance occurred which put a very severe strain on the temper of the British public. The London newspapers, in their anger, called for instant hostilities against the United States. Had it not been for the firmness and discretion of the Liverpool ministry in resisting the popular outcry, war there would have been. As Lord Castlereagh told Mr. Rush when the affair was blown over, 'war might have been produced by holding up a finger.'

Two British subjects were alleged to have been caught red-handed in the act of instigating the Seminole Indians (near the southern frontier of Georgia) to war against the troops and people of the United States. They were promptly executed by martial law. It looked a very high-handed proceeding. But the United States had a long-standing grievance, doubtless founded in some measure on fact. There is no believing all the stories told of frontier feuds, and 'who began it;' but there can be no doubt there was some ground for the frequent charge made against adventurers and traders of interfering on behalf of the Indians, and representing the British government as sympathizing with their resistance to the people of the encroaching States. These isolated mischief-makers were the cause of all the unfounded attacks which had been made upon British policy, concerning the Indians, since

the days of Lord Dorchester. If, therefore, these two men (Arbuthnot and Ambrister by name) were caught in the act, it was hardly to be expected the Americans should hesitate to make short work with them.

John Bull got very red in the face over this affair. It was known that the Americans were not disposed to fulfil the Indian article in the late treaty, which Adams and Clay had so unwillingly agreed to. It was suspected, and it afterwards proved to be the case, that the Georgians were the aggressors on this occasion.<sup>1</sup> The two culprits — one a Scotchman, the other a native of New Providence — had been peacefully engaged in trading, when General Jackson's raid came upon the Indians, and involved them, in a measure, in defence of their own property. Arbuthnot had appealed by letter to a British officer, suggesting that an agent should be sent to see that the Americans adhered to the treaty and allowed the Indians to live unmolested on their own lands. Having warned the Indians of the approach of the enemy, he was hanged as a spy. Ambrister was shot. 'Because it was an established principle of the law of nations that an individual making war against the citizens of any other nation, the two nations being at peace, forfeits his allegiance and becomes an outlaw and a pirate,' was the oracular decision of the General. An attempt was made in the House of Representatives to have Jackson censured: hence the hubbub in England. It was clear (from the published evidence) that Arbuthnot's crime consisted in endeavouring to obtain redress for the unprovoked aggressions of the Georgian backwoodsmen. And it is certain the crisis needed not to have arisen, if the American government had insisted upon their 'subjects' fulfilling the conditions of the treaty of Ghent with respect to their Indian neighbours.

<sup>1</sup> 'Such is too often the real history of Indian warfare, which in general is traced up only to some vindictive act of a savage; while the outrage of the scoundrel white man that provoked it is sunk in silence.' (Washington Irving, *Astoria*, ch. xix.)

As presented by Mr. Rush, the matters now for discussion were : 1. The slave question under the treaty of Ghent. 2. The fisheries. 3. North-western boundary. 4. Columbia River question. 5. Renewal of the commercial Convention of 1815. 6. Intercourse between the United States and the British West India islands. 8. Inland intercourse between same and same. 9. Impressment. 10. Blockades. 11. Colonial trade in time of war. 12. Contraband. 13. Miscellaneous minor questions. These things were all discussed by Gallatin and Rush on the one hand, and Frederick Robinson and Henry Goulburn on the other, during the months August–October, 1818. A Convention was signed, 20th October, comprehending those points upon which they were able to agree.

The first article defined the limits of the fisheries. Under the treaty of peace, 1783, the people of the United States had a practically unlimited right to fish on the coasts, bays, and creeks of the British dominions in North America, as well as to dry and cure fish in any unsettled bays, creeks, and harbours of Nova Scotia and Labrador. After the war of 1812, the British government held that this right was extinguished ; and since the peace of Ghent fishermen were ordered off the coast by naval ships stationed for the purpose. The United States, alarmed at the loss of this profitable means of trade and livelihood to their fishermen on the Atlantic coast, wished to maintain (contrary to the universal rule of public law) that the first treaty was not annulled by the recent hostilities. It was claimed on the part of the States that the inhabitants of New England, before the separation, had been the discoverers and improvers of the fishing grounds. To this it was rejoined that, by their separation from Great Britain, the inhabitants of these States, being released from the duties, likewise became excluded from the privileges, of British subjects. Besides this and much other argument over the matter, the British government naturally recog-

nized the circumstance that our own colonies on the seaboard had grown and increased in population, and could not afford to share these natural productions with their aggressive neighbours. Mr. Gallatin was too well aware, from the prominence of this topic during the negotiations of 1814, that he and Mr. Rush must hold out for some, at least, of these privileges. Their pertinacity was rewarded by considerable concessions; and, as the article stood, the people of the United States were granted liberty to fish on the southern coast of Newfoundland, on the shores of the Magdalen Islands in the Gulf of St. Lawrence, and on the coasts of Labrador and from thence indefinitely northward, without prejudice to the rights of the Hudson's Bay Company.

By the second article of the Convention, the northern boundary was fixed by a line drawn from the north-west point of the Lake of the Woods southward until it reached the 49th parallel of latitude, thence westward to the Rocky Mountains.

The third article effected a temporary settlement of the boundary in the north-west, by which any country claimed by either party to the west of the Rocky Mountains was to remain free and open for a term of ten years to the vessels, citizens, and subjects of the two powers.

The fourth article renewed the provisions of the commercial Convention of 1815 for a period of ten years.

The slave question was dealt with by the fifth article, an agreement being made that a friendly sovereign arbitrate upon it. In the end, the Emperor Alexander consented to act as umpire. He decided that 'the United States were entitled to claim from Great Britain a just indemnification for all slaves that the British forces had carried away from places and territories of which the treaty stipulated the restitution; and that the United States were entitled to consider as having been so carried away, all slaves who had been transported from the above-mentioned territories to

British ships within their waters, and who for that reason might not have been restored.' The dispute was settled long afterward, by Great Britain agreeing to pay twelve hundred thousand dollars in lieu of all further demands.

The sixth article referred to the necessary formalities.

Neither upon the extension of trade with the West Indies, nor upon the matters which would arise in a time of war, could the negotiators agree. Impressment was once more threshed out, but the conditions proposed on either side were inadmissible to the other. Since the United States government had begun to offer 'inducements' for its discontinuance, it had become possible to discuss the thing without passion. Perhaps it was better to let it alone. Sooner or later, the practice of impressment was certain to die out, as not consistent with the advance of modern ideas.<sup>1</sup>

If several knotty questions yet remained of which no one could see the conclusion, there were unmistakable signs that the mutual relations of England and the United States were reaching an amicable stage. The greatest honour is due to Richard Rush on account of his share in bringing about this state of things. He recognized the distinguished merits of the English statesmen with whom he was brought into contact, with whom it rested to main-

<sup>1</sup> Mr. Rush remarks ably on this troublesome topic: 'This fruitful source of strife, . . . if removed in no other way, will cease ultimately through the cessation of the practice as a home measure in England. It cannot endure much longer. Englishmen will get awake to its true nature. It is the remark of a sagacious historian that nations, long after their ideas begin to enlarge and their manners to refine, adhere to systems of superstition' [of which the principle of ALLEGIANCE is an important example!]

founded on the crude conceptions of early years. It is the same with public abuses. The English part reluctantly with those sanctioned by time. But at length public scrutiny and the moral sense of the nation fasten upon them, as in the case of the slave trade. Reason emerges as from a cloud. The abuses fall, and reprobation succeeds to the long tolerance that kept them up. Indications are not wanting of this coming change as to impressment. (*Residence*, etc. i. 378.)

tain the honour and dignity of the British nation; and did not underrate Lord Liverpool because he was not a man of splendid genius. When he remarks of that minister that he had the talent of 'assembling able men around him,' he applies to him the highest and most necessary qualities in a leader. His recollections of Lord Castlereagh, after five years of intercourse, enabled him to attest the candid and liberal and statesmanlike spirit in which he ever dealt with foreign and especially American affairs. And he bore witness to the good feeling toward America which manifested itself everywhere in society. Lord Holland, Sir James Mackintosh, Canning, Wilberforce, Peel, and others, whether in or out of office, were frequently in his company. He found the circle of English hospitality widening around him the longer he stayed. It is the same as to the country herself. Mr. Rush found that Old England and her people were not to be understood at the end of a few months' residence. It required nearly eight years to get rid of some of the erroneous impressions with which he landed here. Instead of decrepitude, England was displaying all the vigour of youthful power. Instead of declining, she was advancing in population, in wealth, and in honour. And as for her regarding with envy and jealousy the prosperity of other nations, Mr. Rush 'remarked the contrary' in the circles he frequented. The unfortunate domestic troubles of the period were recognized as the outcome of adventitious circumstances which could not permanently affect the progress of the nation. In fine, this worthy envoy passed his entire period of residence in London in a spirit of good and generous feeling; and he concluded that such feeling toward Great Britain might be 'cherished by every American compatibly with his superior love for his own country.'

## CHAPTER XVI

IF the American government had at length discovered suitable men who should convey the international message of peace and harmony with Great Britain, it was likewise matter for congratulation that the ministers from London found full acceptance at Washington. Mr. Charles Bagot, the first envoy sent thither after the war, was so happy as to obtain the highest commendations for his conduct of affairs, and for his social qualities. He stayed long enough to add considerably to the awakening regard for English people. A really genial man, well supported by an excellent and amiable wife, Bagot succeeded in becoming popular among all persons with whom he came in contact.

The open questions were, for the present, being dealt with by negotiation in London. Bagot's mission was thus confined to securing the harmonious conclusion of minor matters. These were not devoid of importance. For example, it would have been easy to raise a quarrel, if either side had been so disposed, over the captivity of Napoleon. The Americans could not acquiesce in the reasoning which induced the English ministry to forbid all communication with St. Helena. Presently, this caution was justified, in the discovery of a plot to aid Buonaparte's escape from the island; the nucleus of which was alleged to be in the circle of his brother Joseph, then resident in the United States.

The question of the Fisheries was the principal diplomatic matter of discussion. As J. Q. Adams was now the Secretary of State, Bagot had a pretty sturdy exponent of the American view. Adams told him he thought they would 'have to fight about it, after all.' Bagot did not

understand this tone, nor did he betray impatience with the monstrous idea ; and, in writing to Castlereagh, he expressed his belief that the country could not now be excited to a war with Great Britain on such a point : a point in which two States at the utmost had any immediate interest. . . . 'Perhaps it is (he adds) the policy of the government not to let the matter be brought to any arrangement, but to reserve it as a grievance, to be used as it may hereafter be wanted.' Luckily, this business was safely carried through by Mr. Rush in London. During Bagot's period of residence an arrangement was made, at the instance of President Monroe, relative to the naval force permitted to be retained on the Lakes by either nation. It was agreed (28th, 29th April, 1817) that upon Lake Ontario might be stationed one vessel not exceeding 100 tons, armed with one eighteen-pounder ; on the Upper Lakes, two vessels ; and on Lake Champlain one vessel, of the same limited capacity. The stipulations would cease to be binding at the expiry of six months' notice given by either party.

Mr. Bagot had some comical experiences of the peculiar notions of etiquette which prevailed at Washington. Monroe was not quite such a reckless despiser of the conventionalities as was Jefferson. But, as a staunch republican, it behoved him to make not too much of the stranger within his gates. The envoy of a friendly sovereign must even keep his place. It was decided by the President that, at the first dinner given by him to a foreign minister and his wife, they should be allowed precedence of the ministers of state on a principle of hospitality ; but that upon all subsequent occasions the ministers of state and members of the Senate would take precedence of them. . . . The British minister was going to have his child christened. A grand function it was to be, with numerous diplomatic and other friends to assist. Adams and his wife were invited. But the rumour got abroad

that the Prince Regent was one of the sponsors, and that Mr. Adams was to represent the Prince on the auspicious occasion. Whereupon the President flew to his Secretary of State 'in great trepidation.' Adams assured him that there was no truth in the story; and that the Prussian minister, as a distant relative of the Prince, had undertaken to represent him. The terrible scandal spread notwithstanding. There was 'foundation for a nasty story.' So Mr. Adams declined the visit altogether, for which he was able to give excuse in that the death of his venerable mother had recently occurred. But he remained in sad trouble of mind at the President's needless anxiety, and at Monroe's inability to trust him in a matter of such deep import. The incident was not complicated with a feeling of distaste for Bagot personally. On the contrary, Adams places on record a high sense of the envoy's qualities; and he characterizes Mrs. Bagot as a 'very discreet, amiable, and lovely woman.'

In his successor, Stratford Canning, Adams had a character to meet that presented some contrast: with not less of urbanity than Bagot's, but having considerably greater power. He was literally a strong man. Of all the foreign ministers Adams met officially, Canning was 'the one who most tried his temper.'<sup>1</sup> Very early in their intercourse they had a most unseemly quarrel, through Canning's having presented an opinion rather peremptorily concerning the British right to be informed of the American plans for settlement and extension on the Pacific coast. From Adams's own recorded account of the interview,<sup>2</sup> it is

<sup>1</sup> A proud, high-tempered Englishman of good but not extraordinary parts; stubborn and punctilious, with a disposition to be overbearing, which I have often been compelled to check in its own way. . . . He has, however, a great respect for his word, and there is

nothing false about him. . . . Mr. Canning is a man of forms, studious of courtesy, and tenacious of private morals. As a diplomatic man his great want is suppleness, and his great virtue is sincerity.' (J. Q. A. vi. 157.)

<sup>2</sup> *Memoirs*, v. 243, etc. For Strat-

clear that he displayed enough spread-eagleism to offend the taste of the British envoy; and Canning forgot, in his momentary irritation, that he was bound to adapt himself to the extremest sensibilities of the Americans on all possible occasions. They soon learned, however, to meet on very courteous terms, and their private intercourse was not deficient in kindliness. Canning made a good many friends, although he did not care much for American society. He owns that tolerable success in either official or private intercourse required great patience, great circumspection, and great good-fortune. His secretary, Henry Addington, who presently stayed behind as *chargé d'affaires*, afterwards assured him that he had been even 'more popular than his genial predecessor.'

It is evident, then, that an era of better feeling between the two countries was beginning, with these men at Washington and Mr. Rush in London. Nevertheless, the questions remaining in dispute between the two countries were not shorn of their difficulties on this account. The Cabinets of Great Britain, always more or less conservative in disposition, could not yield consent to views the only merit of which was the importunity with which they were offered. It was commonly required, on the part of Great Britain, that the traditional usages and regulations of the Old World were to be respected until the spirit of the age unequivocally demanded their modification. It was a signal difficulty in the way of her diplomatists that they were unable to impress the Americans with this truth: that there existed in England a strong undercurrent of feeling in favour of long-established institutions which had stood the test of time, and that the modern democratic modes of dealing were unpalatable with the great majority on their side of the Atlantic. Hence the government of the United States could not act in the

ford Canning's mention of this business, and a very interesting outline of his mission at Washington, *v. Life*, by S. Lane Poole, vol. i. ch. 9.

belief that the English government represented the true sentiments of the nation, nor could divest themselves of the notion that the principle of monarchy involved some sort of bondage for the people living under such form of Constitution. Thus their arguments and dissertations partook too much of the abstract. In every negotiation, their waste of words over first principles was the cause of continued delay and misunderstanding. They were never convinced. And there was a further hindrance to the satisfactory conclusion of matters in dispute in the impatience engendered by the ill-success of their own importunities.

All this was strikingly manifest, as each successive question developed into large proportions. Those things which the conclusion of Mr. Rush's mission left unsettled, as the suppression of the slave trade, commerce with the West Indies, the boundary dispute, etc., were all entangled with propositions based upon national susceptibilities. New versions of international law were promulgated which were founded on the assumption that a 'free' people had rights hitherto denied to the rest of the world, while the concession of any particle of such rights really would be nothing short of infamous.

For example, both countries were desirous of seeing the slave trade put an end to. There could be little doubt of their sincerity. The entire Anglo-Saxon world was ashamed of the business. Coöperation with Spain and Portugal, and even with France, was difficult, and could only be accomplished by strong pressure. But the people of England and of the United States were bent on its abolition, and the public mind of Europe was so far moved that the respective sovereigns concurred in the principle in solemn congress. Nevertheless, the most effectual way of suppressing the trade, viz., exercising the right to search suspected slavers, could not be adopted because of the susceptibilities of a 'free' people.

Soon after Mr. Rush came to London, Lord Castle-reagh spoke to him about the slave trade, informing him of the desire of the people of Great Britain that the government of the United States should lend their aid to the measures going forward in Europe for its extirpation. He proposed a sort of international police, in the shape of a limited number of armed vessels empowered to search ships under suspicion, and that each nation should submit to a common right of search. Treaties had been concluded with Portugal, Spain, and the Netherlands, and England had actually paid, from first to last, sums amounting in all to £700,000 to those powers in inducements to these treaties. The time had now come for the United States to join in such measures.<sup>1</sup>

In the following year, addresses from Parliament were presented to the Prince Regent, the chief feature of which was a strongly expressed desire that the United States would join in more adequate efforts for the suppression of the slave trade ; and it was agreed that Stratford Canning should carry with him to Washington instructions for negotiating the matter. In due course Mr. Canning presented a note to the Secretary of State, reminding him that it was notorious an illicit traffic in slaves was still being pursued. He thought that nothing would be effective for its suppression but the establishment of an international police. In reply, Mr. Adams told him the President admitted the serious nature of the case, and was very sensible of the amicable spirit of the English government ; but he objected to the compact as suggested. To give the power to the naval officers of one nation to search the merchant vessels of another for offenders and offences against the latter was, he said, ‘ adverse to the elementary principles and indispensable securities interwoven in all the political institutions of the United States,’ and it was not to be justified by the most unqualified approbation of

<sup>1</sup> Lyman, ii. 249, etc.

the ends sought to be obtained. But, while unable to concur in the proposed means of coöperating for suppression of the slave trade, he was far from discountenancing the general proposition to act in concert with Great Britain. For the present, the efforts of his government were being continued: armed cruisers of the United States were kept stationed near the scenes of the odious traffic, and it was intended to continue this service.

Two years later there was some further interchange of notes at Washington. Mr. Adams remarked that search at sea, as recognized by maritime states, was confined to the single object of detecting contraband of war; and his government had an insuperable objection to its extension by treaty in any manner whatever. The Americans were, however, moved to take further action, partly in consequence of a vote in the House of Representatives (8th March, 1823) urging the President to enter upon negotiations. A project of Convention was now presented, of which the essential principles were that England was to declare the slave trade piracy, as the United States had done; that a vessel captured on suspicion was to be sent for adjudication only to the country to which it belonged; that no individual out of the crew was ever to be taken from the captured vessel; and that the capturing officer should be laid under the most effective responsibility for his conduct in all respects. By a Convention signed in London, 13th March, 1824, these principles were secured. Provision was made for the mutual exercise of the right of visitation and search, under restrictions and regulations, by the officers authorized to cruise on the coasts of Africa, America, and the West Indies for the suppression of the slave trade. After all, this painstaking negotiation ended in nothing. The Convention, being submitted to the Senate, was met with considerable opposition, and finally passed that body on the 22d May, with these among other

amendments : ' America ' was struck out, so that the limits within which the right of search might be exercised were restricted to the coasts of Africa and of the West India islands ; and a new article was proposed, making the Convention terminable at six months' notice. The British government naturally objected to the inequality thus established, ' leading to the implication that there could be suspicion of misconduct on one side and not on the other,' in retaining the British West Indian colonies and omitting the coast of America. The Convention was not ratified in London, and thus fell to the ground. George Canning sounded the American minister as to restoring the omitted words in a modified form, so as to restrict the right of cruising to the southern coast of the United States as the part alone where slavery was found. Mr. Rush pointed out an objection to that course, in that it would carry the appearance of America being a divided nation.

All parties were disappointed with this result. President Monroe was satisfied with the Convention as at first signed. The project originally submitted by his government actually contained the words which were afterward objected to. But, under their Constitution, a difference of opinion between President and Senate was fatal to any treaty or other proposed arrangement with a foreign power. This appears to be one of the pillars of the Federal Constitution. Mr. Rush considered that, on the ground of this fundamental provision, England had no solid reason for complaint at the refusal of the Senate to ratify. But the incident added another degree to the caution with which European nations held diplomatic intercourse with the great Republic.

Another question in dispute, hedged with almost insurmountable difficulties because of the one-sided and ultra-national attitude of the United States, was that of the right to a share of the British colonial trade. Of all

their grievances against the old country, this one appears foremost in the mind of each successive government. They held that the Atlantic States were the natural providers of the West India islands in everything that concerned the products of a temperate clime. Their geographical proximity favoured the plainest ideas of a ready and inexpensive interchange of products ; and it was tolerably certain that, were the trade freely opened to them, it would fall into their hands, to the almost entire exclusion of any European competitors. There is no difficulty, then, in understanding the jealous animosity toward England, on this ground alone, which must needs endure among a people enterprising, ambitious, and devoted to the pursuit of wealth through the medium of trade.

In order to induce Great Britain to relax her navigation laws for their benefit, the Americans did not waste discussions in the advocacy of Free Trade principles. They exclaimed, indeed, against the great antiquated monopoly. But they were themselves true monopolists ; hence very much of their failure in negotiation, unable as they were to disguise their unbridled commercial ambition. This was abundantly shewn in their intermittent measures of coercion, and by their avowed endeavour to secure the carrying trade of the world. During the decade succeeding the peace of 1783, British shipping was subjected to dues (which varied in the different seaboard States) exceeding those to which American ships were liable in English ports. After the establishment of the Federal government, every commercial negotiation was either incomplete in its results, or was altogether abandoned, because a President or a Senate declined ratification upon some plea which made the terms of Convention unequal.

Take, for example, the treaty concluded by Mr. Jay in 1794. Not from these pages alone, but from the open book of history, the reader knows full well the unreason-

able outcry which was raised against that statesman when the terms of his treaty were published in the States. Yet the English minister had conceded several privileges, not the least of which was, under the twelfth article, a limited trade with the West Indies. The United States were permitted to import and export produce in vessels not exceeding seventy tons, upon equal dues with those charged upon British ships employed in the same trade. But, because they were prohibited from exporting cotton, molasses, and some other staple products of the West Indies from their own ports, the concession of this trade was refused by the Senate, and President Washington was reluctantly compelled to expunge the twelfth article from the treaty.

Again, Jay's treaty drawing near its period, Messrs. Monroe and Pinkney were empowered to negotiate a renewal of its provisions. Nevertheless, President Jefferson thought proper, on his own responsibility, to reject the fruit of their labours, on the sole ground that the subject of impressment was not introduced: a topic which had not the remotest connexion with the immediate objects in view, and which it was known the British government would not discuss without some 'inducement' offered from the other side.

These things being varied with embargoes, non-intercourse acts, and other unfriendly measures, the Americans vainly tried to reopen the West India question. After the war, when every one supposed that conciliatory sentiments in future were to animate the mutual dealings of the two countries, the vanity of senators, and the irreconcilable temper of John Quincy Adams, combined to postpone its settlement. In 1818 Congress was induced to pass a law closing the ports of America to all British ships from the West Indies, and compelling all vessels leaving American ports to give bond not to unload their cargo in those islands. The effect of this measure

was that 'it injured American agriculture, manufactures, and commerce; did no good to American negotiation; and if it produced any effect on British navigation, such effect must have been beneficial. . . . In short, it was the very measure that Great Britain herself would have desired us to adopt if she could have influenced our councils.' The American government, indeed, speedily saw the error of this enactment. President Monroe is understood to have very reluctantly consented to it. New proposals were made, to be followed, on their failure, by new plans of retaliation. An Act of Congress (May, 1820) excluded the United States from any intercourse whatever with the West India islands. This unwise measure operated still more unfavourably; for it was the means of opening up a continual and unrestricted trade with Canada and New Brunswick, which has, indeed, never ceased to flourish.

At length, after all these years of groundless misunderstanding, and of fruitless and tedious negotiations, events were suddenly accelerated by the simple unfolding of ideas imbued by the spirit of an awakened and enlightened age. England had passed through a half century of crises and anxieties, which had taught her many sad and many very useful lessons. Time had placed her in the front, and, in giving her preëminence, had laid it upon her to lead the nations in paths of wisdom and honour.

Of the new truths which were beginning to take shape, none was more importunate, none more obvious, than the altered position of this country in relation to the commerce of the world. New and energetic States were competing with her, and compelling her to yield a share of its interests and its profits. Nor were the maritime countries of Europe behindhand in enterprise. It behoved her, therefore, to meet these altered conditions in a manner which, while conducive to her own interests, should

recognize the just claims of all her rivals. To several of her statesmen it became evident that the old colonial policy was doomed to extinction; not (as Mr. Huskisson observed) because the views of our ancestors were necessarily erroneous, nor that innovation must necessarily be improvement, but because it became us to deal with colonial interests with a reference to the altered views and conditions of an advancing age. They perceived the need of revising import and export duties, of relaxing our systems of protection to manufactures, and facilitating the import of raw materials. The example thus set to the world they felt assured would be a prospective gain, however indecisive might be the immediate profit. And they expressed an unhesitating confidence in the result to our colonies in a far greater prosperity than could be enjoyed under the restrictive rules hitherto in vogue.

One of the first fruits of these enlightened views was a measure of the year 1822. By the Acts 3 George IV., c. 44, 45, direct intercourse was permitted between any country in America and any British colony, in the ships of those countries; also a direct trade from the colonies to any foreign ports of Europe in British ships only. With some limitations as to certain articles for import into the colonies, this was an enormous boon to maritime nations; and the United States of America acquired greater privileges than the shippers of Europe by the permission to trade in their own vessels.

Now, the Americans being the first to profit by these changes, it might have been expected that some visible token of regard or recognition would appear in their demeanour toward Great Britain. By no means. In the next ensuing meeting of Congress, a law was passed imposing an alien duty upon all British ships trading between American ports and British colonies, with the avowed object of causing the productions of the United States to be admitted into our colonies on the same terms

and dues as the products of Great Britain and of her North American provinces. This endeavour to place the United States on a level with the mother country in respect to her colonies was advancing too quickly upon the improved views of England. It was completely turning the tables. Perhaps (as Mr. Huskisson suggested, when remarking on these occurrences) the Americans had an impression that we had yielded the intercourse to necessity; and that, as our colonies could not subsist without it, they might prescribe the conditions under which it should be carried on. Apparently, therefore, the sole result of our very friendly and liberal plans was to increase the standing difficulties between the two countries. The opening of the long-desired West India trade only gave a fresh impulse to American rapacity. Their system was to shut England out of the trade altogether, and to create a new monopoly for themselves. Under the circumstances, it would have been only in accord with ancient and universal practice to repeal the Act of Parliament and to withdraw the privileges it granted. But the proceedings of the British government having been dictated by advanced and lofty principle, it was not for them to take a retrograde step. For the present, they were content to impose a countervailing duty upon American ships frequenting the colonial ports, in the same measure as that to which the United States had rendered the British shipping liable in their own.

Fruitless efforts were made at negotiation upon this matter. Mr. Rush offered a scheme in the year 1824, which was impracticable; and presently requested new proposals from the British Cabinet. Such proposals were made, but no notice appears to have been taken of them at Washington, — a circumstance to be accounted for by Great Britain still protesting that she had natural rights which it was her intention, as it was her duty, not to relinquish. It was reserved for the British legislature,

in furtherance of its designs for reforming the entire system of commercial policy, to take the next step.

It was determined to extend the privileges of trade with the colonies direct to all other maritime nations. The failure to gratify the American demands may, or may not, have had something to do with this decision. Whatever happened, the merchants of the United States would still have an advantage over any other people in the comparative nearness of their ports. The proposed step was an exceptionally liberal advance upon anything of the kind ever attempted. The proposals of the government were introduced to the House of Commons in March, 1825, by William Huskisson, then President of the Board of Trade. After a brilliant historical exposition of the protective system hitherto in vogue, he said: 'I am prepared to open the commerce of our colonies to all friendly states. . . . With the exception of some articles which it will be necessary to prohibit, I propose to admit a free intercourse between all our colonies and other countries, either in British ships or in the ships of those countries, allowing the latter to import all articles the growth, produce, or manufacture of the country to which the ship belongs, and to export from such colonies all articles whatever of their growth, produce, or manufacture, either to the country from which such ship came, or to any part of the world, the United Kingdom and all its dependencies excepted. All intercourse between the mother country and her colonies, whether direct or circuitous, and all intercourse of the colonies with each other, will be considered as a coasting trade to be reserved entirely and absolutely to ourselves. By this arrangement the foundation of our navigation laws will be preserved, whilst the colonies will enjoy a free trade with foreign countries, without breaking in upon the great principle of those laws in respect to foreign trade, — that the cargo must be the produce of the country to which

the ship belongs, leaving the national character of the ship to be determined by the rules which apply in like cases to this country. The importation of foreign goods into the colonies, I propose, should be made subject to moderate duties, but such as may be found sufficient for the fair protection of our own productions of the like nature.' <sup>1</sup>

The full extent of these liberal views was embraced in the Acts of Parliament which were passed forthwith. Enormous reduction was made in various import duties; while the trade with our colonies was thrown open to the world, excepting that the produce of the colonies could not be imported into Great Britain or her dependencies in other than British ships. In order to secure some sort of return on the part of those who benefited by the opening of the trade, power was given to His Majesty to prohibit the intercourse between the colonies and any country in Europe having possessions in America or the West Indies which did not confer on our ships the like privileges with those now granted to foreign vessels; also between our colonies and the ships of those countries not having colonial possessions which did not place our commerce on the footing of the most favoured nation.

