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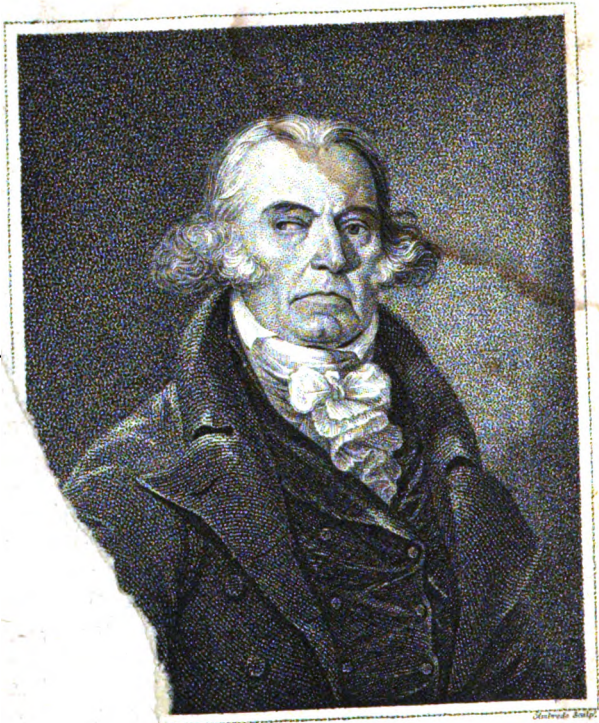












**DAVID. RAMSAY MD.**

*Wm G Chapman*

HISTORY

1824

OF THE

**UNITED STATES,**

FROM THEIR

**FIRST SETTLEMENT AS ENGLISH COLONIES,**

IN 1607, TO THE YEAR 1808,

OR

**THE THIRTY-THIRD OF THEIR SOVEREIGNTY AND  
INDEPENDENCE.**

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**BY DAVID RAMSAY, M. D.**

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CONTINUED TO THE TREATY OF GHENT,  
**BY S. S. SMITH, D. D. AND L. L. D.**  
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IN THREE VOLUMES.

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# INTRODUCTION.

## CHAPTER XXV.

*Campaign of 1782—Foreign Events and Negotiations—Peace.*

**BEFORE** the civil history of the United States, reserved as the subject matter of this volume, shall be commenced, it becomes necessary, as introductory thereto, to treat miscellaneous several events, that happened, both in Europe and America, consequently on the capture of lord Cornwallis.

After that event, Washington with the greater part of his forces, returned to the vicinity of New York. He was in no condition to attempt the reduction of that post; and the royal army had good reasons for not urging hostilities beyond their lines. An obstruction of the communication between town and country, some indecisive skirmishes, and predatory excursions, were the principal evidences of an existing state of war. This, in a great measure, was also the case in South Carolina. From December 1781, general Greene had possession of all the state, except Charleston and the vicinity. The British sometimes sallied out of their lines, for the acquisition of property and provisions; but never for the purposes of conquest. In opposing one of these, near Combahee, lieutenant-colonel John Laurens, an accomplished officer, of uncommon merit, was mortally wounded. Nature had adorned him with a large proportion of her choicest gifts; and these were highly cultivated by an elegant, useful, and practical education. His patriotism was of the most ardent kind. The moment he was of age, he broke off from the amusements of London, and, on

his arrival in America, instantly joined the army. Wherever the war raged most, there was he to be found. A dauntless bravery was the least of his virtues, and an excess of it his greatest foible. His various talents fitted him to shine in courts, or camps, or popular assemblies. He had a heart to conceive, a head to contrive, a tongue to persuade, and a hand to execute schemes of the most extensive utility to his country, or rather to mankind; for his enlarged philanthropy, knowing no bounds, embraced the whole human race. This excellent young man, who was the pride of his country, the idol of the army, and an ornament of human nature, lost his life, in the twenty-seventh year of his age, in an unimportant skirmish with a foraging party, in the very last moments of the war.

At the commencement of the year 1782, the British had more extensive range in Georgia, than in any other of the United States; but of this they were soon abridged. From the unsuccessful issue of the assault on Savannah, in 1779, that state had eminently suffered the desolations of war. Political hatred raged to such a degree, that the blood of its citizens was daily shed, by the hands of each other, contending under the names of whigs and tories. A few of the friends of the revolution kept together, in the western settlements, and exercised the powers of independent government. The whole extent, between these and the capital, was subject to the alternate ravages of both parties. After the surrender of lord Cornwallis, general Greene, being reinforced by the Pennsylvania line, was enabled to detach general Wayne, with a part of the southern army, to Georgia. General Clarke, who commanded in Savannah, on hearing of their advance, sent orders to his officers in the out-posts, to burn, as far as they could, all the provisions in the country, and then to retire within the lines at the capital. The country being evacuated by the British, the governor came with his council from Augusta to Ebenezer, and re-established government in the vicinity of the sea-coast.

Colonel Brown at the head of a considerable force marched out of the garrison of Savannah, with the apparent inten-

tion of attacking the Americans. General Wayne, by a bold manœuvre, got in his rear, attacked him at twelve o'clock at night, and routed his whole party. A large number of Creek Indians, headed by a number of their chiefs and a British officer, made a furious attack on Wayne's infantry in the night. For a few minutes, they possessed themselves of his field pieces; but they were soon recovered. In the mean time, colonel White, with a party of the cavalry, came up, and pressed hard upon them. Both sides engaged in close quarters. The Indians displayed uncommon bravery; but were at length completely routed. Shortly after this affair, a period was put to the calamities of war, in that ravaged state.

In about three months after the capture of lord Cornwallis was known in Great Britain, the parliament resolved to abandon all offensive operations in America. In consequence thereof, every idea of conquest being given up, arrangements were made for withdrawing the royal forces from Georgia and South Carolina. Peace was restored to Georgia, after it had been, upwards of three years, in possession of the British, and had been ravaged nearly from one extreme to the other. It is computed, that the state lost, by the war, one thousand of its citizens, besides four thousand slaves. In about five months after the British left Georgia, they, in like manner, withdrew their forces from South Carolina. The inhabitants of Charleston, who had remained therein, while it was possessed by the British, felt themselves happy in being delivered from the severities of a garrison life. The exiled citizens assembled, from all quarters, and took possession of their estates. Thus, in less than three years from the landing of the British, in South Carolina, they withdrew all their forces from it. In that time the citizens had suffered an accumulation of evils. There was scarcely an inhabitant, however obscure in character, or remote in situation, whether he remained firm to one party, or changed with the times, who did not partake of the general distress.

In modern Europe, the revolutions of public affairs seldom disturb the humble obscurity of private life; but the American revolution involved the interest of every family, and deeply



affected the fortunes and happiness of almost every individual in the United States. South Carolina lost a great number of its citizens, and upwards of 20,000 of its slaves. Property was sported with by both parties. Besides those who fell in battle, or died of diseases brought on by the war, many were inhumanly murdered by private assassinations. The country abounded with widows and orphans. The severities of a military life, co-operating with the climate, destroyed the health and lives of many hundreds of the invading army. Excepting those who enriched themselves by plunder, and a few successful speculators, no private advantage was gained by individuals on either side, but an experimental conviction of the folly and madness of war.

Though, in the year 1782, the United States afforded few great events, the reverse was the case with the other powers involved in the consequences of the American war.

Minorca, after a tedious siege, surrendered to the duke de Crillon, in the service of his most Catholic Majesty. About the same time, the settlements of Demarara and Essequibo, which, in the preceding year, had been taken by the British, were taken from them by the French. The gallant marquis de Bouille added to the splendor of his former fame, by reducing St. Eustatia and St. Kitts; the former at the close of the year 1781, and the latter early in the year 1782. The islands of Nevis and Monserrat followed the fortune of St. Kitts. The French, at this period, seemed to be established in the West Indies, on a firm foundation. Their islands were full of excellent troops, and their marine force was truly respectable. The exertions of Spain were also uncommonly great. The strength of these two monarchies had never before been so conspicuously displayed, in that quarter of the globe. Their combined navies amounted to threescore ships of the line; and these were attended with a prodigious multitude of frigates and armed vessels. With this immense force, they entertained hopes of wresting from his Britannic Majesty, a great part of his West India islands.

In the mean time, the British ministry prepared a strong squadron, for the protection of their possessions in that quar-

ter. This was commanded by admiral Rodney; and, after a junction with sir Samuel Hood's squadron, and the arrival of three ships from Great Britain, amounted to thirty-six sail of the line.

It was the design of Count de Grasse, who commanded the French fleet at Martinique, amounting to thirty-four sail of the line, to proceed to Hispaniola, and join the Spanish admiral Don Solano, who, with sixteen ships of the line, and a considerable land force, was waiting for his arrival; and to make, in concert with him, an attack on Jamaica.

The British admiral wished to prevent this junction, or at least to force an engagement, before it was effected. Admiral Rodney came up with Count de Grasse soon after he had set out to join the Spanish fleet at Hispaniola. Partial engagements took place, on the three first days, after they came near to each other. In these, two of the French ships were so badly damaged, that they were obliged to quit the fleet. On the 18th of April, 1782, a general engagement took place. This began at seven in the morning, and continued till six in the evening. There was no apparent superiority on either side, till between twelve and one o'clock, when admiral Rodney broke the French line of battle, by bearing down upon their centre, and penetrating through it. The land forces, destined for the expedition against Jamaica, amounting to 5500 men, were distributed on board the French fleet. Their ships were therefore so crowded, that the slaughter on board was immense. The battle was fought on both sides with equal spirit; but with a very unequal issue. The French, for near a century, had not, in any naval engagement, been so completely worsted. Their fleet was little less than ruined. Upwards of four hundred men were killed on board one of their ships. The whole number of their killed and wounded amounted to several thousands, while the loss of the British did not much exceed 1100 men. The French lost, in this action, and the subsequent pursuit, eight ships of the line. On board the captured ships, was the whole train of artillery, with the battering cannon, and travelling carriages, intended for the expedition against Jamaica. One of them

was the *Ville de Paris*, so called from the city of Paris having built her, at its own expense, and made a present of her to the King. She had cost four millions of livres, and was esteemed the most magnificent ship in France. She carried one hundred and ten guns, and had on board 1300 men. This was truly an unfortunate day to count de Grasse. Though his behaviour, throughout the whole action, was firm and intrepid, and his resistance continued, till he and two more were the only men left standing upon the upper deck, he was at last obliged to strike. It was no small addition to his misfortunes, that he was on the point of forming a junction, which would have set him above all danger. Had this taken place, the whole British naval power in the West-Indies, on principles of ordinary calculation, would have been insufficient to have prevented him from carrying into effect, schemes of the most extensive consequence.

The ships of the defeated fleet fled in a variety of directions. Twenty-three sail made the best of their way to Cape François. This was all that remained in a body of that fleet, which was lately so formidable. By this signal victory, the designs of France and Spain were frustrated. No farther enterprises were undertaken against the fleets or possessions of Great Britain, in the West-Indies; and such measures only were embraced, as seemed requisite for the purposes of safety. When the news of admiral Rodney's victory reached Great Britain, a general joy was diffused over the nation. Before there had been much despondency. Their losses in the Chesapeake, and in the West-Indies, together with the increasing number of their enemies, had depressed the spirits of the great body of the people; but the advantages now gained placed them on high ground, either for ending or prosecuting the war. It was fortunate for the Americans, that this success of the British was posterior to their loss in Virginia. It so elevated the spirits of Britain, and so depressed the hopes of France, that, had it taken place prior to the surrender of Lord Cornwallis, that event would have been less influential, in disposing the nation to peace. As the catastrophe of York-town closed the national war, in North America, so

the defeat of de Grasse, in a great measure, put a period to hostilities in the West-Indies.

Other decisive events soon followed, which disposed another of the belligerent powers to a pacification. Gibraltar, though successively relieved, still continued to be besieged. The reduction of Minorca inspired the Spanish nation with fresh motives to perseverance. The duke de Crillon, who had been recently successful in the siege of Minorca, was appointed to conduct the siege of Gibraltar, and it was resolved to employ the whole strength of the Spanish monarchy in seconding his operations. No means were neglected, nor expense spared, that promised to forward the views of the besiegers. From the failure of all plans, hitherto adopted for effecting the reduction of Gibraltar, it was resolved to adopt new ones. Among the various projects for this purpose, one which had been formed by the chevalier D'Arcon, was deemed the most worthy of trial. This was to construct such floating batteries, as could neither be sunk nor fired. With this view their bottoms were made of the thickest timber, and their sides of wood and cork long soaked in water, with a large layer of wet sand between.

To prevent the effects of red hot balls, a number of pipes were contrived to carry water through every part of them; and pumps were provided to keep these constantly supplied with water. The people on board were to be sheltered from the fall of bombs, by a cover of rope netting, which was made sloping, and overlaid with wet hides.

These floating batteries, ten in number, were made out of the hulls of large vessels, cut down for the purpose, and carried from twenty-eight to ten guns each; and were seconded by eighty large boats, mounted with guns of heavy metal, and also by a multitude of frigates, ships of force, and some hundreds of small craft.

General Elliott, the intrepid defender of Gibraltar, was not ignorant that inventions of a peculiar kind were prepared against him; but knew nothing of their construction. He nevertheless provided for every circumstance of danger, that could be foreseen or imagined. The 13th day of September,

1782, was fixed upon, by the besiegers, for making a grand attack; when the new invented machines, with all the united powers of gunpowder and artillery, in their highest state of improvement, were to be called into action. The combined fleets of France and Spain, in the bay of Gibraltar, amounted to forty-eight sail of the line. Their batteries were covered with one hundred and fifty-four pieces of heavy brass cannon. The numbers employed by land and sea against the fortress were estimated at one hundred thousand men. With this force, and by the fire of three hundred cannon, mortars, and howitzers, from the adjacent isthmus, it was intended to attack every part of the British works, at one and the same instant. The surrounding hills were covered with spectators. The cannonade and bombardment were tremendous. The showers of shot and shells, from the land batteries, the ships of the besiegers, and from the various works of the garrison, exhibited a most dreadful scene. Four hundred pieces of the heaviest artillery were playing at the same moment. The whole peninsula seemed to be overwhelmed in the torrents of fire, which were incessantly poured upon it. The Spanish floating batteries, for some time, answered the expectations of their framers. The heaviest shells often rebounded from their tops, while thirty-two pound shot made no visible impression upon their hulls. For some hours, the attack and defence were so equally supported, as scarcely to admit any appearance of superiority on either side. The construction of the battering ships was so well calculated, for withstanding the combined force of fire and artillery, that they seemed, for sometime, to bid defiance to the powers of the heaviest ordnance. In the afternoon the effects of hot shot became visible. At first there was only an appearance of smoke, but, in the course of the night, after the fire of the garrison had continued about fifteen hours, two of the floating batteries were in flames, and several more were visibly beginning to kindle. The endeavours of the besiegers were now exclusively directed to bring off the men, from the burning vessels; but in this they were interrupted. Captain Curtis, who lay ready with twelve gunboats, advanced and fired

upon them with such order and expedition, as to throw them into confusion, before they had finished their business. They fled with their boats, and abandoned to their fate great numbers of their people. The opening of daylight disclosed a most dreadful spectacle. Many were seen in the midst of the flames crying out for help, while others were floating upon pieces of timber, exposed to equal danger from the opposite element. The generous humanity of the victors equalled their valour, and was the more honourable, as the exertions of it exposed them to great danger. In endeavouring to save the lives of his enemies, captain Curtis nearly lost his own. While, for the most benevolent purpose, he was along side the floating batteries, one of them blew up, and some heavy pieces of timber fell into his boat, and pierced through its bottom. By similar perilous exertions, nearly four hundred men were saved from destruction. The exercise of humanity to an enemy, under such circumstances of immediate action, and impending danger, conferred more true honour than could be acquired by the most splendid series of victories. It in some degree obscured the impression made to the disadvantage of human nature, by the madness of mankind, in destroying each other by wasteful wars. The floating batteries were all consumed. The violence of their explosion was such, as to burst open doors, and windows, at a great distance. Soon after the destruction of the floating batteries, lord Howe, with thirty-five ships of the line, brought to the brave garrison an ample supply of every thing wanted, either for their support or their defence. This complete relief of Gibraltar was the third decisive event, in the course of a twelve month, which favoured the re-establishment of a general peace.

The capture of the British army in Virginia, the defeat of count de Grasse, and the destruction of the Spanish floating batteries, inculcated on Great Britain, France, and Spain, the policy of sheathing the sword, and stopping the effusion of human blood. Each nation found on a review of past events, that though their losses were great, their gains were little or

nothing. By urging the American war, Great Britain had increased her national debt, one hundred millions of pounds sterling, and wasted the lives of at least 50,000 of her subjects. To add to her mortification, she had brought all this on herself, by pursuing an object, the attainment of which seemed to be daily less probable, and the benefits of which, even though it could have been attained, were very problematical. While Great Britain, France, and Spain were successively brought to think favourably of peace, the United States of America had the consolation of a public acknowledgment of their independence, by a second power of Europe. This was effected, in a great measure, by the address of John Adams. On the capture of Henry Laurens, Mr. Adams was commissioned to be the minister plenipotentiary of congress, to the states general of the United Provinces, and was also empowered to negotiate a loan of money among the Hollanders. Soon after his arrival, he presented to their high mightinesses a memorial, in which he informed them, that the United States of America had thought fit to send him a commission, with full power and instructions, to confer with them concerning a treaty of amity and commerce, and that they had appointed him to be their minister plenipotentiary to reside near them. Similar information was, at the same time, communicated to the Stadtholder, the Prince of Orange.

About a year after the presentation of this memorial, it was resolved, "that the said Mr. Adams was agreeable to their high mightinesses, and that he should be acknowledged in quality of minister plenipotentiary." Before this was obtained, much pains had been taken, and much ingenuity had been exerted, to convince the rulers and people of the states general, that they had an interest in connecting themselves with the United States. These representations, together with some recent successes in their contests on the sea with Great Britain, and their evident commercial interest, encouraged them, in 1782, to venture on being the second power in Europe, to acknowledge American independence.

Mr. Adams, having gained this point, proceeded on the negotiation of a treaty of amity and commerce, between the

two countries. This was concluded on the 8th of August, 1782, to the reciprocal satisfaction of both parties. The same success which attended Mr. Adams in these negotiations, continued to follow him, in obtaining a loan of money, which was a most seasonable supply to his almost exhausted country.

Mr. Jay had, for nearly three years past, exerted equal abilities, and equal industry with Mr. Adams, in endeavouring to negotiate a treaty, between the United States and his most Catholic majesty; but his exertions were not crowned with equal success.

To gain the friendship of the Spaniards, Congress passed sundry resolutions, favouring the wishes of his most Catholic majesty, to re-annex Florida to his dominions. Mr. Jay was instructed to contend for the right of the United States to the free navigation of the river Mississippi; and, if an express acknowledgement of it could not be obtained, he was restrained from acceding to any stipulation, by which it should be relinquished. But, in February 1781, when lord Cornwallis was making rapid progress, in overrunning the southern States, and when the mutiny of the Pennsylvania line, and other unfavourable circumstances, depressed the spirits of the Americans, congress, on the recommendation of Virginia, directed him to recede from his instructions, so far as they insist on the free navigation of that part of the river Mississippi, which lies below the thirty-first degree of north latitude, and on a free port or ports below the same; provided such cession should be unalterably insisted on by Spain, and provided the free navigation of the said river, above the said degree of north latitude, should be acknowledged and guaranteed by his Catholic majesty, in common with his own subjects.

These propositions were made to the ministers of his most Catholic majesty, but not accepted. Mr. Jay in his own name informed them, "that, if the acceptance of this offer, together with the proposed alliance, should be postponed to a general peace, the United States would cease to consider themselves bound by any propositions or offers he might then make, in their behalf."



Spain having delayed to accept these terms, which originated more in necessity than in policy, till the crisis of American independence was past, congress, apprehensive that their offered relinquishment of the free navigation of the Mississippi should, at that late hour, be accepted, instructed their minister, "to forbear making any overtures to the court of Spain, or entering into any stipulations, in consequence of any which he had previously made."

It was expected, not only by the sanguine Americans, but by many in England, that the capture of lord Cornwallis would instantly dispose the nation to peace; but whatever might have been the wish, or the interest of the people, the American war was too much the favourite of ministry to be relinquished, without a struggle for its continuance.

Just after intelligence arrived of the capitulation of Yorktown, the king of Great Britain, in his speech to parliament, declared, "that he should not answer the trust committed to the sovereign of a free people, if he consented to sacrifice either to his own desire of peace, or to their temporary ease and relief, those essential rights and permanent interests, upon the maintenance and preservation of which, the future strength and security of the country must forever depend." The determined language of this speech, pointing to the continuance of the American war, was echoed back by a majority of both lords and commons.

In a few days afterwards, December 12th, 1781, it was moved in the house of commons, that a resolution should be adopted, declaring it to be their opinion, "that all further attempts to reduce the Americans to obedience, by force, would be ineffectual, and injurious to the true interests of Great Britain." Though the debate on this subject was continued, till two o'clock in the morning, and though the opposition received additional strength, yet the question was not carried. The same ground of argument was soon gone over again; and the American war underwent, for the fourth time since the beginning of the session, a full discussion: but no resolution, disapproving its further prosecution, could yet obtain the assent of a majority of the members. The advocates for

peace becoming more numerous, it was moved by general Conway, "that an humble address be presented to his majesty, that he will be pleased to give directions to his ministers not to pursue, any longer, the impracticable object of reducing his majesty's revolted colonies, by force, to their allegiance, by a war on the continent of America." This brought forth a repetition of the former arguments on the subject, and engaged the attention of the house, till two o'clock in the morning. On a division, the motion for the address was lost by a single vote. In the course of these debates, while the minority were gaining ground, the ministry were giving up one point after another. They at first consented that the war should not be carried on to the same extent as formerly; then, that there should be no internal continental war; next, that there should be no other war than what was necessary for the defence of the posts, already in their possession; and last of all, none but against the French in America.

The ministry as well as the nation began to be sensible of the impolicy of continental operations; but hoped that they might gain their point, by prosecuting hostilities at sea. Every opposition was therefore made by them, against the total dereliction of a war, on the success of which they had so repeatedly pledged themselves, and on the continuance of which they held their places. General Conway, in five days afterwards, brought forward another motion expressed in different words, but to the same effect with that which was lost by a single vote. This caused a debate, till two o'clock in the morning. It was then moved to adjourn the debate till the 13th of March. There appeared for the adjournment 215, and against it 234.

The original motion, and an address to the king, formed upon the resolution, were then carried without a division; and the address was ordered to be presented by the whole house.

To this his majesty answered, "that in pursuance of their advice, he would take such measures as should appear to him the most conducive to the restoration of harmony, between Great Britain and the revolted colonies." The thanks of the house were voted for this answer: but its guarded language,

not inconsistent with farther hostilities against America, together with other suspicious circumstances, induced General Conway to move another resolution, expressed in the most decisive terms. This was to the following effect: "That the house would consider as enemies to his majesty and the country, all those who should advise, or by any means attempt, the further prosecution of offensive war, on the continent of North America, for the purpose of reducing the colonies to obedience by force." This motion, after a feeble opposition, was carried without a division, and put a period to all that chicanery, by which ministers meant to distinguish between a prosecution of offensive war, in North America, and a total dereliction of it. This resolution and the preceding address, to which it had reference, may be considered as the closing scene of the American war. As it was made a parliamentary war, by an address from parliament, for its prosecution in February, 1775; it now was no longer so, by an address from the most numerous house of the same parliament, in February, 1782, for its discontinuance. A change of ministry was the consequence of this total change of that political system, which, for seven years, had directed the affairs of Great Britain. A new administration was formed, under the auspices of the marquis of Rockingham, and was composed of characters who opposed the American war. It has been said, that the new minister stipulated with the court, before he entered into office, that there should be peace with the Americans, and that the acknowledgment of their independence should not be a bar to the attainment of it. Soon afterwards, the marquis of Rockingham, on whom Great Britain relied with a well-placed confidence, for extrication from surrounding embarrassments, departed this life; and his much-lamented death, for some time, obscured the agreeable prospects, which had lately begun to dawn on the nation. On the decease of the noble marquis, earl Shelburne was appointed his successor. To remove constitutional impediments to negotiate with the late British colonies, an act of parliament was passed, granting to the crown powers for negotiating or concluding a general or particular peace, or truce, with the

whole, or with any part of the colonies, and for setting aside all former laws to the contrary.

Sir Guy Carleton, who was lately appointed to the command of the royal army, in North America, was instructed to use his endeavours, for carrying into effect the wishes of Great Britain, for an accommodation with the Americans. He despatched a letter to general Washington, informing him of the late proceedings of parliament, and of the dispositions so favourable to America, which were prevalent in Great Britain; and, at the same time, solicited a passport for his secretary, Mr. Morgan, to pay a visit to congress. His request was refused. The application for it, and its concomitant circumstances, were considered as introductory, to a scheme, for opening negotiations with congress or the states, without the concurrence of their allies. This caused no small alarm, and gave rise to sundry resolutions, by which, several states declared, that a proposition from the enemy to all or any of the United States, for peace or truce, separate from their allies, was inadmissible. Congress not long afterwards resolved, "that they would not enter into the discussion of any overtures for pacification, but in confidence and in concert with his most Christian majesty; and as a proof of this, they recommended to the several states to pass laws, that no subject of his Britannic majesty, coming directly or indirectly from any part of the British dominions, be admitted into any of the United States, during the war." This decisive conduct extinguished all hopes that Great Britain might have entertained, of making a separate peace with America. Two of the first sovereigns of Europe, the empress of Russia, and the emperor of Germany, were the mediators, in accomplishing the great work of peace. Such was the state of the contending parties, that the intercession of powerful mediators was no longer necessary. The disposition of Great Britain, to recognize the independence of the United States, had removed the principal difficulty, which had hitherto obstructed a general pacification. It would be curious to trace the successive steps, by which the nation was brought to this measure, so irreconcilable to their former declarations. Various auxiliary causes might be called in, to account for

this great change of the public mind of Great Britain: but the sum of the whole must be resolved into this simple proposition, "that it was unavoidable." A state of perpetual war was inconsistent with the interest of a commercial nation. Even the longer continuance of hostilities was forbidden, by every principal of wise policy.

The avowed object of the alliance between France and America, and the steady adherence of both parties to enter into no negotiations without the concurrence of each other, reduced Great Britain to the alternative of continuing a hopeless, unproductive war, or of negotiating under the idea of recognizing American independence. This great change of the public mind in Great Britain, favourable to American independence, took place between November, 1781, and March 1782. In that interval, Mr. Laurens was released from his confinement in the tower. Before and after his release, he had frequent opportunities of demonstrating, to persons in power, that from his personal knowledge of the sentiments of congress, and of their instructions to their ministers, every hope of peace, without the acknowledgement of independence, was illusory. Seven years experience had proved to the nation, that the conquest of the American states was impracticable. They now received equal conviction, that the recognition of their independence was an indispensable preliminary to the termination of a war, from the continuance of which, neither profit nor honour was to be acquired. The pride of Great Britain for a long time resisted; but that usurping passion was obliged to yield to the superior influence of interest. The feelings of the great body of the people were no longer to be controuled, by the honour of the ministers, or romantic ideas of national dignity. At the close of the war, a revolution was effected in the sentiments of the inhabitants of Great Britain, not less remarkable than what, in the beginning of it, took place among the citizens of America.

Independence, which was neither thought of, nor wished for, by the latter, in the year 1774, and 1775, became in the year 1776 their favourite object. A recognition of this, which, throughout the war, had been with few exceptions, the

object of abhorrence to the British nation, became, in the year 1782, a popular measure in Great Britain, as the means of putting an end to a ruinous war.

The commissioners for negotiating peace, on the part of the United States, were John Adams, Benjamin Franklin, John Jay, and Henry Laurens. On the part of Great Britain, Mr. Fitzherbert, and Mr. Oswald. Provisional articles of peace between Great Britain and the United States, were, on the 30th of November, 1782, agreed upon by these gentlemen, which were to be inserted in a future treaty of peace, to be finally concluded between the parties, when that between Great Britain and France took place. By these the independence of the states was acknowledged in its fullest extent. Very ample boundaries were allowed them; which comprehended the fertile and extensive countries on both sides of the Ohio, and on the east side of the Mississippi: in which was the residence of upwards of twenty nations of Indians, and particularly of the five nations, who had long been the friends and allies of Great Britain. An unlimited right of fishery, on the banks of Newfoundland, and in other places, where both nations had heretofore been accustomed to fish, was likewise confirmed to the Americans. From the necessity of the case, the loyalists were sacrificed. Nothing further than a simple recommendation for restitution being stipulated in their favour. The British parliament met five days after these provisional articles were signed. They underwent a severe parliamentary discussion. It was said by the opposition that, independence being recognized, every thing ceded by Great Britain required an equivalent; but that, while they gave up the many posts they held in the United States, an immense extent of north and western territory, a participation in the fur trade, and in the fisheries, nothing was stipulated in return.

It must be acknowledged, that the ministers of congress procured, for their countrymen, better terms than they had reason to expect; but, from a combination of circumstances, it was scarcely possible to end the war, without similar con-

cessions on the part of Great Britain. By the alliance between France and America, there could be no peace without independence. That once granted, most of the other articles followed of course. It is true the boundaries agreed upon were more extensive than the states, when colonies, had claimed; yet the surplus ceded could have been of little or no use to Great Britain; and might, if retained, have given an occasion to a future war.

The case of the loyalists was undoubtedly a hard one; but unavoidable, from the complex constitution of the United States. The American ministers engaged, as far as they were authorised, and congress did all that they constitutionally could; but this was no more than simply to recommend their case to the several States, for the purpose of making them restitution. To have insisted on more, under such circumstances, would have been equivalent to saying, that there should be no peace. It is true, much more was expected from the recommendations of congress, than resulted from them; but this was not the consequence of deception, but of misunderstanding the principles of confederation. In conformity to the letter and spirit of the treaty, congress urged, in strong terms, the propriety of making restitution to the loyalists: but to procure it was beyond their power. In the animation produced by the war, when the Americans conceived their liberties to be in danger, and that their only safety consisted in obeying their federal head, they yielded a more unreserved obedience to the recommendations of congress, than is usually paid to the decrees of the most arbitrary sovereigns. But the case was widely different, when, at the close of the war a measure was recommended, in direct opposition to their prejudices. It was the general opinion of the Americans, that the continuance of the war, and the asperity with which it had been carried on, were more owing to the machinations of their own countrymen, who had taken part with royal government, than to their British enemies. It is certain that the former had been most active in predatory excursions, and most forward in scenes of blood and murder. Their knowledge of the country enabled them to do mischief, which

would never have occurred to European soldiers. Many powerful passions of human nature operated against making restitution to men, who were thus considered as the authors of so great a share of the general distress.

There were doubtless among the loyalists many worthy characters, friends of peace, and lovers of justice. To such, restitution was undoubtedly due; and to many such, it was made; but it is one of the many calamities incident to war, that the innocent, from the impossibility of discrimination, are often involved in the same distress with the guilty. The return of the loyalists, to their former places of residence, was as much disrelished by the whig citizens of America, as the proposal for reimbursing their confiscated property. In sundry places committees were formed, who, in an arbitrary manner, opposed their peaceable residence. The sober and dispassionate citizens exerted themselves, in checking these irregular measures; but such was the violence of party spirit, and so relaxed were the sinews of government, that, in opposition to legal authority, and the private interference of the judicious and moderate, many indecent outrages were committed on the persons and property of the returning loyalists. Nor were these all the sufferings of those Americans, who had attached themselves to the royal cause. Being compelled to depart their native country, many of them were obliged to take up their abodes, in the inhospitable wilds of Nova Scotia, or on the barren shores of the Bahama Islands. Parliamentary relief was extended to them; but this was obtained with difficulty, and distributed with a partial hand. Some, who invented plausible tales of loyalty and distress, received much more than they ever possessed; but others, less artful, were not half reimbursed for their actual losses.

The bulk of the sufferings, subsequent to the peace among the Americans, fell to the share of the merchants, and others who owed money in England. From the operations of the war, remittances were impossible. In the mean time, payments were made in America, by a depreciating paper, under the sanction of a law which made it a legal tender. The unhappy persons, who, in this manner, received payment, could



not apply it to the extinguishment of their foreign debts. If they retained in their hands the paper paid to them, it daily decreased in value. If they invested it in public securities, from their deficiency of funds, their situation was no better. If they purchased land, such was the superabundance of territory ceded by the peace, that it fell greatly in value. Under all these embarrassments, the American debtor was, by treaty, bound to make payment in specie, of all his *bona fide* debts, due in Great Britain. The British merchant was materially injured, by being kept, for many years, out of his capital: and the American was often ruined, by being ultimately held to pay in specie, what he received in paper. Enough was suffered on both sides to make the inhabitants, as well in Great Britain as in America, deprecate war, as one of the greatest evils incident to humanity.

## CHAPTER XXVI.

*The State of Parties—The Advantages and Disadvantages of the Revolution—Its Influence on the minds and morals of the Citizens.*

PREVIOUS to the American revolution, the inhabitants of the British colonies were universally loyal. That three millions of such subjects should break through all former attachments, and unanimously adopt new ones, could not reasonably be expected. The revolution had its enemies, as well as its friends, in every period of the war. Country, religion, local policy, as well as private views, operated in disposing the inhabitants to take different sides. The New England provinces, being mostly settled by one sort of people, were nearly of one sentiment. The influence of place-men in Boston, together with the connexions which they had formed by marriages, had attached sundry influential characters, in that capital, to the British interest; but these were but as the dust in the balance, when compared with the numerous independent whig yeomanry of the country. The same and other causes produced a large number in New York, who were attached to royal government. That city had long been the head quarters of the British army in America; and many intermarriages, and other connexions, had been made between British officers and some of their first families. The practice of entailing estates had prevailed in New York to a much greater extent, than in any of the other provinces. The governors thereof had long been in the habit of indulging their favourites with extravagant grants of land. This had introduced the distinction between landlord and tenant. There was, therefore, in New York an aristocratic party, respectable for numbers, wealth, and influence, who had much to fear from indepen-

dence. The city was also divided into parties, by the influence of two ancient and numerous families, the Livingstons and Delanceys. These, having been long accustomed to oppose each other at elections, could rarely be brought to unite in any political measures. In this controversy, one almost universally took part with America, and the other with Great Britain.

The Irish in America, with a few exceptions, were attached to independence. They had fled from oppression in their native country, and could not brook the idea that it should follow them. Their national prepossessions, in favour of liberty, were strengthened by their religious opinions. They were generally Presbyterians; and people of that denomination, for reasons hereafter to be explained, were mostly whigs. The Scotch, on the other hand, though they had formerly sacrificed much to liberty, in their own country, were generally disposed to support the claims of Great Britain. Their nation, for some years past, had experienced a large proportion of royal favour. A very absurd association was made by many, between the cause of John Wilkes and the cause of America. The former had rendered himself so universally odious to the Scotch, that many of them were prejudiced against a cause, which was so ridiculously associated, with that of a man, who had grossly insulted their whole nation. The illiberal reflections, cast by some Americans, on the whole body of the Scotch, as favourers of arbitrary power, restrained high-spirited individuals of that nation, from joining a people, who suspected their love of liberty. Such of them, as adhered to the cause of independence, were steady in their attachment. The army and the congress ranked among their best officers, and most valuable members, some individuals of that nation.

Such of the Germans, in America, as possessed the means of information, were generally determined whigs: but many of them were too little informed, to be able to choose their side on proper ground. They, especially such of them as resided in the interior country, were, from their not understanding the English language, far behind most of the other inhabitants, in a knowledge of the merits of the dispute.

Their disaffection was rather passive than active. A considerable part of it arose from principles of religion; for some of their sects deny the lawfulness of war. No people have prospered more, in America, than the Germans. None have surpassed, and but few have equalled them, in industry and other republican virtues.

The great body of tories, in the southern states, were among the settlers on their western frontier. Many of these were ignorant or disorderly persons, who had fled from the old settlements, to avoid the restraints of civil government.

Religion, also, divided the inhabitants of America. The presbyterians and independents were, almost universally, attached to the measures of Congress. Their religious societies are governed on a republican plan. From independence they had much to hope; but from Great Britain, if finally successful, they had reason to fear the establishment of a church hierarchy.

Most of the episcopal ministers, of the northern provinces, were pensioners on the bounty of the British government. The greatest part of their clergy, and many of their laity in these provinces, were, therefore, disposed to support a connexion with Great Britain. The episcopal clergy, in the southern provinces, being less under this bias, were often warm whigs. Some of them, foreseeing the downfall of religious establishments, from the success of the Americans, were less active: but, in general, where their church was able to support itself, their clergy and laity zealously espoused the cause of independence. Great pains were taken to persuade them, that those, who had been called dissenters, were aiming to abolish the episcopal establishment, to make way for their own exaltation; but the good sense of the people restrained them from giving credit to the unfounded suggestion. Religious controversy was happily kept out of view. The well-informed of all denominations were convinced, that the contest was for their civil rights, and, therefore, did not suffer any other considerations to interfere, or disturb their union.

The quakers, with a few exceptions, were averse to independence. In Pennsylvania, they were numerous, and had

power in their hands. Revolutions in government are rarely patronised by any body of men, who foresee that a diminution of their own importance is likely to result from the change. Quakers from religious principles were averse to war; and therefore could not be friendly to a revolution, which could only be effected by the sword. Several individuals separated from them on account of their principles, and, following the impulse of their inclinations, joined their countrymen in arms. The services America received from two of their society, generals Greene and Mifflin, made some amends for the embarrassment, which the disaffection of the great body of their people occasioned, to the exertions of the active friends of independence.

The age and temperament of individuals had, often, an influence in fixing their political character. Old men were seldom warm whigs. They could not relish the great changes, which were daily taking place. Attached to ancient forms and habits, they could not readily accommodate themselves to new systems. Few of the very rich were active, in forwarding the revolution. This was remarkably the case in the eastern and middle states; but the reverse took place in the southern extreme of the confederacy. There were, in no part of America, more determined whigs, than the opulent slaveholders in Virginia, the Carolinas, and Georgia. The active and spirited part of the community, who felt themselves possessed of talents, that would raise them to eminence in a free government, longed for the establishment of independent constitutions: but those who were in possession or expectation of royal favour, or of promotion from Great Britain, wished that the connexion, between the parent state and the colonies, might be preserved. The young, the ardent, the ambitious, and the enterprising were mostly whigs; but the phlegmatic, the timid, the interested, and those who wanted decision, were, in general, favourers of Great Britain, or, at most, only the lukewarm inactive friends of independence. The whigs received a great reinforcement from the operation of continental money. In the years 1775, 1776, and in the first months of 1777, while the bills of Congress were in good credit, the ef-

fects of them were the same, as if a foreign power had made the United States a present of twenty millions of silver dollars. The circulation of so large a sum of money, and the employment given to great numbers, in providing for the American army, increased the numbers, and invigorated the zeal of the friends to the revolution. On the same principles, the American war was patronised in England, by the many contractors and agents for transporting and supplying the British army. In both cases, the inconveniences of interrupted commerce were lessened, by the employment which war and a domestic circulation of money substituted in its room. The convulsions of war afforded excellent shelter for desperate debtors. The spirit of the times revolted against dragging to jails, for debt, men who were active and zealous in defending their country. And on the other hand, those, who owed more than they were worth, by going within the British lines, and giving themselves the merit of suffering on the score of loyalty, not only put their creditors to defiance, but sometimes obtained promotion or other special marks of royal favour.

The American revolution, on the one hand, gave birth to great vices; but, on the other, it called forth many virtues, and gave occasion for the display of abilities which, but for that event, would have been lost to the world. When the war began, the Americans were a mass of husbandmen, merchants, mechanics, and fishermen; but the necessities of the country gave a spring to the active powers of the inhabitants, and set them on thinking, speaking, and acting, in a line far beyond that to which they had been accustomed. The difference between nations is not so much owing to nature, as to education and circumstances. While the Americans were guided by the leading strings of the mother country, they had no scope nor encouragement for exertion. All the departments of government were established and executed for them; but not by them. In the years 1775 and 1776, the country was suddenly thrown into a situation, that needed the abilities of all its sons. These generally took their places, each according to the bent of his

inclination. As they severally pursued their objects with ardour, a vast expansion of the human mind speedily followed. This displayed itself in a variety of ways. It was found, that the talents for great stations did not differ in kind, but only in degree, from those which were necessary for the proper discharge of the ordinary business of civil society. In the bustle that was occasioned by the war, few instances could be produced of any persons who made a figure, or who rendered essential services, but from among those, who had given specimens of similar talents in their respective professions. Those, who, from indolence or dissipation, had been of little service to the community in time of peace, were found equally unserviceable in war. A few young men were exceptions to this general rule. Some of these, who had indulged in youthful follies, broke off from their vicious courses, and, on the pressing call of their country, became useful servants of the public: but the great bulk of those, who were the active instruments of carrying on the revolution, were self-made, industrious men. Those, who, by their own exertions, had established, or laid a foundation for establishing personal independence, were most generally trusted, and most successfully employed, in establishing that of their country. In these times of action, classical education was found of less service than good natural parts, guided by common sense, and sound judgment.

Several names of individuals could be mentioned, who, without the knowledge of any other language than their mother tongue, wrote, not only accurately, but elegantly, on public business. It seemed as if the war not only required, but created talents. Men, whose minds were warmed with the love of liberty, and whose abilities were improved by daily exercise, and sharpened with a laudable ambition, to serve their distressed country, spoke, wrote, and acted, with an energy far surpassing all expectations, which could be reasonably founded on their previous acquirements.

The Americans knew but little of one another, previously to the revolution. Trade and business had made the inhabitants of the seaports acquainted with each other; but the bulk of the people, in the interior country, were unacquainted with

their fellow citizens. A continental army, and congress, composed of men from all the states, by freely mixing together, were assimilated into one mass. Individuals of both, mingling with the citizens, disseminated principles of union among them. Local prejudices abated. By frequent collision asperities were worn off; and a foundation was laid for the establishment of a nation, out of discordant materials. Intermarriages between men and women, of different states, were much more common than before the war, and became an additional cement to the union. Unreasonable jealousies had existed between the inhabitants of the eastern and of the southern states; but on becoming better acquainted with each other, these in a great measure, subsided. A wiser policy prevailed. Men of liberal minds led the way, in discouraging local distinctions; and the great body of the people, as soon as reason got the better of prejudice, found that their best interests would be most effectually promoted, by such practices and sentiments as were favourable to union. Religious bigotry had broken in upon the peace of various sects, before the American war. This was kept up by partial establishments, and by a dread that the church of England, through the power of the mother country, would be made to triumph over all other denominations. These apprehensions were done away by the revolution. The different sects, having nothing to fear from each other, dismissed all religious controversy. A proposal for introducing bishops into America, before the war, had kindled a flame among the dissenters; but the revolution was no sooner accomplished, than a scheme for that purpose was perfected, with the consent and approbation of all those sects, who had previously opposed it.

Though schools and colleges were generally shut up during the war, yet many of the arts and sciences were promoted by it. The geography of the United States, before the revolution, was but little known; but the marches of armies, and the operations of war, gave birth to many geographical inquiries and discoveries, which otherwise would not have been made. A passionate fondness for studies of this kind, and the growing importance of the country, excited one of its



sons, the Reverend Dr. Morse, to travel through every state of the Union, and amass a fund of topographical knowledge, far exceeding any thing heretofore communicated to the public. The necessity of the states led to the study of tactics, fortification, gunnery, and a variety of other arts connected with war, and diffused a knowledge of them among a peaceable people, who would otherwise have had no inducement to study them.

Surgery was one of the arts which was promoted by the war. From the want of hospitals and other aids, the medical men of America had few opportunities of perfecting themselves in this art, the thorough knowledge of which can only be acquired, by practice and observation. The melancholy events of battles gave the American students an opportunity of seeing and learning more in one day, than they could have acquired in years of peace. It was in the hospitals of the United States, that Dr. Rush first discovered the method of curing the lock jaw, by bark and wine, added to other invigorating remedies; which has since been adopted with success in Europe, as well as in the United States.

The science of government has been more generally diffused among the Americans, by means of the revolution. The policy of Great Britain, in throwing them out of her protection, induced a necessity of establishing independent constitutions. This led to reading and reasoning on the subject. The many errors, at first committed by inexperienced statesmen, have been a practical comment on the folly of unbalanced constitutions, and injudicious laws.

When Great Britain first began her encroachments on the colonies, there were a few natives of America, who had distinguished themselves as speakers or writers; but the controversy between the two countries multiplied their number.

The stamp act, which was to have taken place, in 1765, employed the pens and tongues of many of the colonists, and, by repeated exercise, improved their ability to serve their country. The duties imposed, in 1767, called forth the pen of John Dickinson, who, in a series of letters; signed a Pennsylvania Farmer, may be said to have sown the seeds of the

revolution. For, being universally read by the colonists, they universally enlightened them, on the dangerous consequences, likely to result from their being taxed, by the parliament of Great Britain.

In establishing American independence, the pen and the press had merit equal to that of the sword. As the war was the people's war, and was carried on without funds, the exertions of the army would have been insufficient to effect the revolution, unless the great body of the people had been prepared for it, and afterwards kept in a constant disposition to oppose Great Britain. To rouse and unite the inhabitants, and to persuade them to patience for several years, under present sufferings, with the hope of obtaining remote advantages for their posterity, was a work of difficulty. This was effected, in a great measure, by the tongues and pens of the well-informed citizens; and on it depended the success of military operations.

To enumerate the names of all those who were successful labourers, in this arduous business, is impossible. The following list contains, in nearly alphabetical order, the names of the most distinguished writers, in favour of the rights of America.

John Adams, and Samuel Adams, of Boston; Richard Bland, of Virginia; John Dickinson, of Pennsylvania; Daniel Dulany, of Annapolis; William Henry Drayton, of South Carolina; Dr. Franklin, of Philadelphia; John Jay, and Alexander Hamilton, of New York; Thomas Jefferson, and Arthur Lee, of Virginia; Jonathan Lyman, of Connecticut; Governor Livingston, of New Jersey; Dr. Mayhew, and James Otis, of Boston; Thomas Paine, Dr. Rush, Charles Thompson, and James Wilson, of Philadelphia; William Tennynt, of South Carolina; Josiah Quincy, and Dr. Warren, of Boston. These and many others laboured in enlightening their countrymen, on the subject of their political interests, and in animating them to a proper line of conduct, in defence of their liberties. To these individuals may be added, the great body of the clergy, especially in New England. The printers of newspapers had also much merit in the same way.

Particularly Edes and Gill, of Boston; Holt, of New York; Bradford, of Philadelphia; and Timothy, of South Carolina.

The early attention which had been paid to literature in New England was, also, eminently conducive to the success of the Americans, in resisting Great Britain. The university of Cambridge was founded as early as 1636, and Yale college in 1700. It has been computed, that, in the year the Boston port act was passed, there were, in the four eastern colonies, upwards of two thousand graduates of those colleges, dispersed through their several towns; many of whom were able to influence and direct the great body of the people, to a proper line of conduct. The colleges to the southward of New England, except that of William and Mary in Virginia, were but of modern date; but they had been of a standing sufficiently long, to have trained, for public service, a considerable number of the youth of the country. The college of New Jersey, which was incorporated about twenty-eight years before the revolution, had, in that time, educated upwards of three hundred persons, who, with a few exceptions, were active and useful friends of independence. From the influence which knowledge had in securing and preserving the liberties of America, the present generation may trace the wise policy of their fathers, in erecting schools and colleges. They may also learn, that it is their duty to found more, and support all such institutions. Without the advantages derived from these lights of this new world, the United States would probably have fallen in their unequal contest with Great Britain. Union, which was essential to the success of their resistance, could scarcely have taken place, in the measures adopted by an ignorant multitude. Much less, could wisdom in council, unity in system, or perseverance in the prosecution of a long and self-denying war, be expected from an uninformed people. It is a well-known fact, that persons unfriendly to the revolution, were always most numerous in those parts of the United States, which had either never been illuminated, or but faintly warmed by the rays of science. The uninformed, and the misinformed, constituted a great proportion of those Americans, who preferred the leading strings of the parent state,

though encroaching on their liberties, to a government of their own countrymen and fellow citizens.

As literature had, in the first instance, favoured the revolution, so, in its turn, the revolution promoted literature. The study of eloquence, and of the belles lettres, was more successfully prosecuted in America, after the disputes between Great Britain and her colonies began to be serious, than it had ever been before. The various orations, addresses, letters, dissertations, and other literary performances, which the war made necessary, called forth abilities where they were, and excited the rising generation to study arts, which brought with them their own reward. Many incidents afforded materials for the favourites of the muses, to display their talents. Even burlesquing royal proclamations, by parodies, and doggerel poetry, had great effects on the minds of the people. A celebrated historian has remarked, that the song of Lillibulero forwarded the revolution of 1688, in England. Similar productions produced similar effects in America. Francis Hopkinson rendered essential service to his country, by turning the artillery of wit and ridicule on the enemy. Philip Freneau laboured successfully in the same way. Royal proclamations and other productions, which issued from royal printing presses, were, by the help of a warm imagination, arrayed in such dresses as rendered them truly ridiculous. Trumbull, with a vein of original Hudibrastic humour, diverted his countrymen so much, with the follies of their enemies, that, for a time, they forgot the calamities of war. Humphries twined the literary with the military laurel, by superadding the fame of an elegant poet, to that of an accomplished officer. Barlow increased the fame of his country, and of the distinguished actors in the revolution, by the bold design of an epic poem, ably executed, on the idea, that Columbus foresaw, in vision, the great scenes that were to be transacted on the theatre of that new world, which he had discovered. Dwight struck out in the same line, and, at an early period of life, finished an elegant work, entitled *The Conquest of Canaan*, on a plan which had been rarely attempted. The principles of their mother tongue were first unfolded,

to the Americans, since the revolution, by their countryman Webster. Pursuing an unbeaten track, he has made discoveries, in the genius and construction of the English language, which had escaped the researches of preceding philologists. These and a group of other literary characters have been brought into view by the revolution. It is remarkable, that of these, Connecticut has produced an unusual proportion. In that truly republican state, every thing conspires to adorn human nature with its highest honours.

From the later periods of the revolution, till the present time, schools, colleges, societies, and institutions for promoting literature, arts, manufactures, agriculture, and for extending human happiness, have been increased, far beyond any thing that ever took place before the declaration of independence. Every state in the union has done more or less in this way; but Pennsylvania has done the most. The following institutions have been very lately founded in that state, and most of them in the time of the war, or since the peace. An university in the city of Philadelphia; a college of physicians in the same place; Dickinson college, at Carlisle; Franklin college, at Lancaster; the Protestant Episcopal Academy in Philadelphia; academics at York-town, at Germantown, at Pittsburg, and Washington; and an academy in Philadelphia for young ladies; societies for promoting political inquiries; for the medical relief of the poor, under the title of the Philadelphia Dispensary; for promoting the abolition of slavery, and the relief of free negroes, unlawfully held in bondage; for propagating the gospel among the Indians, under the direction of the United Brethren; for the encouragement of manufactures, and the useful arts; for alleviating the miseries of prisons. Such have been some of the beneficial effects, resulting from that expansion of the human mind, produced by the revolution; but these have not been without alloy.

To upset an established government unhinges many of those principles, which bind individuals to each other. The right of the people to resist their rulers, when invading their liberties, forms the corner stone of the American republics. This principle, though just in itself, is not favourable to the

adopted and inculcated by American patriots, for oversetting the established government, will answer a similar purpose, when recurrence is had to them by factious demagogues, for disturbing the freest governments that were ever devised.

War never fails to injure the morals of the people engaged in it. The American war, in particular, had an unhappy influence of this kind. Commenced without funds, or regular establishments, it could not be carried on without violating private rights; and, in its progress, it involved a necessity for breaking solemn promises, and plighted public faith. The failure of national justice, in some degree unavoidable, increased the difficulties of performing private engagements, and weakened that sensibility to the obligations of public and private honour, which is a security for the punctual performance of contracts.

In consequence of the war, the institutions of religion were deranged, the public worship of the Deity suspended, and a great number of the inhabitants deprived of the ordinary means of obtaining that religious knowledge, which tames the fierceness, and softens the rudeness of human passions and manners. Many of the temples, dedicated to the service of the Most High, were destroyed. The clergy were left to suffer, without proper support. The depreciation of the paper currency was particularly injurious to them. It reduced their salaries to a pittance, so insufficient for their maintenance, that several of them were obliged to lay down their profession, and engage in other pursuits. Public preaching, of which many of the inhabitants were deprived, seldom fails to render essential service to society, by civilising the multitude, and forming them for union.

On the whole, the literary, political, and military talents of the citizens of the United States were improved by the revolution; but their moral character was deteriorated.\*

\* Since 1789, when this was written, a great alteration for the better has taken place. From the organization of the new government, in the same year, under the auspices of president Washington, the morals of the country have been in a state of improvement. Good and evil are pro-

lifo; and produce their own likenesses. The old federal system was unequal to the enforcement of justice, between the public and individuals: this was followed by its natural consequence, the failure of justice between citizens and citizens. All this was reversed by the new order of things. The payment of the public debt, contracted in the years of the revolution, was one of the primary inducements to form the new establishment. The adoption of efficient measures, for that purpose, was followed by correspondent arrangements for securing the discharge of private engagements. A good constitution and good laws, carried into effect by good executive officers, and upright independent judges, soon produced order and industry among the people. Their moral and religious habits were, in a short time, visibly mended. There is, perhaps, no country in the world, where so much has been done in the same time, by public munificence and private contribution, for the diffusion of knowledge, for the support of charitable and religious institutions, for the promotion of order and industry, and for the advancement of human happiness, as in the United States in the course of the years, which have elapsed since the establishment of their present most excellent form of government.

## CHAPTER XXVII.

*The discharge of the American army—The evacuation of New York—The resignation of General Washington.*

WHILE the citizens of the United States were anticipating the blessings of peace, their army, which had successfully stemmed the tide of British victories, was unrewarded for its services. The States, which had been rescued by their exertions from slavery, were in no condition to pay them their stipulated compensation. To dismiss officers and soldiers, who had spent the prime of their days, in serving their country, without an equivalent for their labours, or even a sufficiency to enable them to gain a decent living, was a hard but unavoidable case.

An attempt was made, by anonymous and seditious publications, to inflame the minds of the officers and soldiers, and induce them to unite in redressing their own grievances, while they had arms in their hands. As soon as Washington was informed of the nature of these papers, he requested the general and field officers, with one officer from each company, and a proper representation from the staff of the army, to assemble on an early day. He rightly judged that it would be much easier to divert from a wrong to a right path, than to recal fatal and hasty steps, after they had once been taken. The period, previous to the meeting of the officers, was improved in preparing them, for the adoption of moderate measures. Washington sent for one officer after another, and enlarged, in private, on the fatal consequences, and, particularly, on the loss of character to the whole army, which would result from intemperate resolutions. When the officers were convened, the commander in chief addressed them in a speech well calculated to calm their minds. He also pledged himself,



to exert all his abilities and influence in their favour, requested them to rely on the faith of their country, and conjured them, "as they valued their honour, as they respected the rights of humanity, and as they regarded the military and national character of America, to express their utmost detestation of the man, who was attempting to open the flood-gates of civil discord, and deluge their rising empire with blood." Washington then retired. The minds of those who had heard him, were in such an irritable state, that nothing but their most ardent patriotism and his unbounded influence prevented the proposal of rash resolutions, which, if adopted, would have sullied the glory of seven years service. No reply whatever was made to his speech.

The happy moment was seized, while the minds of the officers, softened by the eloquence of their beloved commander, were in a yielding state, and a resolution was proposed, and unanimously adopted, by which they declared, "that no circumstances of distress, or danger, should induce a conduct, that might tend to sully the reputation and glory they had acquired; that the army continued to have an unshaken confidence, in the justice of congress and their country; that they viewed with abhorrence, and rejected with disdain, the infamous propositions, in the late anonymous address, to the officers of the army." Too much praise cannot be given to Washington, for the patriotism and decision which marked his conduct, in the whole of this serious transaction. Perhaps, in no instance, did the United States receive from heaven a more signal deliverance, through the hands of the commander in chief.

Soon after these events, congress adopted a resolution, which had been for some time pending, that the officers of the army, who preferred a sum in gross to an annuity, should be entitled to receive the amount of five years full pay, in money or securities at six per cent. per annum, instead of the half pay for life, which had been previously promised them.

To avoid the inconveniences of dismissing a great number of soldiers in a body, furloughs were freely granted to individuals; and after their dispersion, they were not enjoined to

return. By this arrangement, a critical moment was passed by in safety. A great part of an unpaid army was disbanded, and dispersed over the states, without tumult or disorder. The privates generally betook themselves to labour, and crowned the merit of being good soldiers, by becoming good citizens. Several of the American officers, who had been bred mechanics, resumed their trades. In old countries, the disbanding a single regiment, even though fully paid, has often produced serious consequences; but in America, where arms had been taken up for self-defence, they were peaceably laid down, as soon as they became unnecessary. As soldiers had been easily and speedily formed, in 1775, out of farmers, planters, and mechanics; with equal ease and expedition, in the year 1783, they dropped their adventitious character, and resumed their former occupations.