The privileges thus offered were to be accepted within a given time. All the countries that had anything to gain by free intercourse with the West Indies readily seized the opportunity, — except the United States of America! President Adams either believed that Great Britain had acted in some sort of panic, or he was deluded with the hope of getting still better terms. So his government persisted in sacrificing the West India trade altogether, rather than not obtain it upon equal terms with the mother country to the exclusion of Canada, Nova Scotia, and New Brunswick. They would have no concession, nor arrangement, which did not recognize their so-called 'natural right.'

<sup>1</sup> *Speeches*, ii. 316, 317.

And this was not without strong opposition from their own people. When they came to face the legislature, the government were met by a protest, or memorial, from the 'merchants, shipowners, and manufacturers of Baltimore,' praying for removal of the restrictions on British shipping. Now, Baltimore was anything but a friendly port. Commercial jealousy of England may be said to have had its nucleus there. It was from Baltimore that the privateers had poured forth in numbers during the war, and it was in and near that city that efforts were made to rival the manufactures of England. It cannot be supposed that the money-spinners of Baltimore had a sneaking regard for British interests lurking behind their protest. And it cannot be doubted that they said what they meant, in declaring that the opening of the North American and West Indian colonies of Great Britain was granted on most favourable terms for the merchants of the United States. This memorial, reported on by a committee of the Senate, provoked a warm discussion. The committee were unfavourable to its prayer, and obtained a narrow vote in favour of their report. The final reason given for the adverse decision of the Senate was that the adjustment of the commercial intercourse between the United States and the British colonies was committed to the minister in London.

Rufus King had been sent hither as minister, in succession to Richard Rush, now Secretary of State. King was a sound friend to England, but a zealous critic and opponent of her colonial policy; and, as such, the very man for the President's object. He was, however, taken so ill as to be compelled to relinquish his errand, and Albert Gallatin was sent in his place. With this delay, it was August in 1826 before the envoy reached London. He found to his disgust and dismay that events were hurrying on, and that the special part of his mission had become something like a fool's errand. The period had expired,

in the previous month, during which the United States had the option of accepting or refusing the privileges offered the year before, and the British government had just issued an Order in Council prohibiting all intercourse between American vessels and the West India islands.

Gallatin sought in every direction but the right one for an explanation of his difficult position. It was either England's jealousy, or the failing tempers of her statesmen. It was Mr. Huskisson, suspected of an unfavourable disposition toward 'us'; or the aggressive Canning, believed to regard 'us' as a standing threat to Britain. For want of the lamented Castlereagh, who kindly humoured the United States and was so 'wise and fair' toward them, there was little prospect of friendliness pervading the English court and ministry. And so on. Perhaps it is too much to expect that Gallatin could detect the initial difficulty; for, although a good and honest and painstaking man, he was not gifted with deep insight. But the people of the United States shewed where they thought the mischief lay, for they declined to elect Mr. John Quincy Adams to a second Presidential term.<sup>1</sup>

It would appear as though the British ministry hardly understood the purport of the special negotiation confided to Gallatin. Here was a foreign government demanding again as a right that which nearly forty years of vain importunity must have shewn never would be looked upon otherwise than a concession. Alongside of this demand they had the news of the Baltimore petition and its rejection: a matter in itself sufficient to fill with wonder the steady-going politicians of the Old World. Why this unexpected reopening of the question, by a government and a legislature so unmistakably defiant toward England? Ministers might, indeed, have asked the envoy why his government thought it worth any while to pre-

<sup>1</sup> V. Benton's *Thirty Years' View*, i. 126, etc.

tend to amicable relations, seeing that the proceedings in either house of Congress, when Great Britain came into question, were marked with insult and contumely toward her, and that there were many senators and representatives whose best political stock-in-trade was Anglophobia. . . . Why, in the face of all this, are we expected to yield the monopolies you demand so urgently? At this moment, your senator Baylies is railing against England without measure because we still claim an interest in the north-west territory, using language that is little short of warlike. Why must we needs treat you with greater consideration than other commercial states, — who never allow their trade rivalry to develop into animosity? The Danes, the Dutch, the Russians, have no difficulty in turning to account the privileges we have yielded: what is it you want, while the Providence to whom you so frequently appeal has given you, by natural proximity to the seat of trade, immeasurable advantages over these people? . . . That some questions equivalent to these were, in conversation, put to Gallatin is evident from his correspondence home,<sup>1</sup> and from a certain amount of restraint which accompanied his negotiations. He must have been a man of extraordinary patience to proceed at all, after receiving George Canning's reply to his first application. Indeed, it would puzzle any but an American politician to find an escape from self-reproach, after reading the sarcasms thus delicately conveyed: —

‘It is not made matter of complaint by the British government, that the United States have declined conditions which other nations have thought worthy of their acceptance. It is, on the other hand, not the fault of the British government, if the United States have suffered the time to pass by at which it might have been an object of greater importance to this country to induce the United States to come into their proposals. The United States

<sup>1</sup> *Writings*, iii. 333 *et seq.*

exercised, upon this point, a free judgment; and they can, on their part, have no reason to complain that Great Britain, after allowing ample time for maturing that judgment, is contented to abide the result of their decision. But the British government further owes to the spirit of frankness which it wishes to cultivate in all its relations with the United States, to declare that, after having been compelled to apply to any country the interdict prescribed by the act of 1825, the British government cannot hold itself bound to remove the interdict, as a matter of course, whenever it may happen to suit the convenience of a foreign government to reconsider the measures by which the application of that interdict was occasioned.'<sup>1</sup>

The net result of Gallatin's mission was a renewal of the commercial Convention of 1815 and of that of 1818, which provided for the joint occupation of the disputed territory in the north-west for a term of years. A Convention was also signed, providing for an arbitration on the Maine boundary. No progress was made with the West India question. Gallatin's last despatch, dated 11th September, 1827, mentions that he had told Mr. Huskisson the question of *right* was waived on the part of the United States. The British ministry were not disposed to reopen the matter. Nor did James Barbour have better success than Gallatin. The Liverpools and the Cannings had departed, but their spirit still seemed to reign over the management of foreign affairs. There was little in this branch of statesmanship that wanted revoking by their successors, least of all their uniformly honourable and consistent manner of dealing with the American government. Of course, our refusal to give them all that they chose to ask was made to appear wanton and unprovoked insult. The implacable Adams succeeded in putting as much ill-will into his presidential address as sufficed to keep his legislature and his constituents in

<sup>1</sup> Canning to Gallatin, 11 Sept., 1826.

proper ill-humour with us. These sentiments were judged in London according to their merits. The newspapers were alive to resent them; and public opinion was fairly even with the newspapers. Without feelings of hostility toward the United States, or jealousy of their right to extend their trade and their territory by fair and open means, the English people had settled down to the admitted conditions of intercourse with them, involving alternate importunity and menace. And if ministers, by their unwonted firmness with the existing President, betrayed some little contempt for his notions of what was due from one nation to another, it is likely they were not far from accurately representing the entire nation.

. . . . .

To the surprise of most persons concerned, the accession of General Jackson to the Presidency of the United States proved a very welcome turning-point in our international affairs. A sort of political filibuster, the idol of the mob, and a despot in his way, Andrew Jackson owed his advancement and his popularity to military qualities. His great successes were in the varied scenes of Indian warfare. His easy victory over the British veterans entrapped in the swamps before New Orleans gave to his fellow-citizens a sense of pride in their 'Old Hickory.' He was a popular favourite to the end of his days. And there had been nothing in his public utterances, hitherto, which would lead the people to believe that Jackson was other than an uncompromising foe to Great Britain.

Instead, however, when he came face to face with the need for dealing with the commercial question, of wasting his energies in the endeavour to shew England that she was always in the wrong, as was the manner of his predecessor, Jackson resolved on making new overtures on an entirely new basis. The ground he took was simple enough, and the only possible one under the circumstances: a tacit admission that his predecessor had blun-

dered. He allowed it to be understood that, with a change of administration, there had come a change of opinion on the subject in dispute. Louis McLane was sent to London in the summer of 1829 with this plain reason for persisting in reopening the West India question. In his message to Congress, the President did not fail to nurse the mission in friendly and flattering allusions to Great Britain, with these words: 'With Great Britain, alike distinguished in peace and war, we may look forward to years of peaceful, honourable, and elevated competition. Everything in the condition and history of the two nations is calculated to inspire sentiments of mutual respect, and to carry conviction to the minds of both, that it is their policy to preserve the most cordial relations.'

McLane's instructions were strictly upon these amicable lines. He lost no time in assuring the English Cabinet that any notion of 'right' to the colonial trade was relinquished; offering on the part of the American government a compliance with the conditions of the Act of Parliament of July, 1825. This negotiation proceeded satisfactorily, for the issue was simple enough. And at length McLane was enabled to assure Lord Aberdeen (12th July, 1830) that a recent Act of Congress authorized the President to annul all the restrictive and discriminating measures of the United States, and to open their ports to British vessels trading with the West Indies; also that Congress had made important reductions in the duties upon molasses, salt, coffee, cocoa, etc. Upon this, he was told that all difficulty would be removed if these things were given effect to. McLane speedily had the satisfaction of writing home with news of the success of his mission.

Thus happily ended a controversy of very long standing. Peace was always being endangered from this cause alone. The people on both sides of the Atlantic rejoiced

at its conclusion.<sup>1</sup> Jackson's partisans naturally exulted, and the President himself gave full expression to his satisfaction in the course of his next message: 'It gives me unfeigned pleasure to assure you that the negotiation has been characterized throughout by the most frank and friendly spirit on the part of Great Britain, and concluded in a manner strongly indicative of a sincere desire to cultivate the best relations with the United States. To reciprocate this disposition to the fullest extent of my ability is a duty which I shall deem it a privilege to discharge.'

<sup>1</sup> The Act of Parliament gave us the trade on terms nearly as good as those suggested by George Washington in 1789; fully as good as those asked for by him in 1794; better than those inserted in the treaty of that year and suspended by the Senate, and, though nominally on the same terms as given to the rest of the world, yet practically better, on account of our proximity to the British market, . . . and the trade has been enjoyed ever since, with such entire satisfaction that there is already an oblivion of the forty years' labour which it cost us to obtain it, and a generation has grown up almost without knowledge to whom they are indebted for its present enjoyment.' (Benton, *Thirty Years' View*, i. 128.)

## CHAPTER XVII

THE year 1842 was signalized by the conclusion of a matter which had been subject of controversy for nearly sixty years.

By the second article of the treaty of peace in 1783, the north-east boundary of the United States adjacent to the British territory was declared to be limited by a line 'drawn due north from the source of the St. Croix River to the highlands, along the said highlands which divide those rivers that empty themselves into the river St. Lawrence from those which fall into the Atlantic Ocean, to the north-westernmost head of Connecticut River;' and, eastward, by 'a line to be drawn along the middle of the river St. Croix from its mouth in the Bay of Fundy to its source directly north to the aforesaid highlands,' etc. The American Congress, according to a resolution of 1779, had claimed the river St. John as their boundary; but this the British negotiators peremptorily rejected as inadmissible, when they came to prepare the terms of the treaty of peace.

Immediately after the conclusion of peace, the loyalists ('Tories' they were called) who had yet remained in the New England States fled across the boundary, settling themselves, some in Canada, some in Nova Scotia and New Brunswick, to begin the world anew. A small band of these formed a community at the mouth of the St. Croix, on the left bank, which grew into what is now the flourishing town of St. Andrews. These men were understood to be on British territory; and, in the inevitable conflicts which ensued with their neighbours, were supported by the governor of Canada.

The mouth of the river St. Croix, in the Bay of Fundy,

came to be admitted the boundary of New Brunswick. Not so, however, the course of the river. There were alleged to be three different upper streams which bore the name, and the first difficulty which arose was the uncertainty as to which was the main stream. When the treaty of 1794 was under negotiation, opportunity was taken to appoint commissioners, who were empowered to survey the district and to define the true St. Croix. Their labours were worse than useless. A Convention was signed in 1798 in accord with their decision, adopting the farthest eastward branch of the river; but, because of the line to be drawn 'toward the highlands' not falling in with those highlands until it was within indisputable British territory, the decision gave scope for fresh encroachments on the part of Maine. Great Britain could not recede from the position which gave her the river St. John in its upper course for a boundary. The line adopted by this commission was such that it passed through a network of lakes and streams, crossed the St. John, and came within sight of the St. Lawrence, leaving only a strip of land a few miles in breadth. A line drawn from the western source of the St. Croix would have found the watershed obviously intended by the original negotiators. But that watershed, or 'highland,' would have given the entire basin of the St. John to the claim of Great Britain. As there was just enough plausibility in the demand put forward by the State of Maine and founded on the ambiguous terms of the treaty of peace, it was determined to secure this river basin, so as to command the heights immediately overlooking the St. Lawrence.

By the fifth article of the treaty of Ghent, this unsettled question was again referred to a commission, empowered to survey and mark the boundary in conformity with the provisions of 1783. An impossible task, seeing that those provisions were so vague. The commissioners could not

agree, after five years of surveying and marking. Meanwhile, the question was taking another aspect. In 1783, the disputable territory was little other than a trackless waste. Thirty years were not passed in vain for a country which offered the very best agricultural conditions after a mine of wealth had been exploited in the shape of lumber. The people of Maine were pushing forward their settlements and farms, while the inhabitants of New Brunswick and Nova Scotia were not less active in changing the face of the wilderness. In the nature of things there must happen collisions between such neighbours as these. Complaints reached either government of encroachments by subjects of the other, and became matter for diplomatic correspondence.

A further step was at last taken, by a Convention of September, 1827. It was agreed that the points of difference be referred to some friendly sovereign or state: 'The decision of the arbiter when given shall be taken as final and conclusive, and it shall be carried without reserve into immediate effect by commissioners appointed for that purpose by the contracting parties.' After some delay, the King of the Netherlands undertook the office of umpire, with the approval of both parties. This proceeding, however, was of no avail. Provided with a specially prepared map, and with abundant material derived from the long-standing controversy, the arbitrator was unable to reconcile his mind with either the American or the British claim, nor could he find a decision agreeable to the very indefinite terms of the treaty of peace. He therefore undertook to suggest a course which would compromise both claims, and recommended a division of the territory which would give to Great Britain the country northward of the river St. John, and the entire upper basin of that river to the State of Maine.

Tired of the controversy, anxious for the removal of a

chronic source of misunderstanding, the British government consented to accept the decision. They were sensible enough of the injustice of allowing any portion of their own territory to be yielded over to the United States. But concession would give a prospect of peace, and, seeing that the long-desired communication between Halifax and Quebec might now be established, they were willing to forego a part of their undoubted right for the sake of a friendly settlement. On the other hand, the American minister at the Court of the Netherlands (William Preble, from Maine) delayed not to protest against the King's decisions. He held that the arbitrator had not arbitrated, and that his recommendation was uncalled-for. When his despatches reached home, the State entered upon a solemn protest against the 'cession' of their territory, and the Senate of the United States refused assent to the award.

Little progress was made after this. President Jackson gave an annual reminder to Congress that the north-eastern boundary question was still open, that negotiations were going on, that the friendliest sentiments animated the people and government of both countries. The citizens of Maine continued to nurse their irritation. They announced that there were 'rights which a free people could not yield.' The feeling of their legislature was totally against any 'cession' of the territory of the United States; and to accept cash in exchange for any portion of their State was equally repugnant to them.

The people of Maine at length tried to arouse the central government to some vigorous action, and demanded military preparations. And in January, 1839, they went so far as to take the law into their own hands. The State Legislature directed certain land agents to arrest and imprison 'all persons found trespassing on the territory of the State as bounded by the treaty of 1783.' Under this authority an agent proceeded to the Aroostook River

with a body of 200 men, who, however, found 300 New-Brunswickers on the spot prepared for resistance. Fifty men of Maine were captured as trespassers and imprisoned at Fredericton. Retaliation ensued, and the germs of a little war appeared. The Maine Legislature resolved on raising 800,000 dollars for the purpose of sending a military force to the scene of the trouble, 'to prevent further depredations,' and requested the governor to demand aid of the general government. Other States of New England were awakened to the gravity of the crisis. The action of Maine was approved, and Congress authorized the President to resist any armed attempt on the part of Great Britain to enforce her claim to jurisdiction on the soil of the United States. Peace came very suddenly. There was no resisting the manly and conciliatory explanation of the governor of New Brunswick, nor the pacific remonstrances of the British minister at Washington. President Van Buren sent a message to the Senate, with a memorandum of agreement between the Secretary of State and Mr. H. S. Fox, that Her Majesty's forces would not seek to expel by force the armed party from Maine, and that the government of Maine would voluntarily and without needless delay withdraw beyond the bounds of the disputed territory. The civil officers who had been taken into custody were to be released. The troops were withdrawn, and the cost which had been incurred was ultimately discharged by the central government.

The Senate at Washington proceeded to discuss a bill 'for providing means of defence in case of invasion.' In the following year they shewed further symptoms of impatience. It was declared that the time had arrived for the tedious controversy over the north-east boundary to be brought to a close. Discussion was interlarded with constant hints of war; and it was even pretended that Great Britain was making preparations for invasion. Several

senators declared themselves in favour of the whole claim of Maine, and of a policy of armed resistance. This tone, however, did not prevail throughout the whole body. Those who were less impatient of events were represented in the Senate by Henry Clay, who remarked: 'If there is any party in the country for war with Great Britain, it is a criminal party,' and proceeded to assert that the military movements in Canada were no cause for alarm; they belonged to their own necessary arrangements. He sympathized with Maine, and held that justice was on her side. But if Maine expected the United States government to secure her rights, she must confide to the government the whole agency in settling the controversy. The House of Representatives was sufficiently bellicose, although there were members sensible enough to point at the 'utter reckless folly of talking of a war with Great Britain about a few pine logs in Maine.'

Some fitful negotiation had been kept going between London and Washington for several years. The British government withdrew its consent of agreement with the compromise recommended by the King of the Netherlands; and proposals were offered for a new joint survey of the disputed territory, with a view to a second arbitration, but this idea was not favoured in America. Indeed, there was a general disposition to treat the matter as practically decided, and to take no step which would have the effect of weakening the claims of Maine. A railway scheme for uniting Quebec with St. Andrews had to be abandoned in consequence of a protest from the United States government, because the line would pass through some of the disputed district.

It was presently determined by the British ministry to make an examination of the country independently. Lord Palmerston accordingly deputed two commissioners to examine its physical features, and to bring home 'such information as might enable Her Majesty's government

to understand clearly whether the boundary claimed by the United States was or 'was not in accordance with the language and intentions of the treaty of 1783.' The commissioners, Messrs. Featherstonhaugh and Mudge, returned home in 1840, having completed their investigation. They proceeded further to review the whole diplomatic history of the question, and after a careful study came to the decided conclusion that the line of highland mentioned in the second article of the treaty did not lie to the north of the St. John, but south of that river. They reported in that sense to Her Majesty's government. The map which accompanies the report fully justifies their contention.

An irregular chain of hills runs in a southwesterly direction from about  $48^{\circ}$  N. and  $67^{\circ}$  W. to a point in  $45^{\circ}$  N. and  $71^{\circ} 30'$  W., where the sources of the Connecticut are found. The highest spot is about 2038 feet above the sea, near which one of the upper streams of the Penobscot rises, and one of the upper streams of the St. John. The St. Croix basin is fed entirely from those hills. On the northern slope are the streams which either belong to the basin of the St. John or fall into the St. Lawrence. Part of the American contention was, that the St. John is one of the rivers, alluded to in the treaty, which fall into the Atlantic. But, unless the Bay of Fundy is the Atlantic and not the Bay of Fundy, the British negotiators of 1783 knew what they were about, and believed they were understood. They meant that the 'highlands' were to be recognized as the hills lying south of, the basin of the upper St. John, and southwards from the St. Croix. Now, during the negotiations which preceded the peace of 1783, the English government had peremptorily rejected the river of St. John as the boundary; and when John Adams was examined on oath before the commissioners under Jay's treaty, he deposed to this fact. This circumstance, lost sight of in forty years of diplomatic

squabble, was brought into view by Featherstonhaugh's report.<sup>1</sup>

The publication of this official report sensibly modified the aspect of things. For the first time, the United States government shewed symptoms of an inclination to enter into some compromise; and the legislators of Maine were not altogether indisposed to recede from the more extravagant of their claims. In the summer of 1841, Mr. Fox learned from the Secretary of State that, with the concurrence of the President, he was prepared to make another attempt to settle the boundary dispute by agreeing to a conventional line, or line by compromise.

Very opportunely, a change of ministry in England gave excuse for a new departure. Lord Aberdeen, Foreign minister in Peel's cabinet, determined to send out a special mission to Washington. There were several matters in controversy. Not less troublesome than the boundary question was that of the right of search during peace, which the Americans persistently refused to allow, as a violation of public laws and of the rights of other nations.

Since the abortive Convention of 1824, the slave trade had been carried on clandestinely. The national objection toward a right of search abode with unabated steadfastness in the mind of the American government. The Melbourne ministry made attempts from time to time to renew negotiations on this point, but without success. Yet some resolute dealing with it was necessary. The American government had laid themselves open to the imputation of not being in earnest about the suppression of the trade. Although their naval officers were empowered to exercise vigilance in the pursuit of suspected culprits, the traffic was still carried on by unscrupulous shippers in their own ports. The Portuguese and the

<sup>1</sup> *V. Parliamentary Papers, 1840, observations on the Treaty of Washington. London, 1843.*

Spaniards, even after solemn engagements with the European powers, were still extensively engaged in the trade, carrying the flag of the United States for their own protection. At one period the British and American naval officers stationed in and near the West Indian seas made some sort of collusive arrangement, which permitted them a certain latitude in searching suspected vessels. But this was found not to work very well, and the circumstance of a few American ships engaged in lawful trade being overhauled by an over-zealous British officer was sufficient to upset it.

Besides, this question was complicated by the opposing attitude of the two countries with respect to the existence of slavery itself. After the sacrifices which Great Britain had made to remove this blot from humanity, it was understood by the whole world that she would be henceforth very uncompromising on the subject. And this came to the proof when, on more than one occasion, slave cargoes from one American port to another being wrecked on the Bahamas, her colonial authorities refused to restore the escaped slaves to captivity.

A very flagrant case of this philanthropic interference occurred in course of time, upon which ensued some sharp diplomatic correspondence. The brig *Creole* sailed from Richmond to New Orleans with a cargo of slaves, tobacco, and general merchandise on the 27th October, 1841. A few days later, some of the blacks rose against the crew and overpowered them, beside murdering a passenger who was owner of a portion of the human cargo. They caused the ship to be taken into Nassau. On an investigation into the affair, the governor of New Providence arrested nineteen of the negroes, who were identified as being concerned in the mutiny and murder. The rest of them, one hundred and fourteen in number, were permitted to go free, for the reason that they were landed on British territory. A blank refusal was given to the

demand that any should be returned to their late 'owner.' Nor did the bluster which was heard in consequence, throughout the Southern States, find very extensive support among those parts of the nation whose own interests were not directly involved in the case.<sup>1</sup>

Another source of disquietude had arisen which threatened something more than a diplomatic quarrel. Upon nothing were the Americans so jealous as the trespass of an unlawful foot upon their soil. At the same time, there were few things so characteristic of the nation as their bold policy of piecemeal encroachment, and the pertinacity with which it was sustained. Their own extensive lands, thinly peopled though they were, presented too small a field for their wonderful and expansive energies.

Because of a few miles in Maine, and on the Pacific coast, remaining in dispute as to ownership, their national honour was wounded to the quick. The Canadian frontier was a chronic mortification. Canada was the Naboth's vineyard which must, must, be appropriated some day or other; for without it 'these States' could never be content. Being long coveted in vain, the suppressed desire to absorb the British provinces shewed itself in occasional attempts upon the loyalty of their neighbours.

During the Canadian disturbances, in the year 1837, there were found men base enough to disregard the honour of their country by secretly aiding the rebellion in conveying arms and military stores across the frontier. One of these, owner of the steamer *Caroline*, plied an active trade with some rebels in possession of Navy Island, until it was found necessary to put a stop to his doings. A party sallied forth one night in pursuit. Not finding the *Caroline* at the island, they followed her homeward

<sup>1</sup> Shortly before this incident, a very similar thing had occurred. The United States government, determined not to recognize slave *trading*, had refused to deliver up a mu-  
tinous band of negroes which had overpowered a Spanish slaver and landed in America. These men were tried for the murders and acquitted. (*Annual Register*, 1842, p. 313.)

trip, and, having overpowered the crew, set the ship on fire and loosened her moorings, whence she drifted down the river and was precipitated over Niagara Falls. One man had been killed in the skirmish, and others wounded. And worse, very much worse, the moorings constituted American soil.

Presently, a gentleman from Canada, one Alexander M'Leod, was found transacting some business in New York State, and was arrested on the charge of complicity in the 'murder and piracy.' The Secretary of State, John Forsyth, was soon in active correspondence with the British minister. Mr. Fox insisted on the immediate liberation of M'Leod, and avowed that the destruction of the steamboat was the act of persons in Her Majesty's service acting under orders. The British government would accept the responsibility of the deed. He maintained that the *Caroline* was on a piratical mission, and was only nominally within the jurisdiction of the United States at the moment of her capture. The authorities of New York State 'had been unable to maintain their jurisdiction at the place, nor even to prevent the pirates from carrying off the cannon belonging to the State.'

Mr. Forsyth expected reparation from the British government, and the President would await the result of his demand therefor. The House of Representatives uttered a war-whoop, and announced that neither the general government nor that of New York would quail before the British Lion; 'the Queen of England could not be permitted to deprive them of everything.'

M'Leod remained in jail, subjected to much insult, awaiting his trial. The Federal government could not interfere with the sovereign rights and functions of New York State, so they were unable to accede to the demand for his release which Mr. Fox presented with commendable energy. Even after the acceptance of the British acknowledgment of responsibility for the affair, there was

no rescuing M'Leod from the clutches of New York. If shewn to be innocent, he would be acquitted; if proved guilty he would be condemned, and if condemned he would be executed. The trial took place after long delay, in October, 1838. Happily for all parties, an *alibi* was successfully pleaded, and M'Leod was acquitted.

Frontier troubles continued, however, long after the Canadian discontents were appeased. While M'Leod was yet in prison awaiting his trial, one Grogan, an American citizen, was seized upon American territory, and carried across the border, accused of having been concerned in incendiary outrages. The Canadian authorities gave immediate orders that Colonel Grogan be released, and by their promptitude averted another international misunderstanding. That there was need for vigilance on the side of Canada is clear enough, from the nature of a proclamation by the President at this period. The American government had learned that secret societies were organized in the northern frontier, with the object of annoying the loyalists across the border and bringing about a revolution in Canada. The President of the United States proceeded forthwith to warn people to abandon these secret meetings, and assure them that the law would be rigorously exerted against illegal acts; nor would any persons be reclaimed by the government as American citizens who, in their incursions into Canada, fell into the hands of the British authorities. It was also felt, after the M'Leod affair was concluded, that the action of the central government ought not to have been hampered by the jurisdictional claims of a single State; and Congress passed a law providing that similar cases, if they should arise, be immediately transferred to the courts of the United States.

The person chosen for the special mission to America was Lord Ashburton, otherwise known as Alexander

Baring, who had been for many years in the first rank of British merchants and financiers, honoured and respected in both hemispheres. He was old enough to remember listening to the debates in Parliament when Jay's treaty was discussed. A long-standing friendship existed between him and Gallatin, who had relied much on Baring's personal ties and sympathies with America during the periods of his negotiation in London. Baring had been a warm critic of the Orders in Council; believing, in accord with many other persons, that they were a futile means of retaliation upon the enemy, and fraught with equal damage to our own commerce. Hence a respect for Baring in the United States superior to anything that could arise from verbal professions and protestations. As this was a very special mission to the States, and Lord Ashburton was accompanied by a suite consisting of talented men of high social standing, the Americans professed to feel a little flattered at the distinction paid them. Their own negotiator was Daniel Webster, then Secretary of State to President Tyler. Webster was not unknown to English society,<sup>1</sup> and therein existed additional reason for expecting a cordial reception of the English mission. Webster was in London in 1839, and made a hasty tour through England, his attention being particularly directed to agricultural matters. With Lord Ashburton he had already contracted friendly relations.