About eighty of the Pennsylvania levies formed an exception to the prevailing peaceable disposition of the army. These, in defiance of their officers, set out from Lancaster, and marched to Philadelphia, to seek redress of their grievances, from the executive council of the state. The mutineers, in opposition to advice and intreaties, persisted in their march, till they arrived at Philadelphia. They were there joined by some other troops, who were quartered in the barracks. The whole, amounting to upwards of three hundred men, marched with fixed bayonets, and drums, to the state-house, in which congress, and the supreme executive council of Pennsylvania, held their sessions. They placed guards at every door, sent in a written message to the president and council of the state, and threatened to let loose an enraged soldiery upon them, if they were not satisfied as to their demand within twenty minutes. The situation of congress, though they were not the particular object of the soldiers' resentment, was far from agreeable. After being about three hours in duress, they retired; but previously resolved, that the authority of the United States had been grossly insulted. They left Philadelphia, and fixed on Princeton, as the place of their next meeting. Washington immediately ordered a large detachment of his army, to march

for Philadelphia. Previously to their arrival, the disturbances were quieted without bloodshed. Several of the mutineers were tried and condemned, two to suffer death, and four to receive corporal punishment: but they were all afterwards pardoned.

Towards the close of the year 1783, congress issued a proclamation, in which the armies of the United States were applauded, "for having displayed, in the progress of an arduous and difficult war, every military and patriotic virtue," and in which, the thanks of their country were given them, "for their long, eminent, and faithful services." Congress then declared it to be their pleasure, "that such part of their federal armies, as stood engaged to serve during the war, should, from and after the third day of November next, be absolutely discharged from the said service." On the day preceding their dismissal, Washington issued his farewell orders, in the most endearing language. After giving them his advice respecting their future conduct, and bidding them an affectionate farewell, he concluded with these words: "May ample justice be done them here, and may the choicest of Heaven's favours, both here and hereafter, attend those, who, under the divine auspices, have secured innumerable blessings for others. With these wishes, and this benediction, the commander in chief is about to retire from service. The curtain of separation will soon be drawn, and the military scene, to him, will be closed forever."

With great exertions of the superintendant of finance, four months pay, in part of several years arrearages, was given to the army. This sum, though trifling, was all the immediate recompense the States were able to make to those brave men, who had conducted their country through an eight years war, to peace and independence.

The evacuation of New York took place, in about three weeks after the American army was discharged. For a twelvemonth preceding, there had been an unrestrained communication between that city, though a British garrison, and the adjacent country. The bitterness of war passed away; and civilities were freely interchanged between those, who had

lately sought for opportunities to destroy each other. Washington and governor Clinton, with their suites, made a public entry into the city of New York, as soon as the royal army was withdrawn. The lieutenant-governor, and members of the council, the officers of the American army, and the citizens, followed in elegant procession. It was remarked, that an unusual proportion of those, who, in 1776, had fled from New York, were by death cut off from partaking of the general joy, which flowed in upon the survivors, on returning to their ancient habitations. The ease and affluence, which they enjoyed in the days of their prosperity, made the severities of exile inconvenient to all, and fatal to many, particularly to such as were advanced in life. The survivors felt and expressed the overflowings of joy, on finding their sufferings and services rewarded, with the recovery of their country, the expulsion of their enemies, and the establishment of their independence. In the evening, there was a display of fireworks, which exceeded every thing of the kind before seen in the United States. They commenced by a dove's descending with an olive branch, and setting fire to a marron battery.

The hour now approached, in which Washington was to take leave of his officers, endeared to him by a long series of common sufferings and dangers. This was done in a solemn manner. The officers, having previously assembled for the purpose, Washington joined them, and, calling for a glass of wine, thus addressed them: "With an heart full of love and gratitude, I now take leave of you. I most devoutly wish, that your latter days may be as prosperous and happy, as your former ones have been glorious and honourable." The officers came up successively, and he took an affectionate leave of each of them. When this affecting scene was over, Washington left the room, and passed through the corps of light infantry, to the place of embarkation. The officers followed in a solemn mute procession, with dejected countenances. On his entering the barge, to cross the north river, he turned towards the companions of his glory, and, by waving his hat, bid them a silent adieu. Some of them answered this last signal of respect and affection with tears: and all of them

hung upon the barge which conveyed him from their sight, till they could no longer distinguish, in it, the person of their beloved commander-in-chief.

A proposal was made to perpetuate the friendship of the officers, by forming themselves into a society, to be named after the famous Roman patriot Cincinnatus. The extreme jealousy of the new republics suspected danger to their liberties, from the union of the leaders of their late army; and especially from a part of their institution, which held out to their posterity, the honour of being admitted members of the same society. To obviate all grounds of fear, at a general meeting of the society, an alteration of their constitution was recommended, which has been adopted by eight of the state societies. By this recommendation, it was proposed to expunge every thing hereditary, and to retain little else than their original name, and a social charitable institution, for perpetuating their personal friendships, and relieving the wants of their indigent brethren.

Washington, on the approaching dissolution of the American army, by a circular letter to the governors or presidents of the individual states, gave his parting advice to his countrymen; and, with all the charms of eloquence, inculcated the necessity of union, justice, subordination, and such principles and practices, as their new situation required.

The army being disbanded, the commander-in-chief proceeded to Annapolis, then the seat of congress, to resign his commission. On his way thither, he delivered to the comptroller, in Philadelphia, an account of the expenditure of all the public money, he had ever received. This was in his own hand writing. Every entry was made in a very particular manner, and supported by vouchers in every case, except those of secret services. The whole sum, which, in the course of the war, had passed through his hands, amounted only to 14,479*l.* 18*s.* 9*d.* sterling. Nothing was charged or retained as a reward for personal services. Actual disbursements had been managed with such economy and fidelity, that they were all covered by the above moderate sum.

In every town and village, through which he passed, he

was met by public and private demonstrations of gratitude and joy. When he arrived at Annapolis, he informed congress of his intention to ask leave to resign the commission, he had the honour to hold in their service, and desired to know their pleasure as to the manner it should be tendered. They resolved that it should be in a public audience. When the day, fixed for that purpose, arrived, December 23d, 1783, a great number of distinguished personages attended the interesting scene. At a proper moment, Washington addressed Thomas Mifflin, the president, in the following words:

“ Mr. President, ”

“ The great events, on which my resignation depended, having at length taken place, I have now the honour of offering my sincere congratulations to congress, and of presenting myself before them, to surrender, into their hands, the trust committed to me, and to claim the indulgence of retiring from the service of my country.

“ Happy in the confirmation of our independence and sovereignty, and pleased with the opportunity afforded the United States of becoming a respectable nation, I resign with satisfaction the appointment I accepted with diffidence; a diffidence in my abilities to accomplish so arduous a task, which, however, was superseded by a confidence in the rectitude of our cause, the support of the supreme power of the union, and the patronage of heaven.

“ The successful termination of the war has verified the most sanguine expectations: and my gratitude, for the interposition of Providence, and the assistance I have received from my countrymen, increases with every review of the momentous contest.

“ While I repeat my obligations to the army in general, I should do injustice to my own feelings not to acknowledge, in this place, the peculiar services, and distinguished merits of the persons, who have been attached to my person, during the war. It was impossible the choice of confidential officers, to compose my family, should have been more fortunate. Per-

mit me, sir, to recommend, in particular, those who have continued in the service to the present moment, as worthy of the favourable notice and patronage of congress.

“ I consider it an indispensable duty to close this last solemn act of my official life, by commending the interests of our dearest country to the protection of Almighty God, and those who have the superintendence of them, to his holy keeping.

“ Having now finished the work assigned me, I retire from the great theatre of action; and, bidding an affectionate farewell to this august body, under whose orders I have long acted, I here offer my commission, and take my leave of all the employments of public life.”

The president returned the following answer:

“ The United States, in congress assembled, receive, with emotions too affecting for utterance, the solemn resignation of the authority, under which you have led their troops with success, through a perilous and doubtful war.

“ Called upon by your country to defend its invaded rights, you accepted the sacred charge before it had formed alliances, and whilst it was without friends or a government to support you.

“ You have conducted the great military contest with wisdom and fortitude, invariably regarding the rights of the civil power, through all disasters and changes. You have, by the love and confidence of your fellow-citizens, enabled them to display their martial genius, and transmit their fame to posterity. You have persevered, till these United States, aided by a magnanimous king and nation, have been enabled, under a just Providence, to close the war in freedom, safety, and independence: on which happy event, we sincerely join you in congratulations.

“ Having defended the standard of liberty in this new world; having taught a lesson useful to those who inflict, and to those who feel oppression, you retire from the great theatre of action, with the blessing of your fellow-citizens: but the glory of your virtues will not terminate with your mili-

tary command. It will continue to animate remotest ages. We feel, with you, our obligations to the army in general, and will particularly charge ourselves with the interests of those confidential officers, who have attended your person to this affecting moment.

“ We join you, in commending the interests of our dearest country to the protection of Almighty God, beseeching him to dispose the hearts and minds of its citizens, to improve the opportunity afforded them, of becoming a happy and respectable nation. And for you, we address to him our earnest prayers, that a life so beloved may be fostered with all his care; that your days may be happy, as they have been illustrious; and that he will finally give you that reward which this world cannot give.”

The great scenes that crowded upon the imagination of the general, and of the president, so affected them both, that they almost lost the power of utterance. The mingled emotions, that agitated the minds of the spectators, on seeing the commander in chief of their armies resigning all public employments, and his country acknowledging his services, and loading him with their blessings, were beyond description.

Immediately on resigning his commission, Mr. Washington “ hastened with ineffable delight,” to use his own words, to his seat at Mount Vernon, on the banks of the Potowmac, in Virginia. Fain would the historian pursue the illustrious hero of the revolution, a little further, and attempt to describe his feelings, upon his first review of the events of the war, from the quiet station which he now occupied: but this digression would lead him far from the objects of his history.

To pass suddenly from the toils of the first public commission in the United States, to the care of a farm; to exchange the instruments of war, for the instruments of husbandry; and to become at once, the patron and example of ingenious and profitable agriculture, would, to most men, have been a difficult task: but to the elevated mind of the late commander in chief, of the armies of the United States, it was natural and delightful. Should these pages descend to posterity,



and war continue, ages hence, to be the means of establishing national justice, let the commanders of armies learn from the example of Washington, that the fame which is acquired by the sword, without guilt or ambition, may be preserved without power, or splendour, in private life.

# HISTORY

OF THE

## UNITED STATES.

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### CHAPTER XXVIII.

*Civil History of the United States, from 1783 to 1789.*

THE evacuation of New York by the British, and the definitive treaty of 1783, left the United States in possession of peace and sovereignty. Much remained to be done, to make these acquisitions real blessings. The war had unsettled every thing, and the arrangements adopted amidst the din of arms were temporary and inadequate. The policy of settling colonies, which is generally the work of old states, became an object of attention with the Americans, at an early period of their sovereignty. By the treaty of peace, large ungranted territories, formerly held as the property of the king of England, were transferred to the United States. In every period of their late war, the citizens were encouraged to look to this fund, as a source of income, which would contribute largely to the extinction of their revolutionary debts. To make it productive, some previous arrangements were requisite. These lands were in the possession of the Aborigines, and were included within the chartered limits of individual states. To obtain the relinquishment of both was necessary. Treaties were instituted, to purchase them from the native proprietors. In negotiating with their head men, care was taken to inform them, that the king of England had ceded

their country to the United States, and that they, as allies of Great Britain, were a conquered people. Observations of this kind were urged, with a double view, of obtaining their consent to part with their lands, and of detaching them from all partiality to the British, whose province of Canada was in their vicinity. Under these impressions, they ceded a large extent of country, northwest of the Ohio. This was done by treaties, which procured for them peace, the friendship of the United States, and a regular supply of goods for their support and comfort.

As early as the year 1780, Congress urged on the states, whose charters included ungranted western territory, to make liberal cessions of it to the Union, for national purposes. The small states, without unappropriated territory, always contended that the lands, gained by the common exertions of all the states, were or ought to be common property: for, in their opinion, the Union succeeded to all the prerogatives of the king of England, over the ceded territory. The claim of right was waived, and that of expedience brought forward, and urged in conciliatory language. A spirit of accommodation prevailed. Ample cessions were made in favor of the nation, by individual states. In this business, Virginia took the lead. In the year 1783, she transferred to the United States, all her territory, northwest of the river Ohio; amounting to more than 200,000 acres. Her example was speedily followed by the other states. The liberal policy of Virginia was further displayed, in the case of Kentucky.\* The people,

\* The country adjacent to the Ohio, and particularly what is now called Kentucky, was long carefully concealed by the French, who, holding Canada on the north and Louisiana on the south, adopted measures, early in the 18th century, for connecting these distant colonies, by posts and settlements, extending from one to the other. In 1714, Spotswood, governor of Virginia, took a journey to the Apalachian mountains, and ascertained the practicability of crossing them. From their lofty eminences, he surveyed the beautiful subjacent plains, comprehended within the range of his government. Hunters and Indian traders, before and afterwards, had occasionally traversed them; but Mr. ———— was the first person who visited this country with a view of settlement. In the year 1754, he carved his name on a tree, as an evidence of his taking possession. The war of

who now form that state, were originally represented by delegates, who came 600 miles to attend the general assemblies, held at Richmond. Kentucky was on every principle a part of Virginia, till the latter, with great magnanimity, not only voluntarily released her, from the inconvenience of seeking law and justice from the original source of both, on the eastern side of the Apalachian mountains; but authorized and encouraged her to set up an independent government, to be formed by the free voice of her own inhabitants. This was accordingly done; and, in 1792, she was admitted into the union on equal terms. A similar policy, on the part of Great Britain, would have prevented the American war,\* and per-

1755 prevented the execution of his design. The first permanent settlement was made by Daniel Boone, and five other heads of families. These were joined by forty more, from Powell's valley, who constituted the whole white population of Kentucky, in 1773; though, by the census taken in 1800, it was found to amount to 220,000. During the war of the American revolution, the infant settlement of Kentucky was repeatedly ravaged, and almost annihilated by the attacks of the Indians, stimulated to rapine and murder, by emissaries from the government of Canada. But reinforcements of emigrants, attracted by the fertility of the soil, enabled the inhabitants to undertake even offensive measures. In the latter end of 1778, the brave general Clarke, in several expeditions, defeated a number of tribes of Indians, laid waste their villages, and was the means of saving the country from destruction. In 1777, this newly settled country was erected into a county; and in 1782, the legislature of Virginia made it a separate district, and established in it a supreme court. This measure conduced much to the convenience of the inhabitants and the interests of justice. Still, as the seat of government was at the distance of six hundred miles, the necessity of a separation occasioned a convention of deputies from the different counties, in 1785; who determined that an application should be made to Virginia, to procure her consent to the independence of Kentucky. This was generously granted.

\* A proposition to this effect was published by Dean Tucker, at an early period of the contest between Great Britain and her colonies; but was brought forward under such circumstances as to preclude any serious investigation of its merits. The Dean was for treating the Americans, as parents do their head-strong, petulant children, by leaving them to themselves, that they might learn by experience the consequences of their indiscretion and folly. His proposition insulted the colonies, and was by no means reputable to the parent state. It was not urged as an act of magnanimous policy, becoming a great nation; but from the selfish view of exon-

petuated a friendly union between two countries, which, acting in concert, might have been confident against a world in arms. Tennessee, originally a part of North Carolina, became, in the year 1796, on equal terms, a member of the confederation; but had previously passed through two states of political existence: first, as practically independent, by its own authority, without the consent either of North Carolina or of congress; and secondly, as a colony of the United States.\* The right of man, to institute governments, was so generally adopted by

erating the people of England, from a heavy, troublesome incumbrance. The same proposition seriously offered, 'with a sublime intention of promoting the interest of both countries, and of cementing their friendship, by a reciprocal exchange of such kind offices, as usually take place between good parents and affectionate, adult, settled children, would doubtless have led to consequences very different from those that resulted from the collision of interfering claims, between a supreme and subordinate government, urged to the extremities, when the last was fully competent to take care of itself. It is certain from subsequent events, that Britain might, in that case, have secured to herself nearly all the advantages of the trade of the American states, without the trouble and expense of governing or protecting them, as a component part of the common empire.

\* An opinion early and generally prevailed, that the inhabitants, on the east and west side of the Apalachian mountains, should belong to distinct governments; that these proud eminences formed natural boundaries of civil associations, on their respective sides. The war of 1755—1763 was entered upon by France, under an impression that all the countries, washed by rivers emptying into the east side of Mississippi, belonged to Louisiana. After the peace of 1763, the proclamation of George the third forbade any grants of land, to the westward of the heads of the rivers which ran eastwardly; but this was not sufficient to restrain the roving disposition of his American subjects. The country, now called Tennessee, was explored about the middle of the 18th century, and some temporary settlements were made therein, as early as 1765; but none permanent or of consequence till 1774. The western settlers found it inconvenient to seek for law and justice over the mountains, at the distance of some hundreds of miles. They therefore formed for themselves a separate system of government, to which they gave the name of Franklin. Their numbers were rapidly increased, by emigrants from the Atlantic states. In the year 1788, they returned to their connexion with North Carolina: and their country, by common consent, was ceded to Congress. It became a colony under the superintendance of the national government, and was governed as such till it was admitted into the Union.

the Americans, that no hostile efforts were made to crush the assumed independence of the country, which is now called the State of Tennessee; but respect for order and the common good weighed so much, with all the parties, that its irregular independence was voluntarily relinquished, in favour of one brought round by common consent, in a constitutional manner. Vermont, was in like manner, formed into an independent state against much opposition. The soil was claimed by two or three adjacent states; but principally by New York. The American principles of the rights of man were so far acted upon, by the inhabitants of the country now called Vermont, that, in opposition to chartered rights, they set up, in 1777, an independent government for themselves, and were both able and willing to support it.\* The sword of civil war was half unsheathed, when the paternal advice of Washington in-

\* The clashing claims to the soil of Vermont were founded on British governmental acts, inconsistent with each other. These, being all happily done away, merit, at this time, no particular retrospective consideration. A large tract of country to the west of Connecticut river, claimed, on apparently good grounds as a part of New Hampshire, had been granted by the royal governor thereof, between 1749 and 1764. In consequence of the peace of Paris, which united New York, Canada, and New England under one sovereign, this country, formerly a barrier between contending nations, suddenly became of value, and in great demand. New York, which hitherto had seldom and feebly urged her claims to these lands, came forward and, by proclamation of her royal governor, recited her title to them, founded on a grant, more than a hundred years before, to the duke of York, by Charles II.; and commanded the sheriff of the county of Albany, to make returns of the names of all persons, who, under colour of the New Hampshire grants, had taken possession of any lands, to the west of Connecticut river. This was answered by a counter proclamation, from the royal governor of New Hampshire. On application to the ruling powers of the mother country, the jurisdiction of the lands in question was declared to belong to New York. This declaration was considered by New Yorkers as deciding that the soil, as well as the jurisdiction, belonged to them; and it was urged so far, as to call on the grantees, to take out new titles from the governor of New York. They having once paid for their lands, granted as royal property by the king's representative, resisted this unexpected demand. In consequence thereof, their lands were re-granted to new applicants, and writs of ejectment were successfully urged, in the courts of New York, against the claimants under New Hampshire. Ethan Allen, one of the latter, exclaimed, "the Gods of the

duced these mountaineers, to replace it in the scabbard. The eloquence of Hamilton, some years afterwards, induced the

vallies are not Gods of the hills," and promoted a convention of the grantees under New Hampshire. By them, a resolution was passed, to support their rights against New York. Opposition to its jurisdiction was hence systematised. The confines of civil war, between the parties, were repeatedly approached. The resisting Green-mountain boys, a name by which the grantees under New Hampshire were distinguished, formed themselves into a self-governed community, and put the civil power of their adversaries at defiance. New York had a nominal jurisdiction; but the ejected grantees a real independence, for several years prior to that of the United States. In this state of things, the American war commenced. Immediately after the battle of Lexington, Ethan Allen, at the request of Connecticut, with 180 of these Green-mountain boys, surprised and took Ticonderoga. The splendor of this gallant exploit procured for him many friends. He availed himself of the prevailing doctrines of the rights of man, and played them off against the New Yorkers, with the same train of reasoning by which the United Colonies justified their resistance to Great Britain. In the beginning of the contest, both parties endeavoured to make friends in Great Britain: but henceforth they paid their court to Congress. The sanctity of royal grants was urged by one; the rights of man and a previous fair purchase by the other. Soon after the declaration of independence, the Vermonters, in like manner, formally declared themselves independent, and as such applied to Congress to be received into the union. They had many friends; but New York declaimed against the dismemberment of their state. Congress, afraid to offend either, decided on nothing. The assumed independence of the Vermonters was not acknowledged. Their submission to New York was not enforced. The Vermonters stood by themselves, erect and firm, aiding the general cause of America; but with equal energy resisting New York. They carried on government with so little expense, that their taxes were light. Subject neither to Great Britain, Congress, nor New York, they felt less of the inconveniences of war than their neighbours. Their cause was popular. Several removed so as to be within their limits; and others in their vicinity wished to be united with them. The British from policy treated them with respect; gave them a virtual neutrality; and finally offered to constitute Vermont an independent royal province, with peculiar privileges under British protection. The Vermonters, true to America, would not desert its cause; true to their own interest, they procrastinated and amused the British, with appearances of yielding to their wishes, declaring they would sooner submit to Great Britain, than to New York. In the decisive campaign of 1781, by that policy they kept 10,000 men inactive in Canada, waiting events, and in expectation that the Vermonters would close with the British offers. Despatches, detailing these apparently well-founded hopes, addressed by British commanders in America to their superiors in England,

New Yorkers to yield to the necessity of the case, and consent, on terms of compromise, to the assumed independence of a new formed state, which they could neither prevent nor overturn. It was admitted into the union in 1791. Thus three states were added to the original thirteen. In the case of Kentucky, this was done to the satisfaction and honour of the Virginians, on both sides of the mountains. In the cases of Tennessee and Vermont, it was done to the interest and advantage of all parties; but not without some departure from the principles on which the union and strength of government depend. The result was highly honourable to republican governments, and to the good sense of the people. Under other circumstances, especially such as on the part of Great Britain gave rise to the American revolutionary war, the rivers of Vermont and of Tennessee would have been crimsoned with blood.

In addition to these three states, which were formed from inhabitants, collected before the peace of 1783, a new one, the

were taken on the way and published in America. This weighed with Congress as a powerful inducement to acknowledge the independence of Vermont; but nothing was agreed upon, until the treaty of peace, of 1783, included the territory of Vermont within the limits acknowledged to be independent. Thus these hardy mountaineers carried their point, in a way neither designed nor expected. That independence, which New York opposed, and Congress hesitated to acknowledge, was incidentally declared by Great Britain. Vermont now stood alone, a free state, unconnected with the surrounding free states, with Great Britain, and with every part of the world; and under no obligation to pay any part of the expenses of the war of independence. New York, finding all her efforts ineffectual to reclaim Vermont, as a part of her territory, yielded to the necessity of the case; and passed laws for settling boundaries between herself and Vermont, as contiguous states; and for accepting of \$30,000 in lieu of all New York grants of land in the latter, which had been annulled by its legislature; and expressing her consent that Vermont should be admitted into the union. A convention of the inhabitants thereof was called, and the question formally debated, whether they should remain in their detached situation, or unite with the thirteen original states. They wisely decided in favour of union. A compact accordingly took place; and Vermont became the first of the new states, though in fact the oldest of the whole: for she had been independent seven or eight years, before any of the original revolutionary states had adopted the bold resolution of claiming that high character.



state of Ohio,\* has been formed in the vacant wilderness; and six embryo states† are now growing up in the form of colonies, or appurtenant territories. In these arrangements, the difference between American and European principles in colonizing is strongly marked. In the latter, the object has been pre-eminently the benefit of the parent state. In the former, the joint benefit of both, by a free communication of equal rights and common privileges. In the one case, some commercial advantage of the mother country has been pursued; in the other, the good of mankind, by extending the benefits of civil government, on terms of equality and independence. Congress gave no charters to their colonies; but sold lands in absolute property to settlers, who, from the gift of God, were in actual possession of the rights of man, and invited them as such to join in a common, equal, social compact. The sovereigns of Europe gave lands to their colonists; but reserved by charters a right to control their property, privileges and liberties.

Under the influence of these liberal principles, congress, in

\* The state of Ohio was the first formed, from the beginning, on American principles. The soil, though contained in the charters of Virginia and Connecticut, was liberally transferred to the United States, for common benefit. In addition to this right, Congress purchased it from the native proprietors, and afterwards sold a great part of it on behalf of the United States, on easy terms, and in townships of six miles square. A temporary form of government was granted to the settlers, as free as was consistent with the nature of a subordinate colony. These privileges, the mildness of the climate, and fertility of the soil, allured settlers in abundance. Prior to 1788, there were no civilized inhabitants in what is now called the state of Ohio, except a few Moravians and some trespassers on public lands. In that year orderly settlements commenced at Marietta, under the superintendence of general Rufus Putnam, and progressed with such rapidity, that, in 1802, they were received into the Union. In the short space of fourteen years, a colony, emanating from the liberality of Virginia, and the wisdom of Congress, had grown up on wild lands to such magnitude that it became a state, equal in rights and privileges to Virginia herself, though the oldest in the Union. A part of the remainder of the Virginia cession has been subdivided into the territorial governments of Indiana, Michigan and Illinois, and is settling with white people, and progressing in the steps of Ohio to the rank of free states.

† Louisiana, Indiana, Illinois, Mississippi, Missouri and Michigan Territories: of which, Louisiana, in 1812, and Indiana, in 1816, have been created states, and received into the Union.

organising colonies, bound themselves to impart to their inhabitants all the privileges of co-equal states, as soon as they were capable of enjoying them. In their infancy, government was administered for them, and without any expense. As soon as they should have 60,000 inhabitants, they were authorised to call a convention, and by common consent to form their own constitution. This being done, they were entitled to a representation in congress, and every right attached to the original states. These privileges are not confined to persons of any particular country, or complexion. They are communicable to the emancipated slave; for in the new state of Ohio, slavery is altogether prohibited; to the copper coloured native, and all other human beings, who, after a competent residence and degree of civilization, are capable of enjoying the blessings of regular government. In favour of the aborigines, the door of admission to the high privileges of freemen, with equal rights, is opened, and they are encouraged by government to qualify themselves for entering it. National efforts have ever since been making, to teach them the arts of agriculture, of civil and social life, and as soon as they cease to be savages they may become citizens. In this manner, the range of government has been enlarged. The thirteen original states are increased to seventeen, and they will soon exceed twenty; and there is nothing to hinder their doubling that number. The experiment has never yet been fairly made, to what extent the American principles of union and liberty may be carried. Governments instituted solely for the benefit of the people, admit of a wider range, than either limited monarchies or the most absolute despotisms. Such have been instituted in the United States, and, for one third of a century, have answered very well. The recent acquisition of Louisiana will bring their principles to the test of experience. While Europeans held possession of the mouths of the Mississippi, the peace and prosperity of the millions, inhabiting the vicinity of its numerous tributary streams, would have been insecure. In the year 1802, Spain, in violation of her treaty with the United States, interrupted the commerce of the latter from

passing through that outlet to the Gulf of Mexico. The provocation was sufficient to have kindled a war; but negotiation was preferred. Explanations and concessions followed. The ground of contention was done away, by a sale of Louisiana, in the year 1803, to the United States. The whole river, from its source to its mouth, became the property of the latter. The territory thus acquired without bloodshed affords a substratum for empire, containing many hundreds of millions of acres. That it will remain united under one head, remains to be decided; but it is certain that its limits are too extensive to be well governed on any other principles than those which are American. While local legislatures take care of all purely domestic interests, and a general government provides for all common concerns, the liberties of many small states may be combined with the strength of a gigantic empire. In pursuance of principles already adopted, and successfully acted upon, germs of settlement have at different periods been planted in the wilderness. These, after a short period of colonial existence, will become independent states, governed by their own will in every particular, where nothing but their own interests are concerned, and as such admitted to be on equal terms, component parts of the general government of the nation.