The envoy reached Washington in April, 1842. Webster's first step was to advise the governor of Maine of this fact, and to inform him that Ashburton was empowered to treat for a conventional boundary line on such terms and conditions as might be thought equitable. The President (he said) could not do anything without the

<sup>1</sup> 'No traveller from this country usually paid only to ambassadors and foreign ministers were extended with equal attention in the highest quarters in England. Courtesies to him.' (*Works*, i. cxvii.)

coöperation of Maine and Massachusetts, and it was proposed that their respective governments appoint commissioners to confer with him as to a conventional line, with an understanding that no such line would be agreed to without the assent of such commissioners.

The gentlemen from Maine arrived in due course, and supported their position with seasonable verbosity. They were not prepared to surrender anything,<sup>1</sup> and certainly would not entertain a line of boundary south of the St. John River. Nevertheless, as the occasion was one for compromise and not for controversy, the tract in dispute was eventually divided into two unequal portions, of which Maine got the fairer and more fertile, while Great Britain obtained the means of establishing a good and uninterrupted communication between New Brunswick and Quebec: that which had made it a necessity for her to maintain some portion of her claim at all hazards. To each party was awarded that share of the district in which its own interests had become involved.

In the course of this negotiation — but too late for the British mission to profit by — new evidence turned up: evidence which, produced in 1794, would have enlightened everybody, and precluded any further controversy. Mr. Jared Sparks, the historian, wrote to Daniel Webster informing him that what was, almost to a certainty, Dr. Franklin's own map of the boundary, had been found in the Paris Archives.

It appeared that Franklin had drawn a strong red line, for the boundary, on a map which he gave to Count Vergennes with his authoritative statement. A map was preserved in the place where Vergennes would naturally deposit it, and from this Sparks concluded that it was the

<sup>1</sup> 'The commissioners of Maine the disputed territory, *nor to listen* do not consider themselves as sent *to an argument* in opposition to the here to argue the question of right claims of Maine.' (To Webster, 29 in regard to the conflicting claims of June.)

map in question, since it bore the 'strong red line' as described by Franklin. 'Imagine my surprise (writes Sparks) on discovering that this line runs wholly south of the St. John's, and between the head waters of that river and those of the Penobscot and the Kennebec. In short, it is exactly the line now contended for by Great Britain, except that it concedes more than is claimed. . . . It is evident that the line, from the St. Croix to the Canadian highlands, is intended to exclude all the waters running into the St. John's.'<sup>1</sup> Had Lord Ashburton been timely acquainted with this, angry complications might have ensued. Perhaps the American government thought it would be better to avoid any risk of such thing. Certainly Ashburton would have found it his duty to claim under it, however undesirous he might be to hazard the success of his mission.

A treaty was at length agreed upon between the negotiators, signed on the 9th August, 1842, and ratified in London six months later. The boundary of the north-

<sup>1</sup> V. Featherstonhaugh's *Observations*, etc. This pamphlet, published in 1843, appears to have contained the first public announcement in England of the discovery of Franklin's map. It is worthy of note here, that a contemporary map exists in the British Museum collection (acquired in 1864), fully sustaining the British claim: 'The United States of North America, with the British and Spanish territories, according to the treaty of 1784. Engraved by Wm. Faden, 1785.' This map has the line claimed by Great Britain in accordance with the treaty of peace. The 'highlands' are plainly marked, nearly agreeing with the later survey of Featherstonhaugh; and the entire basin of the St. John northward of these highlands is included

in the British territory, as was intended from the first. . . . When the Ashburton treaty came to be discussed in the Senate, previous to ratification, there was yet another map in question. Colonel Benton found it in the Jefferson collection, which was deposited in the Congress library. He produced this triumphantly, with his usual bluster, to confront and invalidate the map found by Mr. Sparks. But Benton had glanced at it only superficially. It was soon pointed out to him [by Rives, of Virginia] that on closer examination it was found to sustain, 'by the most precise and remarkable correspondence in every feature,' the map communicated by Sparks. (Senate, 11 Aug., 1842.)

east was indicated in a minute description ; the main feature being a line running northward from the St. Croix to its intersection with the St. John, thence up the middle of the St. John to the mouth of the St. Francis River, up the channel of the St. Francis, and then southwesterly. The navigation of the St. John was to be free and open for the unmanufactured products of Maine. By the 8th Article, both parties stipulated to maintain a squadron on the African coast, with liberty for the naval officers of each country to coöperate in the suppression of the slave-trade, this article to be in force for five years, and afterward until one or the other party wished to terminate it. The 10th Article was called for by the notorious secret organizations that existed in the border States, which, under the name of sympathy, endeavoured to foment rebellion in the British provinces ; and it provided for the mutual extradition of criminals who, in either country, sought an asylum in the other. This Article was to remain in force until one or the other party wished to terminate it.

Lord Ashburton was entertained at a New York banquet before leaving for home. He avowed some pride in the success of his mission. It had ended in a compromise, England coming off second best, as usual, for the sake of peace. But it did secure peace, and provided occasion for the people of both countries once more to expatiate on the blessings of harmony and mutual goodwill. The treaty did not pass the Senate unanimously ; nor did Parliament fail to criticise it with warmth. There were many in England who regarded it as One More Capitulation.<sup>1</sup> But : peace at any price.

<sup>1</sup> 'For many years there was a large party in England, as well as in the colonies, in which the deepest anger could be stirred by the mere mention of the Ashburton Capitulation.' (Jennings, *The Croker Papers*, ii. 394.) Lord Ashburton, writing to Mr. Croker, under date February 7, 1843, admits that if the secret of the map had been known to him, he could not have signed the treaty. (*Ib.* 401.)

Unfortunately, several matters were shelved. The right of search was not even discussed during the negotiations. The boundary on the Columbia River had become a topic of scarcely inferior urgency to that on the north-east. The war trumpet was only laid by, to be speedily resumed over British 'aggression' in the north-west. The triumph of Peace, at the hands of Lords Ashburton and Aberdeen, was not merely incomplete: it served to whet the taste for further claims, supported in turn by bluster and by an attitude of injured virtue.

Beside these things, other little clouds were appearing in the sky. The Irish repealers of the day had their brothers and cousins, in many thousands, acting upon the political atmosphere of the American cities. They were pretty fairly represented in Congress; and they did not fail, upon occasion, to throw their weight into the scale when there was excuse for a display of animosity toward England.<sup>1</sup>

Again, the very numerous admirers and friends of America who existed in England, naturally desirous of proving their amicable sentiments and their entire faith, had largely invested their savings in American 'securities.' They had forgotten, or more probably had never learned, that the British creditor was victim of the Revolutionary war more hardly hit than any other. Either from blind affection, or induced by the prospect of high

<sup>1</sup> The native-born American was not backward in helping to keep the Irish pot boiling, when he had occasion to abuse the old country. For example, Mr. Robert Tyler, son of the existing President, speaking at a New York meeting in August, 1843, portrayed Ireland as a country where the churches were desecrated, daughters were ravished in sight of mothers, sons slain, and her halls of justice turned into worse than Satur-

nalian orgies, 'and where the British judge has stained his very ermine with the blood of victims.' According to this orator, Sir Robert Peel and the Duke of Wellington had declared that Ireland must be put down, and that she can be 'put down in twenty-four hours; and, if need be, they can cover that ill-fated land with the bones of her murdered children.' (*Annual Register*, 1843.)

rates of interest, many English investors had sent their money across the Atlantic without a dream of losing it by repudiation. Alas for the virtuous republic! While the assembled representatives of the States were, in Congress and elsewhere, ransacking the vocabulary of abuse for the imaginary crimes of England, some of the individual States were prepared to rob the very investors whose capital was aiding in the development of the nation. Even Pennsylvania, the richest State in the Union, could not find it convenient to pay the interest on her bonds. Of course, it was a fresh and unpardonable offence to offer remonstrance or reproof.<sup>1</sup>

Mr. Everett was minister in London: a man of fine character, and one of those who have given some lustre to the United States in their foreign relations. A very painful business it must have been to him, to receive a memorial from American bondholders in London. He could promise them no present relief. To begin with, the general government was not a party to the contracts of the separate States, and the question did not fall within the province of the President; so he was acting unofficially in forwarding the memorial to him. He could but explain that the States had rashly embarrassed themselves by undertaking vast improvements, which would be of immense public utility,—in the coming bye-and-bye. Unfortunately, ‘the loss and the reproach’ were still greater in the States themselves, where private fortunes

<sup>1</sup> As, for example, that of the Rev. Sydney Smith, in his ‘Humble Petition to the House of Congress at Washington’ (April, 1843). Mr. Smith was really very warm in his expression; but this tone was due as much as anything to his regret for the stigma attaching to a people among whom he numbered many friends. The mischief of it was (he said) that American citizens excited,

wherever they went, the recollection that they belonged to a dishonest people who prided themselves on having tricked and having pillaged Europe; and that this mark became fixed, by their faithless legislators, on some of the best and most honourable men in the world, whom every Englishman had been eager to see and proud to receive.

without number had been wrecked. Yet the elasticity and power of recovery in the country were great beyond the conception of those who did not know it from personal observation. On this ground, Mr. Everett expressed his confidence that the time would come when every State in the Union would fulfil its engagements.

## CHAPTER XVIII

THE adjustment of the north-west boundary appears to have become a topic for serious discussion in the year 1818. The Convention of that year left the matter unsettled, only providing for a joint occupation of the territory in dispute for a period during which there might (or might not) be found means for reconciling the rival claims.

In the course of negotiation, the American envoys had suggested the very limits which were ultimately adopted, viz., an extension of the existing boundary line to the Pacific Ocean on the parallel of  $49^{\circ}$ . Neither more nor less than this was the outcome of the treaty of 1846. Upon what small basis was this ambitious claim founded? On the fact that, in the year 1792, one Captain Gray, of the ship *Columbia*, from Boston, had entered the Oregon River, and followed its course for some twelve or fifteen miles, and was thus held to be its discoverer. Other voyagers and adventurers, from Francis Drake downwards, had previously explored this coast, and some had reported the existence of a large river in this latitude ( $46^{\circ} 16'$ ), but Captain Gray was the first to cross the dangerous bar, and he forthwith asserted the honour of its discovery by naming it the Columbia River. Of the country inland nothing was known. The fur-traders had pushed forward from Canada and from the Hudson Bay Company's territories, and had established some isolated posts in the far west; but it was not supposed that they had approached very near to the Pacific coast.

The crux of the whole question, which assumed at length such wide proportions, appears to lie in the undefined character of the boundaries between Louisiana

(ceded by France to the United States in 1803) and New France (transferred to Great Britain after the treaty of Utrecht, 1713). Upon several stray pieces of evidence,<sup>1</sup> it has been concluded that New France extended to the Pacific Ocean, bounded on the south by a great river, the estuary of which is represented on or near the 46th parallel of north latitude. And it is certain that the fur-traders from the north never dreamed of their field of enterprise being limited by anything short of the western ocean.

The first record of any attention being paid to the possible resources of the country beyond the Rocky Mountains, on the part of the American republic, appears to belong to the period of the accession of Louisiana. Without any idea as to the limits of the new territory, President Jefferson commissioned Messrs. Lewis and Clarke to explore the river Missouri and its principal branches to their sources, and then to trace some great river to its termination on the Pacific coast; the object in view being a commercial route to the western ocean. These men entered upon their exploration, reached the mouth of the Columbia River, and arrived homeward at St. Louis in September, 1806.

After this, the rival efforts of the several fur companies are established as to dates and localities. The Missouri Company held a trading-post on an upper branch of the Columbia River in 1808, while the North West Company (of Canada) was settled in various isolated spots in the wide districts north of that stream. The agent of the latter company at length reached the mouth of the Columbia in July, 1811, to find a settlement already made on the south bank by a new set of rivals, the Pacific Fur

<sup>1</sup> Among others, see *Roy. Geo. Soc. Journal*, xiv. 306 (1844), for some extracts from Duflot de Mofras, who had recently published an essay upon the Oregon district, and who maintained that England 'for once' had reason and justice on her side.

Company, under the name of Astoria, after its founder, J. J. Astor. The newest outpost of the North West Company, made almost contemporaneously with the settlement of Astoria, in the spring of 1811, was at a point near the outfall of the Spokane River into the Columbia, somewhere about 49° north latitude. After the successful issue of Astor's plans, there could be no question as to a claim on the part of the United States to the country on the south side of the great river. The dispute which presently arose concerned the vast regions to the north, bounded only by the claims of Russia.<sup>1</sup>

The Columbia River first appears in diplomatic intercourse shortly after the conclusion of the treaty of Ghent, in a letter written by James Monroe to the British *chargé d'affaires*, Mr. A. J. Baker, under date 18th July, 1815. The latter was reminded that, under an article of the treaty which stipulated that all territory, places, and possessions taken by either party during the war should be restored to the original owner, the United States was entitled to the restitution of the post on the Columbia River, and that measures were about to be taken for its reoccupation. Mr. Baker was unable to meet this with any suitable reply. He was probably unacquainted with the circumstances of the Astoria episode of the war.

The facts were these. Upon hearing of the declaration of war, early in the year 1813, the partner in charge of the infant settlement was constrained to listen to proposals from the North West Company for abandoning the post in their favour. Disappointed in the expectation of relief and assistance from home, and unsettled by rumours

<sup>1</sup> These outlines convey little of the intense interest attaching to the events alluded to. Every step in the affair is a romance. The exciting adventures of the traders and trappers, the perils attending the seafaring part of the enterprises, the skirmishes with Indian tribes, and the lively sources of misunderstanding between rival hunters and merchants, have filled hundreds of entertaining pages by Washington Irving and others.

that a British ship of war was on its way to the Pacific coast, a friendly bargain was made for transferring the whole concern, with its stock of furs and other property, to the North West Company. This was done in October of that year, the value being estimated at upwards of 40,000 dollars. In the course of December following, H. M. sloop-of-war *Racoon* arrived at the spot, to find the United States flag still flying, but the whole settlement and property transferred to the Canadian traders. The captain's duties were thus limited to hoisting the British flag and taking possession of the place in the name of the King. He changed the name of the settlement to Fort George.

After the conclusion of peace, Astor made urgent representations to Monroe in favour of an American reoccupation at the mouth of the Columbia. These appeals were at length listened to, and, without further communication with the British representative at Washington, the war-sloop *Ontario* was commissioned to resume possession of the post. Upon Mr. Bagot hearing of this expedition, he pointed out to the Secretary of State the insufficiency of the evidence upon which there could be a claim for restitution. From the information which had reached him, it appeared that 'the post in question had not been captured during the late war, but the Americans had retired from it under agreement with the North West Company, who had purchased their effects, and who had ever since retained peaceable possession of the coast.' However, in the course of the following year the re-transfer was completed by the surrender of Fort George. The establishment was found to have been considerably extended and improved by the agents of the North West Company. They were permitted to continue the occupation, under the United States flag, awaiting the further pleasure of the President.

Meanwhile, the topic had permanently made its way

into the field of diplomatic discussion. In the month of February, 1818, Mr. Rush informed the Secretary of State that he had been in communication with Lord Castlereagh, in the matter of the *Ontario* expedition. The latter had expressed his regret that no notice should have been given to Mr. Bagot. Lord Castlereagh also maintained the British right to dominion over the territory; admitting, at the same time, that the United States, in accordance with the principle of *statu quo* under the treaty of peace, was the party with the right to be in possession whilst the title to dominion remained in question.

The instructions of Mr. J. Q. Adams, in reply to the minister at London, were ominously suggestive of the budding pretensions of the United States; although, oddly enough, he treated the present theme as one of such minute consequence as not worth being very serious about. He writes (20th May): 'As it was not anticipated that any disposition existed in the British government to start questions of title with us on the borders of the South Sea, we could have no possible motive for reserve or concealment with regard to the expedition of the *Ontario*. In suggesting these ideas to Lord Castlereagh, rather in conversation than in any formal manner, it may be proper to remark the minuteness of the present interests, either to Great Britain or to the United States, involved in this concern, and the unwillingness, for that reason, of this government to include it among the objects of serious discussion with them. At the same time you might give him to understand — though not unless in a manner to avoid everything offensive in the suggestion — that from the nature of things, if in the course of future events it should ever become an object of serious importance to the United States, it can scarcely be supposed that Great Britain would find it useful or advisable to resist their claim to possession by systematic opposition. If the United States leave her in undisturbed enjoyment

of all her holds upon Europe, Asia, and Africa, with all her actual possessions in this hemisphere, we may very fairly expect that she will not think it consistent with a very wise or friendly policy to watch with eyes of jealousy and alarm every possibility of extension to our natural dominion in North America, which she can have no solid interest to prevent, until all possibility of her preventing it shall have vanished.'

The sole result of the negotiations in 1818 was a temporary expedient: the country remained open to the use of the subjects of both countries for a term of ten years. During the negotiation, Gallatin and Rush had proposed 'an extension of the boundary line as drawn from the 49th degree of north latitude from the Lake of the Woods to the stony mountains, due west to the Pacific Ocean.' Without asserting that the United States had a perfect right to that country, they 'insisted that their claim was at least good against Great Britain.' The British view was, that the river Columbia was the most convenient boundary which could be adopted, and that Great Britain had equal rights derived from discovery; ministers would therefore not agree to any boundary which did not give them the harbour at the mouth of the river, in common with the United States.

Fresh complications were presently introduced through the attitude of Spain; which power made claim to undisputed rights, founded on discovery, conquest, and possession, to a large slice of territory on the Pacific coast. But these 'rights' were extinguished in the cession of Florida to the United States, who were thus become inheritors of Spanish pretensions on the North American continent. These pretensions were elastic enough, extending to the 55th parallel of north latitude.

Beside this, the Russian government made a movement which startled all parties interested in the question. On 4th September, 1821, an edict issued from St. Petersburg

claiming the whole west coast of North America north of the 51st parallel, and the whole east coast of Asia north of  $45^{\circ} 50'$ . Both Great Britain and the United States protested against such assumptions. These things did not, however, ultimately affect the question at issue. The colonizing force of the Anglo-Saxon race was the chief factor in keeping alive this controversy between England and the United States. Russian designs were put completely in the shade by the famous declaration of President Monroe, embodied in his message of December, 1823; in which he informed the world that the American continents, by the free and independent condition which they had assumed and still maintained, were henceforth not to be considered as subjects for colonization by any European power. This idea, suddenly formulated into a 'doctrine,' had been silently growing for nearly a generation. Mr. J. Q. Adams had already informed the Russian minister at Washington some months previously to Monroe's public utterance.

Another circumstance soon caused the London cabinet a more awakening concern, since it involved a concrete proposal to prepare for the early ejection of the British from the Pacific territories. According to instructions from a committee of the House of Representatives, General Jesup, Quartermaster-general, communicated his views as to the expediency of occupying the mouth of the Columbia River. His very decisive opinion, laid before Congress on 16th February, 1824, was to this effect: Leaving aside the question as to the rights of the United States, he considered the possession and military command of the Columbia River and of the Upper Missouri necessary for the protection not only of the fur trade, but also of the whole western frontier of the republic. For this purpose he recommended the immediate despatch of 200 men across the continent to the mouth of the Co-

lumbia, while two merchant vessels should transport thither the cannon, ammunition, materials, and stores requisite for the first establishment; after which four or five intermediate posts should be formed at points between Council Bluffs, on the Missouri (the farthest westerly spot then occupied by American troops), and the Pacific. By such means 'present protection would be afforded to our traders, and, on the expiration of the privilege granted to British subjects to trade on the waters of the Columbia, *we should be enabled to remove them* from our territory and to secure the whole trade to our citizens.'

Projects for colonizing the Oregon district were already engaging the attention of Congress. On 19th December, 1820, a committee of the House of Representatives had been appointed to enquire into 'the settlements upon the Pacific Ocean and the expediency of occupying the Columbia River.' The report of this committee, produced in January following, entered into a long historical sketch of events connected with the Pacific coast, and expatiated on the great importance of the fur trade, which, it was maintained, the United States ought to share with Canada. It was urged that an establishment on the Pacific 'would essentially benefit the natives, whilst it would give the country the advantage of all its own treasures,' which were, from all that could be ascertained relative to its present and increasing value, of more profit to the country than the mines of Potosi. The scheme was encouraged in discussion, but it was not till two years later that it took practical shape.

At length, on 17th December, 1822, Dr. Floyd (from Virginia) introduced a bill for occupying the mouth of the Columbia. More history was produced, and more geography; references to the disadvantage which American traders suffered from English competition; predic-

tions of untold wealth to be opened to the republic; animated appeals to the nation not to let the English, the Russians, nor the French take possession, with all their disgusting notions of monarchy, which 'degrades the noblest intellect and makes the man a slave;' and joyful anticipations of the period when 'these States' should reach to the Rocky Mountains, nay, to the Pacific Ocean. Successive orators followed Dr. Floyd, transported with the idea of colonizing the far West, and forestalling the rest of the world. Mr. Tucker (Virginia) was a dissident, who thought the populations were already going off too far to the westward, and who pointed out the inevitable and permanent separation of interests which would ensue between the East and the West. In the end, the House of Representatives refused to take up the bill, by a vote of 100 against 61.

Less than a month after this adverse decision the Senate was engaged in discussing the same question. On 14th February, 1823, T. H. Benton (Missouri) submitted this motion for consideration: 'That the Committee on Military Affairs be instructed to enquire into the expediency of making an appropriation to enable the President of the United States to take and retain possession of' the territory on the north-west coast of America. Three days later the resolution was agreed to, after a discussion in which Colonel Benton had thus supported his proposal: The object (he said) was to prevent the country in question from falling into the hands of another power. England, to all appearances, claimed it, and was, besides, actually in possession. The fort at Astoria had never been fully restored to its American proprietors. 'The ceremony of lowering the British flag, and hoisting the American, was a piece of form arranged beforehand for the purpose of satisfying the words of the Ghent treaty by a nominal restitution, while the post itself remained with the English.' The *Ontario* did not,

therefore, succeed in the object of her voyage. England had shewn a disposition to resist the claim of the United States. In the year 1828, by virtue of being in occupation, she would have the right of possession until the question of sovereignty was settled, either by war or by negotiation. It was now apparent that the Republic, partly through its own remissness, partly from the concessions of 'our' ministers in London, was in imminent danger of losing all its territory beyond the Rocky Mountains. The evils of such a loss were too obvious to be insisted upon.

In connection with this, there were other legislative attempts to promote the Indian fur trade in the West. Colonel Benton, and others who thought with him, always had on hand charges of 'foreigners' instigating the Indians against the Americans. Their opponents answered that the Indians naturally were more disposed to ally themselves with British traders, seeing that British traders treated them kindly and dealt with them fairly. But then, the Americans held views relative to their aboriginal neighbours which forbade the Indians suppressing their native hostility. Benton flatly said (Senate, 31st March, 1824) that it had been the practice of the government to establish military posts in the Indian country without their consent: 'Our code of Indian laws, enacted under the administration of Mr. Jefferson, turns, in every clause, upon the assertion of the principle that the Indians are not independent nations; that our jurisdiction extends over their soil, and over their acts; and that our troops may be sent into their country without their consent, as often as our policy requires it to be done.'

The House of Representatives resumed the question of the Columbia River in December, 1824, when a bill was introduced empowering the President to send military detachments for its occupation. The advocates of the plan were advancing in their views, and now used the lan-

guage of exaltation. They had long convinced themselves that the country was theirs, and that they were foolishly allowing the British to take a share of its natural productions. They now pointed to a great future for the north-western country. Capitalists would raise a city on the Oregon River, and make it 'the Tyre of America.' The fur trade and the whale trade, the silver and gold of Central and South America, commerce with Canton, with the islands of the Pacific, would be extended. The chartered monopolists of Great Britain would soon ruin their own country, and give employment to many tons of American shipping, to carry that which their own subjects could not. The salmon of the Oregon River alone 'would subsist 50,000 men a year.' By the establishment of military posts at the mouth of the Oregon, they might command the trade of China, Japan, the East Indies, and the North Pacific. That ocean was the richest sea in the world, and was as yet without a master. Besides, it was of importance to give this vast territory the blessings of free government. For this reason alone, it was better this tract should be settled by 'us' rather than by foreigners.

A majority of about two to one for passing the bill shewed that public opinion was much advanced since 1820. Nor was the Senate less willing to consider the feasibility of the project. Evidence abounded that the wonderful development of their country was not to be arrested by wastes and jungles. Their people were marching irresistibly onward, and the valley of the Oregon must sooner or later be, like the valley of the Mississippi, teeming with a free and happy race. Only that there were those, more timid, who regarded the district as one which would long require protection; who thought that the Union was already too extensive, and might soon become unmanageable and unwieldy, with such vastly differing interests. And was Oregon to be a dependency, or

a colony? It could never become one of the United States.

Better, there were even those who held that the measure was not one calculated to promote peaceful relations with England. By Convention, the district was to be occupied in common until 1828; would it not lead to immediate disputes with the British government? 'At all events, before we proceed further, let us ascertain by negotiation, not by military force, our respective parts of this territory. . . . It is to be presumed the British government are willing to enter into negotiations for settling our respective boundaries. . . . Should the negotiation occupy many years, it ought to excite no regret, as *it would give the unhappy natives of that region a little more time to breathe upon the face of the earth*, before the final process of extermination by means of a white and civilized population shall take place.'

Meanwhile, a futile negotiation was carried forward in London, in the year 1824, with a view to settling the Pacific boundary. Disregarding the new dogma of President Monroe, the English ministers said that Great Britain considered the whole of the unoccupied parts of America as being open to her future settlements, 'in like manner as heretofore.' They included within these parts, as well that portion of the north-west coast lying between the 42d and 51st degrees of latitude, as any other parts. She was not prepared to relinquish the principle of colonization on that coast or elsewhere that was unoccupied. Nor did she accede to the exclusive claim of the United States. Mr. Rush was authorized to propose, on the part of his government, that in future no settlements should be made by citizens of the United States north of 51°, nor by British subjects south of 51°. He presently yielded so far, in pursuance of his instructions, as to vary these terms by shifting the line to 49°, intimating that this was the extreme limit to which he was authorized to go.

The ultimatum of the British negotiators stood by a continuance of the 49th parallel westward of the Rocky Mountains 'to the point where it strikes the north-eastern-most branch of the Columbia, and thence down along the middle of the Columbia to the Pacific Ocean; the navigation of this river to be for ever free to the subjects or citizens of both countries.' In submitting this, they held that Great Britain was departing largely from the full extent of her right, and that it would impose upon her the necessity of breaking up four or five settlements formed by her subjects within limits that would thus become prohibited. But they were willing to make these surrenders in a spirit of compromise.

During Mr. Gallatin's residence in 1827, and shortly before his departure from London, a Convention was signed in which matters were left as in 1818; except that the period was made indefinite during which the joint occupation was to exist, subject to twelve months' notice on either side.

One other attempt was made in the American Congress to induce the government prematurely to occupy the basin of the Columbia River. A bill was introduced into the House of Representatives in December, 1828, by Dr. Floyd. 'All they wanted (he said) was an adequate military force for their protection, the extinguishment of the Indian title, and liberty from their own government to prosecute schemes of individual emolument.' After a debate of several days the bill was refused a third reading by a majority of 99 against 75. In course of the discussion, very little weight was given to the delicate nature of their relations with Great Britain. The advocates of the measure objected to the incessant reiteration of 'What will England think?' . . . 'What was it to them, as the Representatives of a free and independent nation, what England thought, or whether she conde-

scended to think at all about the matter? Were they to sit in that House and legislate for a great nation under fear of the displeasure of England?' There were men sensible enough to declaim against this tone, and who were not prepared to support a wanton disturbance of the existing arrangement. And there were objectors to the project itself who would make it appear that Dr. Floyd and his friends were afraid to venture in the wilderness without protection, while the nation was asked to provide military and civil jurisdiction for a country almost without inhabitants, and entirely without resources excepting the skins of wild beasts, a means of ultimate wealth indeed, but not calling for the help of the State. While the Hudson's Bay folk had raised some small settlements, they did not claim the right to colonize the country while the title to it was in dispute.

In reply to a call for information, President Jackson sent to the Senate in January, 1831, a report from the Secretary of War relative to the British establishments on the Columbia and the state of the fur trade. But no action was taken. After this, several years elapsed before Congress gave any further attention to the subject.