To unite the citizens more closely, a common coinage\* was adopted by the new formed states. Fortunately for the United States, neither gold nor silver had been found in them to any considerable extent. The money, which had generally passed current, bore the stamp of European sovereigns. The Mexican dollar had at all times been common in the British colonies. This was wisely adopted, by the United States, so far that a piece of silver, of equal value, with peculiar devices, was adopted and coined as their money unit. Pounds, shillings

\* The colony of Massachusetts, in 1652, coined into small pieces a quantity of silver bullion. The coins bore the figure of a pine tree, and circulated in New England. This practice continued more than thirty years, and was the only instance of a mint in the colonies. Maryland, in 1662, passed a law for establishing a mint; but it does not appear that it was carried into execution.

and pence gave place to dollars and cents. The latter was a copper coin, equal to the hundredth part of a dollar. For the convenience of business, gold pieces equal to ten dollars were coined, by the name of Eagles : and with the same view, both gold and silver coins were subdivided. Half cents were also coined; and the whole arranged on a decimal plan. Arithmetical operations were thereby greatly facilitated. The old denominations, the relics of antiquity, when money was weighed and not counted, are nearly laid aside. So much foreign coin came into the country, in the way of commerce, that the change of current money was gradual, and is not yet complete; but accounts are now generally kept, by men of business, in dollars and cents. Enough has been done to put the United States on a footing with other nations, so far as to have a coin of its own; the alloy, composition, value, form and devices of which are wholly American.

In addition to these and other domestic arrangements, Congress extended its views to commercial connexions with European powers. Dr. Franklin concluded a treaty between the United States and the king of Sweden. He, Mr. Adams, and Mr. Jefferson, were appointed joint commissioners for forming commercial treaties with foreign powers. They succeeded in their negotiation, with the king of Prussia and the emperor of Morocco. These several treaties were established on principles of liberality and reciprocity. The one with the king of Prussia recognised the principle, that, "in time of war free ships make free goods."

Though the new formed states had, in this early period of their sovereignty, attracted a considerable share of public attention, yet their government was not settled on a solid foundation. The articles of confederation which had been formed in a time of war, and under the pressure of common danger, were found to be inadequate to the efficient government of the same country and people, in the selfish periods of peace and security. A radical reform became necessary.

The circumstances, which led to this important measure, merit a particular detail.

## CHAPTER XXIX.

### *Civil History—The Constitution of the United States.*

**MOST** of the present governments of the world were originally small, separate associations, which, by conquest or compact, have been consolidated. This general tendency to union took place in the colonies, and was encouraged from different sources, and with different views. Royal sovereigns promoted it, to make a more effectual resistance to the neighbouring French colonies, and also to increase their own power. The successors of James I. soon found that the charters, inconsiderately granted by him, nurtured a spirit of liberty hostile to their views. To revoke them and to consolidate the colonies in large governments, more under the royal controul, were favourite objects with three successive sovereigns, Charles I. and II., and James II., from 1635 to 1688. But these royal attempts at consolidation were defeated by the English revolution. That union, which kings attempted to accomplish for their aggrandisement, was also aimed at by the people of America; but on different principles, and solely for their own security and defence. The New England colonies confederated, in 1643, with these views, and under articles similar to those which were adopted by the United States, in the period of their revolutionary war. This confederation of popular origin rendered those colonies formidable to their Dutch, French, and Indian neighbours. It maintained general harmony among themselves, secured the peace and rights of their country, preserved the colonies during the civil wars and unsettled state of England, prior to the restoration in 1660; it was the grand instrument of their defence in Philip's war; and was essentially serviceable in the intercourse of the United Colonies with the Indians. This union subsisted more than forty years; but was dissolved by the

abrogation of the charters of the colonies which composed it. In 1686, king James II. had succeeded so far in breaking the charters, under which the first colonies were planted, that a consolidated government, without representatives of the people, was established, and Sir Edmund Andross was appointed governor-general of five or six of the northern colonies. At this crisis, the revolution of 1688 took place. A new *sera* commenced. Prerogative received a deadly wound, and liberty revived: but the advantages of union were so great and so evident, that approximations to it continued to be made, both by princes and people. In the wars of king William, queen Ann, and the Georges, or from 1692 to 1763, there were several semi-congresses, by occasional meetings of royal and proprietary colonial governors, provincial counsellors, influential representatives of the people, and commanders of the British armies in America, to concert common measures of offence and defence. These answered a temporary purpose; but, from want of an efficient common executive, fell far short of what the public exigencies required. A systematic attempt, for general union on fixed principles, was made in 1754, by a congress of plantation governors and representatives of the king and the people, which met at Albany. From it, nothing permanent or of immediate efficiency resulted.\* In these transactions an union of force and a concentration of views, for common national purposes, were aimed at both by Britain and her colonies; but they could not agree in the means of accomplishing their wishes. The Albany plan of union was rejected in England, because it

\* This convention at Albany doubtless left an impression on the public mind of the practicability of union. How far the recollection of this abortive project may have disposed the colonists to unite, on their own views, when some years afterwards they dared to contend with Great Britain, is beyond the ken of mortals. It obviously tended to suggest the idea of a continental congress of deputies from each of the colonies, which was the mode of combining their views that carried them through the revolution. Dr. Franklin was a leading member in both. The general outlines of the two plans of union brought forward on this occasion, one by the colonists, and the other by British influence, have already been mentioned.

gave too much power to the colonies. It was rejected in America, because it gave too much power to the crown. The collisions, between the prerogatives of a supreme and the republican spirit of subordinate government, began to be displayed. In the course of a few years, they were brought into action. Immediately after the peace of 1763, Britain began practically to enforce her supremacy. The measures she adopted for that purpose begat a new principle of union, which operated from 1765, or the æra of the stamp act. This was purely American, and with the view of systematising opposition to Great Britain, then beginning to abridge the rights of her colonies. A congress of deputies from several of them met at New York. The subsequent repeal of the stamp act dissolved this temporary union. In the year 1767, when the project of an American revenue was resumed, a new mode of promoting union was introduced by the general court of Massachusetts. They originated a political correspondence with the assemblies of the other colonies. Without meeting in congress, they generally adopted separate, but uniform modes of stating their claims, and petitioning for a redress of their grievances. This intercourse of the provincial assemblies having answered the end of its institution, was soon discontinued; but the efforts of the East India company to introduce their tea, loaded with an obnoxious duty, to be sold in America, revived it in 1773, with increased vigour. The principles of union were extended. Committees of correspondence were multiplied. By their means, the people, though dispersed over an extensive country, were brought to act in concert. The Boston port act united the whole more closely than ever, and, in the year 1774, gave birth to a congress of deputies from twelve of the colonies. This was the first body whose acts operated as general laws. The colonies were henceforward distinguished by the epithet "United." They were truly so in affection and interest, resulting from common danger; but not formally by any instrument of association, designating the principles of their union. They laid on an embargo which, without law, was much better observed than that of 1808, though enforced by legislative penalties. They, in their

meeting in 1775, raised armies, emitted bills of credit, and performed the most important acts of sovereignty, though they called themselves British subjects, and were bound together by no ties, but honour and a sense of common danger. On their recommendation the most self-denying measures were adopted. Immense expenses were incurred, on no other foundation of credit than general assurances, that all burdens should be ultimately equalised. The revolutionary fervour of the moment did not stoop to examine the nature of funds, or to make calculations on the probabilities of loss or gain. The wealth, the energies, and resources of the country were freely brought into a common stock, at the disposal of congress, though a body unknown in law, and possessed of no power further than what was advisory. This high-toned state of public confidence could not last long. After independence was declared, and foreign connexions were solicited, cautious Europeans inquired for the articles of their confederation or union. None such formally existed. The continuance of the war, and the abatement of revolutionary zeal, required that some compact among the states should be established, definitely ascertaining fixed principles of union. A draught of articles for this purpose was agreed upon by congress, and signed by its members June 9th, 1778. But this could not be obligatory, till it was sanctioned by all the states. Delays took place; explanations were required; difficulties were started: the chief of which came from the small states, which owned no unappropriated western territory. Some assurances being given, that this should constitute a general fund for national benefit, these states concurred with the others, whose limits were more extensive. The confederation was finally completed on the first of March, 1781, by the signature of John Hanson and Daniel Carroll, on the part of Maryland. This henceforward became the rule of all congressional proceedings. It gave more solemnity and a greater binding force to their measures; but retarded them. It required the concurrence of seven states to every act, and of nine to sundry enumerated higher objects of legislation. It frequently happened that some of the states were not represented at all, or only by one member, or by an even



number equally divided. In these several cases, the state lost its vote. Of twenty-six members representing thirteen states, the dissent of seven individuals rendered the concurrence of the other nineteen of no avail. Of eighteen members representing nine states, the dissent of any one member prevented the passing any act of the higher grade of legislation. The dissent of any three prevented the passing of any act whatever. In this confederation, and all preceding partial ones, the jealousy and selfishness of each state, for its separate sovereignty and interest, retarded the public business,—marred many useful projects, and fomented a party spirit. After the surrender of Lord Cornwallis, in October 1781, some of the states were very remiss in sending forward their delegates to congress. When sent on, the concurrence of a number of states, constitutionally adequate to the transaction of business, was with great difficulty procured in many cases, where there was a clashing of local interests. After it was procured, its efficacy depended on the state assemblies. Their co-operation was frequently withheld, and they could not be coerced by any power whatever. The congress had no revenue in their own hands. Their powers extended no further than to borrow money or emit bills, on the credit of the United States. They had so far stretched these powers, especially that of emitting bills of credit, before the year 1781, when the articles of confederation were ratified, that little further reliance could be placed on either of them, as sources of supply. Though their powers were defective, they exerted them as far as the articles of confederation would bear them out. These extended no further, than to make requisitions on the several states for their quotas, to be ascertained in a relative proportion to the value of their lands.

A proposition was made to the several states, near to the close of the war, to invest congress with a power to levy an impost of five per cent. at the time and place of importation, on the value of all goods imported from foreign countries, till the whole of their public debt should be extinguished. Danger being nearly over, selfish passions began to operate. Objections were made to trusting the purse and the sword in the

hands of the same body of men, and that too, for an indefinite period of time. To obviate these scruples, congress, on a reconsideration, proposed to limit the grant of a continental impost to twenty-five years, and to confine the application of its net proceeds, exclusively to the discharge of existing debts. On these principles, a system of revenue for funding and ultimately paying the whole public debt was completed, and offered to the states for their ratification. By this, it was proposed to raise two millions and a half of dollars annually, to defray the interest of the continental debt. It was expected that the impost would bring in the first year one million of dollars, and increase every year afterwards. The states were respectively called upon to raise the balance, according to proportions assigned them, from some permanent established fund subject to the disposal of congress. A proposition was also made, to change the federal rule of apportioning the public debt from the value of land, to the more practicable one of numbers of inhabitants in the different states. The whole system was transmitted to the state legislatures, and accompanied by an animated address, enforcing the propriety of its immediate adoption. Some of the states adopted it in the whole; others only in part; and some not at all. The states whose population was great, and whose lands were of an inferior quality, objected to changing the federal rule for apportionment, from the value of lands to numbers. Some of the states, which, from their having convenient ports, were called importing states, found it to be more for their immediate advantage, to raise money by impost for their separate use, than for the benefit of the Union. They who received foreign goods through neighbouring states, and which were called consuming states, complained that by the revolution they had only changed masters; for that, instead of being taxed by Great Britain without their consent, they were virtually taxed in like manner by their sister states, who happened to be more favourably situated for importing foreign goods. From these jarring interests, and from the want of a disposition to support a supreme head, and to give up local advantages for the general benefit, the

revenue system of congress was never put into operation. Its failure was the source of many evils. No efficient funds being provided to pay the interest of the national debt, the public securities of the United States fell in their value, to ten for one, and became an article of speculation. The warworn soldier, who received at the close of the contest only an obligation for the payment of his hard-earned dues, was from necessity often obliged to transfer his rights for an insignificant sum. The monied man, who had trusted his country in the hour of her distress, was deprived not only of his interest, on which he counted for his daily support, but of a great part of the value of his capital. The non-payment of public debts sometimes inferred a necessity, and always furnished an apology, for not discharging private contracts. Confidence between man and man received a deadly wound. Public faith being first violated, private engagements lost much of their obligatory force. General Washington nobly refused any thing for himself; but eloquently though unsuccessfully pleaded the cause of the army, and other public creditors, in his circular letter to the governors before his resignation, and predicted the evils which followed.

Congress continued to send forth annual requisitions, for the sums wanted for the public service, and indulged the hope that the states would ere long be convinced of the necessity of adopting an efficient system of general revenue: but their requisitions were disregarded by some of the states, and but partially complied with by others. From this failure of public justice, a deluge of evils overflowed the United States. These were also increased by an unfavourable balance of trade. The ravages of armies, and the interruption of a free communication, between Europe and America, during the war, had multiplied the wants of the latter, to a degree which exceeded all previous calculations. An inundation of European manufactures was therefore one of the first effects which followed the establishment of peace. These were purchased by the Americans far beyond their means of payment. Adventurers, grasping at the profits of trading with the new-formed states, exported to America goods to a great amount,

exceeding what either prudence or policy could justify. The Americans soon found themselves involved in debts, to the discharge of which their resources were unequal. In several instances, these debts were contracted on credit, by persons to whom the United States were indebted. These, presuming on the justice of their country, had involved themselves in private engagements, hoping that what they received from the public would furnish them with the means of payment. Such were doubly distressed.

The sufferings of the inhabitants were increased in consequence of the obstructions of their trade. That intercourse with the West-India Islands, from which, when colonies, they derived large supplies of gold and silver, was forbidden to them in their new capacity of independent states. Their fisheries received a severe check from their being excluded from several ports in which, when colonies, they had found a ready sale for the fruits of their industry, drawn from the ocean. These evils were still further aggravated, by the stoppage of the bounty on whale oil, to which, when British subjects, they were entitled. To add to their other misfortunes, they could no longer sail with safety in the Mediterranean, a privilege which they had always enjoyed, while they were a part of the British empire. Unable to defend themselves from the Algerine corsairs, they were obliged either to quit that beneficial trade, or insure it at a ruinous premium.

The United States, from the want of power in their common head, were incapacitated from acting in concert, so as to avail themselves of their natural advantages. Congress called once more upon the states to enlarge their powers, and particularly to entrust them with the regulation of commerce, for a limited number of years. Some states fully complied with this call; but others fettered their grants with such conditions as prevented the formation of an uniform system.

From the combined operation of these causes trade languished; credit expired; gold and silver vanished; and real property was depreciated to an extent equal to that of the depreciation of continental money, in the second or third year of its emission. Instead of imitating the wise policy of Great

Britain, in making an artificial medium of circulation, by funding their debts, several of the states, to alleviate the distresses arising from the want of money, adopted the fallacious expedient of emitting paper, to supply the place of gold and silver: but the remedy increased the disease. If the funding plan had been adopted, the public debt might have easily been made a public blessing. It would have been an honest and effectual substitute for real coin: but these advantages were lost by the imbecility of the general government, and the want of concert in the state legislatures.

When the people on the return of peace supposed their troubles to be ended, they found them to be only varied. The calamities of war were followed by another class of evils, different in their origin, but not less injurious in their consequences. The inhabitants, feeling the pressure of their sufferings, and not knowing precisely from what source they originated, or how to remedy them, became uneasy; and many were ready to adopt any desperate measures that turbulent leaders recommended. In this irritable state, a great number of the citizens of Massachusetts, sore with their enlarged portion of public calamity, were induced by seditious demagogues, to make an open resistance to the operations of their own free government. Insurrections took place in many parts, and laws were trampled upon by the very men whose deputies had enacted them, and whose deputies might have repealed them. By the moderation of the legislature, and especially by the bravery and good conduct of generals Lincoln and Shepherd, and the firmness of the well affected militia, the insurgents were speedily quelled, and good order restored, with the loss of about six of the freemen of the state.

From the failure of their expectations of an immediate increase of political happiness, the lovers of liberty and independence began to be less sanguine in their hopes from the American revolution, and to fear that they had built a visionary fabric of government, on the fallacious ideas of public virtue; but that elasticity of the human mind which is nurtured by free constitutions, kept them from desponding. By an exertion of those inherent principles of self-preservation,

which republics possess, a recurrence was had to the good sense of the people, for the rectification of fundamental disorders. While the country, free from foreign force and domestic violence, enjoyed tranquillity, a proposition was made by Virginia to all the other states, to meet in convention for the purpose of digesting a form of government, equal to the exigencies of the Union. The first motion for this purpose was made by Mr. Madison: and he had the pleasure of seeing it acceded to, by the states, and finally to issue in the establishment of a new constitution. This great change of the principle of government, amounting to little less than a revolution, was gradually accomplished.

Congress had no power to regulate trade. The state legislatures could regulate it as far as their particular states were concerned; but no farther. There was of consequence no uniformity of measures respecting it. The commerce of the United States was crippled by restrictions imposed by European powers; and there was no power granted, by the articles of confederation, to retaliate by counter regulations. This excited the sensibility of commercial men throughout the Union, and created an anxiety for the adoption of efficient measures for the protection of commerce. The idea became general, and was extended so as to comprehend the other defects of the existing system of government. A national concurrence was gradually obtained. While the individual states either neglected or refused to grant to congress competent powers for the regulation of trade, there was a meeting of commissioners from Virginia and Maryland, in 1785, at Alexandria. The object of their appointment was to form a compact, relative to the navigation of the rivers Potowmac and Pocomoke, and of the Bay of Chesapeake. Their deliberations led to a more extensive view of the subject, and gave birth to a meeting of commissioners, in the year 1786, at Annapolis; at which five states on or near the Chesapeake, were represented. The object was in a great measure confined to the navigation of that immense bay, which divides two states, and approaches three more. Some general system for the navigation of a bay, stretching 300 miles into the country, became neces-

say The more the subject was examined, the greater the necessity appeared for extending the plan to a national system of commerce, and a radical reform of the articles of confederation. These commissioners, from the states adjacent to the Chesapeake, found themselves incompetent to do any thing efficient. They therefore broke up, without resolving on any thing further than to report facts to Congress, and to the states which had appointed them. This was done in a letter, by their chairman, John Dickinson. On this report and statement of facts, Congress founded a resolution: "That in their opinion it was expedient that, on the second Monday in May, 1787, a convention of delegates, who shall have been appointed by the several states, be held at Philadelphia, for the sole and express purpose of revising the articles of confederation, and reporting to Congress, and the several legislatures, such alterations and provisions therein, as shall, when agreed to in Congress, and confirmed by the states, render the federal constitution adequate to the exigencies of government, and the preservation of the Union." This resolution was submitted to the state legislatures and by them approved and acted upon so far, that conformably to it they appointed their delegates to meet in Philadelphia, at the time prescribed. There were then, by common consent, at the same time, nominally two representative bodies, deliberating on national concerns; but with different views and in different places: the ordinary congress in New York, and the extraordinary convention in Philadelphia. Of the last, George Washington was appointed president.

After nearly four months deliberation with closed doors, they agreed on a plan of national government; but did not presume to impose it on their fellow citizens. They simply reported it to congress, "as the result of a spirit of amity, and of that mutual deference and concession, which the peculiarity of their political situation rendered indispensable;" and that in their opinion, "it should be submitted to a convention of delegates, chosen in each state, by the people thereof, under the recommendation of its legislature, for their assent and ratification." It was thus left optional with the people to accept or reject it. Congress transmitted the

proposed plan of a constitution to the state legislatures: and they ordered a general election of representatives, for the sole purpose of deliberating on its acceptance or rejection.

The fundamental distinction between the articles of confederation and the new constitution lies in this; the former acted only on states, the latter on individuals; the former could neither raise men nor money by its own authority, but was dependent on the discretion of thirteen different legislatures, and, without their unanimous concurrence, could not provide for the public safety, or for the payment of the national debt.

The experience of several years had proved the impossibility of a government answering the end of its institution, which was dependent on others for the means necessary for attaining these ends. By the new constitution, one legislative, executive, and judicial power pervaded the whole Union. This insured an uniform observance of treaties, and gave a stability to the general government, which never could be attained while the acts and requisitions of Congress were subject to the revision of thirteen legislatures, and while thirteen distinct and unconnected judiciaries had a constitutional right to decide on the same subject.

The people of the United States gave no new powers to their rulers; but made a more judicious arrangement of what they had formerly ceded. They enlarged the powers of the general government, not by taking from the people, but from the state legislatures. They took from the latter the power of levying duties, on the importation of merchandise, from foreign countries, and transferred it to congress, for the common benefit of the Union. They also invested the general government with a power to regulate trade, and levy taxes and internal duties on the inhabitants. That these enlarged powers might be used, only with caution and deliberation, congress, which formerly consisted of one body, was made to consist of two; one of which was to be chosen by the people in proportion to their numbers, the other by the state legislatures. The executive power was committed to a supreme magistrate, with the title of President.

The constitution, of which these were the principal fea-



tures, was submitted to the people for ratification. Animated debates took place on the propriety of establishing or rejecting it! Some states, which from their local situation, were benefited by receiving impost duties into their treasuries, were unwilling to give them up to the Union. Others, which were consuming but not importing states, had an interested inducement of an opposite kind, to support the proposed new constitution. The prospects of increased employment for shipping, and the enlargement of commerce, weighed with those states which abounded in sailors and ships, and also with seaport towns, to advocate the adoption of the new system; but those states, or parts of states, which depended chiefly on agriculture, were afraid that zeal for encouraging an American marine by narrowing the grounds of competition among foreigners for purchasing and carrying their produce, would lessen their profits. Some of this description therefore conceived that they had a local interest in refusing the new system.

Individuals who had great influence in state legislatures, or who held profitable places under them, were unwilling to adopt a government which, by diminishing the power of the states, would eventually diminish their own importance: others, who looked forward to seats in the general government, or for offices under its authority, had the same interested reason for supporting its adoption. Some, from jealousy of liberty, were afraid of giving too much power to their rulers; others, from an honest ambition to aggrandize their country, were for paving the way to national greatness, by melting down the separate states into a national mass. The former feared the new constitution; the latter gloried in it. Almost every passion which agitates the human breast, operated on states and individuals, for and against the adoption of the proposed plan of government. Some whole classes of people were in its favor. The mass of public creditors expected payment of their debts, from the establishment of an efficient government, and were therefore decidedly for its adoption. Such as lived on salaries, and those who, being clear of debt, wished for a fixed medium of circulation, and the free course of law, were the friends of a constitution which prohibited the issuing of paper money,

and all interference between debtor and creditor. In addition to these, the great body of independent men, who saw the necessity of an energetic general government, and who, from the jarring interests of the different states, could not foresee any probability of getting a better one than was proposed, gave their support to what the national convention had projected, and their influence effected its establishment. After a full consideration, and thorough discussion of its principles, it was ratified by the conventions of eleven of the original thirteen states, and the accession of the other two soon followed. The ratification of it was celebrated, in most of the capitals of the states, with elegant processions, which far exceeded any thing of the kind ever before exhibited in America.

The adoption of this constitution was a triumph of virtue and good sense, over the vices and follies of human nature. In some respects, the merit of it is greater than that of the declaration of independence. The worst of men can be urged on to make a spirited resistance to invasions of their rights: but higher grades of virtue are requisite to induce freemen, in the possession of a limited sovereignty, voluntarily to surrender a portion of their natural liberties; to impose on themselves those restraints of good government, which bridle the ferocity of man, compel him to respect the claims of others, and to submit his rights and his wrongs to be decided upon by the voice of his fellow citizens. The instances of nations, who had vindicated their liberty by the sword, are many; of those who made a good use of their liberty when acquired, are comparatively few.\* To analyse this constitution, and explain how it combines law with liberty, energy with safety, the freedom of a small state with the strength of a great

\* In this particular the Americans have learned wisdom from the mistakes of their English ancestors. The people of that gallant nation, about the middle of the seventeenth century, with their swords rescued their liberties from the hands of a tyrant king; but formed no constitutional security, for their preservation. In less than twenty years, they bowed their necks unconditionally to the son of their late sovereign whom they had brought to the block. Arbitrary power recommenced, and was carried on with a high hand: and nothing but a revolution, or another civil war, could have prevented the rivetting of their chains.

empire, would require a volume, and lead the author from the objects of history. It may nevertheless be remarked, that its tendency to promote justice is its most prominent feature. Two circumstances doubtless contributed to this useful trait in its character. The colonies were settled under the arbitrary reigns of the James's and the Charles's: and the cruelties exercised under the colour of law on subjects in that disgraceful period of English history were well known in America. The constitution was adopted at the close of the revolutionary war, in the course of which much legal iniquity had been practised. To guard against the repetition of similar evils, this honest constitution restrained all future legislators, by the solemn ties of oaths, from "emitting bills of credit; making any thing but gold or silver a tender in payment of debts;—passing *ex post facto* laws, or laws impairing the obligation of contracts." It in like manner ordained that "no bill of attainder should be passed; that treason against the United States should consist only in levying war against them, or in adhering to their enemies, giving them aid and comfort; and that no person should be convicted of treason, unless on the testimony of two witnesses to the same overt act, or on confession in open court." From the want of similar laws, much of the best blood in England had been formerly shed for trifles or venial offences, falsely called treason; there had been also a great wreck of property and much injustice committed in the United States. To correct faults is highly praiseworthy in individuals: but for sovereign states to prevent their recurrence, by constitutional prohibition, is truly magnanimous.

The new constitution having been ratified by eleven of the states, and senators and representatives having been chosen agreeably to the articles thereof, they met at New York, and commenced proceedings under it. The old congress and confederation, like the continental money, expired without a sigh or groan. A new congress, with more ample powers, and a new constitution, partly national and partly federal, succeeded in their place, to the great joy of all who wished for the happiness of the United States.

Though great diversity of opinions had prevailed about the new constitution, there was but one opinion about the person

who should be appointed the supreme executive officer. The people, as well anti-federalists as federalists, for by these names the parties for and against the new constitution were called, unanimously turned their eyes on the late commander of their armies, as the most proper person to be their first president. Perhaps there was not a well-informed individual in the United States, Washington himself only excepted, who was not anxious that he should be called to the executive administration of the proposed new plan of government. Unambitious of further honours, he had retired to his farm in Virginia, and hoped to be excused from all further public service; but his country called him by an unanimous vote to fill the highest station in its gift. That honest zeal for the public good, which had uniformly influenced him to devote both his time and talents to the service of his country, got the better of his love of retirement, and induced him once more to engage in the great business of making a nation happy.

The intelligence of his election being communicated to Washington, while on his farm in Virginia, he set out soon after for New York. On his way thither, the road was crowded with numbers anxious to see the man of the people. Escorts of militia, and of gentlemen of the first character and station, attended him from state to state: and he was every where received with the highest honours which a grateful and admiring people could confer. Addresses of congratulation were presented to him, by the inhabitants of almost every place of consequence, through which he passed; to all of which he returned such modest unassuming answers as were in every respect suitable to his situation.

When Washington crossed the Delaware, and landed on the Jersey shore, he was saluted with three cheers by the inhabitants of the vicinity. When he came to the brow of the hill, on his way to Trenton, a triumphal arch was erected on the bridge, by the direction of the ladies of the place. The crown of the arch was highly ornamented with imperial laurels and flowers: and on it was displayed in large characters, *December 26th, 1776*. On the sweep of the arch beneath was this

inscription: *The defender of the mothers will also protect their daughters.* On the north side were ranged a number of little girls dressed in white, with garlands of flowers on their heads, and baskets of flowers on their arms; in the second row stood the young ladies, and behind them the married ladies of the neighbourhood. The instant he passed the arch, the young girls began to sing the following ode:

“ Welcome, mighty chief once more,  
“ Welcome to this grateful shore:  
“ Now no mercenary foe  
“ Aims again the fatal blow,  
“ Aims at thee the fatal blow.  
“ Virgins fair and matrons grave,  
“ These, thy conquering arm did save,  
“ Build for thee triumphal bowers,  
“ Strew, ye fair, his way with flowers,  
“ Strew your Hero’s way with flowers.”

As they sung the last lines, they strewed their flowers on the road before their beloved deliverer. His situation on this occasion, contrasted with what he had felt on the same spot,

December, 1776, when the affairs of America were at the lowest ebb of depression, filled him with sensations that cannot be described. He was met by a committee of congress, in New Jersey, who conducted him to Elizabeth Town Point, where he embarked for New York, in an elegant barge of thirteen oars, manned by thirteen branch pilots. On landing in New York, he was conducted with military honours to the apartments provided for him. There he received the congratulations of great numbers, who pressed round him to express their joy on seeing the man who possessed the love of the nation, at the head of its government. The 30th of April was fixed for his taking the oath of office, which is in the following words; “ I do solemnly swear that I will faithfully execute the office of President of the United States, and will to the best of my ability preserve, protect, and defend the constitution of the United States.” This was administered by R. R. Livingston, the chancellor of the state of New York, in the presence of both branches of the national legislature, and an immense concourse of citizens. An awful silence

prevailed among the spectators. It was a minute of the most sublime political joy. The chancellor then proclaimed him President of the United States. This was answered by the discharge of 13 guns, and by the effusion of shouts, from 10,000 grateful and affectionate hearts. The president, after bowing respectfully to the people, retired to the senate chamber, where he addressed both houses, with the appellation of "Fellow Citizens of the Senate and House of Representatives," in an impressive speech; in which with his usual modesty he declared his "incapacity for the mighty and untried cares before him," and offered his fervent supplications "to the Almighty being, whose providential aids can supply every human defect, that his benediction would consecrate, to the liberties and happiness of the United States, a government instituted by themselves, for those essential purposes; and that he would enable every agent, employed in its administration, to execute with success the functions allotted to his charge." He also declared "that no truth was more thoroughly established, than that there exists an indissoluble union between virtue and happiness;—between duty and advantage; between the genuine maxims of an honest and magnanimous people, and the solid rewards of public prosperity and felicity; and that the propitious smiles of heaven could never be expected on a nation that disregarded the eternal rules of order and right, which heaven itself had ordained."

After making some personal observations, that in conformity to the principle he adopted, when made commander in chief of the army, to renounce all pecuniary compensation, "he declined, as inapplicable to himself, any share in the personal emoluments included in a permanent provision for the executive department," and prayed "that the pecuniary estimates for the station in which he was placed, should, during his continuance therein, be limited to such actual expenditures as the public good might be thought to require." He then took his leave; "but not without resorting, once more in humble supplication, to the benign parent of the human race, that since he had been pleased to favour the American people with opportunities for deliberating in perfect tranquillity, and

dispositions for deciding with unparalleled unanimity, on a form of government, for the security of their union, and the advancement of their happiness, so his divine blessing might be equally conspicuous in the enlarged views, the temperate consultations, and the wise measures, on which the success of the government must depend."

The old congress\* and the articles of confederation between

\*The following is an alphabetical list of all the members, who composed that body, at any time between its commencement in 1774, and its termination in 1789.

**NEW HAMPSHIRE.**

Atkinson George,  
Bartlet Joseph,  
Blanchard Jonathan,  
Folsom Nathaniel,  
Frost George,  
Foster Abiel,  
Gilman John Taylor,  
Gilman Nicholas,  
Livermore Samuel,  
Long Pierce,  
Langdon John,  
Peabody Mr.,  
Sullivan John,  
Thornton Matthew,  
Whipple William,  
Wentworth Mr.,  
Woodbury Mr.,  
White Mr.,  
Wingate Pain.

**MASSACHUSETTS.**

Adams Samuel,  
Adams John,  
Cushing Thomas,  
Dana Francis,  
Dane Nathan,  
Gerry Elbridge,  
Gortham Nathaniel,  
Hancock John,  
Holten Samuel,  
Higgenson Stephen,  
Jackson Jonathan,  
King Rufus,  
Lovell James,

Lowell John,  
Osgood Samuel,  
Otis Samuel Allyn,  
Paine Robert Treat,  
Partridge George,  
Sedgewick Theodorus,  
Ward Artemus.

**RHODE ISLAND.**

Arnold Jonathan,  
Arnold Peleg,  
Collins John,  
Cornell Ezekiel,  
Ellery William,  
Gardner Joseph,  
Hopkins Stephen,  
Howell David,  
Hazard Jonathan,  
Marchant Henry,  
Moury Mr.,  
Manning James,  
Miller Nathan,  
Varnum James M.,  
Ward Samuel.

**CONNECTICUT.**

Adams A.,  
Cook Joseph Platt,  
Dyer Eliphalet,  
Deane Silas,  
Elsworth Oliver,  
Edwards Pierpoint,  
Huntington Samuel,  
Huntington Benjamin,  
Johnson William Samuel,  
Law Richard,

the states were now no more; for the organization of the new constitution, on that memorable day, superseded them both.

Mitchell Stephen Mix,  
Root Jesse,  
Sherman Roger,  
Spencer Joseph,  
Sturges Jonathan,  
Wolcott Oliver,  
Williams William,  
Wadsworth Jeremiah.

## NEW YORK.

Alsop John,  
Boerum Simon,  
Benson Egbert,  
Duane James,  
Duer William,  
Floyd William,  
Gansevoort Leonard,  
Gelston David,  
Haring John,  
Hamilton Alexander,  
Jay John,  
Livingston Philip,  
Low Isaac,  
Lewis Francis,  
Livingston Robert R.,  
L'Hommedieu Ezra,  
Lansing John, jun.,  
Livingston Walter,  
Lawrence John,  
Morris Gouverneur,  
M'Dougall Alexander,  
Paine Ephraim,  
Platt Zephaniah,  
Fell Philip,  
Scott John Morin,  
Schuyler Philip,  
Smith Melancton,  
Wisner Henry,  
Yates Peter W.,  
Yates Abraham, jun.

## NEW JERSEY.

Boudinot Elias,  
Burnett W.,  
Beatty John,

Crane Stephen,  
Clark Abraham,  
Cooper John,  
Condict Silas,  
Cadwallader Lambert,  
Dehart John,  
Dayton Jonathan,  
Elmer Jonathan,  
Fell John,  
Freelinghausen Frederick,  
Hart John,  
Hopkinson Francis,  
Houstoun William Churchhill,  
Hornblower Josiah,  
Kinsey James,  
Livingston William,  
Smith Richard,  
Sergeant Jonathan D.,  
Scudder Nathaniel,  
Stephens John,  
Symmes John C.,  
Schureman James,  
Witherspoon John.

## PENNSYLVANIA.

Atlee Samuel,  
Armstrong John,  
Armstrong John, jun.,  
Biddle Edward,  
Bayard John,  
Bingham William,  
Clymer George,  
Clingan William,  
Coxe Tench,  
Dickinson John,  
Duffield Samuel,  
Franklin Benjamin Doctor,  
Fitzsimons Thomas,  
Gardner Joseph,  
Galloway Joseph,  
Humphrey Charles,  
Hand Edward,  
Henry William,  
Ingersol Jared,



By this establishment, the present generation has an opportunity of observing the result of an experiment in politics,

Jackson David,  
Irvine William,  
Mifflin Thomas,  
Morton John,  
Morris Robert,  
M'Clene James,  
Matlack Timothy,  
Montgomery Joseph,  
Morris Cadwallader,  
Meredith Samuel,  
Peters Richard,  
Pettit Charles,  
Roads Samuel,  
Ross George,  
Roberdeau Daniel,  
Reed Joseph,  
Reed James R.,  
Rush Benjamin,  
Smith Jonathan B.,  
Searle James,  
Shippen William,  
St. Clair Arthur,  
Wilson James,  
Wynkoop Henry.

DELAWARE.

Bedford Gunning, jun.,  
Dickinson John,  
Dickinson Philemon,  
Kearny Dyre,  
M'Kean Thomas,  
M'Comb Eleazer,  
Mitchell Nathaniel,  
Patton John,  
Perry William,  
Rodney Cæsar,  
Rodney Thomas,  
Sykes James,  
Tilton James,  
Van Dyke Nicholas,  
Vining John,  
Wharton Samuel.

MARYLAND.

Alexander Robert,

Chase Samuel,  
Carrol Charles of Carrolton,  
Carrol Daniel,  
Contee Benjamin,  
Forbes James,  
Forrest Uriah,  
Goldsborough Robert,  
Henry John,  
Hanson John,  
Hemsley William,  
Hindman William,  
Harrison William,  
Howard John E.,  
Johnson Thomas,  
Jenifer Daniel of St. Thomas,  
Lee Mr.,  
Lloyd Edward,  
M'Henry James,  
Paca William,  
Plater George,  
Potts Richard,  
Rumsey Benjamin,  
Ramsay Nathaniel,  
Ross David,  
Smith William,  
Stone Thomas,  
Steney Joshua,  
Tilghman Matthew,  
Wright Mr.

VIRGINIA.

Adams Thomas,  
Bland Richard,  
Braxton Carter,  
Banister Mr.,  
Bland Theodorick,  
Brown John,  
Carrington Edward,  
Dawson John,  
Fleming William,  
Fitzhugh Mr.,  
Griffin Cyrus,  
Grayson William,  
Henry Patrick,

which before had never been fairly made. The experience of former ages had given many melancholy proofs, that popular

Harrison Benjamin,  
Harvie Mr.,  
Heny James,  
Hardy Samuel,  
Jefferson Thomas,  
Jones Joseph,  
Lee Richard Henry,  
Lee Francis Lightfoot,  
Lee Arthur,  
Lee Henry,  
Madison James, jun.,  
Mercer James,  
Mercer John Francis,  
Monroe James,  
Nelson Thomas,  
Page Mann,  
Pendleton Edmund,  
Randolph Edmund,  
Randolph Peyton,  
Smith Merriweather,  
Walker John.  
Washington George,  
NORTH CAROLINA.

Ashe John Baptist,  
Bloodworth Timothy,  
Blount William,  
Burke Thomas,  
Burton Robert,  
Caswell Richard,  
Cumming William,  
Harnett Cornelius,  
Hawkins Benjamin,  
Hewes Joseph,  
Hill Whitmel,  
Hooper William,  
Johnston Samuel,  
Jones Allen,  
Jones Willie,  
Nash Abner,  
Penn John,  
Sharpe William,  
Sitgreaves John,

Spaight Richard Dobbs,  
Swann John,  
White James.  
Williams Mr.,  
Williamson Hugh,  
SOUTH CAROLINA.

Barnwell Robert,  
Bee Thomas,  
Beresford Richard,  
Bull John,  
Butler Pierce,  
Drayton William Henry,  
Eveleigh Nicholas,  
Gadsden Christopher,  
Gervais Lewis John,  
Heyward Thomas,  
Huger Daniel,  
Hutson Richard,  
Izard Ralph,  
Kean John,  
Kinloch Francis,  
Laurens Henry,  
Lynch Thomas,  
Matthew John,  
Middleton Arthur,  
Middleton Henry,  
Motte Isaac,  
Parker John,  
Pinckney Charles,  
Rutledge Edward,  
Rutledge John,  
Ramsay David,  
Read Jacob,  
Trapier Paul,  
Tucker Thomas Tudor.

GEORGIA.

Baldwin Abraham,  
Few William,  
Gibbons William,  
Habersham John,  
Hall Lyman,  
Houston William,

governments seldom answered in practice, to the theories and warm wishes of their admirers. The inhabitants of independent America have an opportunity to wipe off this aspersion, and to assert the dignity of human nature, and the capacity of mankind for self-government.

Citizens of the United States! if you be not happy, it will be your own fault. No knave or fool can plead an hereditary right to sport with your property or your liberties. Your laws and your lawgivers must all proceed from yourselves. You have the experience of nearly six thousand years, to point out the rocks on which former republics have been dashed to pieces. Learn wisdom from their misfortunes. Cultivate justice, both public and private. No government will or can endure, which does not protect the rights of its subjects. Unless such efficient regulations be established, as will secure property as well as liberty, one revolution will follow another. Anarchy, monarchy, or despotism, will be the consequence. Such are the resources of your country, that proper systems will soon fill your extensive territory with inhabitants, and give you the command of such ample capitals, as will enable you to run the career of national greatness, with advantages equal to the oldest kingdoms of Europe. What they have been slowly growing to, in the course of nearly two thousand years, you may hope to equal within one century. If you continue under one government, built on the solid foundations of public justice, and public virtue, there is no point of national greatness to which you may not aspire, with a well-founded hope of speedily attaining it. Cherish and support a reverence for

Howley Richard,  
Jones N. Wimberly,  
Langworthy Edward,

Pierce William,  
Telfair Edward,  
Walton George.

*Presidents of Congress, from 1774, till 1789.*

Peyton Randolph,  
Henry Middleton,  
John Hancock,  
Henry Laurens,  
John Jay,  
Samuel Huntington,  
Thomas M'Kean,

John Hanson,  
Elias Boudinot,  
Thomas Mifflin,  
Richard Henry Lee,  
Nathaniel Gorham,  
Arthur St. Clair,  
Cyrus Griffin.

government, and cultivate union between the East and the South, the Atlantic and the Mississippi. Let the greatest good of the greatest number be the pole star of your public and private deliberations. Shun wars; they beget debt, add to the common vices of mankind, and produce others, which are almost peculiar to themselves. Agriculture, manufactures, and commerce are your proper business. Seek not to enlarge your territory by conquest. It is already sufficiently extensive. You have ample scope for the employment of your most active minds, in promoting your own domestic happiness. Maintain your own rights; and let all others remain in quiet possession of theirs. Avoid discord, faction, luxury, and the other vices which have been the bane of commonwealths. Cherish and reward the philosophers, the statesmen, and the patriots, who devote their talents and time, at the expense of their private interests, to the toils of enlightening and directing their fellow citizens; and thereby rescue citizens and rulers of republics, from the common and too-often-merited charge of ingratitude. Practise industry, frugality, temperance, moderation, and the whole lovely train of republican virtues. Venerate the plough, the hoe, and all the implements of agriculture. Honour the men who with their own hands maintain their families, and raise up children inured to toil, and capable of defending their country. Reckon the necessity of labour not among the curses, but the blessings of life. Your towns will probably ere long be engulfed in luxury and effeminacy. If your liberties and future prospects depended on them, your career of liberty would probably be short; but a great majority of your country must, and will be yeomanry, who have no other dependence than on Almighty God, for his usual blessing on their daily labour. From the great excess of the number of such independent farmers in these states, over and above all other classes of inhabitants, the long continuance of your liberties may be reasonably presumed.

Let the hapless African sleep undisturbed on his native shore; and give over wishing for the extermination of the ancient proprietors of this land. Universal justice is universal interest. The most enlarged happiness of one people, by no means,

requires the degradation or destruction of another. There is territory enough for them and for you. Instead of invading their rights, promote their happiness, and give them no reason to curse the folly of their fathers, who suffered yours to sit down on a soil, which the common parent of both had previously assigned to them. Diffuse the means of education, and particularly of religious instruction, through your remotest settlements. Support and strengthen the hands of public teachers, and of worthy clergymen. Let your voluntary contributions confute the dishonourable position, that religion cannot be supported but by compulsory establishments. Remember that there can be no political happiness without liberty; that there can be no liberty without morality; and that there can be no morality without religion.

It is now your turn to figure on the face of the earth, and in the annals of the world. You possess a country, which, in less than a century, will probably contain fifty millions of inhabitants. You have, with a great expense of blood and treasure, rescued yourselves and your posterity from the domination of Europe. Perfect the good work you have begun; and, by the blessing of Heaven, make the American Revolution an era in the history of the world, distinguished by the great and progressive increase of human happiness!

## CHAPTER XXX.

*Domestic Relations—Public Debt—Funding System—Bank of the United States—Origin of Parties—Insurrection in Pennsylvania—Its suppression.*

THE form of government, recently adopted by the United States, went into operation under great advantages. The personal character of the President had a decided influence, in awing the turbulent, repressing the factious, and conciliating all virtuous citizens to the support of good morals and orderly government. The recollection of the many evils, which, for several years, had afflicted the citizens, from the want of union, system, and energy, in the administration of their public affairs, weighed with all who loved their country, to give their influence to the support of the new establishment. The constitution was deemed, by a great majority of the enlightened, virtuous citizens, to be an improvement on all former systems. It was not imposed by the ruffian hand of conquest. It flowed from the people; was their own work. Its provisions were digested by their best men, freely chosen; and its acceptance was their own solemn deliberate act. From such a constitution, administered by such a man as Washington, a melioration of their circumstances was generally and confidently expected. The constitution contained, within itself, a radical remedy for many of the evils, under which the country had, for some time, laboured. The commerce of the United States had been cramped, from the want of power to regulate it, on an uniform principle. The inability of the citizens to pay their debts, and their want of credit, had arisen, not so much from the want of means, as from the incompetency of the old system, to draw forth the resources of the country. The distrust which prevailed among the people, respecting the punctual fulfilment of contracts, arose from the powers claimed, and, in too many instances, exercised by the state legislatures,

for impairing the obligation of contracts; for making paper money a legal tender, for the discharge of specie debts; and for passing laws, which interfered between debtors and creditors. These prolific sources of evil were completely done away, by the new constitution. From its adoption, and the expected vigorous administration of it, by the virtuous and enlightened President, it became the duty of every state to legislate wisely, and the interest of every citizen to be honest and industrious. The experience of several past years had proved, that liberty without law, or efficient government, could not make a nation happy. The new order of things proved, that a combination of both was requisite, to stimulate men to industry, and to draw forth their energies.

The great capacities of the constitution, for promoting public happiness, and removing national evils, had ample scope for exercise. The treasury was empty. There was an immense sum of floating debt, for which no provision had been made. Commerce was cramped, both by the legislative acts of christian, and the depredations of infidel powers. The Indians, both on the north western and southern frontiers, were in a state of hostility. Serious disputes existed, between the United States and Great Britain, on the north, and also with Spain, on the south. A great revolution had commenced in France, which, in its progress, involved not only the kingdoms of Europe, but the states of America, in serious difficulties. These objects pressed on the United States, in their foreign relations. At home, a respectable minority opposed to the new constitution, was to be conciliated; and many of the citizens, whose morals had been unhinged, by the convulsions of a revolution, and whose principles had been tainted, by a feeble government, incapable of coercing the selfish and refractory, were to be taught to bridle their passions, and submit to the restraints of law.

To replenish the empty treasury of the United States, was the first object of legislative attention. Recourse was immediately had to duties, levied on goods, wares, and merchandise, imported into the United States, and on the tonnage of vessels. The old congress had long applied to the several

states, for leave to collect import duties, for the general benefit of the union; but, as the consent of all the states could not be obtained, this source of revenue was either unimproved, or improved for the particular advantage of individual states. Under these circumstances, the collection of import duties was a source of discontent to the states, which did not directly import for themselves. As the consumers pay all duties, these were virtually taxed by their neighbours, who were more fortunately situated with respect to ports. So great were the jealousies of the importing states, that they were afraid to make a full use of this source of revenue, from an apprehension, that it would drive trade from them to their neighbours, who were disposed to burden it less. The experience of a few years proved, that import duties, regulated by one will, and collected on an uniform principle, from the time when a system, for that purpose, was first proposed by congress, would have afforded the means of preventing a great part of the pecuniary distress, which took place in the United States, anterior to the establishment of their new constitution. From the latter period, it was a plentiful source of supply, and constantly increasing. It was easily collected; and, at the same time, the collection of it, on a general principle, removed all uneasiness between importing and non-importing states. For it was of no consequence where the duty was paid; since, wherever paid, it was applied for purposes equally beneficial to every part of the union.

In September, 1789, the house of representatives passed two resolutions, highly consolatory to the creditors of the public. One declared, "that the house considered an adequate provision, for the support of public credit, as a matter of high importance, to the national honour and prosperity." The other "directed the secretary of the treasury, to prepare a plan for that purpose, and to report the same to the house, at its next meeting."

On the 9th of January, 1790, Alexander Hamilton, secretary of the treasury, agreeably to order, reported to the house of representatives, a plan for the support of public credit. This was eloquent, argumentative, and, at the same time, ju-



ditions, and practical. It embraced a variety of matter tending to the establishment of a system, for funding the public debts, both of the United and individual States. With great perspicuity and energy, the secretary pointed out the political advantages of credit; the moral obligations, incumbent on public bodies, as well as individuals, to perform their contracts; that the debt of the United States was the price of their liberty; that, if properly funded, it would answer many of the purposes of money, and invigorate the operations of agriculture, commerce, and manufactures. After premising a variety of arguments, in support of these opinions, he proceeded to discuss the principles, on which he proposed to found a system, for the support of public credit. He observed, that the foreign debt should be provided for, according to the precise terms of the contract; but hinted, that domestic creditors should, for their own sakes, voluntarily agree to abate something of what rigid justice gave them a right to demand, lest, by overstraining the faculties of the nation, they might meet with disappointment, from the inability of the states, to make complete, immediate, and punctual payment, of the full amount of the current interest. He therefore proposed a choice of several plans; either to fund the whole, at four per cent., or two-thirds, at six per cent.; and the other third, to be payable in vacant lands, or deferred altogether, and without interest, for ten years. He examined, with great ability, the propriety of discriminating between original holders, and subsequent purchasers; and decided against all discrimination, as involving a breach of public faith, since the evidences of the debt were at all times negotiable. He, in like manner, contended, that the proposed funding system should embrace the debts of the individual states, as well as of the union; since they were contracted, in a common cause, for defence against a common enemy. That the consent of the subscribers should be voluntary, he proposed, that the same provisions should be made, for those public creditors, who did not come into the proposed modification of debt, as for those who did.

These propositions, and the principles of the funding system in general, gave birth to animated discussions. The most

important of these, and which produced the most extensive effects, was an amendment proposed by Mr. Madison; the effect of which was, to discriminate between the public creditors, so as to pay the present holder of assignable paper, the highest price it had borne in the market, and give the residue, to the person with whom the debt was originally contracted. Where the original creditor had never parted with his claim, he was to receive the whole. This amendment produced a great display of eloquence, on both sides. All the purchasers of the debt were opposed to it, and also a great majority of those, who conceived, that both policy and honesty required a liberal fulfilment of contracts. As it contemplated no reduction of the debt, in favour of the United States, it met with no patronage from those, who wished to take advantage of the existing depreciation, to lighten the public burdens. The proposition was rejected; but its rejection excited the hostility of many to the funding system, and even to the government. The case of those who, from necessity, had sold the evidences of their demands, at a depreciated rate, was a hard one; but to relieve them, at the expense of public faith, equally pledged to the purchaser, as to the original holder, was not to be expected. The imbecility of the old government was the cause of their misfortunes. To attempt their relief, by an act which would tarnish the spotless reputation of the new, would have been highly injurious to reviving credit.

That part of the secretary's report, which contemplated the assumption and funding of the debts of the individual states, in common with the proper debt of the union, was opposed and supported with great ability. In opposition, it was contended, that the general government would acquire an undue influence, and the states become cyphers; that the assumption was not constitutional; that it would impose an undefined burden, beyond the ability of the United States to pay, without an extreme extension of taxation; that the debt would, from its magnitude, be perpetuated, and its credit and value diminished.

In favour of the assumption it was urged, that the revolu-

tionary war was not that of a particular state, but of the United States; that the contest was not for the liberty and independence of a part, but of the whole; that all expenses incurred were directed to one and the same object; that making provision for one species of a common debt, and not for another, equally deserving, would sow the seeds of discord between the citizens and the states.

The objection to the assumption of an unascertained sum of state debts was done away, by limiting their amount, to twenty-one millions and a half of dollars, in the whole, and by excluding every certificate, issued for any other purpose, than the defence of the United States, or some part thereof, in the revolutionary war. The prospect of the seat of government being transferred, from the more northern maritime cities, to the banks of the Potomac, had some influence in deciding this question. For, by coupling the assumption of the state debts, with a ten years' temporary residence of congress at Philadelphia, anterior to their permanent residence on the Potomac, the friends of the assumption received an accession of strength, which gave them a small majority.

That part of the secretary's report, which recommended, that congress should voluntarily relinquish their right of paying off their whole debt, at pleasure, as a compensation to the public creditors, for relinquishing a part of their claims on the public, was warmly contested. In support of it, the friends of the system urged, that it would raise the value of the debt; as it was well known, that monied men preferred durable stock, to that which might, at any moment, be annihilated by payment; that, as the proposed measure benefited the creditors, without increasing the public debt, it should be adopted, as a small equivalent, for their relinquishment of part of their just claims. The opposers of the measure were apprehensive of danger from a permanent debt, which would become a constant drain of specie, from the United States. After an animated debate, the resolution, for making the debt irredeemable, without the consent of the creditor, otherwise than in small specified proportions, was carried.

A bill, in the year 1790, passed both houses, for funding

the public debt, on principles satisfactory to the public creditors, though they considerably lessened the public burdens: for part of the debt was funded at three per cent.; on another part, the accruing of interest was deferred, for ten years; and on none, was more than six per cent. to be, at any time, paid. Ample funds were provided, for discharging the interest, and for the final extinction of the principal. The assumption of the state debts made additional revenue necessary. By way of equalizing the public burdens, between the sea coast, where imported articles were chiefly used, and the western settlements, which, for the most part, depended on native commodities, for necessary supplies, the secretary of the treasury recommended the imposition of duties, on domestic distilled spirituous liquors. This, added to the daily increasing revenue, arising from impost and tonnage, afforded ample means for the support of public credit.

As a mean, conducive to the easy and prosperous administration of the financial system, the secretary of the treasury strongly recommended the establishment of a national bank. This was strenuously opposed. Some objected to the utility of all banking establishments. Others to the plan of the one proposed; but mostly to the right of congress, to pass an act for incorporating a national bank. It was conceded on all sides, that a power for this purpose was not expressly given by the constitution. The argument turned on its being implied, by a fair construction of the general clause, subjoined to the enumerated powers of congress, expressed in these words: "To make all laws which shall be necessary and proper, for carrying into execution the foregoing powers." One party contended, that a national bank was necessary and proper, to carry into effect the acknowledged power of congress, "to lay and collect taxes, duties, imposts, and excises." The other acknowledged its convenience; but denied its necessity. A profusion of verbal and metaphysical criticism was displayed, in distinguishing between the highest grade of convenience, and the lowest grade of necessity; and between what was necessary, in the popular sense of that word, and what, in strictness of speech, was indispensably so. On this sub-

ject, congress and the cabinet were divided. After the law had passed both branches of the legislature, Washington, who was extremely cautious of infringing the constitution, required, from the heads of departments, their opinions on the subject, with their reasons for the same. After receiving their opinions, weighing their reasons, and examining the subject, in all its relations, he deliberately made up his mind, under the guidance of that common sense, for which he was remarkable, in favour of the constitutionality of the law; and, accordingly, gave it the sanction of his name.

The capital of the bank, thus established, was ten millions of dollars, in shares of 400 dollars each, to be paid by successive instalments. In two hours after the books of subscription were opened, by the commissioners appointed to receive them, the whole number of shares was taken up; and 4000 more offered, than could be received, by the terms of the charter. The rights acquired by the subscribers to the national bank were in such demand, that they rose, in a short time, to 200 dollars advance, on the trifling sum of 25 dollars, which was the whole of the first payment. Branches of this institution were established, in most of the principal seaports of the United States, under the name of Offices of Discount and Deposit, in which all the revenues of the United States were deposited. These facilitated the payments of duties, and, as they all communicated with the parent bank, in Philadelphia, then the seat of government, very much expedited the financial operations of the treasury department. Such were the effects of the new order of things, that the measures recommended by Hamilton, and adopted by congress, particularly the funding system, had a decided influence, in favour of the United States. By it, the debts of the revolutionary war were converted into a species of wealth. Public paper, which had previously sunk to eight for one, rapidly rose to par. The funded stock answered so many of the purposes of money, that agriculture and commerce were invigorated by it, to a degree equal to what would have resulted, from the introduction, and free circulation of an equivalent sum of Mexican dollars. A great melioration, in the circumstances of the

citizens, became immediately visible. The money in circulation, antecedently, was so far short of a sufficiency, to represent the value of commodities, daily bought and sold, that a ruinous depreciation of property had taken place. This was increased, by the want of confidence, which generally prevailed. Both evils were remedied by the funding system. Money, credit, confidence, and an increased value of property, were its immediate consequences. From the termination of the revolutionary war, to this period, the United States had gone backward, in national character. The high reputation, which the citizens had acquired, from their successful struggles, in their country's cause, was tarnished. So rapid a transition, from a state of depression to that of exaltation, had seldom before taken place. The difference between an efficient and inefficient government was never more apparent.

These great public blessings were not without alloy. The germ of party spirit, bearing deadly fruit, was planted in, and grew out of this state of things, which yielded so plentiful a harvest of national blessings. The immense wealth which individuals acquired, by the appreciation of property, and particularly of public paper, made them objects of envy. Their jealous fellow citizens saw, in them, the embryos of a future nobility. While the friends of Hamilton, and those benefited by the adoption of his plans, adored him as the financial saviour of the United States, others reviled him as the friend of monarchy, who wished to bestow on the government an artificial strength, by the creation of a monied interest, subservient to its will. These suspicions were strengthened from the following circumstances. In the convention which framed the constitution, he had advocated the propriety of electing a President, and a Senate, during good behaviour. His plans of finance were, in some degree, copied from British institutions. Comparisons were made between the situation of the United States, and that period of English history, when King William ascended the throne; after which, influence was substituted for prerogative. The rejection of the proposed discrimination, in favour of original holders, disgusted all who had sold their claims. From these and si-

milar sources, a numerous and powerful party arranged themselves, in opposition to the system adopted by government. These considered themselves as the exclusive patriots of the day, and the only safeguards of the liberties of the people; while their opponents were pronounced aristocrats, friendly to a government so energetic, as to approximate to monarchy. At the very time the country was enjoying unexampled prosperity, from the wise administration of an efficient government, and particularly from an established system of public credit, the author, friends, and abettors thereof, were loaded with the execrations of a great proportion of their fellow citizens.