Surer causes were at work to determine the question.

The Hudson's Bay Company represented almost entirely the white element in the population of the district until about the year 1829, when an expedition under the name of the Rocky Mountain Fur Company succeeded in establishing a trade with the Columbia River. An independent competitor was Captain Nathaniel Wyeth, of Massachusetts. However, the Hudson's Bay Company had shrewdly chosen their lonely posts in the wilderness, and had, besides, established a character for justice and fair dealing with the Indians; so that at present it was up-hill work to compete with them.

A glance at the map of western North America will aid the reader in forming some idea of the wide extent of the

operations of this great trading company. Their posts in the disputed territory were now some twenty in number. Fort Vancouver (where the town of Vancouver now stands) formed their headquarters. Fort M'Kay, at the mouth of the Umpqua River, in latitude  $43^{\circ} 30'$ , was their extremest southern post. At a place on the Willamette River (near Oregon City of to-day) a settlement was formed for the use of some of the retired servants of the company, in connection with a subordinate trading-post. Northward from the Columbia River, and in some places on its banks, several posts were formed which enabled them, with the aid of their hardy Canadian trappers, to maintain a monopoly of the Indian trade in furs. Fort George was only occupied as an outpost; the old buildings of Astoria were rotted away, and its site was left to be covered with weeds and brushwood. The chief factor, who resided at Fort Vancouver, was one Dr. John M'Loughlin. He was practically autocrat of the district, a man of genial and conciliatory disposition, and immensely popular. He was careful to discourage the settlement of any Americans while the question of title remained open. M'Loughlin firmly believed in the right of the British to the whole valley of the Columbia, and never doubted their coming into full possession, sooner or later, of at least the country lying northward of the river.

But if the Americans did not as yet succeed in supplanting the Canadians in their trade, they found other means by which they could get rooted to the soil. These means were the erection of mission fields. The pioneer Oregon mission appears to have been undertaken by the Methodist Episcopal Church of New England, in the year 1834. The Willamette valley was selected as the best possible site, with good reason; for here the soil offered fair prospects for the operations of agriculture, and here was also settled the little colony of Canadians and half-breeds belonging to the Hudson's Bay Company. The

mission prospered wonderfully. The proximity of Dr. M'Loughlin's Catholic chapel was rather an aid than otherwise to the good cause. The worthy factor himself sent subscriptions from Fort Vancouver to help the mission. Their relations with the Hudson's Bay Company appear to have been extremely cordial. Then they traded in cattle, and extended their farms, and began to have marriages in the colony. We hear of the Oregon Temperance Society as one of their social successes. The Oregon Literary Society, founded in the year 1840, gave to the little community the last proof that civilization had been brought by them to these wilds. When, in the following year, 'the people of Oregon' met in solemn conclave to consider the propriety of establishing a constitution and a code of laws, there could be no longer any question that an American colony had made good its right to this part of the Columbia valley.

Among other causes which were in operation, soon after the settlement of the Methodist mission, to set in train the course of immigration from the east, not the least was the publication of Washington Irving's 'Astoria.' This romantic account of Astor's enterprise, and of the expeditions in connection with it, was the outcome of a desire on the part of the great financier, in his old age, to put on record the history of his scheme. It was published in 1836, and served to direct anew the attention of the American people to the great country of the west. Shortly after this, Irving met Captain Bonneville, who had recently returned from the Columbia, and made a fascinating addition to this romantic story by preparing Bonneville's journals for publication.

Captain Wilkes, in charge of the United States Exploring Expedition, was at the Columbia River in 1841. By this time other missions to the Indians had taken root. But the Hudson's Bay Company still dominated the country northward. No American could observe their pro-

ceedings without some jealousy and a general assumption that the Canadians were trespassing and that American rights were being trampled on. This is particularly the case with one Farnham, who travelled to the west in 1839, and who railed bitterly against his own government for having, through want of wisdom, or firmness, or justice, permitted 'these important rights of its citizens' to be monopolized by foreign capitalists. Another notable resident was Dr. Marcus Whitman, a missionary physician from New England. In October, 1842, hearing of the approach of a body of English colonists, he set off to Washington immediately to represent matters to the government, and to return with a team of 200 waggons and a band of emigrants. Then the story is told of M. T. Simmons, an immigrant of 1844, who chose to settle at Vancouver, 'determined to remain in Washington territory, particularly if England's Majesty ordered him out.' Also of George Waunch, who 'located himself on the Skookum Chuck, making the ninth man not in the Hudson's Bay service who settled north of the Cowlitz farm in 1845.' The Cowlitz was one of the flourishing farmeries of the Company, over 600 acres in extent, situated on the river of that name running southward into the Columbia below Fort Vancouver. Vancouver, an enclosure of 250 yards by 150, was a vast factory, workshop, and store. The village outside, of about 60 houses, was occupied by the Canadian and Scotch mechanics with their families and servants. The adjacent farm included 1500 acres, brought to the highest state of tillage, of cornfields, orchards, gardens, and pasture. In 1839, the Russian ports on the Pacific were being supplied with provisions from these settlements.

So it appears that more extended operations in agriculture on the part of this great Company, at an earlier period, might have altered materially the aspect of things. It was not their business, nor their own policy, to discover

the fertility of the soil. A great part of Washington State is covered with barren mountains, and was at the time in question a source of wealth to the company. But a more extensive development of the river plains, in raising crops and stock by Canadian and Scotch settlers, would have enabled Great Britain to set up counter-pretensions against the claims of the Americans which need not have been so easily yielded. It is, however, due to the reputation of the Hudson's Bay Company to remember that their peculiar and very profitable enterprise, together with the existence of the unsatisfactory dual occupation by two separate nations, forbade their entering upon a wide plan of settlement. Besides, they claimed rights on behalf of the native Indian tribes, and set the example of respecting those rights. They held that the true interests of the Indian and of the white settler were indissolubly united; and that no immediate advantage personal to themselves ought to stand in the way of improving the condition of the natives. The practice of the company was always in accordance with these principles. Consequently, their success in traffic with the natives was accompanied by the hearty respect and good-will of all the tribes in contact with them.

Early in 1838, Congress was once more stimulated to action concerning the north-west. Dr. Linn, senator from Missouri, introduced a bill for a military occupation of the Columbia River, and supplemented it with a petition from the settlers. The petitioners avowed that their settlement had prospered beyond the most sanguine expectations; they flattered themselves they were the germ of a great State, and pointed to the advantages which would result from the government taking possession: 'The territory must populate, the Congress of the United States must say by whom,' etc. It was difficult, however, to get a majority to declare in favour of military occupation.

For several years after this, repeated efforts were made to arouse the legislature; but it was not until the party politicians had laid hold on the topic that the affairs of Oregon became matter for any considerable public feeling. The electioneering of 1844 appears to have been occasion for the people generally to shew some feeling over it. Polk's inaugural address, in the ensuing March, somewhat rashly included a declaration that the American title to Oregon was clear and indisputable, which he meant to maintain. The newspapers now began new attacks on Great Britain, and appealed to the President to 'hold by the nation's rights.' An ingenious and beautifully alliterative war-cry of 'Fifty-four forty or fight!' (in allusion to the line of frontier claimed) was in everybody's mouth. It was no great novelty to flourish the tomahawk as against England, and for the class of journalists who profited by it this was a golden opportunity. All this was heard in London with something more than misgiving. People in England did not relish such things, supported as they were by Polk's menaces while negotiation was actually going on. A wave of anger passed over public opinion in London which would have supported extremest measures on the part of the ministry.

At length Congress reached the point of insisting that notice of termination of the Convention be given. It took them upwards of three months' debate<sup>1</sup> in the early months

<sup>1</sup> Of the comic element in a democratic assembly there are some felicitous illustrations occurring in these congressional debates. One Hannegan, senator from Iowa, proposed to acquire the territory right off by resolution: 'Resolved that the country between 42° and 54° 40' N. lat., known as the Oregon territory, is the property and part and parcel of the United States.' Several speakers were anxiously moved concerning the impropriety of allowing the President to 'transfer Our territory

and Our citizens to a foreign government.' Hunter (Virginia) said: 'We shall always refuse arbitration, because there are none of the nations of the world whose governments are honest and impartial enough to decide this controversy between us.' Another senator gave it that Great Britain, in the assertion of her claims, was not influenced so much by her actual right to what she claimed as by her imaginary superiority in strength.

of 1846, interlarded with constant talk of war, speculating on the probability of war as the inevitable consequence of giving notice, on the abstract justice of war, and on their unpreparedness for war; besides, did England mean war? A resolution was at last carried (April 16th) in the Senate, by 40 votes to 14, that the Convention be annulled after twelve months' notice, to be given at the President's discretion.

The conclusion of this wordy storm of four months and a half seems to have left a sense of weariness and disgust that so much menace had been introduced. All the cooler heads on either side knew that the question could be settled amicably, and that there would have to be compromise for both parties. The President himself, now that he had gone through the programme of bluster, according to the expectations and under the direction of his party, was glad enough to learn that the thing promised to have an early and peaceful solution. Not that Mr. Polk's difficulties were over, until he could be secure of the support of the Senate in a more moderate demand than that prescribed by his own friends. The line at which it was evident to all rational persons differences might be made to yield was that of 49°. Upon news of the above resolution reaching England, Lord Aberdeen gave instructions to Mr. Pakenham to renew the negotiation on that basis. The Senate then 'rallied round' the President and approved the British project of treaty.

While this knotty question was fitfully occupying the legislature and occasional party platforms, some appearance of negotiation was kept up.

Almost immediately after the conclusion of the Ashburton treaty, in 1842, the British minister at Washington was empowered to re-open the matter of the north-west boundary. Mr. H. S. Fox accordingly wrote to the Secretary of State, suggesting that the present was an auspicious

cious moment for bringing it to a settlement. Daniel Webster, in reply, expressed the President's concurrence. But President Tyler was hardly so judicious as might have been desired, in his mode of announcing to the world that the thing was again under negotiation, since he allowed it to be understood that his government was urging it upon Great Britain. As Lord Aberdeen observed, 'It would have been more candid had he stated that he had already received from the British government a pressing overture, . . . and that he had responded to that overture in the same conciliatory spirit in which it was made.' But it was not Tyler's business to conciliate. No progress was made for the time being. A repetition of this inexact mode of representing the state of affairs appeared in the President's next annual message to Congress; while the newspapers also led people to believe that he was pressing the matter on the reluctant British.

Richard Pakenham was next sent out to Washington, in place of Mr. Fox. He found J. C. Calhoun in office, in succession to Webster. Mr. Calhoun knew little of Oregon, and had first to study the very rudiments of the question. It was not until August, 1844, that Pakenham was able to have a conference. The British proposal was to bound their possessions by a line on the 49th parallel across the Rocky Mountains to the Columbia River, and thence down the middle of the stream to the ocean, and to make a port free to the United States either on Vancouver's Island or the mainland south of 49°. Calhoun rejected these proposals in very short terms, and further proceeded to state the points on which the American claims rested,—up to date. They were these: The rights acquired from France and Spain by cession, that arising from Gray's 'discovery' and by the overland expeditions from the Missouri, and those given birth to by recent settlements. The present emigration thither was increasing year by year, and the current thus begun would no doubt continue to flow.

Mr. Pakenham's counter-statement denied any basis for a claim to the Pacific territories through the cession of Louisiana by France. He said: 'There is strong reason to suppose that, at the time it was ceded to the United States, its acknowledged boundary was the Rocky Mountains. Such appears to have been the opinion of President Jefferson, under whose auspices the acquisition of Louisiana was accomplished.' Neither could the claim through Spain be justified, for that country had already acknowledged, by treaty of 1790, certain rights with respect to those parts of the western coast of America not already occupied. If the alleged previous discovery of the river by a Spanish navigator were put forward by the United States, they could not justly claim through Captain Gray. Further, the boundaries of the States were clear enough under the peace of 1783, while at that very period, and shortly afterward, British explorers had visited several parts of the Pacific coast from 44° northward. Referring to the plea of prior settlement, the American negotiator was reminded that, when the property of Astoria was resumed, the British government held in complete reservation (for future decision) her rights to territory at the mouth of the Columbia River. 'The present state of the question appears to be this: Great Britain possesses and exercises in common with the United States a right of joint occupancy in the Oregon territory, of which right she can be divested with respect to any part of the territory only by an equitable partition of the whole between the two powers.' In accordance with this stand-point, Mr. Pakenham renewed the suggestion of the middle of the river Columbia to the ocean as being the most equitable boundary.

With repeated conferences, the matter did not move forward. Early in 1845, in pursuance of instructions, Mr. Pakenham suggested arbitration, but without result.

The accession of Mr. Polk to the Presidency threw the

question into the hands of a new Secretary of State, James Buchanan. Negotiations were resumed in July, 1845, Mr. Buchanan strongly re-asserting the claims of the United States through the treaty of Florida (February, 1819), in which Spain had ceded all her rights, claims, and prétensions to any territory west of the Rocky Mountains and north of 42°. The President was not willing to yield anything. But he was embarrassed, if not committed, by the acts of his predecessors; and his proposal now, in a spirit of compromise, was that the line of 49° be the boundary, with one or more free ports on the island of Vancouver south of that parallel. This could not be acceded to by Pakenham, seeing that this offer was less than that of 1826, in which the free navigation of the Columbia was included, — besides that the whole of Vancouver's Island was claimed indisputably by Great Britain.

Thus matters stood at the opening of Congress in December, 1845. The President's message entered into an elaborate history of the past negotiations, in which 'the civilized world' was expected to note a spirit of liberal concession on the part of the United States. Mention was made of the circumstance that British civil jurisdiction had been in force in Oregon since the year 1821, by Act of Parliament; and that American citizens in the same territory had enjoyed no such similar protection from their own government. 'In spite of this neglect they have multiplied, and their number is rapidly increasing in that territory. They have made no appeal to arms, but have peacefully fortified themselves in their new homes by the adoption of Republican institutions for themselves; furnishing another example of the truth that self-government is inherent in the American breast, and must prevail.' Military and other measures were heartily recommended to Congress, including that 'of granting lands on liberal terms to 'patriotic pioneers.'

Moderate views now prevailed in Congress, leading to a peaceful solution of matters. On the 18th April, a bill passed the House of Representatives 'to protect the rights of American settlers in the territory of Oregon until the termination of the Joint Occupation of the same.' By this Act the jurisdiction of the Supreme Court of Iowa was extended beyond the Rocky Mountains, with the proviso that the subjects of Great Britain were not thereby deprived of any of the rights and privileges secured by the treaty of 1818, and continued in force by that of August, 1827.

The peace-loving Lord Aberdeen immediately saw that a favourable opportunity had arisen for coming to a conclusion. Some compromise would have to be made, and England would take the first step. The line of  $49^{\circ}$  was offered, and the President and Senate of the United States accepted the proposition.

The terms of the treaty of June, 1846, continued the boundary upon  $49^{\circ}$  N. latitude across the Rocky Mountains to the middle of the channel separating Vancouver's Island from the continent; rendered the navigation of the Columbia River open to British subjects from the point of intersection with the boundary line to the ocean; and provided that all the proprietary rights of the Hudson's Bay Company, of the Puget's Sound Agricultural Company, and of all British subjects lawfully acquired within the territory should be respected. An unfortunate omission to define 'the middle of the channel' was the parent of a serious misunderstanding some years later, as we shall see. But, for the time being, this was a happy termination of one of the most tedious disputes which had threatened harmonious relations between the two countries.

That the decision would have been different thirty years previously, there can be no manner of doubt, had both parties seriously confronted the matter. But they

waited upon Time, and Time was in favour of the United States. Nothing justified their claim so well as the energetic colonization of the country. In 1815, Oregon would have been rightfully the property of the stronger party ; and the stronger party, being unwilling to risk the rupture of peaceful relations, allowed the matter to drift until it had become one of great magnitude. The disputes as to priority of discovery, and the ingenious speculations as to rights inherited from Spain or France, were inherently valueless. Unless the country were settled by industrious and thriving colonies, the country itself was almost valueless. And when emigrants began to pour in from the Eastern States, the best possible right was set up, as against a nation which had not yet made better efforts to develop its natural resources.

## CHAPTER XIX

THE Oregon question being settled, there seemed to be cause for congratulation that no further matter remained open to imperil the prospects of peace between England and the United States. So thought Sir Robert Peel, with confidence, at the moment of his relinquishing the Premiership.<sup>1</sup>

But the circumstance that nothing remained 'open' was of small weight with English ministers, who knew how American diplomacy bristled with surprises; with American politicians, who held as an article of faith that Old World diplomatists never concluded a treaty without designedly leaving buried within it the seeds of future dissension. Moreover, whatever truce might be proclaimed between governments, there could never be any assured peaceful compromise with the commercial spirit. Neither shipper nor shop-keeper can brook rivalry, in any corner of the world; most certainly not in countries where trade jealousy had reached the pitch now attained by the shippers and shop-keepers of England and America. There never has been a period since the United States became a nation when the peace of the world could not be suddenly disturbed by their jealousy of other countries with respect to the openings for trade. The aggressive and resistless movements toward Mexico and the Pacific, whence originated so much chronic difficulty with England, Spain, and Mexico, had no other final cause than this.

<sup>1</sup> 'I do cordially rejoice that in surrendering power at the feet of a majority of this House I have the opportunity of giving them the official assurance that every cause of quarrel with that great country on the other side of the Atlantic is amicably terminated.' (House of Commons, June 29, 1846.)

This truth is exemplified in the events which followed on the discovery of gold in California. The American people awoke to the immediate necessity of making the Pacific more accessible from the east. No longer would it suffice the tedious routes overland, nor the still more tiresome journey round Cape Horn. Hence arose several projects for the construction of a canal through one of the Central American States. A treaty was concluded with the Republic of Nicaragua by Mr. E. G. Squier, American agent there, as a first step toward the accomplishment of such a project. The American government of the day, represented by Clayton, Secretary of State, was careful to disclaim, in communications with England, all intention of obtaining territory in Central America: that there was no ulterior purpose in view beyond the maintenance of an international waterway, the neutrality of which would be guaranteed by Great Britain and the United States. Mr. Clayton went further still, informing the British minister at Washington that the existing administration of the United States in no way adopted the principle of the Monroe declaration, and that Mr. Squier had not been instructed to make any allusion to it in his communications with the Nicaraguan government. The Secretary of State was prepared to allow that the interests of Great Britain and of the United States were identical as regards the proposed undertaking; and he considered it important that the two governments should have an entire agreement on such a subject.

In reply to a communication from Mr. Abbott Lawrence, American minister in London, Lord Palmerston stated that Her Majesty's government did not intend to occupy or to colonize any part of Central America, and that Great Britain would be willing to coöperate with the American government in assisting the operations of a company which should be formed for the purposes of the inter-oceanic canal. It was further mentioned that a close

political connection between the Crown of Great Britain and the Mosquito shore had existed for two centuries past, but that the British government did not claim any dominion over its inhabitants.

After some delays a Convention was signed (19th April, 1850), giving effect to these proposals, by Mr. Clayton on the part of the United States, and by Mr. Henry Bulwer on behalf of Her Majesty. The two governments engaged that neither the one nor the other would ever obtain or maintain for itself an exclusive control over the proposed ship canal; that neither would ever erect or maintain any fortifications commanding the same or in the vicinity thereof; or occupy, or fortify, or colonize, or assume or exercise any dominion over, Nicaragua, Costa Rica, the Mosquito Coast, or any part of Central America; . . . vessels during war time were to be exempt from blockade, detention, or capture by either of the belligerents; and a general protection to the undertaking was guaranteed by the two governments.

With some little opposition, this measure passed the Senate<sup>1</sup> and was ratified by the President. Meanwhile, Lord Palmerston requested Mr. Bulwer to explain that the engagements of the Convention did not apply to the British settlement of Honduras; and Mr. Clayton in reply admitted as much, without committing himself to an affirmation or a denial of the British title to their settlement.

Framed with the best intentions, the unfortunate Clayton-Bulwer Convention was fraught with untold mischief. Several years of wrangling ensued over its proper interpretation. The Anglophobes in Congress had one more opportunity for nursing their rancour. Senators pro-

<sup>1</sup> S. A. Douglas opposed the ratification, chiefly because it pledged the faith of the United States never to annex, colonize, or exercise dominion over any part of Central America. He went still further, and declared himself in favour of the acquisition of Cuba, whenever it could be obtained consistently with the laws of nations and the honour of the U. S. (*V. Appleton's Dict. Biog.*, article 'Douglas.')

tested that they had supported the treaty only under the impression that it swept every vestige of British power from Central America. Great Britain contended that the treaty, in prohibiting her from making further acquisitions in Central America, by inference admitted the right to hold all her then existing possessions; and on this ground refused to relinquish her protectorate over the Mosquito shore. As for the settlement of Belize (Honduras), no English minister ever entertained the idea of yielding it up to anybody.

This question was complicated by several considerations. In the first place, the town of San Juan de Nicaragua (or Greytown) was assumed by Great Britain to be within the Mosquito protectorate. Greytown was the Atlantic terminus of the proposed canal, and the mere thought of a shadow of governmental authority being there exercised by the British was enough to alarm the jealousy of every patriotic American. It was nothing that the near presence of the British was an almost certain guarantee for the maintenance of peace in that quarter. The claim on the part of Great Britain of any foothold in that part of the world was not to be recognized. The United States had always contested the rights of Great Britain in Central America. The Clayton-Bulwer Convention, to be faithfully executed, involved her speedy expulsion.

There are several islands off the coast of British Honduras, which had been occupied by settlers, under the protection of the colonial authorities, since the year 1841. The larger of these islands, Ruatan, possessed the advantage of several good harbours; and the little settlement offered undoubted tokens of prosperity, insomuch that, in the year 1852, Ruatan and the adjacent islands were erected by royal authority into a separate colonial establishment, under the title 'The Colony of the Bay Islands.' Thus formally announced to the world, the transaction

gave immediate offence to the American politician. President Fillmore appealed to the Senate, and their Committee on Foreign Relations forthwith reported that the islands in question constituted 'part of the Republic of Honduras, and therefore part of Central America,' and, in consequence, any occupation or colonization of these islands by Great Britain would be a violation of the treaty of 19th April, 1850.

Great Britain had been unmolested in Belize and on the Mosquito shore for a sufficiently long period for her to assume that she was as fully entitled to the settlement and the quasi-protectorate as a powerful and honourable nation could be. The question of disturbing her had never hitherto been whispered, at least not in her hearing. By friendly importunity she was induced to join in a Convention the provisions of which forbade her or any other nation to exercise sovereignty over Central America, in order that perfect neutrality might be maintained over a given international project. The proposed canal had its prospective value, but it is quite certain that neither in the brain of the British ministry nor in that of the negotiator did there enter the slightest idea that they would be expected to abandon existing rights in exchange therefor. Yet the opportunity for a grievance was at once seized.

This is one of the stages at which the European mind is arrested in its endeavour to understand American principles. There is no possible way of accounting for the conduct of the government and the people, at this juncture, but in the belief that the Clayton-Bulwer Convention was found not to score against Great Britain. It was desirable to resume the power of unfettered action in Central America, and to this end the Convention was denounced. Besides, the canal project had failed. The company had not obtained adequate recognition in the States. British capitalists were indisposed to aid the scheme. In the autumn of 1852, it was announced to

the Nicaraguan government that the canal company proposed to alter the contract to one on a smaller scale, with a waterway sufficient for coasters, but useless for large trading vessels. But, without a channel suitable for large ships, the thing would be valueless, both to Britain and the United States.

Whether England was right or whether she was wrong, in erecting the Bay Islands into a colony, is beside the question. Belize and the Bay Islands are situated hundreds of miles away from San Juan de Nicaragua, and her action in proclaiming the little colony could not possibly affect the point professedly aimed at in the Clayton-Bulwer Convention. But the fact of the proclamation afforded an opportunity for her implacable foes. Many sittings of the Senate at Washington (January–March, 1853) were occupied in new outpourings of hostility toward her, mingled with avowals of the ambitious expectations of ‘these States.’ Let us quote, for example, from a speech of S. A. Douglas (10th March): ‘Are we going to submit tamely to the establishment of this colony? If we acquiesce in it, we submit to a double wrong, a contravention of our avowed policy in regard to European colonization on this continent,<sup>1</sup> and a palpable and open violation of the terms and stipulations of the Clayton-Bulwer treaty. . . . It is done in contempt of our avowed policy. She cannot justify it before the civilized world, and therefore dare not fight on such an issue. . . . We can require Great Britain to discontinue the Bay Island Colony; and I call upon the friends of the Clayton-Bulwer treaty, whose provisions are outraged by that act, to join in the demand that that colony be discontinued. Upon that point we are in the right. England is in the wrong, and she cannot, she dare not, fight upon it. And, sir,

<sup>1</sup> He did not, by the way, explain that no nation on earth was morally bound by it. But that may pass. festo could be a ‘Wrong,’ seeing

when England backs out of one colony upon our remonstrance, it will be a long time before she will establish another upon this continent without consulting us.' . . . In response to a brother senator, who had ridiculed the idea of 'These States' ever acquiring any portion of Central America: 'He wants to know how far we are going, and if we expected to spread over the entire continent! I do not think we will do it in our day, but I am not prepared to prescribe limits to the area over which democratic principles may safely spread. I know not what our destiny may be. . . . You may make as many treaties as you please to fetter the limits of this Giant Republic, and she will burst them all from her, and her course will be onward to a limit which I will not venture to prescribe.'

From this senatorial outburst, from other public utterances, and from contemporaneous events, there could be no longer a doubt of the aggressive and imperial designs of the Giant Republic. At the very time that Messrs. Clayton and Bulwer were concluding their agreement, in 1850, a daring attempt was made upon Cuba by one Lopez, in order to free it from the so-called 'yoke' of Spain. The United States government publicly condemned the thing, and issued orders to intercept the filibuster. But the expedition was organized openly. No one 'intercepted' him. As it happened, the Cubans refused the proffered deliverance; Lopez was taken back a prisoner to the States and acquitted. A repetition of the scheme in the following year resulted in Lopez being taken and condemned to death, while a number of his deluded followers were sent to languish in Cuban jails. Another noted filibuster, William Walker, tried a similar experiment on Nicaragua, with better success; although he was finally got rid of by the neighbouring States combining for that purpose. Is there any need to ask what would have followed if these ruffians had been permanently successful? One answer may be found in the anger which arose upon

a rumour that England, France, and Spain had guaranteed to protect Cuba from filibustering. An answer may be found in the lively jealousy lest England should seize Cuba for herself. An answer may be found in the ridiculous Ostend Conference of October, 1854, when the representatives of the United States in London, Paris, and Madrid (Buchanan, Mason, and Soulé respectively) joined in a consultation as to what was to be done about Cuba. It belonged (they determined) to that great family of States of which the Union was the 'providential nursery.' . . . Its immediate acquisition by 'our government' was of paramount importance. One hundred and twenty million dollars might be the price. And if it could not be purchased, there remained the alternative of taking it by force.

While the Central American question stood hopelessly unsettled, another matter arose which placed Her Majesty's government again in a serious dilemma; and demonstrated the weakness of counting upon immunity from insult, for any length of time, on the part of the arrogant coterie then in charge of the government at Washington. The Pierce cabinet considered it their true policy to treat England with contumely, as far as they dared. They could make no headway over the Central American business. All their arguments about it were based upon views which had been enunciated, and upon points which had been raised, since Fillmore and Clayton had retired into private life. Rather than yield the strictest interpretation of the Monroe principle, they were disposed to go any length in a misunderstanding with England. Events favoured them, and a circumstance arose which enabled them to strike a heavy blow at the honour of England.

Mr. John Crampton had been at Washington since July, 1845, first as secretary of legation under Pakenham and under Bulwer, and afterwards as *chargé d'affaires*. In June, 1852, he was appointed full minister

plenipotentiary. He is represented as a man of singular suavity and grace of manner, and possessed of high accomplishments. He had been one of the most popular men representing Her Majesty in America. But his firmness in maintaining the ground which he in company with Bulwer had established, as concerning British rights in Central America, caused him to lose favour with the Pierce government. He was no longer acceptable at Washington.

After the winter of 1854, when something like a panic ensued upon the mortality of our troops in the Crimea, it was resolved by the Aberdeen government to raise a foreign legion. A Foreign Enlistment Bill was carried through Parliament. It was naturally expected that, among the thousands of disappointed and discontented emigrants swarming in the great American towns, many persons would be found willing to enlist under the British flag. This belief was immediately justified on its becoming known that recruits would be received at Halifax in Nova Scotia.