These murmurs had an unhappy effect, in encouraging a criminal resistance to the laws, imposing a duty on spirituous liquors, distilled within the United States. This duty was peculiarly obnoxious to the inhabitants of Pennsylvania, who live on the western side of the Alleghany mountains. Their inland situation made it much more convenient and profitable to distil, than export the products of the soil; to prepare at home, than to import from abroad, some poignant addition to the beverage of nature. They had opposed the adoption of the constitution; and many of their influential men were particularly hostile to the recently adopted system of finance. When they found that the excise was publicly censured, as unnecessary and tyrannical; that a powerful party considered the new system of finance, as hostile to liberty; and that its author and abettors were charged with designs, to pave the way for monarchy, by undermining the republican institutions of the country, they were gradually led to think less of the evil tendency of combinations, to resist the laws for imposing duties on domestic distilled spirituous liquors, and even to hope that such combinations might be influential in procuring their repeal. The opposition began by propagating opinions, that excise laws were universally hostile to liberty, and by directing the public resentment, against all who were willing to comply with them; and particularly against the officers, employed in collecting duties imposed by them. In September, 1791, a meeting of delegates, from the malcontents, took place in Pittsburg; in which all who should obey, or execute

the law, were proscribed as enemies to their country. The deputy marshal was intimidated from serving process, on those who had committed acts of violence, on the persons of revenue officers. The first care of government was, to do away all real grievances. The exise act was carefully revised in May, 1792; and such parts, as, on a review, or from experience, had been found exceptionable, were altered, so as to obviate objections which appeared reasonable. The opposition to the law, nevertheless, continued without abatement. The principle of excise, and not the detail of its execution, was the object of hostility. A second meeting was held at Pittsburg; in which resolutions were adopted, for resisting the execution of the law, by every legal measure; for withholding all intercourse with those who held offices, for collecting the excise; and for treating them, on all occasions, with contempt. The people at large were exhorted to follow the same line of conduct; committees of correspondence were appointed, to give unity of system to their measures; and pains were taken to increase the number of their associates.

The President was indignant at the outrage offered to the government; but respected the constitution and laws so much, that he confined himself within the narrow limits, which they prescribed. The attorney general inclined to the opinion, that the resolutions at Pittsburg did not constitute an indictable offence. The President did not think himself warranted in ordering out the militia, and, therefore, contented himself with issuing a proclamation, exhorting and admonishing all persons, to desist from any combinations or proceedings whatever, tending to obstruct the execution of the laws, and requiring the interference of the civil magistrates. Prosecutions were also directed to be commenced, in every case, in which they could be supported. This proclamation did not answer any valuable purpose. Many of the magistrates were necessary to the excesses, they were required to suppress.

To prevent a recurrence to a military force, a system was adopted, to operate on the interests of the malcontents. Spirituous liquors, distilled in the refractory settlements, were intercepted on their way to market, and seized by the officers



of the revenue. The agents for the army were directed to purchase only those spirituous liquors, on which the duty had been paid. This produced some good effect; but the moderate, who wished to return to their duty, had it not in their power; for so great was the force and violence of the opposition, that the well-disposed found it more dangerous to obey, than to resist the laws. From the steady policy and moderation of government, the malcontents saw, that they would eventually lose a market for their distilled spirituous liquors, and incur heavy penalties for non-compliance; and therefore began to fear, that their opposition would be abortive, unless, by a bolder line of systematic opposition, they could deprive government of the means it employed, for carrying the law into execution.

On the 15th of July, 1794, the marshal, while in the execution of his duty, was beset on the road, by a body of armed men, who shot at him. On the next day, the insurgents, to the number of 500, attacked the house of the inspector. He had obtained, from the garrison at fort Pitt, a detachment of eleven men, for his security. They were all called upon, by the insurgents, to march out, and ground their arms. This being refused, an assault commenced. The assailants set fire to several adjacent buildings. The fire being likely to be communicated to the dwelling house, the party came out of it, and surrendered. The insurgents violently stopped the public mail, from Pittsburg to Philadelphia, and took out the letters. This was done to ascertain, who were opposed to their views. The end was answered; for, in several of the letters, thus intercepted, the writers of them had reflected with severity on the violent measures, lately adopted. To get rid of secret enemies, as the writers of these letters were called, they were ordered to quit the country; and were compelled to obey. The insurgents openly avowed their intention, to resist, with force of arms, the authority of the United States; and, thereby, to extort a repeal of the excise law. The crisis was now come, when the government had no choice, but to subdue, or submit to the insurgents. Before the President could call out the militia, to enforce obedience to the laws, it

was necessary for an associate judge, or the judge of the district, to certify, "that the laws of the United States were opposed, or their execution obstructed, by combinations too powerful to be suppressed, by the ordinary course of judicial proceedings, or by the powers vested in the marshals." The requisite certificate was readily granted. The governor of the state was consulted, who concurred with the President, and his cabinet, in the policy of appointing commissioners, both from the Union and the state of Pennsylvania, who should warn the insurgents of their danger, and offer them a full pardon for past offences, on their submission to the laws. But as to the mode and degree of coercion, to be exercised on the insurgents, there were different opinions. The governor of Pennsylvania doubted the competency of the militia of the state, to quell the insurrection. Others feared, that the introduction of militia, from other states, would increase the discontents, prevailing in Pennsylvania, or that they would not act with vigour, against their fellow citizens. Some seriously apprehended, that coercive means would fail, in restoring tranquillity, and that the consequences of failure would be ruinous; or that a civil war would pervade the Union, and involve the destruction of many lives. The President conceived himself bound, by the most solemn obligations of duty, to see, "that the laws be faithfully executed." In this, he was supported by a majority of his cabinet, and also in the opinion, that policy and humanity equally required the employment of an army, sufficient to render resistance desperate. The utmost force, the insurgents could bring into the field, was calculated at 7000 men. In conformity to the wise and judicious determination, to employ an adequate force, a requisition was made on the governors of Jersey, Pennsylvania, Maryland, and Virginia, for their respective quotas of militia, to compose an army of 15,000 men.

On the 7th of August, the President issued the proclamation, required by law, antecedent to the employment of force. In this, he recapitulated the measures adopted by the government, as well as those pursued by the insurgents; and, after

declaring that the existence of the government, and the fundamental principles of social order, were involved in the issue, and that all good citizens were called upon to suppress so fatal a spirit, he commanded all persons, being insurgents, on or before the first day of the next ensuing September, to disperse, and retire peaceably to their respective abodes." A proclamation to the same effect was issued by the governor of Pennsylvania. Commissioners were sent by both, to offer a general amnesty, for past offences, on the sole condition, of future obedience to the laws. Thomas Mifflin, governor of Pennsylvania, who possessed great powers of elocution, publicly addressed the militia, with great animation and equal success.

The virtuous, orderly citizens were roused. The officers displayed unexampled activity: and the militia turned out, with uncommon alacrity. The troops of New Jersey and Pennsylvania rendezvoused at Bedford; and those of Maryland and Virginia, at Cumberland, on the Potomac. The President visited each division of the army; and left the whole under the command of governor Lee, of Virginia. The army, in two divisions, marched into the country of the insurgents; but found no armed bodies of men. The greatness of the force, sent against the insurgents, by rendering resistance desperate, prevented the effusion of blood. A few of their leaders, who refused to give assurances of future submission to the laws, were seized, and detained for legal prosecution. One of them fled to the territories of Spain: but the great body of the people accepted the offered amnesty, and made their submission. A small force was left, for some time, in the country, under the command of general Morgan, to preserve the public peace.

An insurrection, that threatened the most serious consequences, was thus quelled without bloodshed. The people were taught, "that the majority must govern, and that the laws must be obeyed." The result might have been very different, if feeble, temporizing, half-way measures had been adopted; or if government had acted with rashness and precipitation. From the revision of the excise acts, so as to do away reasonable grounds of objection, and the prudence of the execu-

tive, in avoiding all measures of irritation, the insurgents were put in the wrong. Their violence diminished their friends; while the prudence and vigour of government induced good men, to rally round the constituted authorities of the country. The constitution acquired additional vigour and stability, from the abortive attempts of the insurgents, to undermine its authority. ✓

## CHAPTER XXXI.

*Indian and Spanish Relations—Defeat of St. Clair—Wayne's Victory—Treaty with Spain.*

### INDIANS.

TO promote and preserve peace with all the world, and particularly with the Indians, who skirted the United States, was of the last importance. The northern Indians were supposed to amount to 5000 warriors; of these about 1500 were at open war with the United States: and of the residue, in that quarter, several tribes were far from being friendly. The Indians were now much more formidable, than the early English colonists had found them. They no longer depended on bows and arrows, for the purposes of attack and defence. Seventy years had elapsed, since the French began to instruct them, in the use of fire arms, tomahawks, and swords. In the several wars, which had taken place, in that period, and particularly in the late war of the revolution, they had acquired a considerable knowledge of discipline. In natural courage, they were never deficient, though, in bodily strength, they were inferior to the Virginians, and other descendants of Europeans; especially such of them, as inhabited the hilly country of the west. In the south, the Creek Indians, whose fighting men amounted to six hundred, were at war with Georgia. Their chief, M'Gillivray, was irritated, because of the confiscation of the property of his father, who was a white man, and had been a tory. The state of Georgia claimed a tract of land, on the Oconee, under a purchase, the validity of which the Indians denied. The whole regular force of the United States was less than six hundred men.

Under such circumstances, policy, as well as humanity to the natives, and a regard to justice, pointed out negotiation and pacific measures, as most proper to be pursued. A treaty

was opened with the Creek Indians, in Georgia; but was soon broken off, by M'Gillivray, who was supposed to be under the influence of his Spanish neighbours. To remove all bias from that quarter, a proposition was made to him, to treat with the United States, at New York. This being accepted, he and several of the head men of his nation repaired thither, and on the 7th of August, 1790, they concluded a treaty with the United States, which satisfied both parties, and preserved the peace of that quarter of the Union.

Pacific overtures were also made to the north-western Indians; but were rejected. Vigorous hostile measures became, therefore, necessary. Experience had proved, that offensive operations, carried into the towns and settlements of Indians, were the most efficient means of procuring peace, and securing the frontiers, exposed to their incursions. An expedition, for this purpose, was projected in 1791; the object of which was, to bring the Indians to an engagement, and to destroy their settlements, on the Scioto and Wabash. The army, destined for that service, amounted to 1453 men; of whom 320 were regulars, and the rest militia, from Kentucky and Pennsylvania: the whole commanded by general Harmar. Colonel Harden was detached, with six hundred men, chiefly militia, to reconnoitre the enemy. On their approach, the Indians burned their village, and fled. With the view of bringing them to action, colonel Harden was detached, a second time, with two hundred and thirty men; of whom thirty were regulars. These were attacked by a party of Indians. At the very onset, the militia ran off. The few regulars, thus left to their fate, continued to fight, till twenty-three of them were killed. The surviving seven made their escape. Though this disaster damped the ardour of the army, the Indian towns, on the Scioto, were burnt, and their provisions destroyed; but nothing was attempted against their towns, on the Wabash. Harmar made a third attempt, to bring the Indians to a general engagement, and, with this view, detached colonel Harden, with three hundred and sixty men; of whom sixty were regulars. This detachment was divided into three columns, and, as they advanced, each column was attacked, and de-

feated by a considerable body of Indians. Twelve officers and one hundred and fifty privates were killed. The survivors retreated to the main army.

These repeated successes gave confidence to the Indians, and emboldened them to repeat, and extend their incursions. The frontiers were in a most deplorable situation. For their relief, congress sanctioned the raising of an additional regiment: and the President was authorized, to cause a body of 2000 men, under the denomination of levies, to be raised, for six months, and to appoint a major-general, and a brigadier-general, to continue in command, as long as he should think their services necessary. Arthur St. Clair, who had been a major-general in the revolutionary army, and who was then governor of the territory, north-west of the Ohio, and, as such, officially the negotiator with the adjacent Indians, was appointed commander in chief of this new military establishment. Though every exertion was made, to recruit and forward the troops, they were not assembled in the neighbourhood of fort Washington, until the month of September; nor was the establishment then completed. The object of the expedition was, to destroy the Indian villages, on the Miami; to expel the savages from that country; and to connect it with the Ohio, by a chain of posts. The regulars, proceeding northwardly, from the Ohio, established, at proper intervals, two forts, one named Hamilton, and the other Jefferson, as places of deposit and security. These were garrisoned with a small force; and the main body of the army, about 2000 men, advanced towards the Indian settlements. As they approached the enemy, about sixty militia men deserted, in a body. To prevent the mischiefs, likely to result from so bad an example, major Ham-track was detached, with the first regiment, to pursue the deserters. The army was reduced, by this detachment, to about 1400 effective men; but, nevertheless, proceeded on their march and encamped, on elevated ground, about fifteen miles south of the Miami. The Indians commenced an attack on the militia in front. These instantly fled in disorder, and, rushing into the camp, occasioned confusion among the regulars. The officers of the latter exerted themselves, to restore order; but

with very inconsiderable success. The Indians improved the advantage they had gained. They were seldom seen, but in the act of springing from one cover to another; for they fired from the ground, or under shelter of the woods. Advancing in this manner, close to the lines of their adversaries, and almost to the mouths of their field-pieces, they continued the contest, with great firmness and intrepidity. General St. Clair, though suffering under a painful disease, and unable to mount or dismount a horse, without assistance, delivered his orders with judgment, and perfect self-possession. The troops had not been in service long enough, to acquire discipline; and the want of it increased the difficulty of reducing them to order, after they had been broken. The officers, in their zeal to change the face of affairs, exposed themselves to imminent danger, and fell in great numbers. Attempts were made to retrieve the fortune of the day, by the use of the bayonet. Colonel Darke made a successful charge on a part of the enemy, and drove them four hundred yards; but they soon rallied. In the mean time, general Butler was mortally wounded. Almost all the artillerists were killed, and their guns seized, by the enemy. Colonel Darke again charged with the bayonet, and the artillery was recovered. While the Indians were driven back in one point, they kept up their fire from every other, with fatal effect. Several corps charged the Indians with partial success; but no general impression was made upon them. To save the remnant of his army, was all that could be done, by St. Clair. After some hours of sharp fighting, a retreat took place. The Indians pursued, for about four miles, when their avidity for plunder called them back to the camp, to share the spoil. The vanquished troops fled about thirty miles, to Fort Jefferson. There they met major Hamtrack, with the first regiment; but this additional force would not warrant an attempt to turn about, and face the victors. The wounded were left there, and the army retreated to Fort Washington. The loss in this defeat was great, and particularly so, among the officers. Thirty-eight of these were killed on the field; and 593 non-commissioned officers and privates were slain or missing; twenty-one commis-



sioned officers and privates were wounded. Among the dead was the gallant general Butler, who had repeatedly distinguished himself, in the war of the revolution. Several other brave officers, who had successfully fought for the independence of their country, fell on this fatal day. Among the wounded, were lieutenant-colonels Gibson, and Darke, major Butler, and adjutant Sargent, officers of distinguished merit. Neither the number of the Indians engaged, nor their loss, could be exactly ascertained. The former was supposed to be, from 1000 to 1500; and the latter, far short of what was sustained by St. Clair's army. There were few actions, in the war of the revolution, in which the Americans sustained so great a loss, and in no instance had the Indians fought with more bravery. They were said to be encouraged by the British, who continued to hold forts in the vicinity, and within the acknowledged limits of the United States. This charge was neither satisfactorily proved by the Americans, nor disproved by the British. The territory, for which the Indians fought so gallantly, had been the property of their forefathers, for time immemorial. It had undergone many changes, without their consent. Though they had lately ceded it to the United States, they hankered after it, and were mortified, beyond measure, at the thoughts of being ejected from a country, where they first drew the breath of life, and in which the bones of their ancestors were deposited.\* This second defeat

\* The territory, north-west of the Ohio, had been, in the 15th century, given by the Pope of Rome, to the King and Queen of Spain. In about an hundred years afterwards, James, King of England, gave it to the London Company. The validity of this grant was contested by France, on the ground of prior discovery, for the half of the next 150 years; though neither Salle, the first discoverer, on the part of France, nor Cabot, on the part of England, had ever been within several hundred miles of the lands in question. In the wars that grew out of their interfering claims, founded on these ridiculous pretensions, whole settlements were made miserable, and many hundreds of lives were lost. After an immense waste of blood and treasure, the property, in these disputed lands, was, in the year 1763, acknowledged to be in Great Britain. In about 20 years after this acknowledgment, the right of Great Britain was transferred by her, to the United States, generally; or, as others contend, to the state of Virginia, in particular. These apparently interfering claims were easily

gave to the Indian war a very serious aspect. A bill was brought into the house of representatives, of the United States, directing three additional regiments of infantry, and a squadron of cavalry, to be raised, to serve for three years, if not sooner discharged. This bill was warmly opposed—the justice of the war was arraigned—the policy of extending the frontier was denied. The superiority of militia to regular troops in Indian warfare was contended for by some. The expense was objected to, as likely to involve a necessity of new taxes; of increasing and perpetuating the public debt; and finally endangering the republican institutions of the country.

The friends of the bill urged, that the war was necessary, on the principle of defence; that, between the years 1783 and 1790, 1500 white persons, on their way to the north-west territory, had been killed or captured, by the savages; that the frontiers of Pennsylvania and Virginia, had suffered nearly as much; that the government had repeatedly offered to the Indians liberal terms of peace, which had been rejected; that, while they were deliberating on these offers, they had killed and captured 120 white inhabitants, and even roasted some of them alive; and that no dereliction of the war, on the part

compromised; for Virginia magnanimously ceded all her rights to the United States, on easy conditions. In the language of her delegates, "Virginia laid empires at the feet of congress." The United States, soon after this transfer from one of the component parts of the Union, obtained by treaty, accompanied with the usual presents, a cession of these lands, from their ancient proprietors, the Indian tribes, inhabiting the same. The United States obtained this cession, in a few years after the termination of the war of the revolution, in which these Indians had arranged themselves, with the British, against the Americans. A recollection of the hostilities committed by the Indians, as allies of the British, against the United States, induced the latter to consider the former, more in the light of a conquered people, than of independent proprietors of the soil. Under these circumstances, highly unfavourable to a voluntary transfer of property, a cession was made by the Indians, and accepted by the United States. When the latter were about to take possession of these lands, the former, regardless of their cession, resisted, fought gallantly, and defeated two armies; but were finally conquered by a third.

of the United States, would produce peace to the frontiers; for former experience warranted a belief, that the Indians would continue their murders and incursions, till they were thoroughly humbled. The arguments in favour of militia, as preferable to regular troops, for Indian war, were repelled by a recurrence to facts.

The bill was finally passed, and became a law. By it, the military establishment of the United States, amounted to 5000 men: but several months elapsed before that force could be raised, equipped, and forwarded to the scene of action. General Wayne was appointed commander in chief, in place of general St. Clair, who had resigned. While preparations were making for another campaign, a renewed effort was made, to terminate the war, by a direct communication to the Indians, of the pacific views of the United States. Colonel Harden and major Trueman, worthy citizens, and excellent officers, were sent as envoys into the Indian country, with propositions of peace. To the regret of all good men, they were both murdered, by the savages, though, in general, they respect the rights of public messengers, as much as civilized nations. The families of these valuable citizens, who had thus fallen victims, in their country's service, were, on the recommendation of the President, provided for, by the national legislature. Intelligence, that the pacific overtures of the United States had been rejected by the Indians, did not arrive, till September, 1793. It was then too late to prosecute the objects of the expedition. General Wayne advanced no farther than the ground, on which St. Clair had been defeated; but there erected a fort, to which he gave the name of Recovery. There he collected and disciplined his troops, and made every preparation, for advancing early into the settlements of the Indians. They, expecting an attack upon their villages, collected in force, with a fixed resolution, to risque a battle in their defence. On the 8th of August general Wayne reached the confluence of the Au Glaize, and the Miamis of the lakes, without opposition. Here he halted, and threw up some works of defence. This was about 30 miles from the British post, on the Miamis of the lakes. In

the vicinity of that post, the Indians were collected, to the number of 2000 men. The legion commanded by Wayne was about the same number. To it were added 1100 mounted militia, from Kentucky, commanded by general Scott. An engagement was daily expected. Wayne had no wish to avoid, or even delay it. Nevertheless, in conformity to the humane policy of the United States, he made one more effort for the attainment of peace, without bloodshed. He sent messengers to the several hostile tribes, assembled in his front, inviting them to appoint deputies, to negotiate a peace. To this, no other than an evasive answer was returned. From the 14th to the 20th, general Wayne cautiously advanced, down the Miami. On the last mentioned day, a general and decisive engagement took place. The Indians had advanced, into the thick wood, in front of the British works, and had taken a position, behind trees, inaccessible to cavalry, and of difficult access even to infantry. They were formed in three lines, near enough for the support of each other, and with a very extended front. On the discharge of the first rifle, the legion was instantly formed, the front ordered to advance, with trailed arms, and with their bayonets, to drive the enemy from their hiding places, then deliver their first fire, and press the fugitives so briskly, as not to allow them time to load.— So rapid was the charge, and so entirely was the enemy broken by it, that, in the course of one hour, they were driven, more than two miles, through thick woods, and within gunshot of the British fort. General Wayne, for three days, remained in front of the field of battle, laying waste the houses and cornfields, above and below, and within pistol shot of the British fort. In this conflagration, the house and stores of colonel M'Kee, an English trader, who had encouraged the savages to continue the war, were reduced to ashes. On the 28th, the army returned to Au Glaize, and destroyed all the villages and corn, within 50 miles of the river. In General Wayne's army, 107 were killed or wounded. The loss of the Indians is unknown; but they were driven out of their country, and forts erected in the midst of their late settlements, to prevent their return.

parts of the United States, viewed the subject in a very different light from Spanish civilians. The latter contended, that they had such a right in the lower Mississippi, as would justify them in excluding all foreigners from its use, or, at least, restraining them to such a limited use of it, as they might prescribe. The claims of the two parties were thus apparently irreconcilable, on middle ground. Long protracted negotiations ended in nothing. Many feared that the navigation of the Mississippi, like the Ohio lands, would give birth to another war, and be finally settled by the sword. The pride of kings would naturally have led to this mode of terminating the dispute; but the pacific policy of republican America decided it, on easier terms. Spain seems to have been divided, between two modes of obtaining her ends. One was, to exclude the upper settlers, as citizens of the United States. The other, to conciliate them, as Spanish subjects. The first led to war, which threatened to be more serious, every year, from the growing numbers of the Americans. The jealousies entertained, by republican Protestants, against monarchical, bigoted Catholics, interposed insuperable barriers, in the way of the latter. The western settlers were, also, divided in their sentiments concerning the proper mode of obtaining that free navigation of the Mississippi, which was so essential to their happiness. A few were willing to sacrifice country, allegiance, and religion, to their interest. Others, of a more ardent temperament, were for forcing their way to the gulf of Mexico, down the waters of the Mississippi, though crimsoned with blood. The more moderate and judicious citizens, as well as the government, knowing their present inability, to force the free navigation of the Mississippi, made up their minds to wait events, and patiently submit to a present inconvenience, in hopes of a change for the better. These hopes were realized, sooner than they expected. The war, between republican France and Spain, taught the latter the importance of the friendship of the United States. Among other daring projects of the new republic of France, one was, to revolutionize Spanish America, by the aid of Kentuckians, and other western settlers, co-operating with a French force,

to be introduced through Georgia, or Florida, and commanded by Mr. Genet, the minister of the French republic, to the United States. President Washington, though zealous for the free use of the river Mississippi, would not permit a foreign nation to attack the Spanish settlements, from the United States. His whole authority and influence were effectually exerted, in frustrating an expedition, the success of which, with his countenance, would have been nearly certain, and, even with his connivance, highly probable. How far this magnanimous policy, superior to the tricks of vulgar statesmen, influenced the court of Madrid, to seek the friendship of the United States, cannot be exactly known; but it is certain, that, about the same time, the commissioners of Spain, at Philadelphia, gave hints of the practicability of expediting the negotiations, which had, with little interruption, been protracted, without any prospect of termination, for nearly fifteen years. These hints were attended to; and Mr. Thomas Pinckney was appointed envoy extraordinary, to his Catholic majesty. Shortly after his arrival in Madrid, he concluded a treaty with the king of Spain, in which the claims of the United States, on the important points of boundary, and the navigation of the Mississippi, were fully conceded. Thus, the justice, moderation, and good faith of the government finally succeeded in procuring important advantages for the United States, without either war or dishonour.

## CHAPTER XXXII.

*French Relations—Genet—Fauchet—Adet—Treaty of Commerce.*

## FRANCE.

**THERE** was a good understanding between the United States and France, till about the year 1793. After war had commenced between France and England, it was evidently the wish of France, either to involve the United States in the war, or to use them as instruments, for carrying it on with greater effect. France considered herself to be in the condition, in which the United States were about eighteen years before; struggling for liberty. She, therefore, calculated on a large portion of sympathy and gratitude, from her elder republican sister. Both operated strongly in her favour. The Americans generally wished her success; and many of them were disposed to go much farther, than bare wishes, to promote it. The feelings, excited by the war of the revolution, when France and America, with united councils and arms, opposed Great Britain, were still alive, in the breasts of multitudes. Without recollecting the difference of their present, from their past situation; without adverting to the consequences, that might hazard the peace of the United States, many of the citizens indulged their partiality for France to a degree that was inconsistent with neutrality. The strongest passions of human nature were enlisted in favour of one, and against the other of the contending parties. It was the first time, since they had been a nation, in which, the citizens of the United States had been called upon, to perform the duties of neutrals; and they were far from being alert in their discharge. The President, viewing the real interests of the United States, from an eminence, and foreseeing the mischievous consequences, likely to result from becoming parties to the war, instantly decided in favour of neutrality; and,

by proclamation, informed the citizens thereof, and exhorted them to adopt that line of conduct, which their neutral situation required. This just and wise measure to which the Americans owe much of their subsequent prosperity, had well nigh involved them in a war with France, and, what is worse, in civil broils among themselves.

Soon after the deposition of Louis the 16th, the republic of France recalled their minister, who had been appointed by the fallen monarch, and replaced him by Mr. Genet, who, being of an ardent temper, entered with enthusiasm into the views of the republic. Counting on the affections and goodwill of the American republicans, towards regenerated France, he calculated on their active co-operation, in favour of his country against its royal enemies. Either distrusting the concurrence of the American government, or too ardent to wait for it, in a few days after his landing in Charleston, he undertook to authorise the fitting and arming of vessels, in that port, enlisting men, and giving commissions to cruise, and commit hostilities on nations, with whom the United States were at peace.

The landing of Genet at Charleston, eight hundred miles from the seat of government, was not accidental; but designed to answer important purposes. It gave him an opportunity of ascertaining the sentiments of the people, with regard to the French revolution, not only in Charleston, but in the intermediate states, through which he had to pass, on his way to Philadelphia; and of calculating how far he might depend on their support, for the accomplishment of his purposes. The flattering reception he met with in Charleston, and Philadelphia, and the intermediate country, inspired him with confidence, that the people of the United States were well disposed to second his views. Before his arrival in the United States was known at the seat of government, the resolution of taking a neutral position had been, by proper authority, wisely adopted. There was no disposition to depart from it; but if there had been, the British would have thrown obstacles in the way. The arrival of Genet, at Philadelphia,



was preceded by a remonstrance against his hostile arrangements, in Charleston. Of these the British minister justly complained, as being injurious to his nation, and incompatible with the relations of peace and amity, which subsisted between it and the United States. President Washington, adhering to his system of neutrality, established rules for the due observance of it, which were forwarded to the governors of the different states, for their direction; and they were respectively enjoined, to prevent all the belligerent powers, from arming or equipping any vessels in the United States, for hostile purposes; and, generally, all acts improper for a neutral nation, either to do or permit to be done, within its limits. Genet could not brook the disappointment, which this decided, honest act of the government threw in his way. Counting on the favour of the people, and on large arrears of gratitude, due from them to his nation, he undertook to give a construction to the treaties between the two countries, which, if true, would have made the President's proclamation of neutrality inconsistent with public faith. Genet claimed, for his nation, all that the two contending parties were restricted from conceding to others: thereby converting negative limitations into an affirmative grant of privileges to France. Urging democratic principles to their utmost extent, he contended that the sovereignty was not in the constituted authorities, but in the people; and threatened to appeal from one to the other. Every practicable evasion of the rules, for maintaining the neutrality of the United States, was adopted by Genet and his friends. They also made great exertions to inflame the public mind against Britain, as the enemy both of France and America, and against Washington, whom they represented as co-operating with the former, in her attempts to crush the latter. The people were so much intoxicated with joy, at the supposed regeneration of France, from an absolute despotism to a free Republic, that, instead of co-operating with the wise measures adopted by their government, for the preservation of peace and neutrality, great numbers of them favoured the pretensions of Genet. But, after a more deliberate view of all circumstances, many of the judicious and reflecting citizens

were induced to think less favourably of the French revolution, and more seriously of the consequences likely to result from involving their country, from complaisance to France, in a war with Great Britain. The threatened appeal, from the constituted authorities to the people, alarmed all, who felt for the honour and independence of the United States. At length, the President requested the recal of Genet; and, as a justification of this extraordinary measure, he directed a faithful narrative of his transactions, accompanied with proper vouchers, to be transmitted to Mr. Morris, the American minister at Paris, to be laid before the ruling powers of France. This request was granted, and Genet was superceded in his official character. His successors, Fauchet and Adet, were more moderate; but pursued nearly the same plan, which he had adopted. They could not brook, that the citizens of the United States should indulge themselves in neutrality, in a war between their late enemies, and their present and late friends. They wished for a co-operation, either direct or indirect, in defending the cause of liberty, against a powerful confederacy of hostile kings; and hoped, that the American people, recently emancipated from royal domination, would hazard all consequences, and sacrifice largely in the cause of liberty. To stimulate them to engage in the war, the French ministers reproached them, for permitting their sailors to be impressed, and their vessels to be searched and captured by British cruisers. These evils, from which the Americans earnestly wished to be delivered, and to which, from the want of a navy, they were obliged to submit, were charged upon them as evidences of a partiality for, and a cowardly submission to, Great Britain.

The ministers of France had one cause of complaint, which they insisted upon, with peculiar earnestness. In the treaty with Great Britain, the search of American vessels, and the seizure of enemies' property in them, were permitted, while the treaty between the United States and France sanctioned the principle, "that free ships make free goods." The French complained, that while their cruisers were restrained, by treaty, from taking English goods out of American bottoms,

that English cruisers were at liberty to take French goods from the same. This inconsistency resulted from an unavoidable, temporary surrender of that only solid foundation of neutral rights, "the absolute freedom of the ocean."— Though this surrender to Great Britain was the result, not of choice, but of necessity, that there might be no ground for the charge of partiality, the American government offered to release France, from the unequal pressure of situation, in which she had voluntarily placed herself. But this was far from being satisfactory. Not content with making prize of enemies' goods, in friendly bottoms, the French directory authorized the indiscriminate capture of all vessels, sailing under the flag of the United States. Pains were taken, in a private way, to satisfy France, that neither the late treaty with Britain, nor the arrangements for securing the observance of neutrality, afforded any real cause of complaint against the United States; that they were measures, which every independent nation had a right to adopt, and such as neutral nations, wishing to preserve peace with all the belligerent powers, were bound to preserve. In the spirit of conciliation, general Charles Cotesworth Pinckney was appointed minister plenipotentiary, to the French republic, with instructions, "to maintain a good understanding between the two nations; to efface unfavourable impressions; banish suspicions; and restore that cordiality, which was at once the evidence and pledge of a friendly union." An official letter was addressed to general Pinckney, in which, Mr. Pickering, secretary of state, with great ability, demonstrated the futility of the complaints made by Genet, Fauchet, and Adet, for the last five years, against the United States. This well-reasoned state paper, being sent, on the 19th January, 1797, by the president, in a message to the house of representatives, was by them published. The message introducing it concluded with these words: "A government, which required only a knowledge of the truth, to justify its measures, could not but be anxious, to have this fully and frankly displayed." The effect of this candid statement on the public mind was great. It carried conviction to the breasts of thousands of

Americans, that the measures, pursued by their government, were founded in self-respect, and a regard to public good; while, at the same time, they violated none of the claims of justice, nor of the rights of France.

General Pinckney, though sent on an embassy of reconciliation, was not received. On presenting his letters of credence, the French directory resolved, "not to receive another minister from the United States, until after a redress of grievances, demanded of the American government, which the French republic had a right to expect from it." Instead of being received as a public minister, the general was ordered to quit the territories of the French republic. In the mean time, American vessels, wherever found, were captured by French cruisers.

If the government of the United States had been so far monarchical, as to vest the power of declaring war in the executive, nothing less than the immediate adoption of that last resort would have satisfied the wounded honour of America; but, happily for the country, by its constitution, the previous consent of the representatives of the people, who are to bear the burdens and pay the expenses of hostilities, was indispensably necessary. The lately elected President, John Adams,\*

\* While the election of a President was pending, and less than one month before the day, on which the votes were to be given, by the electors, Adet, the French minister, made a bold attempt, to influence the election, by an official note addressed to Mr. Pickering, secretary of state; in which he recapitulated the complaints, urged by himself and predecessors, against the government of the United States; reproached their government with violating its treaties; with ingratitude to France; and with partiality to England. These wrongs, which commenced with what he denominated the "insidious proclamation of neutrality," were said to be "so aggravated by the treaty concluded with Great Britain," that Mr. Adet announced, "the orders of the Directory, to suspend his ministerial functions with the government." But he added, "that the name of America, notwithstanding the wrongs of its government, still excited sweet emotions in the hearts of Frenchmen; and the Executive Directory wished not to break with a people, whom they loved to salute, with the appellation of a friend." This suspension of his functions, therefore, was not to be regarded, "as a rupture between France and the United States; but as a mark of just discontent, which was to last until the government of

though keenly sensible of the indignity offered to his country, was so fully impressed with the importance of peace, to its

the United States returned to sentiments, and to measures, more conformable to the interest of the alliance, and to the known friendship, between the two countries." The note concluded as follows: "Alas! time has not yet demolished the fortifications, with which the English roughened this country, nor those the Americans raised, for their defence; their half rounded summits still appear in every quarter, amidst plains, on the tops of mountains; the traveller need not search for the ditch which served to encompass them; it is still open under his feet; scattered ruins of houses laid waste, which the fire had partly respected, in order to leave monuments of British fury, are still to be found; men still exist, who can say, here a ferocious Englishman slaughtered my father; there my wife tore her bleeding daughter, from the hands of an unbridled Englishman: alas! the soldiers, who fell under the sword of Britons, are not yet reduced to dust; the labourer, in turning up his field, still draws from the bosom of the earth their whitened bones; while the ploughman, with tears of tenderness and gratitude, still recollects that his fields, now covered with rich harvests, have been moistened with French blood; while every thing around the inhabitants of this country animates them to speak of the tyranny of Great Britain, and of the generosity of Frenchmen; when England has declared a war of death to that nation, to avenge herself, for its having cemented, with its blood, the independence of the United States; it was at this moment, their government made a treaty of amity, with their ancient tyrant, the implacable enemy of their ancient ally. O Americans, covered with noble scars! O! you, who have so often flown to death, and to victory, with French soldiers! you, who know those generous sentiments, which distinguish the true warrior! whose hearts have always vibrated with those of your companions in arms! Consult them to-day, to know what they experience! Recollect, at the same time, that, if magnanimous souls with liveliness resent an affront, they also know how to forget one. Let your government return to itself, and you will still find, in Frenchmen, faithful and generous allies."

That this extraordinary note, to an officer of government, might influence the election, it was sent to a printer, for publication, on the day of its date, November 15th, 1796; which barely allowed a sufficiency of time, for its circulation throughout the United States, anterior to the day for the election of a President. Mr. Adet was disappointed in his expectations. John Adams, of all the candidates for the high office, the most disagreeable to him and his masters, was elected. Judicious citizens, who disliked the administration, disapproved of this interference, in the internal affairs of the United States; and the opposite party were filled with indignation, at the attempt to mingle foreign intrigue with their elections. They viewed it as an evidence, of the intentions of France, to establish

advancement and happiness, that, in his speech to Congress, in June, 1797, he informed them, "that, as he believed neither the honour, nor the interest of the United States absolutely forbade the repetition of advances, for securing peace and friendship with France, he should institute a fresh attempt at negociation;" but, at the same time, "earnestly recommended to congress, to provide effectual measures of defence."

To add to the solemnity of this embassy, three envoys extraordinary, generals Pinckney and Marshall, and Mr. Elbridge Gerry, were appointed. They were instructed, "to pursue peace and reconciliation, by all means, compatible with the honour and faith of the United States." On their arrival in Paris, the Directory, under frivolous pretexts, delayed to accredit them, as the representatives of an independent nation. In this unacknowledged situation, they were addressed by persons, who, though not invested with formal authority, exhibited evidence of their being tools of government. In direct and explicit terms, they demanded a large sum of money from the United States, as the condition, which must precede any negociation, on the subsisting differences, between the two countries. To this degrading demand, the envoys returned a decided negative. The unofficial agents, nevertheless, urged them to comply, and enlarged on the immense power of France; and particularly insisted, that to her friendship alone, America could look for safety. The envoys, after some time, refused to hold any further communication with these agents. Though not received in their public characters they sent a letter to the French secretary of foreign relations, in which they entered into the explanations, committed to them by their government, and illustrated, by facts, the uniform friendly disposition of the United States towards France. This effort failed, and every circumstance concurred to prove, that all further attempts would be equally useless. They nevertheless continued to wait events, with a patience that demonstrated their sincere desire to avert a rupture between the

so influence in the councils of America; and that she wished to make them parties in the war against Great Britain, in opposition to their interest, their declared neutrality, and their late treaty with that nation.

two countries. At length, two of the envoys, generals Pinckney and Marshal, were ordered to quit the territories of France: and the third, Mr. Gerry, was permitted to remain, and invited to resume the discussions, which had been interrupted.

When these events were known in the United States, they excited the keenest and most extensive indignation. The ardour of 1776 was revived. For a time, the spirit of party appeared to be suspended. "Millions for defence, but not a cent for tribute," daily resounded from the tongues of thousands. Authority was given for capturing armed French vessels. In consequence thereof, two severe, and well-fought actions took place, between the American frigate *Constellation*, of 38 guns, commanded by commodore Truxtun, and the French frigates *L'Insurgente*, of 40 guns, and *La Vengeance* of 50 guns. *L'Insurgente* was captured; but *La Vengeance*, after having struck, escaped in the night, by reason of the disabled condition of the *Constellation*.

A small regular army was also ordered to be raised, and officers were appointed for a large provisional one. In the mean time, addresses poured in upon the President, from all sections of the Union, approving his measures, and promising him the most efficient support, in defence of the country. A military resistance being resolved upon, the eyes of all were turned to their beloved Washington, in the fond hope, that he would once more sacrifice the repose of a private life, to a sense of duty. He was called upon, not only by government, but by the general voice of his fellow citizens, as the man who could draw into public service, the best military talents of the nation; and, more than any other, bring into action the physical strength of the country. The call was obeyed, and the hero of the revolution accepted the charge of organising the proposed army, and directing its operations. America in arms, under the command of her Washington, commanded respect, though, while supplicating for peace, she had been treated with contempt. In consequence of these spirited measures, overtures of a pacific nature were made; and a disposition on the part of France, favourable to an accommodation

with the United States, was announced to President Adams, through a circuitous channel. Peace and justice being all ever desired by America, these indirect communications were acted upon; and Oliver Elsworth, William Richardson Davie, and William Vans Murray were appointed envoys extraordinary, and ministers plenipotentiary, to the French Republic. On their arrival in Paris, they found the Directory overthrown, and the government in the hands of Buonaparte, with the title of First Consul. By him they were received with the respect due to their character; and three persons, with equal power, were appointed to treat with them. All differences were speedily and amicably adjusted, and, shortly afterwards, a new treaty between the two nations was concluded. Henceforward, there was a good understanding between France and the United States. In about four years after this amicable adjustment, Buonaparte, who, in the mean time, had become the proprietor of Louisiana, with the consent of Spain, sold it to the United States, for fifteen millions of dollars. The territory thus acquired, by giving the Americans a right to both sides of the Mississippi, from its source to its mouth, extinguished all possibility of dispute with foreign nations, about the free navigation of that noble river. It created a dependence of the numerous Indian tribes, in a vast extent of country, on the United States; laid a foundation for an immense fur trade, and for the extension of agriculture and commerce, over a fertile country, superior, in magnitude, to civilized Europe.

From the deposition of Lewis the 16th, to the final overthrow of the Directory of France, a period of about six years, nothing short of great forbearance, patience, moderation, and also of firmness, on the part of the United States, could have prevented their being made parties to the war, against Great Britain, or being involved in a war, with France. Steadily pursuing peace and neutrality, and, at the same time, insisting on their rights, as an independent nation, they commanded the respect of the world, while they increased in importance, wealth, and resources.



## CHAPTER XXXIII.

*British Relations—Jay's Treaty—Attack on the Chesapeake—  
Right of Search and Impressment—Orders in Council, &c.*

### GREAT BRITAIN.

SOON after the termination of the American revolutionary war, the United States and Great Britain charged each other with having violated the treaty of peace. The charge was reciprocally denied, under the shadow of sophistical distinctions; but reciprocally proved, by facts, that could not be controverted. Each palliated the non-performance of their engagements, by alleging, that, on their part, it was subsequent to, and the consequence of, the failure of the opposite party. From the uncommon circumstances of this unnatural war, between members originally of the same political family, the exact fulfilment of the treaty was impracticable. The seventh article stipulated, "against the destruction, or carrying away of negroes, or other property of the Americans." The greatest vigilance, and the purest intentions, could not have secured the liberal fulfilment of this article; for many articles of property were destroyed, or carried off, without the possibility of prevention. Good faith to the blacks involved the necessity of bad faith to the whites: for many of the former, being in actual possession of freedom, by virtue of proclamations, promising that boon as a reward for repairing to the royal standard, could not, on any principle of English law, be re-delivered, as slaves, to their American masters. To discriminate between those, who were in this situation, and others differently circumstanced, was in many cases impossible. The bias of Englishmen in favour of personal liberty, the interest and convenience of officers, and others, who were benefited by

the labour of negroes, induced a very liberal construction of the treaty, with regard to the slaves; but a very unjust one, with regard to their owners. One failure involved another. Debts contracted by Americans, for property destroyed or carried away, or for negroes taken off, could not be discharged in some instances, because the destruction of property, and carrying away of negroes, deprived the debtors of the means of payment. Even where the price of the negroes carried off had been paid, the circumstance of their being carried off made the payment of other debts impossible; for, in the southern states, which were most indebted to Britain, land, without negroes, instead of aiding to pay an old debt, generally involved the possessor, in an accumulation of new ones. The evil did not terminate here. The nonpayment of debts, from American to British subjects, was assigned by Great Britain, as a reason for retaining the posts on the south side of the lakes, which form the northern boundary of the United States. This diminished the capacity of the Americans to pay their British creditors, as it encouraged the Indians, in the neighbourhood, to make war on the United States, and deprived the latter of an opportunity to sell their north-western lands. During twelve years after the peace, these lands remained unsaleable, and generally unproductive; and, for a great part of the same period, Indian wars, proceeding from the neighbourhood of the British posts, and said to be encouraged by them, cost the United States several millions of dollars, besides diminishing the productive industry of the country. Before the revolution, British subjects, on the east side of the Atlantic, found an interest in giving credit, and making advances, to British subjects, on its west side. The war found the latter deeply indebted to the former. While it raged, remittances were forbidden, or impracticable. On the return of peace, the principal of the debt was undiminished, and a serious discussion arose, whether, and how far, it had been increased, by interest during the war. The long delays of payment had nearly ruined the British merchants, trading to America, and made them clamorous for immediate remittances. In the state of the country, this was

impracticable, even by solvent, honest creditors. The inhabitants were greatly impoverished, by an eight years' war. Their property had been repeatedly taken from them, for the support of both friends and foes. Much of their labour had been abstracted from agriculture, by calls on them for militia duty. Their commerce had been so nearly annihilated, by the superior naval power of their enemy, that imported articles, though universally wanted, were both scarce and dear, while their native commodities were in little demand, and of low price. Peace found the Americans destitute, not only of the elegancies, but, in many cases, even of the conveniences of life; and without the means of procuring them, otherwise than on credit, founded on the anticipation of their future industry. After an eight years' interruption of trade, an immensity of foreign merchandise was suddenly imported and sold on credit, too generally asked, and too often given. The manifold wants of the citizens, and their sanguine prospects of the future, tempted many to purchase, beyond their ability to pay. They were led to this indiscretion, by an expectation, that the evidences of the public debts, which they possessed, would soon constitute an efficient fund for their relief; and that the temptation, which equal liberty and vacant lands held out to Europeans, would speedily fill their country with inhabitants, and cause an extraordinary and rapid rise in the value of their lands. Delusive hopes, created by these, and similar unfounded anticipations of good, supposed to be within their grasp, added to the want of credit, and confidence between man and man, and an inefficient government, produced a scene of unparalleled pecuniary distress, among the citizens of the United States, who had fondly hoped that peace and independence, superadded to the natural advantages of their country, would speedily raise them to the pinnacle of earthly happiness.

Evidences of acknowledged claims, on the public, would not command, in market, more than one-fifth of their nominal value. The bonds of solvent men, payable at no very distant day, could not be negotiated, but at a discount of thirty, forty, or fifty per centum. Landed property would rarely

command any price, and sales of the most common articles, for ready money, could only be made, at an enormous and ruinous depreciation. State legislatures, in too many instances, yielded to the necessities of their constituents, and passed laws, by which creditors were compelled, either to wait for payment of their just demands, on the tender of security, or to take property, at a valuation, or paper money falsely purporting to be the representative of specie. These laws were considered, by the British, as inconsistent with that article of the treaty, which stipulated, "that creditors should meet with no legal impediments, to the recovery, in sterling money, of all *bona fide* debts." The Americans palliated these measures, by the plea of necessity; and some attempted to justify them, by contending, that the treaty was fulfilled, while the laws placed British creditors on the same footing with such of their own citizens, as had equally just demands, on their fellow citizens. This unhappy state of things, in which, one of the parties to the treaty of peace had a right to demand that, with which the other had not the means of complying, produced much ill humour between the two countries.

The rigorous commercial system, pursued by Britain, was another source of uneasiness. The Americans, as colonists, had carried on a gainful trade with the British West Indies; but as citizens of independent states, this source of procuring gold and silver was closed against their adventurous mariners. It was the opinion of intelligent Americans, that the trade of the United States with Great Britain was of equal importance to both, and that their commercial intercourse should, therefore, be established on equal terms. To adjust these matters, and to obviate growing misunderstandings, John Adams was, in February, 1785, appointed minister plenipotentiary, to represent the United States, at the court of London. His strenuous endeavours to establish a commercial compact were unsuccessful. The United States expected, from Britain, considerable relaxations of her navigation act, and a free admission into her colonies; but neither could be obtained, on any permanent footing. Mr. Adams, seeing no prospect of serving his country, asked, and obtained leave, to

return home. Matters remained in this state of reciprocal discontent, for some years. When the reputation of the new American government, administered by President Washington, was established and known, Britain, of her own accord, sent Mr. Hammond, minister plenipotentiary, to the United States. This advance was well received, and major Thomas Pinckney was soon afterwards sent to London, in a similar diplomatic character. About the same time, war broke out between France and England. As soon as the existence thereof was known, President Washington issued his proclamation, enjoining on the citizens a perfect neutrality, between the belligerent nations. Though this was the duty, the right, and the interest, of the United States, yet, as France was generally beloved, and Britain as generally hated, the proclamation excited great uneasiness. The ill humour, which previously existed, was henceforward increased. The former charges against Britain were revived, and brought before the public, with increased acrimony. She was accused of instigating the Indians to acts of hostility, against the United States; of impressing their sailors; of illegally capturing their ships. In proportion as the public mind opened towards France, as a sister republic, and recent friend, it closed against Britain, as the late enemy of the United States, and, in principle, hostile to both republics. Motions were made in congress, for sequestering debts, due to British subjects, as a fund to indemnify American citizens, for depredations committed on their commerce, by British cruisers; and, also, for interdicting all commercial intercourse with Britain, till she gave up the posts, and made full compensation for the injuries she had done to the citizens of the United States. In addition to all previous causes of uneasiness, a new one grew out of the war with France. The Americans had become the carriers of France, and, adhering to their favourite principle, "that free ships make free goods," they were indignant at the frequent searches, and captures of their vessels, and of French property on board. Their resentments were excited to such a degree, that many of them discovered an eagerness to join France, in the war against Britain. As a last re-

source, for the preservation of peace, John Jay was sent, envoy-extraordinary, to the court of London. This virtually suspended all hostile legislative measures; for nothing of that kind could, with propriety, be urged, while amicable negotiations were pending.

A treaty, between the United States and Britain, was the result of this mission. For nine years, the former had made unsuccessful advances, for establishing a commercial compact with the latter. Though more was now conceded, than ever could have been previously obtained, yet these concessions were far short of what the American people wished and claimed. Their favourite principle, "that free ships make free goods," was given up, and the search of their vessels authorised. Britain, as a great power, would not relax on these subjects. With or without a treaty, she would act on her own construction of the laws of nations, and the United States, from inability to enforce their claims, had no alternative, but submission. By the temporary concession of this point, the United States were, in fact, in no worse situation, than they would otherwise have been; for, in both cases, searches and captures would have been equally frequent, and equally injurious to their commerce. The treaty, on the other hand, held out a fair prospect of a speedy surrender of the British posts, on the American side of the lakes; and also of restitution, for preceding illegal captures; together with an authorized, but limited trade, to the British West indies. Mr. Jay signed the treaty, "as the best that was attainable, and as one which he believed it to be for the interest of the United States to accept." A great proportion of the citizens viewed the subject differently. The particulars of the treaty being published, by one of the senators, before the senate had advised its ratification, the people, availing themselves of their rights under a free constitution, assembled in the maritime cities, and in many country places, passed resolutions condemning the treaty, and concurred in petitions to the President, to refuse his signature to its ratification. Debates on the subject were warm and animated, both in congress, and among the citizens. The people were unfortunately divided into two parties; one evident-

ly partial to the French, the other to the British. The former were violently opposed to the treaty, which they represented as unequal, and giving up too much, and receiving too little; as partial to Britain, and as hostile to the interests of France; though the evidence, for this latter opinion, had scarcely any other foundation, than that the treaty bid fair to prevent a war between Britain and America, and indirectly to injure France by leaving her enemy more free to urge the war against the new republic. The advocates for the treaty contended, that it was better than none, and infinitely better than war; that it compromised disputes; tended to bring round a friendly intercourse; and would probably pave the way, for a more equal treaty, at no very distant time, when the growing importance of the United States would give them greater weight in future negotiations. The President, on a view of all circumstances, from a conviction that the good outweighed the evil, gave the treaty the sanction of his name, and, with the advice of a constitutional majority of the senate, proclaimed it to be the law of the land. The party, in the house of representatives, opposed to this measure, asked of the President, a copy of his instructions to Mr. Jay, together with the correspondence, and other documents, relative to the treaty, in hopes of finding something, that would justify their opposition to its ratification. This request was refused by Washington, who, with great firmness and energy, in his reply contended that his compliance would be inconsistent with the constitution, which had exclusively given the treaty making power to the President, by and with the advice and consent of two-thirds of the senate. The opposition to the treaty was so great, that the appropriations, for carrying it into effect, were warmly resisted, and, after a long debate, barely carried, by a small majority, in the house of representatives.

The treaty, carried into effect, against such powerful opposition, nominally settled existing disputes, between the two governments. The bickerings of the people continued; but the posts were given up, and compensation was made for several of the illegal captures of American vessels, by British cruisers. A board of commissioners was appointed, to examine

particularly into the losses, sustained by British creditors, individually, in consequence of legal impediments interposed by the Americans, to the recovery of bona fide debts due by them. In the detail of this business, so many difficulties occurred that, by common consent, the United States agreed to pay 600,000*l.* sterling, to the British government, in trust for the creditors of the Americans, and in full, for all such out-standing, contested claims of individuals, of the one nation, against individuals of the other, as were contemplated in, and affected by the 4th article of the treaty, and subsequent acts of some of the state legislatures. This magnanimous policy closed all grounds of controversy, growing out of the war of the revolution. The beneficial effects, resulting therefrom, evinced the wisdom of accommodating disputes, by moderation and reciprocal concession, in preference to deciding them by the sword.

Good humour began to return, between the two countries; but it was not of long duration. One impediment stood in the way of a perfectly good understanding. The right of searching American ships, and of impressing British sailors from them, is so strongly claimed by one, and so firmly resisted by the other, that a compromise, on middle ground, is next to impossible. Both are right, on the principles they, respectively, adopt. To the right of expatriation and the freedom of the Ocean, the Americans, from principle and interest, are friendly. On the same grounds, the British are opposed to both, and claim their native sailors, wherever found, as national property. Proceeding on these ideas, the British search neutral vessels, and impress from them such sailors, as are supposed to be born within the limits of their empire. The Americans are tenacious of their sovereignty; the British of their existence, which they consider as involved in the support of their navy. From the collisions of principles and interest, there is an increased irritation kept up between the two countries, whenever Britain is involved in war, and her peace endangered, by the indiscreet or arbitrary conduct of wrong-headed individuals. With the most honest intentions, frequent mis-



takes must unavoidably happen. This results from the sameness of language, and often of dialect. It is a well-known fact, that the American born children, of Irish and Scotch emigrants to the United States, often retain so much of the peculiar accent of their parents, that they might honestly be mistaken, for natives of Scotland or Ireland. In deciding on the political condition of these and others, questions both of law and fact are determined by hot-headed naval officers, acting as judges, juries, and executioners. From their decisions there is no appeal.

Minor insults and injuries, after frequent repetition, were, in the year 1807, merged in the audacity of an attack, made, by order of the British admiral Berkley, on the United States' frigate Chesapeake, within the waters of the United States. This was to compel the delivery of part of her crew, claimed as British sailors. After several broadsides, from the Leopard, a 50 gun ship, and four men were killed on board the Chesapeake, a frigate of 36 guns, she struck; was boarded by the British; and had four men taken from her: one of whom was hanged as a British deserter. Since the Lexington battle, in 1775, nothing produced an equal effect, on the temper and dispositions of the American people. Indignation at this insult pervaded every breast. In pursuance of the laws, president Jefferson, by proclamation, interdicted British armed vessels, from entering the waters of the United States. The people, of their own accord, met in their cities, towns, and districts; and passed sundry resolutions, reprobating the conduct of the British, and pledging their lives and fortunes, to support the constituted authorities, in demanding satisfaction for the insult. The king of England promptly disavowed the act of Berkley, removed him from the command of the station, and instructed his naval officers to respect the flags of national armed vessels. However up to this period, 1808, there has been no suitable reparation made, by the offending party. This particular affair, after much discussion, remains unsettled. While the general claim, by Great Britain, of the right of search and impressment, has never been adjusted; nor can it be, till the Americans relinquish a portion of their sovereignty, or the British acknowledge, that sailors

have the rights of men, and that the ocean is the common property of the human race.

The war between France and England continuing to rage, most of the nations of Europe were implicated in it. In this situation the carrying trade became of great importance to the United States, which, happily, were distant from, and unconnected with the nations at war. It was the wish and the interest of Britain, to confine this trade, within narrow limits; for her superior navy had nearly annihilated the direct commerce of her enemies, and left them scarcely any source of supply, but through the medium of neutral nations. Britain, possessing the means of enforcing such regulations as she thought proper, was too often impelled, by eagerness for crushing her enemies, to abridge the rights of neutrals. She accordingly enlarged the articles of contraband, invented a new system of blockade, extending that to whole countries, which, heretofore, had been confined to besieged towns, or garrisons; and, in a variety of ways, crippled the commerce of neutral nations. Rigid orders were rigidly executed. What the policy of Britain prescribed, for national purposes, the avarice and insolence of some of her marine officers carried into effect with increased severity. The interest of the United States was directly opposed to that of Britain. The former wished to enlarge the carrying trade, as eagerly, as the latter wished to curtail it. Many artifices were contrived by the one, to make that seem a fair neutral commerce, which was not so. Much chicanery was practised by the other, to obtain the forfeiture and legal condemnation of vessels and cargoes, which had not offended against the laws of nations. In the restrictions imposed on neutral commerce, France sometimes preceded, and, sometimes, followed Great Britain. In others, they were nearly simultaneous. The injustice done by one belligerent, to a neutral power, was the alledged justification of the other, for further and greater impositions, not on the wrong doer, but on an innocent third party. Both belligerents claimed and exercised the right of retaliating on the other, through the medium, and at the expense of the United States. The object of each was, to distress its adver-

sary. To accomplish this, the laws of nature, and of nature's god, and of nations, were disregarded by both; and the commercial rights and interests of unoffending, neutral America, were sacrificed. These retaliating restrictions were carried to such an extent, each successively trenching, deeper and deeper, on the rights of Americans, that, in the close of the year 1787, all the commerce, permitted by the one, was, with a few exceptions, interdicted by the other. Many captures were made, and more expected. From the amplitude of British orders of council, and French imperial decrees, a general sweep of all floating, American property was deemed almost inevitable. In this crisis, congress, on the recommendation of president Jefferson, passed a general embargo, and prohibited the exportation of all commodities, from the United States.