The British government took immediate steps to profit by the knowledge that many persons in the United States, Germans as well as Irish and English, were ready to join the military service of England. Mr. Crampton was instructed that the travelling expenses of any such persons would be refunded who chose to depart for the British North American colonies with the view of enlistment. He was particularly cautioned (though a caution was hardly requisite in the case of an official with his character and experience) not to allow any proceeding which should give colour to the charge of violating the neutrality laws of the United States. The plans and the honourable intentions of the British government were not concealed from the American authorities. Crampton told the Secretary of State of these things (22 March, 1855). The only observations which Mr. Marcy made in reply

were that the neutrality laws of the United States would be rigidly enforced, but that any number of persons who desired it might leave the United States and get enlisted in any foreign service.

An extensive system of enquiry offices was now set on foot by Mr. Crampton, aided by the consular officials. A great number of persons flocked across the frontier. The thing was popular. In the principal towns and cities (according to a later allegation of Marcy) the public peace and tranquillity were endangered by the proceedings. Dishonest and unscrupulous persons came forward to profit by the occasion, and it was speedily made to appear that the British envoy and three British consuls were implicated in the design of violating the neutrality laws.

When Lord Clarendon heard of this, he gave immediate instructions to discontinue all further proceedings in the matter of enlistment for the foreign legion. But it was too late. Irreparable mischief had been done. Crampton's organization was completed only just in time for the whole thing to be relinquished. His personal prestige was injured, and his character laid open to any charge which disappointed adventurers might bring against him. And, what was worse, the Pierce-Marcy administration had found a means of seriously compromising the honour of Her Majesty's advisers.

They made good use of their opportunity.<sup>1</sup> In vain was the denial made that any unlawful enlistments had been made under the sanction of the British authorities. Utterly useless was the effort to establish a word of honour with a class of politicians rude and ungenerous enough to reiterate charges after they had been refuted. There was a convicted thief, or embezzler, one Herz, whom the New York and Philadelphia newspapers declared against in strongest terms, upon whom Marcy

<sup>1</sup> See the voluminous papers presented to Parliament, 1856.

relied ; and, the untrustworthiness of his evidence being shewn, the Secretary of State informed Mr. Crampton that it could not be allowed that any evidence accepted in any of the courts of the United States should be impugned ! At length there came a request to recall Mr. Crampton from his post ; but this was asking too much. Lord Clarendon demonstrated to Mr. Dallas the insufficiency of any reasons adduced for doing so ; since Mr. Crampton had positively and distinctly denied the charges brought against him, and declared that he never hired or retained or engaged a single person within the United States for the service of Her Majesty, and that he never countenanced or encouraged any violation of the law of the United States. The three consuls made similar protestations. Dallas was further informed that there was no man in the British service whose enlistment or contract to enlist had, to the knowledge of Her Majesty's government, taken place in the manner specified by Mr. Marcy, and whose discharge could form part of any satisfaction indicated by Mr. Marcy.

The Americans were determined not to recede from their position. Mr. Marcy's next despatch to London intimated that Mr. Crampton was dismissed, and that the British consuls at New York, Philadelphia, and Cincinnati were no longer recognized in their official capacity. And all further hope of accommodating things with the British envoy was precluded 'by the exceptional character of the despatches of that gentleman,' copies of which had been just laid before Parliament. Of course not ! That Blue Book is an emphatic, as it was an immediate, condemnation of the action of the American government.

That which rendered these proceedings the more odious was the knowledge of what was going on in the States with respect to the Nicaraguan expedition. During the summer and autumn of 1855, from San Francisco, as well as from New York and the Atlantic cities, recruiting and

the shipping of arms and ammunition were actively carried on. 'No attempts are known to have been made on the part of the United States government to search the steamers.' Now and then a show of magisterial interference would be made, but the writ was placed in the hands of the sheriff too late to be observed.<sup>1</sup> More than this: when Molina, the minister of Costa Rica, made some kind of remonstrance to Marcy, the latter informed him that 'the liberty to go where hopes of better fortune may entice them belongs to freemen, and no free government withholds it. It is therefore no cause of complaint against a neutral country that persons in the exercise of this right have left it, and have been afterwards found in the ranks of the army of a belligerent State.'<sup>2</sup>

The President's message, dated 15th May, 1856, is a shade more hypocritical than this; alluding to the 'political debility of the republic of Nicaragua,' he announced that one of the contending factions had invited the assistance and coöperation of a small body of citizens from the State of California, whose presence had put an end to civil war and restored apparent order throughout the territory.

The British cabinet had already expressed to Mr. Buchanan, in London, their 'regret if the law of the United States had been in any way infringed by persons acting with or without any authority from them.' Beyond this they would not go. Nor would they sacrifice Crampton, who speedily returned to England. Lord Clarendon informed Mr. Dallas that Her Majesty's government retained the high opinion which they ever held of the zeal, ability, and integrity of Mr. Crampton, and of the earnest desire by which he had been animated to avoid all just cause of offence to the government to which he was accred-

<sup>1</sup> V. Wells, *Walker's Expedition to Nicaragua*, pp. 83 *et seq.* quoted in Crampton to Clarendon, 19 June.

<sup>2</sup> Marcy to Molina, 25 April, 1856,

ited.' And he entertained similar convictions as to the conduct of Her Majesty's consuls at New York, Philadelphia, and Cincinnati.<sup>1</sup>

But what was to be done with Mr. Dallas? If he were sent away in a retaliatory spirit, what would come next? For once in a while, the people of England were asking if this meant war: was this action of the Pierce government the preliminary to war measures? Notwithstanding, however, the general indignation in London, the horror and disgust at the idea of a war with the United States everywhere prevailed. The newspapers faithfully reflected public opinion in deploring the situation gratuitously brought about by the American government: a situation with which the American people themselves appeared to have no sympathy. But as to the propriety of dismissing Mr. Dallas there was considerable conflict of opinion.<sup>2</sup> Sensible people felt, however, that the affront paid to Great Britain was neither an injury nor a disgrace, and

<sup>1</sup> It seems to have been understood that neither Buchanan nor his successor Dallas was to concern himself with the recruiting question. Marcy was expected to 'settle' it. (V. Buchanan to Marcy, 11 Jan., 1856.)

<sup>2</sup> 'If the United States dismiss our minister, we can no longer tolerate the presence of Mr. Dallas.' (*Times*, 7 June.) 'We trust the British government will not retaliate by dismissing Mr. Dallas.' (*Illustrated London News*, 14th June.)

Mr. Dallas's simple-minded and astoundingly ignorant estimate of British principle is curiously illustrated in his letters of this period. To Mr. D—, 6 June. 'If the *Times* and the *Post* are reliable organs, I shall probably quit England soon, never to return; an indiscriminating retaliation amounts to

an original insult, and will require many years to be forgotten. It will not surprise me if I should turn out to be the last minister from the United States to the British Court, and that will certainly be fame, if it be not honour.' To Marcy he writes in similar vein, adding that, 'without the amplest apology, we ought never to permit an American minister, or diplomatic agent of any sort, even a consul, to shew himself in Her Majesty's dominions' if that insult be perpetrated. He believes also that it 'would unerringly indicate the moment at which the doctrine of *delenda est Carthago* began its practical operation,' and he would thus be borne down to future ages identified with the commencement of a great period! (V. *Letters from London*, p. 46.)

that she need not be annoyed by the petty spite of Mr. Pierce and his Cabinet. Confident in her strength, safe in her honourable rank, it was not for her to sink to the level of Pierces and Marcys, and the tribe of trading politicians who were not the best and wisest and most fit, and who did not fairly represent either their fellow-citizens or the Union.

So Mr. Dallas was informed that, however deeply Her Majesty's government regretted the unfriendly proceeding of the President, they had not deemed it their duty on that account to advise Her Majesty to suspend diplomatic intercourse with him. Nevertheless, ministers had sufficient self-respect to hesitate about filling Mr. Crampton's post during the tenure of the Pierce administration. Lord Napier was eventually chosen. The Palmerston ministry had to face a vigorous attack in the House of Commons concerning their conduct of affairs. There was some disposition to criticise small details, but the general sense of the House vindicated the government, and gave them an overwhelming majority in the division which followed.

While Mr. Buchanan was yet in London, he proved a formidable opponent to the British interpretation of the Clayton-Bulwer treaty. He insisted that an engagement by a party not to occupy or exercise any dominion over territory, of which that party is in actual possession at the date of the engagement, is equivalent in all respects to an agreement to withdraw from such territory. Lord Clarendon's position was that the design of the contracting parties was not to disturb any state of things then existing, but to guard against the future creation of a state of things which might by possibility interfere with the proposed canal. As for Ruatan, British settlers had occupied it in 1839, and its formal possession by Great Britain had been uninterruptedly maintained ever since.<sup>1</sup> He pro-

<sup>1</sup> Lord Clarendon was fortified by the positive recollections of Cramp-

posed arbitration. But Buchanan treated the notion lightly, observing that their only impartial friend was the Emperor of Russia, and he was too much engaged in the wars to be appealed to at present. After his assumption of the presidential chair, Buchanan continued stoutly to maintain that the American interpretation was the only rational one: if he had been in the Senate at the time (he told Napier), that treaty never would have been sanctioned.

Shortly after his arrival in London, Mr. Dallas wrote to the Secretary of State advising him not to give way on the Central American question. 'Lord Palmerston (he said) must be looked coolly in the eye, so that he may gather from our composure, as well as from our words, the conviction that he can expect no substantial change in us.' Whether supported or not by the power of that cold and penetrating gaze, the American minister succeeded in getting an arrangement, and a treaty was signed in London the 17th October, 1856. But he had been over-sanguine. He calculated on the 'preponderating influence which would be secured in Central America by the scheme of pacification, to the United States, her policy, and her citizens.' The Senate, however, objected to a provision by which the Bay Islands were erected into 'a free territory under the sovereignty of the Republic of Honduras.' They required that the islands be ceded unconditionally, and become altogether a constituent part of that Republic. So Mr. Dallas's treaty was never ratified.

Another year dragged along, in the exchange of correspondence, without any development of the question. Nothing but useless repetition of the two opposing views could be got out of either side. Tokens of irritation are betrayed in Lord Clarendon's despatches. He confined

ton. The latter writes again, 31 before the treaty was signed, that March, 1856, to the effect that Mr. Ruatan was *de jure* and *de facto* a Clayton was informed by Bulwer, British possession.

himself at last to reminding Napier that the English ministry awaited the decision of the United States Cabinet as to arbitration. Early in 1858, President Buchanan recommended abrogation of the Clayton-Bulwer treaty ; but his Secretary of State, General Cass, declared against abrogation, and the dead-lock continued. Some months afterwards, foreign affairs fell into the hands of Lord Malmesbury, a minister indisposed to take up the tedious and fruitless controversy which he had inherited. He flatly said there was now no alternative but that of leaving the Cabinet of Washington to originate fresh overtures : at the same time, as that government had successively refused every solution offered by Her Majesty's ministers, the latter had determined to treat independently with the Republic of Nicaragua.

A commission had been sent out to Central America, in October, 1857, with a view to making some arrangement. Little progress was made at first. Two years elapsed before there was any practical result. At length a treaty was concluded between Great Britain and Honduras, 28th November, 1859, by which Her Britannic Majesty agreed to recognize the Bay Islands as a part of the Republic of Honduras on condition that the Republic did not cede the islands to any nation or state whatsoever, and likewise recognized the Mosquito shore as part of the said Republic ; Her Majesty's protectorate to cease three months after ratification. By a treaty with Nicaragua dated 28th January, 1860, Her Majesty agreed that that portion of the Mosquito territory lying within the boundaries of Nicaragua be placed under the sovereignty of that republic, Greytown to be a free port.

In the conclusion of the Central American question, President Buchanan found one of the few solaces of his administration. It satisfied the temper of all those persons who were or pretended to be jealous of the influence of England in that part of the world : a distinct class

from those who aimed at extending the great republic in that direction; for the one had commercial, the other imperialist views. But it most of all satisfied those politicians who knew what disgrace would fall upon their heads if they allowed Great Britain to secure an important diplomatic victory. Of these Mr. Buchanan was an example. A period of residence as minister in London had opened his eyes as to certain defective views concerning the English people and their disposition toward America; but he had in no wise overlooked what his fellow-countrymen thought of their great destiny. He was a good stickler for the Monroe doctrine in its widest application. In no question as to territory in dispute did he flinch from the American stand-point. He was, therefore, reasonably elated when pressure put upon Great Britain resulted in her yielding up any pretensions in the neighbourhood of Nicaragua.

Buchanan had another source of satisfaction, in that Great Britain finally abandoned the right to search suspected criminals on the high seas. Since the first professions of a determination to stop the slave trade, the two countries had never been able to agree on the means of effectively performing it. The trade was known to be actively going on, through unprincipled American merchants, whose vessels constantly evaded the regulations and escaped the officers of their own government. So general was this, that there were plenty of persons in Europe who disbelieved in the sincerity of that government as to the suppression of the traffic. There is no question that the great body of the American people were in earnest about it. But the extreme solicitude for their flag, even though sometimes covering a pirate, rendered them unwilling to allow any vessel bearing it to be liable to an overhaul. As the President said in his message of December, 1858: 'The occasional abuse of the flag of any nation is an evil far less to be deprecated than would be

the establishment of any regulations which might be incompatible with the freedom of the seas.'

Several armed vessels had been instructed by the British authorities to search the Cuban waters for suspected slave ships. They executed their orders. There were American culprits among the traders which were overhauled. So the President forthwith remonstrated, and, besides, sent a ship of war to the gulf with orders to protect all vessels of the United States on the high seas from search or detention by the vessels of war of any other nation. The resulting communications between the two governments ended in Lord Napier's announcement to the Secretary of State, to the effect that Great Britain finally abandoned the pretension to visit and search vessels of the United States upon the high seas under any circumstances whatever. As we shall see, it was thought proper to revive the right of search.

As far, therefore, as England was concerned, President Buchanan was enabled to give a good account, in his last annual message. There was only the matter of San Juan Island, where some collision had occurred between British and American officers, but which then promised no serious misunderstanding. And the visit of the Prince of Wales, in the year 1860, gave occasion for what was really a very unexpected enthusiasm. Nothing like the demonstrations which were made in his honour had been witnessed by at least the existing generation. It was declared that a bond of union was now established: it was 'an era, an epoch, a great starting point not only in the history of our own country but of England,' etc., etc. . . .

Very unfortunately for the prophets of good-will, the most serious peril to the course of harmonious relations which had yet happened to the two countries was near at hand.

## CHAPTER XX

THE approaching retirement of James Buchanan from the presidential chair was the signal for grave apprehensions as to the future of the great American commonwealth.

It was always very difficult for Europeans to follow the course of domestic politics in the United States, and each successive decade with its new party complications was signalized by further obstacles to an intelligent comprehension. It may even be doubted whether the American public themselves, apart from the wire-pullers and their newspapers, had more than a vague idea of what was involved in the election of Abraham Lincoln as Buchanan's successor. Buchanan was, in essentials, a man of compromise. Without compromise and without mutual concession it appeared certain, to the ordinary observer of events, that the great Republic could not continue under its existing constitution. That constitution had recognized slavery. The New England States had long ago relinquished it, climate and other considerations not being favourable to the negro. But the growth of modern ideas was condemning the institution everywhere. Sooner or later it would be relinquished everywhere. Hitherto the Union had been free from mortal peril on this score: now that it was rapidly acquiring fresh territories of almost boundless extent, in which purely nineteenth-century principles must needs prevail, the very basis of which must needs be free institutions in reality, the political rights of the several States had lost balance. The Southern States already resented the Northern tariffs, and this circumstance alone had threatened disunion. Now that they

beheld the erection of new States in such numbers that they would be reduced inevitably to a permanent minority in the national councils, now that a new school of Northern politicians had arisen which threatened them with all the consequences of inequality, the resentment of the South had reached such a degree that it only required a defined hostility on the part of their opponents to induce them to declare for separation.

It was because the presidential election of 1860 represented a conflict in which concession and compromise were thrown to the winds that the peril to the Union had become acute. The declared policy of the Republican party was equivalent to a social war against the slave States, although not so many years had elapsed since Pennsylvania and New York and Massachusetts had sold their remaining slaves to the Southern planters, although New York and other ports were engaged still in clandestine slave-dealing. Very soon after it became known that Lincoln was elected, all the world knew that the great Union was in peril of disruption. To the gratification of many persons in Europe who were tired of, or in fear of, its arrogant pretensions; and to the regret of others, who believed that the imperial democracy was a greater engine for good than for evil,—the news came that the oft-repeated threats of secession were about to be realized.

Seeing the consequences which were entailed by this secession, it is matter of satisfaction to recall the loyal attitude of the English Foreign Minister toward the American nation. Her Majesty's government knew full well that never could it be matter for complacency that any country should be threatened with civil discord; least of all, that one which was exhibiting an example of freedom and happiness and progress hardly second to their own.

Lord Lyons was on duty at Washington. Immediately

upon hearing from that minister the state of affairs, Lord John Russell informed him of the deep concern of Her Majesty's government that there was danger of secession, and their hope that the Union would be preserved. These sentiments were repeated in Parliament. There were, of course, people who did not disguise their belief that 'the republican bubble had burst,' as their expectations had led them, but these were a small minority. Unfortunately, such unkindly prophecies held considerably greater weight with the susceptible American public than the sober wishes of more enlightened and more magnanimous people. They had been accustomed always to regard isolated expressions of anger or ill-will toward them with very much greater attention than they ever gave to the perennial fount of generosity and pride with which the government and the great majority of the people of England observed their career as a nation.

What would be said in England was indeed an important consideration. But, whatever the public might think or the newspapers say, Lord John Russell was determined there should be nothing of interference or intervention in the threatened conflict. Impartiality was to be the order of the day. The envoy at Washington was cautioned against intruding any opinion or advice upon the American authorities. An absolutely neutral attitude was to be maintained even in speech. It soon became evident, however, that this proper reticence was not appreciated. The American politician wanted admiration and sympathy from England, as he had done always; and the new government which was about to take office, with the clique of Abolitionists behind, had a card to play which they expected England to take up or they would know the reason why. Before Mr. Lincoln was actually inaugurated, there were tokens that his administration would not mince matters if dictation to her was worth anything. So obvious was this to Her Majesty's ministers, that Lord Lyons

was officially reminded to the effect that it was possible to go too far even with British forbearance.<sup>1</sup>

The secession, which began with the withdrawal of South Carolina from the Union in December, 1860, progressed until six States were involved. These formed themselves into a new Confederacy, of which Jefferson Davis was inaugurated President on the 18th February, 1861. Davis's first public address bespoke an earnest desire that the States should be allowed their independence without a breach of the peace, while it betrayed some apprehension that they would have to make an appeal to arms in the cause. Lincoln's inaugural message was hardly less pacific in tone, menace being restricted to a declaration that he intended to execute the laws of the nation in all the States; he left to Congress the 'momentous issue of civil war.' But both sides knew what was coming.

Before the commencement of hostilities, Mr. Seward, the new Secretary of State, was actively urging upon the American ministers abroad that they must take measures for hindering any efforts made by the Southern Confederacy to obtain recognition. There is no reason to believe that any of the European States required advice or warning on the subject. As for Great Britain, Mr. Dallas had already appealed to Lord John Russell on the subject of recognition; when he received for answer that, 'even if the government of the United States had been willing to acknowledge the separation of the seceding States as founded in right, Her Majesty's government would have seen with great concern the dissolution of the Union

<sup>1</sup> 'Supposing that Mr. Lincoln, acting under bad advice, should endeavour to provide excitement for the public mind by raising questions with Great Britain, Her Majesty's government would in the first place be very forbearing. . . . But they would take care to let the government which multiplied provocations and sought for quarrels understand that their forbearance sprang from the consciousness of strength, and not from the timidity of weakness.' (Russell to Lyons, 20 Feb., 1861.)

which bound together the members of the American republic.' Upon Seward's despatch now being shewn him, Lord John Russell again assured Mr. Dallas that they 'had seen in the United States a free and prosperous community, with which they had been happy to maintain the most amicable relations. Now that a secession had taken place, they were in no hurry to recognize the separation as complete and final. Circumstances might arise which would make a decision necessary; at present he could not enter into any further discussion.'<sup>1</sup> Dallas was further assured that the British government really had not the slightest disposition to grasp at any advantage which might be supposed to arise from the unpleasant differences in the United States.

It was impossible to please them. Seward's despatches breathed a tone which would appear more suitable for the satrap of a newly subjected province: Her Majesty's government was at liberty to choose whether it would retain the friendship of 'This Government' by refusing all aid and comfort to its enemies now in flagrant rebellion against it, or whether the government of Her Majesty would take the precarious benefit of a different course. A later despatch to the minister in London was still more arrogant, instructing him what England was to do and what she was not to do; what she had done before, and the fatal consequences.<sup>2</sup> What explanation was wanted it is impossible to guess, but one of Mr. Adams's first steps on his arrival was to ask Lord John Russell what he meant by his language to Mr. Dallas! The Foreign minister could only repeat that Great Britain had no thought of taking part in the contest, and wished to live on amicable terms with both parties.

It would appear almost as if the American government had quite made up a mind to seek a quarrel with Eng-

<sup>1</sup> Russell to Lyons, 22 March,  
12 April.

<sup>2</sup> Seward to Adams, 27 April,  
May 21.

land. Secret agents were sent to Canada, the object of whose mission Seward was unwilling to avow; and when it became known in London that one of them had called on the Governor-General and told him that he visited Canada in order to explain the true position of the United States in the present crisis of their affairs, a very unfavourable impression was created. It was recollected that, during the late presidential campaign, Mr. Seward had alluded to the eventual acquisition of Canada 'as a compensation to the United States for any loss they might sustain in consequence of the disaffection of the Southern part of the Union.'<sup>1</sup> A still more offensive business was the affair of the *Peerless*, a steamer which was alleged to be on her way out of Lake Ontario, having been sold to the Southern government for use as a privateer. Seward wanted the Governor-General to detain this vessel, and sent telegrams to the United States naval officers to seize her 'under any flag and with any papers.'

The progress of events was now becoming more definite. The intelligence that the Southern Confederacy issued letters of marque, and the United States government had proclaimed a blockade of the Southern ports, obliged the ministry to take steps for protection of British commerce. The Admiral in command of the North American squadron was instructed to take care of the interests of British shipping, while avoiding any appearance of partiality in the impending conflict. A Queen's Proclamation was made on the 19th May, announcing the neutrality of the British government, and warning all her subjects to that effect, prohibiting them from enlisting on either side, supplying munitions of war, equipping vessels for privateering purposes, engaging in any transport service, or doing any act calculated to afford assistance to either party. And on the 1st June instructions were sent

<sup>1</sup> Lyons to Russell, 22 April, 11 May.

to the Admiralty, the Colonial Office, and the India Office, interdicting armed ships and privateers of both parties from carrying prizes into British or Colonial ports. In the House of Commons it was declared by Lord John Russell on behalf of the government that nothing but an imperative sense of their duty to protect British interests and British honour would justify them in interfering in any way. 'We are (he added) not yet involved in any way in this matter, and for God's sake let us keep out of it.' This disposition was properly supported in Parliament throughout the session.

There was an immediate and a furious explosion of wrath in the Northern States upon hearing of the Queen's Proclamation of neutrality. On the 8th June, Lord Lyons wrote that the temper of Congress was such that a sudden  
o 'declaration of war against Great Britain appeared by no means impossible. The special objection to the proclamation was that, by recognizing a state of civil war, belligerent rights were assumed for both sides. As Lord John Russell said to the American minister, when he complained of the proceeding as hasty and premature: 'We could not treat five millions of men who had declared their independence like a band of marauders or filibusters: if we had done so, we should have done more than the United States themselves.'

Meanwhile, very active endeavours were made by the Southern Confederacy to obtain recognition in Europe. They, too, were not gratified by the Royal Proclamation, since they posed as an independent country which had withdrawn from a compact that was no longer indispensable for their prosperity. Three commissioners waited on Lord John Russell in May, 1861. First informing them that he could not receive them officially, he learnt from them that tariff questions had induced the South to secede, and was given to understand that British trade would benefit by the separation, as our manufactures would be

freely admitted. The refusal of Her Majesty's government to recognize the South produced an unpleasant feeling in the Confederacy, but there was no help for it under the circumstances. Louis Napoleon's government was prepared, and even desirous, to yield recognition at any moment when Great Britain could consent to join with it, and this was known in the South. The dangers attending non-intervention bade fair to be almost as serious as if England took a side in the conflict. Unfortunately, while the Southern ports were blockaded, or partially blockaded, — while the export of their staple article was arrested and they could only obtain munitions of war by clandestine means, — the government of the United States were enabled to purchase arms and stores in England without hindrance. The proclaimed blockade put these things into the category of contraband of war, and so liable to capture and confiscation, as regarded the South; while the American government could purchase vessels and materials and supplies of all kinds legally. The Confederacy might therefore be excused some little displeasure at the obvious inequality with which the combatants were treated by professedly neutral nations.

A most ingenious attempt was made, soon after the commencement of hostilities, to entice the powers of Europe into deliberate condemnation of the Southern cause. It was in this wise. A circular dated 24th April was despatched by Mr. Seward to the ministers of the United States in Great Britain, France, Russia, Prussia, Austria, Belgium, Italy, and Denmark, instructing them that the President was prepared to accede to the conditions proposed at the Congress of Paris, in 1856, relative to new maritime regulations in case of war. These proposals had been, shortly, to abolish privateering, to recognize the principle that the neutral flag covers enemies' goods except contraband of war, and that neutral goods (except

contraband of war) were not liable to capture under the enemy's flag, and to insist that blockades, in order to be binding, must be effective. The Pierce administration was unwilling to comply with the first of these, and the matter had remained in abeyance. But circumstances had arisen to cause President Lincoln to regret the non-accession of the United States to the entire programme. For the Southern Confederacy evidently intended to rely upon privateers as important means for harassing their enemy. The object of the United States government was at once detected. If the European powers could be induced to accept their adherence, it would follow that the Southern privateering must be considered as piracy. Notwithstanding this, the governments of France and Great Britain manifested immediate readiness to enter into negotiation on the matter, and it was even proposed, in Paris, to raise the question also at the Confederate capital. Unfortunately, it was rather late in the day to do so; privateering was not only going on, but was very successful. Lord Lyons, writing from Washington on the 4th June, justly observed that it was not to be expected the Southern Confederacy would relinquish the employment of privateers otherwise than on compulsion, or in return for some great concession from France or England.

Her Majesty's proclamation of neutrality, and consequent admission of the belligerent rights of the South, caused too much irritation in Washington for the thing to be talked of dispassionately. Mercier, the French minister, appears to have been on a thorough understanding with Lord Lyons as to their respective international duties, and they offered to confer with Mr. Seward on the subject. But he would not receive from them any communication founded upon the assumption that the 'rebels' were to be regarded as belligerents: he would instruct Mr. Adams, in London, as to the views of his government on the proposed maritime alterations. Further, he did

not think that two European powers ought to consult together upon the course to be pursued toward a great nation like the United States and announce that they were acting in concert on the subject! The envoys tried to make it clear to him that that was a susceptibility not indulged in by the great powers of Europe in relation with each other, and that nothing was more common than for two or more powers to come to an agreement upon the policy to be pursued on a matter in which they had a common interest. Lord Lyons also took the opportunity to remind Mr. Seward that, without recognizing the Southern government diplomatically, Great Britain and France must hold intercourse with it so long as the personal safety and interests of British and French subjects were dependent on that government.

Mr. Adams proceeded, according to instructions, to draft a Convention giving effect to the adhesion of his government to the new maritime laws. On learning that the English ministry were prepared to sign it if they were joined by France, Adams consulted Dayton, his colleague in Paris, as to whether he had any instructions to conclude a similar Convention. He learnt in reply that the French Minister of Foreign Affairs was ready to sign such a document. But, on again approaching Lord John Russell, Mr. Adams found an unexpected wariness had been superinduced in London. He was told by Russell that, at the time of signing the Convention, he should make a declaration that 'Her Majesty does not intend thereby to undertake any engagement which shall have any bearing direct or indirect on the internal differences now prevailing in the United States.'

Neither Dayton nor Adams was prepared to admit any such declaration without reference first to Washington, and on the 23d August Mr. Adams informed Lord John Russell that he must decline to proceed any further at present in the matter. Lord John had the courage to

explain the reason for offering his proposed declaration, in terms which effectually dissipated any prospect of the negotiation ever being renewed. 'On some recent occasions (he said), as on the fulfilment of the treaty of 1846 respecting the boundary, and with respect to the treaty called the Clayton-Bulwer treaty, serious differences have arisen with regard to the precise meaning of words, and the intentions of those who framed them. It was most desirable, in framing a new agreement, not to give rise to a fresh dispute. But the different attitudes of Great Britain and the United States in regard to the internal dissensions now unhappily prevailing in the United States gave warning that such a dispute might arise out of the proposed Convention. . . . It would follow that it might be argued by the government of the United States that a European Power, signing a Convention with the United States declaring that privateering was abolished, would be bound to treat the privateers of the so-called Confederate States as pirates.'

The American government approved Mr. Adams's refusal to sign the Convention with such declaration accompanying it. Several months after this, Lord Lyons, further enlightened by the publication of official documents, wrote home (6th December) to the effect that it was only an act of common prudence on the part of the governments of Great Britain and France not to accept the accession of the States to the Declaration of Paris without stating distinctly what obligations they intended, by doing so, to assume with regard to the seceded States. . . . 'A refusal on the part of England and France, after having accepted the accession, to treat the Southern privateers as pirates, would have been made a serious grievance, if not a ground of quarrel.'

But Mr. Seward took care to punish the British government for finding him out so soon. An opportunity for a good grievance presented itself in connection with this very affair, under the following circumstances: —

The idea of approaching the Confederate authorities, with a view to bringing them to accede to the Declaration of Paris, did not fall to the ground. The British and French consuls at Charleston were instructed to obtain from the Southern government securities as concerning the proper treatment of neutrals. Great discretion was urged upon them, and they were carefully to avoid raising the question of recognizing the new Confederacy. Mr. Bunch, the British consul, in concert with his French colleague, by instructions from M. Mercier, proceeded to execute this mission. A messenger was sent to Jefferson Davis at headquarters. The Confederate President immediately summoned his cabinet: the question was referred to Congress, with the result that the second, third, and fourth articles were agreed to. As for the first, they could not abolish privateering, since it was the arm upon which they most relied for injuring the extended commerce of the enemy.

It is not unimportant to recollect that Lord Lyons reported of the two consuls that they had managed the business with great tact and good judgment. For Mr. Seward learnt that communications were going on between the two consuls and the 'rebels,' and it was perhaps natural for him to suspect sinister motives. The pretence was seized upon, and it was assumed that any messenger from the South and from Mr. Consul Bunch must be in possession of treasonable matter. Robert Mure, a merchant, who was known to be carrying a bag of letters from the consul, was arrested at New York in the act of embarkation for England, on the charge that he was carrying despatches from the 'rebel' government to the Southern commissioners in Europe. A pretended 'intercepted' letter was published in the newspapers with the object of inflaming popular wrath; and a high-toned correspondence began with the British minister at Washington.

There was no excuse whatever for this conduct except

an occasion of insulting England. The consul was but fulfilling consular duties. Mure passed frequently between Great Britain and America in the exercise of his business avocations. The mails from the South were disorganized, and it was not uncommon for private persons to take charge of letters for the Northern States. Bunch had about two hundred private letters, principally from servants, governesses, etc. (British subjects), which, owing to the discontinuance of the post, they were unable to send in any other way. Mure had a few letters from his brother merchants 'which he could not refuse to carry, and which he felt assured contained nothing to which exception could be taken.' The consul made up his bag, directed to the Foreign Office in London, and accompanied by the request that the letters might be posted there. He had besides given Mure a sort of passport, in order to legalize his position in case of detention on the part of United States officials. He particularly cautioned Mure against taking any compromising message whatever, and no evidence appeared that he had neglected this caution. And nothing was done, or allowed, which he had reason to suppose the authorities of the United States would disapprove.

Nevertheless, Mr. Bunch was charged with letting it be known that he was engaged in a treaty of commerce with the Southern Confederacy, and with asserting that 'the first step toward recognition was taken.' In vain were his protestations and denials: in vain his demand that the incriminating letter be produced and put in evidence. He was to be punished, and Lord John Russell through him. After very short interval, during which Lord Lyons failed to satisfy Mr. Seward as to Bunch's good faith, the consul's *exequatur* was withdrawn. The letter-bag was forwarded to Mr. Adams with instructions to hand it to Lord John Russell, and to make grave complaint of the consul's proceedings. Very little correspondence passed

between Adams and the Foreign minister, for Lord John speedily cut it short by informing Mr. Adams that no advantage would be gained by its continuance. Moreover, he held that Mr. Bunch's conduct, in pursuance of the orders of Her Majesty's government, was not only legitimate but praiseworthy.

It is instructive to note, by the way, that the French consul at Charleston was not treated with a like indignity.

Mr. C. F. Adams learnt much by his sojourn in England. One of the earliest lessons he mastered was, that the British government and people really wished to remain neutral. But he could not impress his wrong-headed and excitable fellow-citizens with this truth. Lord John Russell had indeed received three Southern commissioners and listened to their story; but, as he explained to Mr. Adams, it had been, both in France and England, the custom to receive such persons unofficially. Poles, Hungarians, Italians, and others had been allowed interviews ever since Great Britain had become known as the home of Liberty. But this did not imply Recognition. Moreover, in her concern to keep the right path, she had consulted the French government as to the reception of the Southern deputation. Adams talked about the prejudices created in the United States by our conduct. This sounded nonsensical to English ears. All who were enabled to watch the course of events knew that the Federal government desired British countenance, and would have been glad of overt help in coercing the South. The proclamation of neutrality was represented to be for 'the purpose of forbidding Englishmen from assisting to maintain in the United States constitutional order against conspiracy and rebellion. . . . Before the proclamation, for an Englishman to serve the United States government in maintaining its integrity was regarded honourable; after the proclamation, such service became a crime. . . .

Before the proclamation, to support our government was an honourable office for the subjects of Great Britain, and the rebels were insurgents with no rights save under the American Constitution; after the proclamation, . . . the rebels are elevated into a belligerent power. And this intervention of England we are coolly told is neutrality.' This speaker was no obscure demagogue, but a man of honourable career, bearing a name distinguished in the pages of this history, for he was grandson of John Jay.<sup>1</sup> But in that extraordinary country the best of men must sometimes play the demagogue's part, if they descend to cotemporary politics.

A very frequent complaint of American writers is that the constitutional history of America appears to be unintelligible to Europeans, so difficult of comprehension. This Mr. Jay follows suit with the rest. It is not, however, the constitutional history that is so puzzling. It is the enormous discrepancy which exists between the constitutional theory and the actual process of the country's affairs that bewilders the mind of Europe. The case in point, the so-called 'insurrection,' was indeed a marvel to the European. Certain States of North America had formed a Union, with the understanding that their own separate powers could be resumed 'whenever they considered it necessary to their happiness.' The doctrine of State Sovereignty was firmly fixed in the hearts of many people as one of their dearest traditions. Secession from the Union had been talked about, sometimes by Northern

<sup>1</sup> *V. The Great Conspiracy and England's Neutrality: a Fourth of July address.*

Mr. Jay further promised that 'if in the distant future England should be set upon by the despotisms of Europe, and should require the aid of her American daughter to save her from annihilation, that aid would

be promptly, effectively, and cordially given.' This in the *distant future*. Thurlow Weed's memories of the *recent past* (*V. his Letters*, p. 670) tell of rebellion deliberately encouraged in Ireland and Canada, and of American sympathy with Russia during the late war.

States, sometimes by Southern ; but hitherto it had not been maintained strongly enough to cause an actual rupture. OUR UNION was too awful a sentiment. Now that Our Union was an Empire, Our Union chose to forbid secession. But no one in Europe, however familiar with American constitutional history, could detect the epoch when despotic power had become legitimate in the United States.

It was this Imperial power which, grown to maturity, confronted the Old World with the extraordinary demands of 1861 ; which went into a desolating war for the sake of an Idea, and lost patience with other peoples who could not relish her dictation. Of what avail could be the inflated professions uttered by her ministers and public speakers while tyranny was being exercised over a minority of her citizens ? What could be the notion of Mr. Seward, instructing his minister in London, when he says that the United States government ‘ is based on interests of the greatest importance and sentiments of the highest virtue, while the policy of foreign states rests on ephemeral interests of commerce or of ambition merely ; ’ at the same time that his government was perpetrating acts worthy of the barbaric ages, for the sake of an Idea ? Not content with military coercion of its own people, and denouncing them before the rest of the world, it was trying to coerce other nations into acceptance of the Idea. Englishmen, Canadians, Scotchmen, were thrown into prison and kept there, for the mere expression of sympathy with the South, no access being allowed with their friends. British sailors were arrested and kept in irons, for that they had attempted to break blockade ; and upon remonstrance concerning these it was pretended that, in the existing state of the country, the President was justified in arresting and imprisoning both citizens and foreigners without legal process. These arrests, especially, made a very painful impression upon Her Majesty’s government

(said Lord Lyons to Mr. Seward), and they would have a great effect upon public opinion in England. 'The English people (he remarked) did not enter far into abstract questions of national dignity, but they felt very strongly on the subject of the treatment of their fellow-countrymen abroad.' . . . The conduct of the war itself was marked by some exceptionable dealings, which reminded 'Europeans' of far bygone ages. The crew of a Southern privateer were liable to be hanged as pirates. The civilized world was astounded one day to learn that, because a strict blockade could not be kept up, the Southern ports were to be destroyed by sinking outside the harbours old whaling ships laden with stones: 'a project worthy only of times of barbarism,' as Lord Russell ventured to say in a despatch addressed to Washington.

All these things betoken the ancient shortcomings of the American temper with respect to foreign nations. Earl Russell says in one of his despatches to Lord Lyons, 'It appears that Mr. Seward never chooses to understand the position of Her Majesty's government.' He might have said, justly, that Mr. Seward was unable to do so. Earl Russell had a right to suppose that even Mr. Seward could find a point which could be yielded. His inborn courtesy, together with that international courtesy which his official position demanded, would lead him to believe that a statesman in Seward's place, with foreign affairs on his hands, had been appointed because of his knowledge of the arts of conciliation, which, while not impeding action on behalf of his own country, would give him the power of making at least the appearance of generous feeling. But Seward was Anglophobe to the backbone, and had all the blustering contempt for the relative positions of nations which it appears to be the province of the American politician to manifest, and without the display of which he supposes the honour of his country cannot be maintained. And, whether Mr. Seward was unable or

chose not to understand, the peace of the world was for the time being at the mercy of bluster.

That which Mr. Seward could not or would not now understand was this: 'Her Majesty has declared entire neutrality in the unhappy contest now carried on in the United States. Her Majesty admits the ships of war and privateers of the United States to British ports, there to remain to victual and take in coals. If Her Majesty were to refuse similar facilities to the vessels of war and privateers of the so-called Confederate States, Her Majesty would be at once declaring herself a party to the war. If Mr. Seward is desirous that the ships of war of the Confederate States should not be allowed to stay more than twenty-four hours in a British port, he should declare it in plain terms. In any case, Her Majesty's government are determined to treat the ships of war and privateers of the so-styled Confederate States in the same manner as the ships of war and privateers of the United States.'

Among the perplexities surrounding the American government, nothing was second in importance to the question of standing right before the world. There must needs be some moral ground upon which the war should be justified. This was fair enough; but in the process of trying to account for things, a good deal of inconsistency prevailed.

In the beginning of the contest, it was publicly declared by Mr. Lincoln, and generally admitted elsewhere (except by the Abolitionist zealots), that the 'domestic institution' was not in danger; and that the preservation of the Union and the due execution of the laws throughout the States were the objects in view: . . . 'the Territories will remain in all respects the same whether the revolution shall succeed or shall fail; the condition of Slavery in the several States will remain just the same whether it shall succeed or shall fail.'<sup>1</sup> At home the Abolitionists

<sup>1</sup> Seward to Dayton, 22 April, 1861.

had had much to do with bringing on the crisis, in their unreasoning impatience. The American public was rather tired of a noisy party which could not see the real difficulties ahead ; and the government, with somewhat larger views, felt that their public must have better basis for supporting them than a principle which began by morally condemning the seceding States. Seward was fully justified, therefore, in urging upon the President that the ruling idea of a policy at home must be to 'change the question before the public from one upon slavery, or about slavery, for a question upon union or disunion.'<sup>1</sup>

But when it came to weighing the tendencies of foreign governments, it was found that this policy had gone too far. The people of Europe had accepted this doctrine in good faith, and found themselves spectators of a conflict which was neither more nor less than the old, old struggle against despotic power. Hence the popular sympathy with the Southern Confederacy in its earlier career. The slavery question had been temporarily placed in the background, and the 'conquest' of the South stood the avowed object of the North.

The change of front which presently ensued was very much owing to a renewal of the demand for emancipation, led by Charles Sumner. In his view, a policy of emancipation was an essential part of the case of the Northern States, as it was to stand before the world, — 'absolutely necessary to enlist foreign sympathy and prevent European intervention.'<sup>2</sup> President Lincoln was urgently pressed to take this stand-point ; but the cities of Boston and New York, and other influential centres of population, presented great obstacles by their opposition to the abolitionist party. Seward was not altogether in sympathy with the clamour for emancipation. But the thing was at hand, in some way or other, and it was definitely decided to begin the work by a proclamation of the President in January, 1863.

<sup>1</sup> Pierce's *Sumner*, iv. 29.

<sup>2</sup> *Ib.* iv. 41.

Meanwhile, an important step had been taken by conceding to Great Britain that real coöperation in suppressing the slave trade so long requested by her. In the absence of proper vigilance, the trade was going on continually almost unchecked.<sup>1</sup> In 1860, Lord John Russell twice proposed plans to the American government for dealing with the trade by a joint system of cruising off Cuba. He proposed that a British and an American ship should cruise in company, and in the event of a slaver being fallen in with, furnished with American colours, the American ship should capture her; whilst, if she had no colours or papers, she should be lawful prize to the British ship. After the Lincoln administration came into power, these proposals were renewed. Several instances of satisfactory coöperation occurred in the course of the year, and these incidents appeared to have contributed toward a solution of the question. On the 25th March, 1862, Lord Lyons wrote home that Mr. Seward was prepared to enter into negotiations for a treaty. He admitted the fraudulent use of the United States flag, and now submitted a form of Convention. Lyons was immediately authorized to make use of his powers, which, however, he appears to have done without waiting for precise instructions.

A treaty was accordingly signed at Washington, approved unanimously by the Senate, and ratified in London the 20th May. By this measure the right of search was granted to vessels of war of either nation; to be exercised only as regarded merchant vessels, and not within the limits of a settlement or port, nor within the territorial waters, of either party. The commander or other officer

<sup>1</sup> V. Correspondence of Consul Crawford at Havana with the Foreign Office, 1860-61: 'The waters around this island appear to be full of slaving expeditions, whether setting out or returning: and this disgraceful and inhuman traffic is being carried on to an extent unheard-of even before the existence of the treaties entered into for its suppression, which seem now to be entirely disregarded' (30 Dec., 1860).

was to be prepared to show his authority and his instructions. The reciprocal right of search and detention was only to be exercised within 200 miles of the coast of Africa and southward of the 32d parallel of north latitude, and within 30 leagues' distance of Cuba. Mr. Seward insisted on a clause giving power to either party to terminate the Convention at the end of ten years, if desired. An additional article to the treaty was signed in the following year, by which the right of search was extended to within 30 leagues of Madagascar, 30 leagues of the island Puerto Rico, and 30 leagues of the island San Domingo.

There was great satisfaction in England with these proceedings. Lord Lyons was instructed to inform the Secretary of State of this general popular approbation. As might have been expected, the extinction of what was left of the slave trade speedily resulted from the conclusion of this trenchant measure.<sup>1</sup>

The people of the North were not unanimous in complimenting Mr. Seward. Some of them regarded the concession of the right of search as a shameful sacrifice.<sup>2</sup>

<sup>1</sup> 'The honest coöperation of the two great nations sealed the fate of the slave trade. A few years later, the mixed courts, instituted for its suppression, being without business, were discontinued.' (Pierce, iv. 68.)

<sup>2</sup> *V. The Diplomatic Year: being a Review of Mr. Seward's Foreign Correspondence of 1862.* By a Northern Man.

## CHAPTER XXI

MR. CHARLES F. ADAMS, now in London, was an excellent envoy, and fulfilled his functions to perfection. He stayed in England several years. But it is occasionally needful to supplement the accredited minister, when other than official persons have to be influenced. The unfortunate Southern Confederacy must needs be content with sending unofficial envoys, since no European power could legally entertain its ministers. In the autumn of 1861, two gentlemen were sent to England and France respectively, James M. Mason and John Slidell, by the Confederate government, with the purpose of enlightening the European public as to the actual meaning of Secession and of obtaining recognition. They were both ex-Senators of the United States, strict advocates of state-rights principles, were fully committed to the revolution, and were good haters of Old England. About the same date President Lincoln and Mr. Seward were entertaining the idea of an unofficial mission to Europe, in order to exert personal influence and social tact, especially in *high circles*,<sup>1</sup> for the benefit of the national cause. Their leading object was to hinder the recognition of the South.

<sup>1</sup> Extraordinary delusions prevailed in America concerning public feeling at this period. A fiction has always existed in the United States, that the working-classes of Great Britain perpetually and helplessly groan under the sway of their beneficent constitution. Partly upon this was now founded the statement that the English artisans were generally supporters of the Northern

'cause.' In point of fact, they were as much divided in sentiment as other classes of society.

'Most of the nobles, dukes, lords, and barons hoped the government which the people of the United States had established would be destroyed.' . . . (Coffin, *Drumbeat of the Nation*, p. 106.) Such is the balderdash which finds its way into American story-books and school-

The men selected for this delicate mission were Archbishop Hughes, of New York; Mr. Thurlow Weed, a well-known journalist and politician; and Dr. M'Ilvaine, Protestant bishop of Ohio. Hughes, an Irishman and Roman Catholic, was to visit Paris; Weed and M'Ilvaine were to come to London. Mr. Weed had visited this country in 1843 and in 1851. He was thus one of those fortunate Americans who had enjoyed the opportunity of correcting erroneous notions about England; there is some trace in his correspondence homeward of his having profited by the opportunity. Bishop M'Ilvaine's visit was the fifth. He had friends in this country of over thirty years' standing, — friends in 'high circles,' among those very classes which were supposed to require elementary instruction in the morals of Secession.

Meanwhile, a great thing had happened while these messengers of peace were in mid-ocean. On reaching Havre, they learnt that Messrs. Slidell and Mason had been intercepted on their way, travelling as passengers in a British mail steamer. Without a thought of the peril involved to their country by an international blunder at the present juncture of affairs, Mr. Weed solemnly blessed God that 'such atrocious criminals' were 'arrested in their infernal career.' When, however, they arrived in Paris, they found public opinion altogether against them.

books, and helps to confirm a hostile sentiment. However, there is some excuse for them. During this war they were grossly misled by partisan newspapers and orators. Mr. John Bright's language was often very bad. Russell's careful and temperate despatches concerning the *Trent* affair were stigmatized by him as 'menaces calculated to excite the utmost passion, and such as it would not have been subjected to had the internal tranquillity of the Union been undisturbed. . . . The people

who form what is called "society" at the West End of London, whom you know well enough, are as a class wishful that your democratic institutions should break down, and that your country should be divided and enfeebled.' (To J. L. Motley, 9 Jan., 1862. V. also examples in Pierce's *Sumner*, vol. iv. *passim*.) His public utterances were in similar vein. Few persons misled the Americans as to English feeling and opinion to the degree that John Bright did.

‘This is unaccountable,’ says Weed. So his surprise and delight at the kidnapping are speedily sobered. When he reached London, about the 7th December, the matter was become one for ‘breathless anxiety.’ Not without reason; for warlike preparations were in full vogue, and Mr. Seward had been offered seven days for explanation or apology.

The story was this: Slidell and Mason had embarked at Havana on the *Trent*, a steamer of the intercolonial service belonging to the Royal Mail Steam Packet Company. Before reaching St. Thomas, where the transference of the mails for Southampton usually took place, the *Trent* was overhauled by a United States steamer, the *San Jacinto*, Captain Wilkes. A gun was fired across her course, which she disregarded; but on a shell bursting very near her bows, she hove to. A boat came alongside, commanded by a lieutenant of the *San Jacinto*, who demanded a list of the *Trent’s* passengers. Captain Moir refused compliance with this, and protested against the stoppage of his ship with any such object. The lieutenant then proceeded to state that two gentlemen, Messrs. Slidell and Mason, were on board, together with their secretaries, and he was about to take them on board the *San Jacinto*, in pursuance of orders. Captain Williams, R. N., in charge of the mails, joined in Captain Moir’s protest. However, after a formal show of resistance, the four gentlemen were taken out of the steamer, which was then allowed to proceed.

Captain Wilkes was rewarded for his venture (undertaken with full belief in the countenance of his government, and after having fortified his mind with some reading up of international law) by the applause of his fellow-citizens, and by a vote of the House of Representatives approving his brave, adroit, and patriotic conduct. Dinners, ovations, honours, came thick upon him. The administration shared his popularity for a time. The

public joy was divided between satisfaction at having seized the 'rebel' envoys and having flouted Great Britain in the face of the world. The country rang with exultation.

The news reached England officially on the 27th November, through the Admiralty. People were not so much excited as angry. Even the friends, the unpromising friends, of America, declared it to be wanton and unprovoked thus to violate the rights of a neutral nation, especially that one whose relation to the belligerents was of so delicate a nature as was that of Old England. Troops were at once ordered to Canada. Admiral Milne, on the North American station, was informed of the occurrence, and ordered to be on the alert while carefully refraining from any act of hostility except in self-defence. Lord John Russell's message to Washington (30th November) was a marvel of temperateness, but it was complaint and ultimatum all in one. First relating the incident, he proceeded to say that Her Majesty's government trusted such redress would be offered as alone would satisfy the British nation; viz., the liberation of the four gentlemen and their delivery into the hands of the British minister, in order that they might again be placed under British protection; and a suitable apology for the aggression. . . . 'Should these terms not be offered by Mr. Seward, you will propose them to him.' . . . In a separate despatch, Lord John proceeds: 'Should Mr. Seward ask for delay in order that this grave and painful matter be deliberately considered, you will consent to a delay not exceeding seven days. If at the end of that time no answer is given, or if any other answer is given except that of a compliance with the demands of Her Majesty's government, your Lordship is instructed to leave Washington with all the members of your legation, bringing with you the archives of the legation, and to repair immediately to London.' In a private note, dated the following day, Lord Lyons was furnished with a short

programme of his line of conduct, in which nothing of menace was to appear: the Cabinet seemed disposed to be easy about the apology; but if the commissioners were not liberated, no apology would suffice.<sup>1</sup>

This is called 'brow-beating precipitancy' by your American annalist,<sup>2</sup> who complains that the clamour in England for instant redress left no room for any calm consideration of the far-reaching questions of international law involved, — as though there were any question other than that Wilkes had outraged a fundamental principle. In point of fact, the Washington government did not at first take the thing seriously, with the clamour of their own people sounding in their ears. But, when news came of the singular unanimity of public opinion throughout Europe, — of the astonishment and sensation in France that the American Cabinet could approve of Captain Wilkes's escapade, — Mr. Seward felt that the position was one from which some sort of retreat would have to be made. What France, Austria, Prussia, Russia, thought of it, as conveyed through their respective envoys, was of serious import; and the 'fear of the displeasure of our own people lest they should accuse us of timidly truckling to England' became a minor consideration.

The President's first idea was to draft a temporizing despatch, enquiring whether Her Majesty's government would 'hear the United States upon the matter in question;' and offering to go to such friendly arbitration as is usual among nations, and abide the award!<sup>3</sup> In council, the ministers appear to have felt more deeply the gravity of the situation. Seward was finally permitted to write a despatch conceding the demands of England. It was verbose and very long; it informed Lord Lyons that the four men were contraband of war; there was a right of

<sup>1</sup> Russell's *Life*, ii. 347.

<sup>3</sup> *Abraham Lincoln, a History*, v.

<sup>2</sup> *Abraham Lincoln, a History*, v. 30. <sup>32.</sup> Sumner also suggested arbitration. *V. Pierce*, iv. 59.

search in the case ; Captain Wilkes had a right to capture, and should have brought the *Trent* into port for adjudication ; the government had not planned the thing ; and the four persons would be cheerfully liberated.

Lyons and Seward were on the best of terms, and their personal intercourse doubtless helped to a speedy solution of this difficult matter. The really onerous part of Mr. Seward's task was to think of his own public, and how he could prove to the satisfaction of Lincoln's friends the necessity for concession. He told Lord Lyons that the thing must be presented in a form which would be most acceptable to the American people, and assumed that Her Majesty's government left it open to his Cabinet to do so.

In communicating to Lord Lyons the great satisfaction of Her Majesty's government, Earl Russell abstained from discussing in detail the questions argued by Mr. Seward, and confined himself to stating that he and his colleagues differed from him in some of his conclusions. In the mean time (he added) it would be desirable that the commanders of the United States cruisers should be instructed not to repeat acts for which the British government would have to ask for redress, and which the United States government would have to justify. He had to speak still more plainly, in reply to further arguments, before the incident was closed : —

‘ Mr. Seward asserts that if the safety of the Union required the detention of the captured persons, it would be the right and the duty of his government to detain them. He proceeds to say that the waning proportions of the insurrection, and the comparative unimportance of the captured persons themselves, forbid him from resorting to that defence. Mr. Seward does not here assert any right founded on international law, however inconvenient or irritating to neutral nations ; he entirely loses sight of the vast difference which exists between the exercise of an extreme right and the commission of an unquestion-

able wrong. His frankness compels me to be equally open, and to inform him that Great Britain could not have submitted to the perpetration of that wrong, however flourishing might have been the insurrection in the South, and however important the captured might have been.' <sup>1</sup>

The four Southern gentlemen were embarked on board H. M. S. *Rinaldo* on the 1st of January, 1862. They were not long in reaching Europe. Earl Russell received Mr. Mason considerably and politely,<sup>2</sup> but could give him little hope that the Southern Confederacy would be recognized unless they attained independence. Mr. Slidell met with a similar reception at the French Court.

The stoppage of the mail steamer *Trent* by Captain Wilkes, occurring at a time when the popular relations between the two countries were specially strained, awakened indignation in London.

People had taken sides. Federals and Confederates had both their doughty partisans. But, if there was excitement, it strictly concerned the domestic quarrel across the Atlantic: the civil war which was raging, but in which no one on this side wanted to interfere. The respective merits, and failings, and follies, and misunderstandings

<sup>1</sup> Russell to Lyons, 10 and 23 Jan.

<sup>2</sup> 'I received him in my own house. He at once declared that the object of his mission was to ask for the recognition of the Southern Confederate States as an independent power. I told him for answer that if the military operations of the Southern States had been attended with great success, if their victories had been brilliant and decisive, and if the powers of Europe were generally disposed to acknowledge that they had acquired the position of an independent power, the British gov-

ernment might fairly be asked for recognition. But none of these facts were proved, and there was no case to justify the British government in acceding to the proposal he had made. Mr. Mason answered me that the government of England was a wise government, and that he would not press his proposition any further.' (Russell, *Recollections and Suggestions*, p. 316.) Some curious particulars of Mr. Slidell's financial and other negotiations in France are found in Bigelow, *France and the Confederate Navy*, 1862-68.

of the combatants were the subject of daily wrangling; yet no one had come to believe that Great Britain could possibly be dragged into the quarrel. The difficulty of keeping right with Mr. Seward, and the impossibility of doing anything for Mr. Jefferson Davis, were alike matters for lively discussion; yet no one really feared that, if we stuck to our neutrality, there was much danger of our being involved. But the news of this unprovoked outrage was received with singular unanimity by all parties in London. The warmest sympathizers with the Lincoln government insisted there was no excuse for the deed. And there was no uncertain sound as to our public duty.

The American people were divided in opinion. Charles Sumner and some of his friends said immediately that the prisoners must be given up to England. This party recollected that their nation had always held strong views on the inviolability of the neutral flag, and that they had, once upon a time, declared war against England in the assertion of these views. Others, and a very numerous class, were willing to take the consequences of the deed, which ought to be war, if England had any spirit left in her. A third party, convinced that England would be gratified at the opportunity of raising the blockade of the Southern ports, began discounting the events and the prospects of the war which was inevitable. This class it was that had been in the habit of giving the war-whoop against Great Britain for any conceivable excuse, and were now the first to show symptoms of panic at the imminent reality.<sup>1</sup> Those worthy gentlemen, the supple-

<sup>1</sup> 'News from America Dec. 16. Excitement beyond description. Salt-petre advanced to 15c. Brimstone is kept out of the market.' (*Times*, 30 Dec.) 'It may be . . . that in order to avoid war, which could only end in our discomfiture, the adminis-

tration may be compelled to concede the demands of England, and perhaps release Messrs. Mason and Slidell. God forbid! but in a crisis like this we must bend ourselves to stern circumstances and yield every feeling of pride to maintain our exist-

mentary envoys from the North, were taken aback by the obvious earnestness of people in London. The conversation in society, the tone of even the Radical newspapers, the sermons from the pulpit, all betokened a determination to support Her Majesty's government in the assertion of their country's honour. Lord Shaftesbury, in reply to Bishop M'Ilvaine's remark that he found the country in a great excitement, said, 'No, not Excitement: it was deep, determined, unanimous Feeling.' The Bishop's confidence in the propriety of the American case began to be shaken the more as information came that France, Sweden, Denmark, Spain, were entirely against it. It was calculated further to impress him, hearing of Louis Napoleon's first exclamation at the news of the arrest of the *Trent*: 'Would to heaven it had been a French ship!'

While M'Ilvaine was engrossed with the leaders of the Evangelical party and with the friends of Abolition, Thurlow Weed indulged the hope of winning over men of business in the City of London. And he had some work on his hands. Although there were plenty of Union friends, these were liable to be alienated from the cause if England was to be wantonly drawn into a war. Even among American merchants, there were to be found men who wanted persuading. Mr. Peabody insisted that the government might have averted the civil war: 'It will

ence. If this contingency should ever arise,— and I am only speculating on a disagreeable possibility,— then let us swear, not only to ourselves but to our children after us, to repay this greedy, insolent, and cowardly power with the retribution of a just and fearful vengeance. If England in our time of distress makes herself our foe, and offers to be an assassin, we will treat her as a foe when we can do so untrammelled and unmenaced by another enemy. . . . It will be for us to remember

how England was our enemy in the day of our misfortune, and to make that remembrance a dark and fearful page of her history, and an eternal memory in our own.' (*Philadelphia Press*. *V. D. News*, 8 Jan.)

The *New York World* (14 Dec.) announced that 'we could' pour 200,000 soldiers into British North America, and conquer it before England would be ready to commence hostilities. It is always Canada that is to suffer, before she is finally annexed.

require strong evidence (he said) to satisfy me that wise and good men could not have prevented such an unwarrantable and unnatural conflict as that which now devastates America.' Some of these City friends induced Weed to write a long letter to the 'Times' newspaper. But this process was vain; it converted nobody, and perhaps left the case worse than before. For the British public did not want scolding at this crisis.<sup>1</sup>

The nation was profoundly glad to see this storm blow over. But, like all such mischievous incidents, it left disastrous traces behind. Partisanship was greatly intensified. The insult to our flag being condoned, the sympathizers with either side, in the press or on the platform, resumed their nauseous quarrelling with increased ardour. This was partly due to the presence in our midst of various agents from the conflicting States, and to the excitement caused by their vessels appearing in our ports. The indignation of the American people (as Mr. Thurlow

<sup>1</sup> Beside these two gentlemen, several minor prophets and apostles imported into England their wearisome sectional strife. Such envoys were more or less self-appointed; George F. Train, for example, who had become notorious a year or two previously in connection with an unsuccessful attempt to establish tramways in London. This failure seems to have embittered him. He was in London, December, 1861, supposed to be acting as a detective on Southern proceedings, while more ostensibly engaged in coaching up the ignorant classes as to the demerits of their native land. 'In his eyes the merchants, bankers, statesmen, and middle classes of England are all footpads, pretending to travel in peace on the same road with America, and scheming all the while to

rob and maltreat him.' (*Morning Chronicle*, 11 Dec.) Mr. Train received testimonials from his fellow-citizens for his services here.

During the whole course of the war, we were favoured by visits from such emissaries. There was Mr. Beecher, a noted Abolitionist orator, who openly and grossly insulted the English nation; but being petted by some misguided zealots, he had a sort of popularity. It is not quite clear whether he wanted our intervention or wished to forbid it. When hissed and hooted, he fell back on the 'wonderful workings of Providence.' If his speeches contained anything like the sentiments and expressions used in his since-published letters, they were indeed offensive.

Weed put it) caused by our active preparation for war, and by the denunciation of the English press, found an echo in London when the danger of war was dispelled. It was quite unpardonable in the eyes of one portion of the British public that another should have a word to say in defence of a slave-owning confederacy. 'North' and 'South' had dropped almost out of sight for several weeks. Now, on the cloud passing away, those busy-bodies, who are never under any circumstances satisfied that their country should carry on a safe and traditional policy, redoubled their attacks upon the upholders of non-intervention. In point of fact, the Federal government certainly had more friends in England after this dangerous tiff was past than before. The presence of Mason and Slidell in Europe did not aid the Confederate cause at all. It was recollected of them that they had been habitual haters and revilers of this country. 'The nation under whose flag they sought a safe passage across the ocean was that against which they had always done their best to exasperate their countrymen.' The newspapers were particularly contemptuous toward them, and begged that the public would abstain from anything like an ovation when they arrived: 'We should have done just as much to rescue two of their own negroes.'<sup>1</sup>

It was about this period when the neutrality question began to take a more acute phase. Mr. Adams had written to Earl Russell, in November, complaining that ships for the Confederate service were being fitted out in British ports. This was true enough, but the thing was done

<sup>1</sup> *Times*, 11 Jan., 1862. This leading journal was singularly impartial as concerning the great conflict in progress, but very, very severe on the persons who were trying to drag Great Britain into the quarrel. This was exactly reflecting the public mind. We wanted neither Weed's nor Seward's explanatory verbiage; nor did we take it to heart that our capacity to understand the Americans and their domestic affairs was so limited, as they made it out to be. What we did not want was, to have the business needlessly imported into England.

with such secrecy and care that the British officials could not detect the operations going on. Meanwhile, a steamer arrived at Southampton and went into dock to undergo caulking and other repairs. It was an avowed Southern privateer, the *Nashville*. It had just captured and destroyed two large merchant ships. The British government allowed such a vessel, as a belligerent, to coal and refit (but not as a ship of war) while in British waters. The vessel was closely watched. Presently, on the 10th January, the United States ship of war *Tuscarora* entered Southampton waters; and it soon appeared that its object was the seizure of the *Nashville*. For a few days there was tremendous excitement over this incident. But an imperative order that one ship should precede the other out of port at least 24 hours put an end to the matter; H. M. S. *Dauntless* being stationed near to prevent any hostilities within the recognized limit of British waters.

The opening of Parliament was signalized by cordial approval, from all parties, of the action of government in its dealings with America. It was not to be expected, now, that opinion should be entirely silent on the transatlantic crisis, seeing that it was beginning to act upon our own prosperity. Especially, the centres of the cotton manufacture were paralyzed for want of the raw material. Many thousands of operatives, from this cause alone, were out of work and threatened with famine. Under these circumstances, the matter was brought seriously before Parliament by Mr. W. H. Gregory. He was one of those who held that 'secession was a right, separation a fact, and reunion an impossibility.' He argued that by admitting the validity of the blockade of the Southern ports, our neutrality appeared to be one-sided; for the blockade was ineffective and therefore illegal, as proved by the number of vessels which succeeded in evading capture.

That this was true was shewn not only by Mason's lists as presented to Earl Russell, but by communications from our naval commanders and our consuls, and even by admissions of American newspapers. Mr. W. S. Lindsay, a distinguished shipowner of the day, gave positive evidence that numerous vessels ran the blockade with no difficulty whatever. The sense of the House was, however, emphatically in favour of doing nothing which would be liable to endanger the very delicate relations existing between the two countries; relying upon the firm opinion of the Solicitor-General, who shewed the extreme danger of acting upon the notion that the intermission of a blockade had the effect of raising it. In the House of Lords, in reply to Lord Campbell's contention that the blockade was ineffective, Earl Russell explained that the blockade of the Southern ports had occupied the attention of ministers from the very first: they recognized the efforts of the United States government to render it effective, and they considered that the want of cotton in our own markets, and the deficiency of our own goods in the Confederate States, were the best test that the blockade was not an empty proclamation. He maintained that the policy pursued by the British government had been dictated, not by expediency but by justice,—a fact that would be acknowledged by both parties at some future time. And he counted on the continued approval of the nation.

That ministers were right in not yielding to these appeals cannot be disputed. To have interfered and presented any sort of dictation, or to have taken up the position of an armed neutrality, would have been nearly equivalent to taking part in the unfortunate conflict. It was a case in which strict precedents were unheard of and undiscoverable. One thing alone that established the entire novelty of the situation was, that steam-power was unknown in the blockades of history. New and swift

blockade-runners were built, which rendered the maintenance of the present one impossible. But it was quite justifiable to suppose, under these circumstances, that the inefficiency of the blockade was only temporary.

In connection with this subject, an incident may be mentioned which further shews the onerous position of the British authorities in face of everything American. The *Emily St. Pierre*, Captain Goldsborough, was captured while attempting the blockade and sent with a prize crew into Philadelphia. Captain Goldsborough succeeded in overpowering his captors, and navigated his vessel home to Liverpool. The American seamen were landed; 'adrift on the mercy of the world,' as Mr. Adams complained. Captain Goldsborough was rewarded with the applause of his fellow-townsmen, to whom he related his adventures; while to Earl Russell fell the brunt of the affair. After consultation with the law officers, the minister informed Mr. Adams that he could not comply with his request to hand over the captain of the *Emily St. Pierre*, nor restore the ship for condemnation. On the other hand, there were occasions when British vessels were wrongfully seized and sent to New York or elsewhere for adjudication. And when it was found that Spanish or Danish vessels were treated leniently, it was felt that the object of the American government, above all, was to exercise control over the proceedings of Great Britain.

It will be understood, from all these things, that the British government could not publicly declare that the blockade was ineffective without materially affecting for the worse their already strained relations with the United States. But, taking into account the very serious interruptions to our trading interests, and especially the cotton manufacture, they could not help sometimes alluding to the apparently hopeless character of the civil war. This was a worse offence than any: to suggest (as Lord Rus-

sell did in Parliament) that the North might 'consent to a peaceful separation of two States both rich and extensive enough to be mighty powers.'

And few things are so striking, in this connection, as the utter indifference on the part of Americans to the extremely difficult position in which England was placed. Mr. Adams reported homeward the rapid increase of distress in Lancashire, which was 'tending to develop a state of feeling against the United States.' This aroused little or no sympathy for our operatives; while, as concerned the nation at large, the implication was that it served us right. We were reminded that our 'original false step' was the recognition of belligerent rights. The determination was, at every following step, that England had acted unfairly. Every proceeding of hers was made the subject of animadversion. The mere whisper that she had been requested to join in an intervention, or a mediation, was made the occasion of a tirade upon the folly or the jealousy of her international dealings.

A discussion was raised in the House of Commons, on the 18th July, on the topic of mediation. Mr. W. S. Lindsay offered a resolution that 'in the opinion of this House the States which have seceded from the Union of the republic of the United States have so long maintained themselves under a separate and established government, and have given such proof of their determination and ability to support their independence, that the propriety of offering mediation, with the view of terminating hostilities between the contending parties, is worthy of the serious and immediate attention of Her Majesty's government.' He went into the struggle and its origin at some length, shewing that the mutual dissatisfaction was not of recent date, and that the South had had grievances for a quarter of a century past, especially in the oppressive taxation of the North. The Southern States had lost their fair share of representation in Congress; and their

people, whose interests were bound up in free trade, found that practically they had no voice in taxation, and that the tariffs were framed in the interest of the Northern States, which pursued a policy of protection. Mr. Lindsay believed the end of the war would be separation. He read letters from Federals in America acknowledging the hopelessness of the contest and pleading for the mediation of England. His arguments were plausible enough, but ill-timed. Although he was well supported, the sense prevailed that any action of the kind would still further embitter the North against us, that mediation would be indignantly spurned, and that the independence of the South was yet very remote. Lord Palmerston appealed to the recollection of the House that the government was admitted to have acted wisely and prudently so far, and they would better be left to themselves to judge of the fittest occasion and opportunity for proffering their friendly offices.

An attempt was made presently by the French Emperor to engage England and Russia in a joint effort to mediate in the American quarrel. The despatch of his Foreign minister was couched in very friendly and sympathetic terms with respect to the United States. Should the appeal be successful, he maintained that it would be honourable to the three countries to have presented it; 'They would have fulfilled a duty to humanity, more especially in a war in which excited passions render all direct attempts at negotiation more difficult;' and it was a mission which international law assigned to neutrals, at the same time prescribing an impartial neutrality. Earl Russell cordially acknowledged the Emperor's benevolent views and humane intentions, but he considered the present moment unfavourable for the project, since there was no ground for believing that the Federal government would listen to any such proposal. That the time was unpropitious is sufficiently shewn by the unamiable recep-

tion of the news in America that mediation had been talked of. The British had a fresh scolding by return of mail.

Earl Russell was roused now, so far as to hint a mild reproof at their insensibility to privations existing on this side of the Atlantic. He wrote:—

‘With respect to Mr. Seward’s remark, that he perceived that some of the European powers, all professing the most friendly feelings to the United States, had been discussing its affairs among themselves, I have to instruct you to take an opportunity of observing to Mr. Seward that, without taking other reasons into consideration, the perusal of the accounts of the distress in Lancashire owing to the want of cotton, which he will find in all the newspapers, will furnish him with reason enough for the discussion of American affairs in Europe. Great numbers of Her Majesty’s subjects are suffering severe distress in consequence of the belligerent operations of the cabinet of Washington.’<sup>1</sup>

Beside this, the French government began to complain, through their minister at Washington, of their perplexities under the situation, and of the sufferings experienced by the French people in consequence of the interruption of commerce with the Southern States.

<sup>1</sup> Russell to Lyons, December 19, 1862.

## CHAPTER XXII

THE people of Europe had to endure the consequences of the American dissensions for four weary years. During that period their trade was harassed and diminished, and their shipping more or less outlawed. The Federal Union was making enormous demands for war material in England, France, Russia, and was still carrying on some legitimate commerce. The Southern Confederacy was doing the same things by stealth, on a smaller scale. Neither of the European powers appeared to be certain of the neutrality they had proclaimed. The unprecedented nature of their position was this: military operations on a large scale were proceeding between two parties, one of whom was being openly supplied with armaments, men, and ammunition from Europe, to an extent which real impartiality should have prohibited; while the other could only succeed in obtaining similar supplies by the exercise of ingenuity and trickery. As the affair was called a civil war on one side of the Atlantic and a 'rebellion' on the other side, all these transactions were illegal from one point of view, and the fair pursuit of trade from another. But a large commerce in munitions of war, even with 'no questions asked,' could not justly be in accord with the terms of a strict neutrality.

And it appeared there could be no remedy for this injustice while the question whether the combatants were 'belligerents' or 'rebel' remained a matter of opinion. Hence the wish, in some quarters, that the Southern Confederacy should be considered as an independent power. The irregularity with which the blockade of the Southern ports was maintained could then have been taken into

account, and the blockade pronounced illegal. If that blockade could only be raised, some prospects would offer of an earlier cessation of the contest.

In his message to Congress, December, 1863, Jefferson Davis complained of what appeared to him the partiality of the British government toward 'the enemy.' Not only had the government at Washington constantly employed agents in England and France to purchase arms, and the British government had interposed no objection upon being officially informed of the intention, but British subjects were engaged in Ireland, transported in British ships, and armed with rifles imported from Great Britain, 'to be employed against our people in a war for conquest.'

At the same time, Mr. Seward was sufficiently urgent the other way. He regretted that the British government did not see fit to arrest the 'proceedings of the parties engaged in supplying the insurrectionists in our country with material of war.' But in this and in parallel complaints made from time to time, Seward failed to see that any such partial prohibition of exports would be denying to one side what we freely allowed to the other, as professed neutrals. Of course it would have given to the Federals an immediate and overwhelming advantage. That this advantage is what they actually wanted is obvious from the frequent intrusion of moralizing into Seward's despatches. Sometimes the inducement offered is the pressing case of their Idea, the upholding of the Union; sometimes it is the principle that they are warring against slavery. But it has always this meaning, — that 'we are quite right and our enemy is utterly in the wrong, and we would quarrel with you if we dared for not wholly taking sides with us.'

The conduct of the Confederacy was indefensible, — unless all things are really fair in war. The people sent over here to beseech the aid and countenance of Her

Majesty's government, now that they were in trouble, were those who had most frequently imperilled kindly relations between the two countries. The Southern States had no claim whatever on our forbearance or on our help. Their senators had railed against Great Britain and wilfully misunderstood her, and had especially contributed to the obstacles which lay at the abolition of the slave trade. These things, however, may pass. The generous British public of 1861 let them pass when they saw impending the calamity of civil war. And posterity will always have its regrets for the unfortunate Southern Confederacy.

There is little exception to be taken to Mr. Mason and the conduct of his mission to London. He had a weak and a failing cause. His communications with the British authorities were temperate enough, and there does not appear to have been any occasion of dispute or remonstrance with him.<sup>1</sup> It was otherwise with the numerous Confederate agents empowered to procure shipping and supplies. With true American ingenuity, they succeeded in establishing an active and tolerably efficient merchant service for running the blockade; and in equipping and manning several privateers, not one of which, however, left our shores in a condition that warranted its detention. By obtaining an empty hull from the builder, purchasing the stores in another port, and procuring a crew under false pretences, the equipment was completed in a distant ocean at some appointed rendezvous. Assisted by active spies, the American minister was enabled to watch a

<sup>1</sup> We have no record of what Mr. Mason thought of Earl Russell and his colleagues. Let us hope that he had a higher opinion of them than Mr. Slidell: 'Nothing can exceed the selfishness of English statesmen except their wretched hypocrisy; they are continually canting about their disinterestedness, magnanimity, and abnegation of all other considerations than those dictated by a high-toned morality, while their active policy is marked by egotism and duplicity.' (Slidell to Benjamin.) V. Bigelow, *France and the Confederate Navy*, p. 112.

number of isolated operations of these agents; but their schemes were so cleverly carried out that it could never be brought home to the British government that a single ship, or a rifle, was knowingly supplied to the Confederacy.

Between these two troublesome belligerents there was little to choose on the score of public morality. International laws alike with their own maritime traditions were cast to the winds, — excepting in their wordy despatches. There was no particular regard for the rights of neutral nations if they could be evaded. It is not to be wondered at, therefore, that they could not believe in the good faith and impartiality of others. Even Mr. Charles F. Adams, one of the best representative Americans, one whose honour no one would question, insensibly yielded to what seemed an absolute necessity to throw blame upon Great Britain. Here, for example, is a statement made by him<sup>1</sup> at the end of the war (10th May, 1865) which is simply untrue, and it is difficult to understand how Adams could allow himself to be so misled: ‘During the whole course of the struggle in America there had been no appearance of the insurgents as a belligerent on the ocean excepting in the shape of British vessels, constructed, equipped, supplied, manned, and armed in British ports.’ This unprincipled statement occurs, with variation, in subsequent speeches, minutes, cases, reports, histories, by other writers. In point of fact, there were *four* British-built ships which became the property of the Confederacy, and are known to have served in the unequal war as privateers. Ten ships altogether were made the subject of enquiry by Mr. Adams, as of suspicious character and questionable destination, but for which there turned out to be no real ground for suspicion; and there were four ships preparing for the Confederate service which were stopped by the British government, two of

<sup>1</sup> Quoted in Greg's *History of the U. S.* ii. 417.

these being ironclads.<sup>1</sup> The four vessels, secured by the Confederate agents in spite of every vigilance, were the *Florida*, the *Alabama*, the *Georgia*, and the *Shenandoah*.

The *Florida* (originally *Oreto*) was built at Liverpool, and was preparing for sea in February, 1862, reputedly for the Italian government. From certain indications, the United States consul at Liverpool suspected that the *Oreto* was really intended for the Southern service. Her Majesty's government was put on the alert, but none of the local officials could detect anything which would warrant the seizure of the vessel. It is certain that the *Oreto* left the river Mersey ostensibly for Palermo, and was taken out to sea without any arms or ammunition on board. All evidence offered by the consul in contradiction of this was inference or hearsay. Toward the end of April the *Oreto* arrived at Nassau, and became an object of suspicion to the American consulate. The colonial governor obtained the assistance of H. M. ship of war stationed at the port, and every effort was made to see whether the allegations as to the *Oreto's* armament were true. The vessel was twice seized, and on the second occasion brought to trial. No satisfactory proof could be shewn that she was intended for a cruiser, and the judge said he was not justified in condemning the vessel. Being released, she cleared for St. John, New Brunswick, with small cargo; and, after being at sea a few days, turned about for Havana, and subsequently ran the blockade at

<sup>1</sup> The miscellaneous expenses incurred by Great Britain during the war were enormous. These ironclads were purchased for the government for half a million sterling. A sum of £100,000 was expended in buying off some gunboats. Litigation, and the vigilance needed to avoid trouble, put the country to great expense: the affair of the

*Alexandra* (or *Mary*) came to £3700 in costs and damages. (Bernard, pp. 354, etc.) After the *Trent* business was over, it was alleged that the four released captives had cost the country a million apiece. With due allowance for newspaper rhetoric, this was probably not far from the truth.

Mobile, where she remained in port for over four months. The *Oreto* reappeared at Nassau in January, 1863, as the *Florida*, Confederate ship of war, and was treated in all respects with the same conditions as were accorded to those of the United States. Her career was ended in the port of Bahia, in October, 1864, where she was surprised and captured by the United States war-ship *Wachusett*, in open violation, be it noticed, of the neutrality of the port and the sovereignty of Brazil.

On the 24th June, 1862, Lord Russell was informed that a powerful vessel had been built at Birkenhead which was believed to be intended for the Confederate service. The American consul had been on the watch since the previous November. Now that it was ready for sea, he reported to Mr. Adams that she would be a most formidable and dangerous craft, and that she was one of the best gunboats ever built.

The customs' authorities were at once instructed to procure evidence such as would justify a detention of the vessel. Their report, dated 1st July, stated that the Messrs. Laird did not deny that the ship they were building was for a foreign government, and they were 'not disposed to reply to any questions respecting the destination of the vessel after she leaves Liverpool.' And the customs' officers would not be justified in taking any steps against the vessel unless sufficient evidence was offered. The evidence obtained by the American consul was wholly hearsay, but the statements made on oath by several persons left no doubt that at least full enquiry was necessary. On perusing these affidavits, the opinion of Mr. Collier, Q. C., was that the vessel should be detained. But, in order to justify detention, it was necessary for Her Majesty's government to have reasonable evidence that she was being equipped, armed, and fitted out for the purpose of committing hostilities against the United States. As the matter stood, Messrs. Laird were constructing her in

the ordinary course of their business ; it was the two hundred and ninetieth vessel in their register ; and ‘ when she was contracted for, no question had been raised as to the right of a neutral to build, and sell to a belligerent, such a ship.’<sup>1</sup> However, on referring the whole case to the law officers of the Crown, it was recommended by them that ‘ without loss of time the vessel be seized by the proper authorities, after which an opportunity will be offered to those interested, previous to condemnation, to alter the facts, if it may be, and to shew an innocent destination of the ship. In the absence of any such countervailing case, it appears to us that the vessel, cargo, and stores may be properly condemned.’<sup>2</sup>

Unluckily, ‘ loss of time ’ had occurred through the lawyers. Sir R. P. Harding, Queen’s Advocate, was seriously ill ; and the delay, before it was ascertained that his opinion could not be added to that of the other law officers, caused a fatal miscarriage. The ship, *No. 290*, safely escaped under the pretence of a trial trip. She put off to sea without a clearance, having a party of lady visitors on board ; these, with some customs’ officers, were returned to port in a tug. This way of cutting the Gordian knot was worthy of the unprincipled Americans who had the job in hand, and shewed how little they cared for anything but securing their own ends. Had the vessel been detained in port until after a legal judgment, there was nothing about her which would have secured her condemnation, and Great Britain would have been saved the imputation that the government, or the builders, connived at her elopement.

The cruiser reached the Azores in about a week. Here she was christened the *Alabama*, and was equipped with guns and war material. Those of her crew who were not disposed to continue in her service, after her real char-

<sup>1</sup> Semmes, p. 401.

<sup>2</sup> Wm. Atherton and Roundell Palmer to Earl Russell, 29 July.

acter was revealed, were sent back to Liverpool. The guns and ammunition had been exported from England in an ordinary merchant ship, which had taken them out as cargo with clearance for Nassau.

On the 24th August the *Alabama* hoisted the Confederate flag and proceeded on her cruise. Until the 11th June, 1864, she remained upon the waters, a terror to American shipping, including, it would appear, the navy; for she destroyed and sank one Federal ship of war, while the remainder kept out of the way, although under orders in all parts of the world to intercept her. The *Alabama* was received as a ship of war in the ports of neutral countries, and treated in all respects with the same courtesies and facilities as were the ships of the American navy. During these twenty-two months or so she captured, and usually burnt, fifty-eight merchant vessels, and depended extensively for provisions and supplies upon the stores taken from them. She obtained coals and refitting at Jamaica, Singapore, and Cape Town, where she (according to the complaint of the United States government) received 'excessive' hospitalities. Her last port was Cherbourg. Here she met the United States war-ship *Kearsarge*, and engaged her in battle. After little more than an hour, the *Alabama* was found to be sinking; whereupon the sick and wounded were transferred to the *Kearsarge*, the remainder of the crew throwing themselves into the sea. Ten of these were drowned, while Captain Semmes and a number of others were picked up by an English yacht which had come out of Cherbourg to witness the fight.

The third vessel which the Confederate agents succeeded in fraudulently obtaining was the *Japan*, built at Dumbarton. She sailed from Greenock on April 2, 1863, apparently for the mercantile service, with a clearance for Ceylon and Hong Kong. No suspicions had been raised in the minds of the local officers. But on the

8th of April Mr. Adams informed Earl Russell that a steamer had just left the Clyde 'with the intent to depredate on the commerce of the people of the United States.' A steamer from Newhaven was appointed to carry a supply of guns, shot, powder, etc. The intimation came too late. The trans-shipping of stores and ammunition was carried out in French waters, and those of the crew who refused to go with her as the '*Georgia*, Confederate ship of war,' were sent back to England. After nine months' cruise she was found to be inefficient, and was brought into the port of Liverpool, dismantled, and offered for sale. Mr. Edward Bates, shipowner, purchased the *Georgia*, and entered her into a contract as a mail and passenger boat for the Portuguese government. On her arrival off Lisbon she was seized by an American war steamer and sent to Boston for adjudication. On the 8th September, the Foreign Office caused to be notified in the 'London Gazette' that, in future, no belligerent ships belonging to the American States would be allowed to enter any of Her Majesty's ports for the purpose of being dismantled and sold.

The fourth culprit was the *Shenandoah*. Under the name of the *Sea King*, this steamer had been on a trading voyage to New Zealand and China, and afterwards sailed from London, cleared for Bombay. On reaching the Island of Madeira she was supplied with guns and ammunition by the *Laurel*, a small steamer from Liverpool, which also brought out some passengers who proved to be Confederate officers. Captain Corbett, of the *Sea King*, forthwith announced to his crew that he had sold his vessel to the Confederate government, and that its commander would be glad of the services of any man who would join, and pay handsomely. Three or four men accepted the terms offered, and forty-two were put on shore to wait for the mail steamer to Liverpool. Captain Corbett was presently tried before the Lord Chief Justice

and a special jury for a breach of the Foreign Enlistment Act and acquitted. The cruise of the *Shenandoah* lasted from the end of October, 1864, until the summer of 1865, when Captain Waddell heard of the downfall of his government. His offensive operations were chiefly directed against whaling ships. On the 6th November he arrived at Liverpool, and on the 10th his ship was handed over to the consul of the United States.

Of these four vessels, not one of them was equipped for war before leaving British territory. The sale of the ships was, in each case, a legitimate commercial transaction. The armaments and stores were obtained from British resources by underhand and stealthy means. Not any of the crews were enlisted in this country, and those British subjects who joined them were either kidnapped, or seduced under false pretences, or attached themselves to the Confederate cause on their own responsibility in defiance of English law; there were several prosecutions on this account, some of them being successful.

For these things the British government and people were not responsible. Every proceeding in connection therewith was carried out by artifice. It was necessary to elude the spies of the Federal government; it was important to hoodwink the British authorities. If the agents employed had not been clever enough sometimes to circumvent their enemies as they did, they would deserve to be held very degenerate Americans.

After the failure of the Confederate agents to procure any more ships from England, they did not desist from other questionable efforts to serve their cause because of any possible inconvenience to this country. They were still busily engaged in measures tending to embroil England with the Federal government. The Southern politicians were not less vindictive than those of the North,

when the lapse of time had brought with it the proven hopelessness of recognition. They could hardly be blamed for charging the English government with partiality toward their enemies, seeing that abundant war supplies of every kind were sold to the North. But their conduct in employing underhand means, with reckless disregard of consequence, was not calculated to revive sympathy with their failing cause.

These proceedings were transferred to Canadian soil. There were two daring schemes undertaken, in the course of the year 1864, which were far removed from legitimate plans of warfare. One was the piratical seizure of a steamer on Lake Erie by a band of twenty men who went on board as passengers, with one trunk of luggage between them, containing arms, hatchets, etc. Shortly after this, a raid was made across the border into Vermont by a small party of men. They entered the town of St. Albans, robbed the three banks, and stole a sufficient number of horses to enable them to escape the more readily. Some of these men were pursued into Canadian territory and arrested, but in the judicial proceedings that followed it was necessary to discharge them. The Confederate officers even protested against the breach of neutrality involved in daring to come after them. This was unfortunately right enough; hence the inevitable Mr. Seward, with his innuendoes and complaints of British connivance. Adams had immediate instructions to give six months' notice of the intention of his government to increase the armament on the lakes. Luckily, there was evidence that the Canadian borderers had no sympathy with these projects, but were equally zealous with their neighbours in the States to arrest the culprits and to maintain order and good relations. The governor-general wrote home (25th November, 1864) suggesting that the maintenance of neutrality would be better secured by forbidding entirely the sale of warlike stores to either

party, at least with respect to Canada. As events turned out, this would have been the course to pursue from the first. The Federal government must then have had a sterner sense of the reality of England's neutral intentions. But this would have been 'unfriendliness' of another sort.

The collapse of the Confederate cause took place in the spring of 1865, after one of the most sanguinary and vindictive struggles in history. Lord Russell at once issued a circular notifying that the war was at an end, and the Confederate flag was no longer to be recognized in British ports. Those ships which remained in port were to depart, and the twenty-four-hours rule was to be maintained for the present. Mr. Seward indulged in a lofty grumble over this 'discourtesy,' as he termed it; but it was only fair to afford a temporary protection from the Federal cruisers.

New anxieties now began. An immense army was to be disbanded, composed of elements which were ready to be let loose with great effect upon any country daring enough to offend the victorious North.<sup>1</sup> England was openly warned to be on her good behaviour. The mercenary portion of these regiments were principally Germans and Irish. Of the Irish very many had joined unwillingly, some had been recruited in Ireland, and others had been attached to the service while under the influence of liquor.<sup>2</sup> After the disbandment, thousands of these were thrown idle and reckless upon the world. The Fenian raid upon Canada was a distinct outcome of the civil war in the United States. It was after this

<sup>1</sup> 'With a combined veteran army of over a million of men, and a fleet more powerful than any European power, we could order France from Mexico, England from Canada, and Spain from Cuba, and enforce our orders if they were not obeyed.' (*New York Herald*, quoted in *Annual Register*, 1864.)

<sup>2</sup> *V. Papers presented to Parliament*, 1862, lxxii. etc.

period that the Irish element came into Anglo-American politics with considerably greater force than ever before.

The claims on account of the damage done to American trade and shipping by the Confederate cruisers were very speedily made the subject of enquiry by Mr. Adams. But the Palmerston ministry were resolute not to entertain such claims, nor would they admit for a moment that they had acted otherwise than in good faith and with the strictest impartiality during the whole war. They had put the law in force when it was right to do so, and that was all that international law imposed upon them. Nor would they listen to a proposal for arbitration.

The accession to office of a new Foreign minister gave opportunity for a new departure. Lord Derby wrote to the British envoy, Sir Frederick Bruce, offering to adopt the principle of Arbitration. Mr. Seward wished, however, so far to widen the scope of the enquiry as to include the controversy over our recognition of belligerency. Upon this demand appearing, the negotiations again ceased; nor were they revived for two years. But in March, 1868, a debate was raised in the House of Commons the tone of which was in favour of an early settlement of our differences with America, although there was some variance in opinion as to whether it was right to consent to arbitration on a reference extending beyond the claims for damages. The discussion served to make it clear that the English people would still go a long way in concession, but that they had enough self-respect left not to submit a question of state policy to any arbiter whatever.

In June of this year, a new minister was sent to London in place of Mr. Adams. This was Reverdy Johnson, a lawyer of some distinction, who had been in London about fourteen years previously and made some friends among members of the bar. Great expectations were

held out that he would improve international relations. When he arrived he soon became a social success. His speeches and his 'dinings-out' were unusually prominent among the affairs of the season. So much did he distinguish himself in various social functions in London and elsewhere that a great sentiment of ill-nature grew against him in the States on that score. It is certain that Mr. Reverdy Johnson was one of the most generally acceptable ministers which his country had yet sent to England.

On the 14th January, 1869, the negotiation of Lord Clarendon with Mr. Johnson bore fruit in a Convention for settling outstanding claims. A tribunal was proposed, to sit at Washington, consisting of two commissioners named by Her Majesty and two by the President by and with the consent of the Senate. Their primary duty would be to study the whole of the official correspondence, and examine all the claims which had arisen out of the war. In the case of failure to decide upon any claim, an arbitrator or umpire was to be called to their assistance.

No one has ever been able to understand why the Senate of the United States (unanimously but for one dissentient) rejected this very fair, simple, and almost homely arrangement. It may have been the absence of any mention of the absurd grievance about the Queen's proclamation; it may have been party spirit; it may have been Charles Sumner's savage diatribes. The immediate effect was to renew a war of words, in which neither party gained a step. Johnson was recalled from London. When J. L. Motley came to replace him, he shewed Lord Clarendon that one cause of the rejection was that the late President and government were virtually out of office, and their successors, not being yet installed, could not be consulted. He said that the Claims Convention had been prematurely published 'by some accident,' and it had been unfavourably received by all classes and parties in

the United States before it came under the notice of the Senate.

In course of time, Lord Clarendon was presented with the indictment of Great Britain as held by President Grant's Cabinet. It differed little from that of their predecessors, except that it gave still more weight to the charge of precipitancy and unfriendliness in the act of issuing a proclamation of belligerency. Then the whole question was once more suspended, on account of the impossibility of reconciling the opposing views.

A huge obstacle to harmony, at the same time, existed in the public irritation on both sides aroused by the rhetoricians and the spouters of vanity. President Grant, in his December message, avowed that the rejection of the Convention was followed by a state of public feeling on both sides which he thought not favourable to an immediate attempt at renewed negotiations. Charles Sumner was responsible for a good deal of this re-awakened ill-feeling. His speech in the Senate proposing the rejection of the treaty brought up the charges against Great Britain to an extravagant level, in language that alienated many of his friends and admirers in England.<sup>1</sup> And again, at a Massachusetts meeting, after having sailed as near to the wind as possible concerning the national disposition to defy Spain in the recognition of Cuban independence, Sumner made another virulent attack on

<sup>1</sup> V. Pierce, iv. 391, etc. Sumner's biographer, with all his ability, has not been able to tone down the partialities of his hero. Sumner was often grossly unfair to his opponents, but specially so when the abolitionist robe was on him. Also, Mr. Pierce makes a mistake in supposing that Sumner's speech in the Senate had a wholesome effect on English opinion, and elsewhere complains that the *Times* and other papers only

condescended to reproduce small portions of it. Mr. Goldwin Smith was right when he told them, alluding to an impression in America that the English press were afraid to quote the whole of Sumner's speech for fear of its effect on the people: 'If I know anything of the English people, the government has only to circulate that speech throughout the land to rouse them to fierce and unanimous resistance.'

Great Britain, once more hinting that the United States would not be indifferent to the transfer of Canada as a compensation for their Wrongs.

Very wonderful has been the wooing of Canada. Since the days when Franklin headed a commission inviting the Canadians to form a union with the colonies in revolt, the tender passion has not failed to sprout in season. 'Long ago (as Sumner said) the Continental Congress passed away, but the invitation survived, not only in the archives of their history, but in all American hearts, constant and continuing as when first issued; believing as they did that such a union, in the fulness of time, with the good-will of the mother country and the accord of both parties, must be the harbinger of much good.' Unfortunately the wooing has been carried on, sometimes, under circumstances calculated to affright the Beloved Object. Hours, and even days, of tenderness are speedily forgotten in a momentary access of brutality. And there is little reason to believe that the Canadian people will forget the curious modes which have been adopted, from time to time, to wheedle, to bully, to threaten, to force, or to win them from their attachment to the British Empire.<sup>1</sup>

<sup>1</sup> The newspapers hostile to England were now very desirous that the Canadian question should come to a head. The *New York Tribune* (22 Feb., 1869) suggested England should promptly and frankly tender to the United States, 'in full satisfaction of the debt she owes us,' first the amount of the Alabama claims due to individuals, and then 'the relinquishment of her sovereignty on this continent;' and again (7 April), 'in such an event the clouds that threaten to obscure the future would fade before the dawning of a new and real friendship between England

and America.' Further, a quotation from John Bright is reproduced: 'I have another and a brighter vision before my gaze. It may be a vision, but I will cherish it. I see one vast confederation, stretching from the frozen North in unbroken line to the glowing South, and from the wild billows of the Atlantic westward to the calmer waters of the Pacific main; and I see one people, and one language, and one law and one faith, and over all that wide continent the home of freedom for the oppressed of every race and of every clime.' Which is very fine, as

Nearly two years elapsed after this. In January, 1871, several topics were pending settlement, when Sir Edward Thornton was instructed to propose the appointment of a Joint High Commission to treat of them. The fisheries and the possession of San Juan Island were the objects immediately in view. But Mr. Hamilton Fish, in accepting the suggestion, thought that a conclusion of the matters growing out of the civil war were also important to the restoration of cordial and amicable relations. From the immediate acquiescence of the Gladstone government in this, it evidently appeared to the Americans that they might dictate once more to Great Britain as to her public policy. They were not wrong. They were shrewd enough to know the import of British interests being in other hands than those of Palmerston and Russell. There were, indeed, some English statesmen left who had not learned the supreme folly of making any concessions to the United States, and who certainly would not have allowed the *Alabama* question to be re-opened at this juncture. It was one that did not fit in with the topics on hand.

The San Juan 'difficulty' was simple enough. It caused an immense excitement during a short period; with the inevitable war-whoop on one side of the Atlantic, and a sense on the other side of being once more in view of a surrender at discretion.

It was a difficulty which needed never to have occurred. It arose in this way: when the Oregon boundary was

an instance of the way in which consummate nonsense may be conveyed in felicitous language.

Mr. Goldwin Smith had lately produced an able monograph in support of his notion for alienating Canada from Britain in favour of the United States. It will not do. When the fruit is over-ripe and must be gathered, it does not follow that

it belongs to a next-door neighbour because a branch upon which it grew extends over his side of the wall. The Dominion may in time come to think that Independence will suit it. But unless the people of Canada utterly lose their wits they will never allow themselves to be absorbed into the territory of the United States.

settled in 1846, an imaginary line was named as passing through the middle of the channel between the mainland and Vancouver's Island. Ignorant or negligent as people were in those days concerning definite geographical limits, no one seems to have noticed that small islands lay across the channel, and that there were really several channels. The principal island, that of San Juan, had been settled by the Hudson's Bay Company; but, as the favourite channel (in the American eye) lay between that island and Vancouver, a claim was made to San Juan. Certain squatters from the States having also come thither, and come into collision with the Hudson's Bay Company's officials, an uncomfortable series of disputes arose, which were temporarily ended by a joint occupation of a few United States troops and a company of Royal Marines. What made it now a matter of serious concern was, that San Juan would form an important offensive base for the Americans in case of war, thoroughly closing the only channel of communication between British Columbia and the Pacific, except round the north of Vancouver's Island.

The English members of the joint High Commission were Lord De Grey and Ripon, Sir Stafford Northcote, Sir John Macdonald (attorney-general of Canada), Sir Edward Thornton, and Professor Mountague Bernard. The Americans were Samuel Nelson, Ebenezer Rockwood Hoar, George H. Williams, General Schenck (minister at London), and Mr. Fish, Secretary of State. They met at Washington early in 1871. After several conferences, a statement of their negotiations was put on record, as matters stood on the 8th March.

. . . 'The people and government of the United States felt that they had sustained a great wrong, and that great injuries and losses were inflicted upon their commerce and their material interests by the course and conduct of Great Britain during the recent rebellion in the United

States ; that what had occurred in Great Britain and her colonies during that period had given rise to feelings in the United States which the people of the United States did not desire to cherish toward Great Britain ; that the history of the *Alabama* and other cruisers which had been fitted out, or armed or equipped, or which had received augmentation of force, in Great Britain or in her colonies, and of the operations of those vessels, showed extensive direct losses in the capture and destruction of a large number of vessels with their cargoes, and in the heavy national expenditures in the pursuit of the cruisers, and in direct injury in the transfer of a large part of the American commercial marine to the British flag, in the enhanced payments of insurance, in the prolongation of the war, and in the addition of a large sum to the cost of the war and the suppression of the rebellion ; and also shewed that Great Britain, by reason of failure in the proper observance of her duties as a neutral, had become justly liable for the acts of those cruisers and of their tenders ; that the claims for the loss and destruction of private property which had thus far been presented amounted to about fourteen millions of dollars, without interest, which amount was liable to be greatly increased by claims which had not been presented. . . .

‘The American commissioners hoped that the British commissioners would be able to place upon record an expression of regret by Her Majesty’s government for the depredations committed by the vessels whose acts were now under discussion. . . .

‘The British commissioners replied that Her Majesty’s government could not admit that Great Britain had failed to discharge toward the United States the duties imposed on her by the rules of international law, or that she was justly liable to make good to the United States the losses occasioned by the acts of the cruisers. . . .

‘Great Britain had already shewn her willingness, for

the sake of the maintenance of friendly relations with the United States, to adopt the principle of arbitration, providing that a fit arbitrator could be found, . . . and they had now to repeat, on behalf of their government, the offer of arbitration.

‘The American commissioners . . . could not consent to submit the question of the liability of Her Majesty’s government to arbitration unless the principles which should govern the arbitrator in the consideration of the facts could be first agreed upon. . . .’

‘The British commissioners replied, that they could not admit that there had been any violation of existing principles of international law, and that their instructions did not authorize them to accede to a proposal for laying down the rules for the guidance of the arbitrator, but that they would make known to their government the views of the American commissioners on the subject.’

By return mail, the required capitulation came from London! The arbitrator was to be governed by *ex post facto* rules drawn up by the plaintiffs.

At a conference of the 5th April, it was announced that ‘Her Majesty’s government could not assent to the proposed rules as a statement of principles of international law which were in force at the time when the Alabama claims arose,’ but that ‘Her Majesty’s government, in order to evince its desire of strengthening the friendly relations between the two countries, and of making satisfactory provision for the future, agreed that, in deciding the questions between the two countries arising out of those claims, the arbitrator should assume that Her Majesty’s government had undertaken to act upon the principles set forth in the rules which the American commissioners had proposed.’ The British commissioners being pressed as to recording some expression of regret on the part of Her Majesty’s government, they replied that they were authorized to express, in a friendly spirit, the regret felt

by Her Majesty's government for the escape, under whatever circumstances, of the *Alabama* and other vessels from British ports, and for the depredations committed by those vessels.'

On the 8th May a treaty was signed at Washington. Ratifications were exchanged in London on the 17th June. By this treaty it was agreed that a tribunal of arbitration should meet at Geneva, the court being composed of five gentlemen, respectively named by the President of the United States, the Queen of England, the King of Italy, the President of the Swiss Confederation, and the Emperor of Brazil. The sixth Article embodies the new rules as insisted on by the American commissioners: 'A neutral government is bound, first, to use due diligence to prevent the fitting out, arming, or equipping, within its jurisdiction, of any vessel which it has reasonable ground to believe is intended to cruise or to carry on war against a power with which it is at peace; and also to use like diligence to prevent the departure from its jurisdiction of any vessel intended to cruise or carry on war as above, such vessel having been specially adapted, in whole or in part, within such jurisdiction, to warlike use. Secondly, not to permit or suffer either belligerent to make use of its ports or waters as the base of naval operations against the other, or for the purpose of the renewal or augmentation of military supplies or arms, or the recruitment of men. Thirdly, to exercise due diligence in its own ports and waters, and as to all persons within its jurisdiction, to prevent any violation of the foregoing obligations and duties.'

The tribunal was at liberty, if it thought proper, to award a sum in gross, to be paid by Great Britain, in the case of it being found that she had failed in her duties under the aforesaid rules. If no such award was made, a Board of Assessors was to be appointed to ascertain and determine what claims were valid.

By articles XVIII.—XXI., liberal extensions of the Fishing privileges were made on both sides. The produce of the fisheries to be admitted into Canada and the United States respectively free of duty.

The free and open navigation of the St. Lawrence River was granted for the purposes of commerce to the citizens of the United States: 'From the 45th parallel of N. latitude, where it ceases to form the boundary between the two countries, to the sea;' subject to any laws and regulations of Great Britain or of the Dominion of Canada.

Each government engaged to promote the free use of canals to citizens of either territory. Lake Michigan was to remain free and open for the subjects of Her Majesty. And a reciprocal admission of merchandise without duties was established at certain ports. Some of these engagements were made terminable after ten years upon giving two years' notice.

By article XXXIV. it was agreed that the question in dispute relative to the channel of Fuca Straits and the San Juan Island be submitted to the arbitration of the Emperor of Germany, whose decision as to the claim most in accordance with the true interpretation of the treaty of 15th June, 1846, was to be final and without appeal.

All the provisions of the treaty of Washington were for the sake of the United States. Great Britain and Canada obtained only indirect and consequential benefits, and those microscopically small. Not even Fenianism was included, a matter which might have been dealt with, at that date, in a way which would have prevented its taking root and developing as it presently did, — with a head centre at New York. Her Majesty's government were expected not to let the Fenian raids be introduced into the negotiation, and they at once acquiesced, 'partly from a desire on their part to act in a spirit of concilia-

tion, and partly that a portion of these claims was of a constructive and inferential character.’<sup>1</sup> One is disposed sometimes to enquire whether England was, under the first Gladstone government, really an independent power. She had been going on from concession to concession; had tried conciliation on every line. One failure after another had been made to assert her undoubted rights, and every successive failure seemed to assure the world that her rights were never worth defending in the face of importunity. A term could be placed to our resistance to the most extortionate demands. The fanatic principle of ‘peace at any price’ had been so abused that the governments of the United States knew, from long experience, that they could dictate to Great Britain if they waited for their opportunity. In the present instance, the United Kingdom deliberately offered for criticism and adjudication, by foreign jurists, her own rightful independent policy, at the same time helping to form the instrument and the manner of her sacrifice.

The arbitrators were Mr. Charles F. Adams on the part of America, Lord Chief Justice Alexander Cockburn on behalf of the Queen of England; Count Frederick Sclopis represented the King of Italy, Jacques Stämpfli the Swiss Confederation, and Viscount d’Itajuba the Emperor of Brazil. Their first meeting was on 15th December, 1871, at the Hotel de Ville, Geneva, when Mr. J. C. Bancroft Davis presented the American case, and Lord Tenterden that of Great Britain. Count Sclopis was unanimously chosen president of the tribunal.

At the third sitting, on 15th June, 1872 (the respective arguments having been furnished to the arbitrators on the 15th April), the court was about to proceed, when Lord Tenterden requested an adjournment, for the reason that the two governments had not come to an understanding

<sup>1</sup> Granville to Schenck, 20 March, 1872.

as to the indirect claims. This threatened a serious delay, if not the adjournment of the arbitration *sine die*. But on the 19th June, upon learning that Mr. Davis had not received the expected communication from Washington on the matter, the president announced that, after careful perusal of all that had been urged on the part of the government of the United States in respect of these claims, — *i. e.* the losses in the transfer of the American commercial marine to the British flag, the enhanced payments of insurance, the prolongation of the war and the addition of a large sum to its cost and the suppression of the rebellion, — the court had arrived individually and collectively at the conclusion that these claims did not constitute good foundation for an award of compensation, and that they would be wholly excluded from the consideration of the tribunal in making its award. At the next sitting Mr. Davis announced that the United States government would not further insist upon the indirect claims.

Before beginning their definite labours, Count Sclopis read an address to his colleagues congratulating them on the felicitous occasion, upon which they were for the first time engaged in applying the austere and calm rules of law to the solution of burning questions. The meeting of this arbitration (he said) signalized a new policy, which was henceforth to govern the dealings of civilized nations. The United States and the United Kingdom were giving an example to other nations which would be prolific of the best results. His wishes, as were those doubtless of his colleagues, were that the present occasion would aid in establishing the supremacy of reason over that spirit which consigned disputes to the arbitrament of the sword.

From the end of June till the beginning of September the arbitrators were assiduous in their work, being usually engaged three days in the week. On the thirty-second

and last meeting, the 14th September, Count Sclopis presented the decision of the court. It was signed by Adams, Sclopis, Stämpfli, and d'Itajuba. Sir Alexander Cockburn refused his assent. The gross sum awarded by the court was 15,000,000 dollars to be paid in gold by Great Britain within twelve months.

The reasons given for Cockburn's dissent were embodied in an elaborate paper published in the 'London Gazette' of the 24th September. This proceeding was not approved by Mr. Fish. The Secretary of State discovered therein, however, some assertions of important neutral right, 'all to be available in a possible future to the United States.' The United States are welcome to them, for all time, if they will allow disputes to be 'decided according to the true principles and rules of international law in force and binding among nations at the time when causes of complaint are said to have arisen.'

The published Opinion of Sir Alexander Cockburn is one of the most exhaustive documents in the history of English law. It shews an entire mastery of the details of the case, and a minute acquaintance with writings on international law and with the questions which had been raised during the previous century and a half. When this story comes to be written in detail, it will be the business of the narrator to make this paper of Cockburn's the pivot for all his enquiries and researches. From this document as a centre he will be able to reach every authority upon the rules of maritime law as they existed before the period of the treaty of Washington, and every incident bearing upon the matters for arbitration; and he will be able to illustrate the wonderful capacity for forbearance which it is possible for the British people to exhibit in time of trial.

The Americans had begun the statement of their case before the arbitrators with a wild charge of unfriendliness toward them. Part of this charge was supported by

mangled versions of some of the events recorded in earlier pages of this work ; partly by the fact that public opinion in England, at the beginning of the civil war, gave a *status* to the so-called 'rebels' which the American government did not approve. Sir Alexander rebuked this offensive way of displaying their irritation, deploring it as calculated to mar the work of peace upon which his colleagues were now engaged. He further shewed that charge to be utterly unreasonable: 'Public opinion in England never went beyond this, — that, both parties having appealed to arms, they should be dealt with on terms of perfect equality, and that whatever was conceded to the one should not be withheld from the other ; to use a common expression, they should be left to fight it out fairly without Great Britain throwing her weight into either scale, as the Northern States seemed to think she should have done in their favour, not perhaps by actual assistance in war, but by withholding from the Confederates the character of belligerents, and by treating their ships of war as pirates and denying them access in British ports,' at the same time that all her own shipping and mercantile interests were imperilled and one of them completely paralyzed because of the conflict. It might be natural, in the first heat and passionate excitement, to take a hasty notion of the conduct of Great Britain, but he thought the time had come when they might take a juster view.

It was, indeed, a monstrous thing ; unworthy of the government of any country having pretensions to self-respect, least of all one that had so often asserted its ability to take care of its own interests, whatever others thought. And it was such an unerring token that the American case was not too strong ; that it wanted bolstering up ; that they could not trust the Court of Arbitration to lean fairly toward their side unless the artifices of the professional advocate were imported into the pro-

ceedings. Besides, the British case did not want any further prejudice thrown upon it. The shortcomings which she owned to, and the liabilities which she would incur by coming to a tribunal specially met for their adjudication, — together with the imaginary crimes and ‘indirect’ claims already heaped upon her conscience, — scarcely wanted to be made more weighty by an insinuation of anterior malice. Nor was it a suitable occasion for fresh disparagement of the laws and institutions of Great Britain, — for throwing obloquy upon her government and upon the characters of her statesmen; in fine, for a new display of American ignorance concerning the affairs and the people of the Old World.

If the *Alabama* arbitration established anything at all beyond new rules for neutrals, it was this: that the American politician habitually reiterates base charges after they have been answered and refuted, and continues to insinuate bad faith after explanation or denial. There is no reason to believe that the entire American public approved of the proceedings in question. And it is only by taking into consideration the very probable fact that these needless insults were imported into the case by the trading politician, and by him only, that the average Englishman can read the story of the arbitration of Geneva with equanimity; without feelings unworthy of a great, an honoured, and a generous nation.

Only in the case of the cruiser *Alabama* did Sir Alexander Cockburn hold Great Britain liable. Here was not that ‘due diligence’ required by the new rules of neutrality. In the case of the *Georgia* the tribunal was unanimous against liability on her account. With respect to the *Florida* and the *Shenandoah*, Cockburn strongly dissented from the opinion of the majority. Exorbitant interest was claimed for the period which had elapsed since the depredations, but he thought five per cent. suffi-

cient, and would not concur in the rate of six per cent. adopted by the tribunal. Nor did he agree with what were called 'double claims,' which amounted to this: that, the shipowner and captain having made their claim, the insurer also claimed for the full amount. It cannot but be matter of surprise that the American government should have maintained these indirect claims at all. Nor were they well-advised in permitting claims to *grow*. There was a ship, the *Alert*, valued at 30,000 dollars, which had increased in April, 1872, to 144,869 dollars; another, the *Kate Cory*, had grown from 1820 to 19,293 dollars. Again, gross prospective earnings were charged, and gross freights instead of net freights. Beside all this, new claims had come in since the arbitration began.<sup>1</sup>

The conclusion of the worthy British representative was in these terms, at once sensible, conciliatory, and honourable: —

'While the award of the tribunal appears to me to be open to these objections, I trust that by the British people it will be accepted with the submission and respect which is due to the decision of a tribunal by whose award it has freely consented to abide. The United States, on the other hand, having had the claims of their citizens for losses sustained considerably weighed, and compensa-

<sup>1</sup> In Dahomey, if a man has a fowl killed by another man's dog, 'after three years have elapsed he enters his indictment, suing not only for the fowl itself but for the eggs which it would have laid, and for the chickens which it would have hatched, in those three years.' (Winwood Reade, *Savage Africa*, p. 49.) There has been considerable raillery over these claims as approved by the arbitrators. It is understood a large balance still remains, even after the

lawyers got their share of the plunder. 'No sooner had the money been received than Congress turned round and decided that the insurance companies should have nothing, and that instead, the persons who had paid war premiums and who the tribunal decided were not entitled to anything at all, should be paid in full.' *V. The Nation*, 17 Sept., 1885, which exhibits a rather severe exposure of the whole job.

tion awarded in respect of them, will see, I trust, in the consent of Great Britain to submit these claims to peaceful arbitration, an honest desire on her part to atone for any past errors or omissions which an impartial judgment might find to have existed, and will feel that all just cause of grievance is now removed, — so that, in the time to come, no sense of past wrong remaining unredressed will stand in the way of the friendly and harmonious relations which should subsist between two great and kindred nations.'

The German Emperor accepted the office of Arbitrator, according to the thirty-fourth article of the treaty of Washington, in the matter of San Juan Island. An immense quantity of material was put in evidence, extending from the earliest records of discovery down to the latest opinion of experts as to the most suitable channel. But the question was really a very simple one. The southern portion of Vancouver Island was the last thing yielded by the American government in 1846; and, with no mention of the smaller islands (of which San Juan was one) which stood right between Vancouver and the mainland, it would seem that the Haro Channel, washing the shores of Vancouver, was the one claimed by them from the first. The Emperor's award, made on 21st October, 1872, was in these terms: 'Most in accordance with the true interpretation of the treaty concluded on the 15th June, 1846, between the governments of Her Britannic Majesty and of the United States of America, is the claim of the government of the United States that the boundary line between the territories of Her Britannic Majesty and the United States should be drawn through the Haro Channel.'

After the conclusion of these matters, it was once more supposed by all parties that there was an end to serious

misunderstandings between England and the United States. To do justice to the American annalist, these two arbitrations have been usually accepted ever since as an earnest of British good faith. His colleague the politician has made the *Alabama* award the occasion for spread-eagleism, but that has to be counted with. The point gained for Englishmen is to have impressed the American public with a sense of their determination to keep the peace of the world at any sacrifice not inconsistent with the national honour. Opinions still differ, on one side of the Atlantic, as to the propriety of certain concessions and the elasticity of national honour. But no feud was ever arrested without one side or the other making some sacrifice. It is well known to all persons familiar with American sentiment toward England, that they have dearly wanted to beat the Britisher and then shake hands. As the Britisher has been threatened, from time to time, with something considerably worse than a flea-bite of three millions sterling, it is matter of congratulation that the 'beating' was not more severe.



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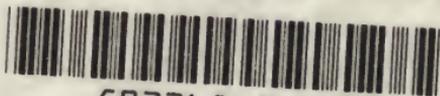








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