Under every pressure, the commerce of the country had increased, and, at the time of the adoption of this self-denying measure, was the second in the world. In a moment, it was reduced to a coasting trade, between the individual states. A stagnation, so extensive, and, at the same time, so sudden, was sensibly felt, by hundreds of thousands. Many condemned, but more justified the measure, as the least of, otherwise, unavoidable evils. In preference to war, or extensive capture, the people generally concurred with the government, in retiring from the ocean. The preservation of the floating property of the citizens, one of the objects of the embargo, was obtained by it. What was in the harbour could not depart. What was on the high seas, its navigators being uninformed of the interdiction of commerce, came home, and there became stationary. As a measure of coercion, it fell far short of the expectations of its friends. This was, in a considerable degree, frustrated by the illegal departure of loaded vessels. To enforce the observance of a law, so contrary to the immediate interest of multitudes, along a coast of 1500 miles, indented with bays, rivers, and inlets, was impossible. The temptations to break it were too great, to be universally resisted. Much of the self-denying spirit of 1776 had evaporated. The love of money was, with many, paramount to the love of

country. For ten or twelve months, the embargo was patiently submitted to, by a majority of the states, and of the people; but when the new congress, which met in the close of 1808, resolved to continue and enforce it, many of the inhabitants, in the eastern section of the union, to whose existence commerce, by long habit, was in some degree essential, became refractory. The people, in that quarter, not only refused obedience; but their constituted authorities abetted their resistance. The opposition was so strong, that the laws, for enforcing the embargo, could not be carried into effect, without violence. The government, which, for several years, had sacrificed largely to the preservation of peace with foreigners, found it expedient, to do something of the same kind, to maintain peace at home. The embargo was partially repealed, and a non-intercourse, with France and England, and their respective dependencies, was substituted in its place. This was scarcely in operation, when the British minister, at Washington, tendered reparation for the attack on the Chesapeake, and a proposition to rescind the British orders of council. The recently-elected president Madison, promptly closed with his overtures. These were substantially the same, as had been offered by president Jefferson, the year before. In 1808, he had been invested by congress with discretionary power, to suspend or repeal the embargo. In the exercise of his discretion, he authorized Mr. Pinckney, the American minister at the court of Great Britain, to stipulate for the immediate repeal of the embargo, as it respected England, on condition she revoked her late hostile orders of council. Great Britain declined the offer, in August 1808; but, of her own accord, proposed what was equivalent, in about six months afterwards. War, between the two countries, though wished for by a few, and seriously expected by many, was prevented, without any loss of reputation, on the part of the United States. But the wealth, commerce, and revenue of the country, sustained an immense defalcation. The morals of the citizens received a taint. Legal impediments to the acquisition of property often imposed a necessity, and, oftener, furnished a pretence, for not paying private debts. The open

violation of one law weakened the respect that was due to others. The abetment, by constituted state authorities, of the illegal opposition of the people, to an unrepealed law, struck at the foundation of all law, and especially of the federal government. The irritation of the public mind, in one section of the union, gave birth to discussions of a subject, on which nothing should be written, spoken, or thought, but with the most pointed abhorrence; the separation of the Union!!!

In addition to the several wars, which have been occasioned by disputes, about the boundaries of the British colonies, in America, and the very serious one, for the independence of such of them, as now form the United States, there is reason to apprehend a future one,\* for the establishment of their commercial rights. The cessation of European wars, or a magnanimous policy, founded on the reasonable idea, that nations, at peace, should be left free to pursue their own interests, without avoidable interruption from any of the belligerents, might prevent it; but neither, in the present state of things, can be expected. While nations, at war, prescribe to nations, at peace, what commerce they may pursue, and what they must abandon, the innocent and peaceable are involved with the guilty and turbulent. The only radical remedy is, the emancipation of the Ocean, and the establishment of the principle, "that free ships make free goods." The nations at war would then have an interest in making peace; and those at peace would find their account in continuing so. 'Until this happy period shall arrive, the United States will but half enjoy that portion of political happiness, to which their situation, remote from the old world, their justice, republican institutions, and peaceable habits, fairly entitle them.

That peace has been preserved, between the United States and Britain, for the twenty-five years subsequently to the the treaty of 1783, proves the general practicability of avoiding war. It seldom happens, that there are so many points of irritation, as existed between the two countries, for nearly the whole of that period. Britain viewed the Americans as un-

\* This, it is to be observed, was written in 1808. Edit.

grateful subjects, who, by the interference of the French, had succeeded in an unprovoked rebellion. The latter considered the former as, at first, an unkind stepmother; afterwards, a cruel enemy; next, a bad neighbour; and, lastly, an insolent, overbearing, naval power, hostile to equal maritime rights. Each charged the other with having broken the treaty. The British denounced the Americans, as a people devoid of common honesty, in neglecting the payment of their just debts. The latter retorted, that the former, in violation of the treaty of 1783, retained, for twelve years, possession of military posts, within the United States; illegally captured their vessels; impressed their seamen; encouraged the Indians to deeds of desolation and murder; and the Barbary powers, in their piratical expeditions. For several years, hatred to England, and good wishes for the successes of her enemy and rival, France, extensively prevailed. With all these, and other excitements to contention, the relations of peace were preserved between the two countries. As this has been effected, in opposition to so many obstacles, by a spirit of accommodation, final justice, and temporary forbearance, no doubt can exist of the practicability, in most cases, of extinguishing wars, in embryo, if nations, generally, in their intercourse with each other, guided themselves by these noble principles.

Pursuing this line of conduct, the United States, with the exception of petty wars with barbarians, on their own frontier, and on the coast of Africa, have been preserved in peace, ever since the termination of their revolution, from colonies to states. For the greatest part of this period, equal to the quarter of a century, the nations of Europe have been drenched in blood. The men, destroyed by their wars, would have constituted nations. The treasure expended would have converted wildernesses into gardens; swamps and marshes into fertile fields. It would have levelled or perforated mountains; extended inland navigation, to an incalculable extent; connected rivers, lakes, seas, and oceans with each other; and, in a variety of ways, promoted human happiness. While they were wasting their energies, in mutual destruction, the citizens of the United States, enjoying the blessings of peace,

have been employed in making arrangements for the diffusion of knowledge and religion; in reforming and improving their civil institutions, for the better government of their people. Their population has increased, from three millions to six; their commerce, from small beginnings, to be superior to that of every other nation in the world, one only excepted. Their revenue has increased, from an inconsiderable sum to the annual amount of sixteen millions of dollars. Their exports have nearly doubled in price, and trebled in quantity; while their manufactures were daily extending. Such have been the effects of peace and independence in America. Happy citizens of the United States! thrice happy will you be, if you continue to walk in the paths of peace, and prudence, and virtue, which you have hitherto trodden.

[The author having omitted the relations of the United States with the Barbary Powers, and the affairs in which Aaron Burr was implicated, the editor has undertaken to supply the deficiency.]

## CHAPTER XXXIV.

*Relations with the Barbary States—War with Tripoli—Capture of Derne—Treaty, &c.*

IT was the fate of the United States, in the morning of their existence, as an independent nation, to be involved in difficulties, equally with christian and pagan nations. All their difficulties, however, were, under the superintendence of a favouring Providence, surmounted by the wisdom and moderation of their rulers; who, always having their quarrel just, were, perhaps, more successful, than had they been thrice armed. The treaty concluded with Great Britain, by Mr. Jay, the pacification of the Indians, at the close of Wayne's campaigns, and the convention formed between Buonaparte, in his first consulship, and the American plenipotentiaries, Ellsworth, Murray, and Davie, opened, to the view of the United States, the prospect of peace with the whole world. Their commercial and diplomatic relations, with all nations, appeared to be settled justly, advantageously, and amicably. Tranquillity succeeded the late troubles, and prosperity awaited the industry and enterprize of the people. But a new scene of vexation and, ultimately, war, was created, by the demands and depredations of the Barbary states.

The differences, that arose between the United States and the states of Morocco, Algiers, and Tunis, after much delay and vexation, were respectively and successively settled by treaties; without any distinguishing event. One, nevertheless, from the singularity of its character, is worthy to be recorded.



In the year 1800, the Dey of Algiers, to designate his peculiar regard for the United States, selected the American frigate, *George Washington*, then in the Mediterranean, to carry his presents to the Grand Signior, at Constantinople. Her commander, captain *Bainbridge*, would have declined the honour; but he was explicitly told, that, if he persisted in his refusal, the bashaw would instantly declare war against the United States. There being many citizens of the United States exposed to the danger of capture and slavery, and their property liable to be sacrificed by such an alternative, he wisely determined not to be the occasion of an unexpected war, and accepted the distinction intended to the flag of the United States, by his barbarian excellency. This circumstance is recorded, simply, because it exhibits to a civilized mind, a strange specimen of national friendship. While the bashaw esteemed the procedure an act of distinguishing honour to the favoured nation, the American commander considered it a matter of coercion, which he certainly would have resisted, but from his regard to the predicament of many of his countrymen, at the juncture.

In 1799, the hashaw of Tripoli dismissed the American consul; and threatened speedy depredations on the American commerce, unless certain demands on the United States were accorded. These demands not being conceded, the Bashaw proceeded to the execution of his threats. During the month of June, 1801, five American vessels were captured by his cruisers.

In August, captain *Sterret*, in the United States schooner, *Enterprize*, off Malta, fell in with a Tripolitan cruiser. A desperate engagement ensued. It was, in the first instance, continued nearly two hours, when the Tripolitan hauled down her colours. The crew of the *Enterprize*, quitting their guns, gave three cheers; whereupon the perfidious Tripolitan fired a broadside into the *Enterprize*, hoisted her colours, and renewed the action, with renovated desperation: but she was again vanquished by the Americans. The cruiser was then ordered under the quarters of the *Enterprize*. She had no sooner gained this position, than she renewed the contest, for

the third time, by pouring a broadside into the *Enterprize*; at the same time, hoisting the bloody flag, and making every effort to board. "Fight on, and sink the perfidious villains to the bottom," was given as the word of command, and passed through the American crew. Captain Sterret now determined to secure a complete victory. He took a position that enabled him to rake the corsair fore and aft. Her mizen mast was shot away: and her sides, opened by well-directed shots, between wind and water, admitted overwhelming torrents from the bosom of the sea. The commander of the corsair, perceiving the otherwise inevitable destruction of his crew, throwing his colours overboard, and bending over the waist of his vessel, implored for quarters. His instructions not permitting him to make prize of the cruiser, captain Sterret ordered her crew to throw her armament into the sea; and to go home, and tell their countrymen, what to expect, from a nation determined to pay tribute only in powder and ball.

In this engagement of three hours, the *Enterprize* did not lose one man. Captain Sterret, having paid every attention to the wounded Tripolitans, that humanity could dictate, ordered the cruiser to be dismantled. Her masts were cut down. A spar was erected, as a substitute for a mast, to which was hung, for a flag, a tattered sail. In this condition, she was sent into Tripoli. So terrified were the Tripolitans, at this event, that the sailors abandoned the cruisers, then fitting for sea. Crews could not be procured to navigate them. In perfect character with a barbarian, when his defeated cruiser arrived at Tripoli, the bashaw ordered her wounded captain to be mounted on a jack ass, paraded through the town, as an object of public scorn; and afterwards to receive five hundred bastinadoes.

Captain Sterret received the honour to which he was entitled, from the government of the United States. On the president's communicating his achievement to the two houses of congress, they adopted resolutions approving the gallantry of the commander, and the good conduct of the crew of the *Enterprize*; and voted a gold medal with suitable emblems to

captain Sterret; swords to his officers; and one month's extra pay to the non-commissioned officers, seamen, marines, &c.

During the year 1801, the government of the United States sent three frigates and a sloop of war, into the Mediterranean, under commodore Dale. On his arrival, he blockaded the port of Tripoli; of which he issued a regular notification. By this measure, the Tripolitan cruisers were excluded from the Mediterranean, and the American commerce, in that sea, completely secured from molestation.

In the year 1802, commodore Murray, in the *Constellation*, sailed for the Mediterranean. Cruising off the port of Tripoli, he was becalmed. On which, all the Tripolitan gunboats in the harbour, came out, and attacked him. Their fire was incessant, for the space of an hour. A breeze fortunately springing up, he dashed in among them, and obliged them to retire, in dismay and confusion. Several of the boats were foundered in the surf; and numbers of their crews were killed.

The year 1802 passed over, without any occurrence of interest. Early in the next year, 1803, the government of the United States determined on vigorous measures against Tripoli. A squadron of seven sail was promptly fitted out, to act in the Mediterranean. It consisted of the *Constitution*, of 44 guns; *Philadelphia*, 44; *Argus*, 18; *Syren*, 16; *Nautilus*, 16; *Vixen*, 16; and *Enterprize*, 14. The command of this squadron was given to commodore Preble. He sailed in August, 1803, and arrived, in the course of the month, in Tangier bay. Having adjusted some existing difficulties, that had been created by the equivocal and unfair conduct of the emperor of Morocco, he directed his attention to Tripoli. The season for naval operations being elapsed, he determined on employing the winter in measures preparatory to a vigorous prosecution of the views of his government, early in the spring.

On the 31st of October, 1803, the American squadron in the Mediterranean, sustained a distressing loss. The *Philadelphia* frigate, of 44 guns, commanded by captain William

Bainbridge, at 9 o'clock A. M., being five leagues to the eastward of Tripoli, descried a sail in shore, standing to the eastward. Chase was immediately ordered. The sail hoisted Tripolitan colours, and continued on her course. The Philadelphia commenced a fire upon her, which was continued, until it was perceived that no effort could arrest the vessel; when the pursuit was given up. It was now half past eleven; and the Philadelphia in seven fathoms water. In beating off, she ran on a rock, not laid down in any known chart; distant only four or five miles from the town. On sounding, the greatest depth of water was found to be astern. To let her off, all sails were laid aback; the top-gallant sails loosened; three anchors thrown away from the bows; the water in the hold started; and all the guns thrown overboard, excepting a few aloft, to defend the ship against the Tripolitan gunboats, then advancing upon her. The foremast was cut away, in order the more effectually to lighten her. All efforts proved ineffectual. A large reinforcement of gunboats came out to the attack: and the Philadelphia, deprived of every means of resistance, was compelled to strike. She was immediately taken into possession, by the Tripolitans, and her officers and crew, to the number of three hundred, were made prisoners. The wind afterwards blowing favourably, the Tripolitans got the frigate off, and towed her into the harbour.

Captain Bainbridge and his fellow prisoners were carried before the bashaw; and thence conducted to the house, previously occupied by Mr. Cathcart, the American consul. The officers were put upon parole, on the guarantee of the minister to the bashaw, for their security and forthcoming.

Shortly afterwards, off Tripoli, commodore Preble captured a vessel, with the presents of the bashaw to the grand signior, and several distinguished officers on board. It was greatly hoped this opportune capture would, if not facilitate a peace, bring about a desirable release of the crew of the Philadelphia. Commodore Preble forthwith proposed an exchange to the bashaw; and received indirect proposals from him for peace. In these it was offered to restore the Philadelphia for a schooner, and to liberate her officers and crew for

five hundred dollars each: but an annual tribute, from the United States, was demanded as the price of peace. These proposals were promptly rejected; being calculated, if accepted, to prejudice the interests of the United States, in their relations with the other states, and operate as a temptation to them, to follow the example of Tripoli, in exorbitant demands of tribute.

The bashaw made other proposals to the commodore; in which he offered an exchange of the American officers and sailors for the Tripolitan prisoners, as far as they would go; a delivery of the remainder for four hundred dollars each; an exchange of the frigate for a captured schooner; and a ratification of peace, without an annual stipend. These were, in like manner, and for like reasons, rejected.

The frigate Philadelphia, in the harbour of Tripoli, was completely destroyed, by as gallant an enterprize, as was ever recorded to the honour of any hero, or the glory of any nation. Lieutenant, now captain, Stephen Decatur, conceived the design of retaking, or destroying the frigate. He communicated his purpose to commodore Preble, and solicited the means for its execution. His daring views were seconded by the commodore.

Decatur was furnished with seventy resolute men, several midshipmen, and a prize schooner of seventy tons; with orders to proceed to Tripoli, and either bring off, or destroy the Philadelphia. The brig Syren was ordered to accompany the schooner, and lie in the offing, to cover a retreat, when necessary. They sailed from Syracuse, and appeared off Tripoli on the 16th of February, 1804. They entered the harbour with all possible secrecy; and, when within two hundred yards of their object, were hailed, and ordered to anchor, on the peril of being sunk. The pilot, on board the schooner, called the Intrepid, was ordered to reply, that her anchors were lost. The schooner advanced to within fifty yards of the frigate, when the wind died away into a calm. Decatur warped up the Intrepid, and laid her along side. The Tripolitans, on discovering an enemy, were thrown into consternation. Decatur sprang on board, with midshipman, now cap-

tain, Morris. The crew followed with all possible spirit and despatch. As soon as the American party had gained the deck, sword in hand, they rushed upon the Tripolitans, and soon overcame them. After Decatur had secured possession of the frigate, the batteries on shore, the castle, and two corsairs opened a tremendous fire upon her. A number of launches were seen rowing about the harbour. Decatur fired the Philadelphia; and, with his brave companions, escaped in the Intrepid. Not one of the Americans was killed, and only four were wounded. Of the Tripolitans, twenty fell by the sword; but of the number burnt and drowned there is no account. It must have been very considerable. One prisoner was brought off, in a mangled condition. The frigate burned to the water's edge, and her bottom drifted to the shore, near the castle. The scene spread terror and confusion over the town.

This bold enterprise added greatly to the reputation of the Americans in the Mediterranean; and, in every future rencontre, made the Tripolitans dastardly, and distrustful of themselves. For the gallantry and skill he displayed in this exploit, the president promoted Decatur to the rank of post captain, in the navy of the United States.

On the 3d of August, 1804, the American squadron anchored, within gun shot of the Tripolitan batteries, and cast off the gun boats and bomb-ketches; which advanced to the attack, covered by the Constitution frigate, the brigs, and schooners. The Tripolitans had, in front of their batteries, a line of gun boats; with a brig of 16, and a schooner of 10 guns, to cover their boats. They commenced a heavy and incessant fire, upon the advancing line. Soon as the American gun boats had arrived within twenty yards of their enemy, they commenced the action, with their guns loaded with forty pounds of musket balls and a heavy discharge of musketry. Five of the boats, composing the right wing of the enemy, cut their cables and fled. The boats of the squadron then bore up for those to leeward. Captain Decatur boarded and carried the first boat, and lieutenant Trip the second. Lieutenant Decatur, brother of the captain, in attacking the third, was killed. Captain Decatur then ran down the line, and attacked

and carried the third. The enemy lost ninety-six men, in the captured boats. The American squadron suffered little, although the action lasted nearly two hours. Independent of the loss of their gun boats, the enemy suffered much, by the well-directed fire from the squadron, at their batteries, and into the town.

On the 7th of August, the American squadron advanced to a second attack. It was conducted with similar courage and effect with the first. By an explosion, on the quarter deck of gun boat No. 9, lieutenant James Caldwell, midshipman Dorsey, and eight seamen, were unfortunately killed. Midshipman Spence and the remainder of the crew gave three cheers, and committed their destiny to the waves. They were all taken up by the prompt exertions of their comrades. In this severe contest only ten men and two officers were lost, on the side of the Americans.

A third engagement was ordered on the 29th of August, 1804. The Americans fired one hundred and twenty rounds each, and sunk several of the Tripolitan gun boats, and a *po-lacre*. The Constitution anchored within pistol shot of the principal battery, fired nine broadsides, and received twelve shot in her hull. She had four men killed, and two wounded. The Tripolitan force, on this occasion, was very great. They had 115 guns on the batteries attacked, and, besides the inhabitants, 45,000 Arabs, to defend the city; and, in the harbour, one brig, two schooners, two galliots, and nineteen gun boats.

On the 4th of September, 1804, a boat was filled with one hundred barrels of powder, and three hundred shells; the command of which was given to lieutenant Somers, accompanied by lieutenants Wadsworth and Israel, and ten men; with orders to approach as near to the town and batteries as possible, and then set fire to the train, communicating with the powder. They took with them a small boat, in which to escape to the Syren, which followed to receive them. The orders were implicitly obeyed. When the boat had arrived at her destination, she was boarded, and carried by two gallies, having on board one hundred men each. At this moment she exploded, with the most awful effect. It is generally supposed,

that the lamented Somers, on perceiving no means to escape, and preferring certain death, to an ignominious slavery, set fire to the powder, with his own hands, and consigned himself, his comrades, and two hundred of the enemy, to destruction. About one hundred shells fell into the town and castle, and spread consternation in every direction.

These exploits shed a lustre on the American naval character, and particularly upon the enterprise and skill of commodore Preble, who directed them. Sir Alexander Ball, a distinguished commander in the British navy, addressed the following flattering testimony to him, on his quitting a command, rendered memorable by many feats of gallantry and skill.

“ I beg leave to repeat my congratulations on the services you have rendered your country, and the hair-breadth escapes you have had, in setting so distinguished an example to your countrymen, whose bravery and enterprise cannot fail to mark the character of a great and rising nation, in a manner that will ultimately be attended with the best and most important consequences to your country.

“ If I were to offer my humble opinion, it would be, that you have done well, in not purchasing a peace with money. A few brave men have been sacrificed; but they could not have fallen in a better cause. And I even conceive it better, to risk more lives, than submit to terms, which might encourage the Barbary states, in their demands and insults.”

Commodore Preble, about to surrender the command of the squadron, in the Mediterranean, to his successor, commodore Barron, and take his departure for the United States, was addressed by the officers whom he had commanded, in the most kind and affectionate manner. On arriving in the United States, he was received, by the people, with the most grateful deference. Congress voted him their thanks, for his signal services to his country; and requested the president to present him with an emblematical gold medal. It may be here observed, by the by, that commodore Preble was the first officer, who received the thanks of the people of the United States, by their representatives and senators in congress as-



sembled, since the adoption of the constitution, and the institution of the present form of government.

The crew of the Philadelphia, now captives in Tripoli, were treated with the most barbarous cruelty. They encountered cold, hunger, labour, and stripes. They were chained to loaded carts, and like oxen obliged to drag them through the town. Every remonstrance of captain Bainbridge in behalf of his suffering men, was unheeded, and all his efforts, to mitigate their misfortunes, were unavailing.

It was resolved, by the Americans, to prosecute another enterprise, in connexion with their naval operations, to procure the liberation of the prisoners, and to secure a speedy and honourable peace. This was a co-operation with Hamet, the ex-bashaw of Tripoli, who had been deprived of the government, and expelled by his brother, the reigning bashaw.

William Eaton, esquire, was despatched, forthwith, to communicate the project to Hamet, and, with him, to settle arrangements for its spirited execution. Eaton, in his share of this bold enterprise, acquitted himself with distinguished lustre, on whatever theatre, and in whatever capacity, he was called to act. After much embarrassment, perseverance, and patience, he effected an interview with the *ci-devant* bashaw, then an exile in Upper Egypt, and associated with an army of Mamelukes, at war with the Turkish government. Hamet was well affected towards the scheme of the Americans; and appointed Eaton generalissimo of all the forces, destined for its accomplishment. The plan now was completely developed, in order to secure the approbation and services of all who might be willing to act in it. It was to depose the reigning bashaw, and to restore Hamet to his throne. With this object in view, it was proposed to penetrate, by land, into the Tripolitan dominions; with such a force as could be collected from the partisans of Hamet, supported by as many Americans, and other Christians, as were willing to embark in the service.

On the 6th of March, 1805, general Eaton, accompanied by Hamet, commenced his march from Alexandria, with three hundred well-mounted Arabs, seventy christians, and one

hundred and five camels, laden with provisions and baggage. After accomplishing a route of one thousand miles a parrallel to which in peril, patience, and perseverance, can hardly be found but in romance, he arrived before Derne, on the 25th of April, 1805. The views of the Americans had been discovered by the reigning bashaw, and he had advanced an army for the defence of the province, within one day's march of Derne, when general Eaton arrived before it. No time therefore was to be lost. On the morning of the 26th, a flag was sent to the governor, with overtures of friendship, on conditions of his immediate surrender of the city, and future allegiance to Hamet. He returned for answer: "My head or yours!"

On the 27th, Derne was assaulted, and, after a combat of two hours and a half, carried with the bayonet. The assault was supported, on the water side, by part of the American squadron, which had previously arrived, and was destined to co-operate in the capture of the place. The governor and his adherents fled, some to the desert, and others to the advancing Tripolitan army. The Christians in Eaton's army suffered severely in the action: nearly one-third of them were killed and wounded. The general himself was wounded in the wrist by a musket ball. The Arabs, not accustomed to the Christians' mode of warfare, afforded little assistance.

Having gained possession of Derne, Eaton set all hands to work, to fortify it against the approaching army. Hamet, the ex-bashaw, and ally of Eaton, opened his divan, at the palace of the late governor; and the inhabitants of the city universally recognized him.

On the 18th of May, the Tripolitan army advanced, and attacked the city, with the view to recover it: but, after a contest of four hours, with various success, the assailants faltered; and, at last, precipitately retreated behind the neighbouring mountains. The issue of the contest revives, in the recollection, all that is recorded in history and romance, of the feats of Sir William Wallace and his valorous partizans. The christians engaged the babarians in the proportion of tens to thousands, and actually put them to flight.

Several small skirmishes took place between the opposing parties, on the skirts of the city, until the 10th of June, when a general battle again occurred. It lasted four or five hours. The assailants were again repulsed. According to the report of general Eaton, the merit of this victory belonged to Hamet; as he projected and executed the arrangements for defence, and afterwards conducted the pursuit. General Eaton directed the fire of a single field-piece, which was all that he could do. The vessels in the harbour, from their position, had a fine opportunity of co-operating in the events of the day; and galled the Tripolitans with great effect by their well-directed fire.

The next day the Constellation arrived in the harbour of Derne. Her appearance communicated terror to the enemy. They decamped in great confusion. Leaving most of their baggage, they fled into the desert. It was apprehended by them, that she had brought a reinforcement, to their already victorious adversaries; and that, when they should effect a landing, the reinforced army would, forthwith, destroy them.

The operations of general Eaton, which had been, and were likely to continue, of the most brilliant character, and honourable to himself, and to his country, were arrested by a treaty, concluded between the bashaw of Tripoli and Tobias Lear, Esq. in June, 1805, and ratified in the United States, on the 17th of April, 1806.

This treaty, among the provisions settling the existing misunderstandings, and regulating the intercourse between the United States and Tripoli, stipulated the release of all the American prisoners, for the sum of \$60,000. It also engaged, that the Americans, in withdrawing their forces, should use their influence, to induce Hamet to retire.

Whatever may have been the real advantages gained to the United States, by this unexpected diplomatic interference of Mr. Lear, and the sudden termination of hostilities; yet there has existed but one opinion, among the American people, as to the probable consequences of a longer continuance of the war. Eaton, supported by the navy, would, in all human probability, have penetrated to Tripoli; deposed the reigning

bashaw; elevated Hamet, the ally of the United States; liberated the American captives without a price; and settled an advantageous commercial convention with the restored Hamet.

Though it may be alleged, that there is uncertainty in the issue of battle, it is, nevertheless, believed, that the treaty, under the circumstances, was to be regretted; not on account of the paltry sum of \$60,000: but from an aversion, purely national, to the purchase of peace, with money. The objection does honour to the American people; and acquires additional weight, from peace having been already earned by the enterprise, and secured by the sword of an American soldier.

The frigate *President* sailed from Syracuse, the 7th of July, 1805, and arrived in the United States, on the 6th of August; having on board the released prisoners. Thus terminated the war in the Mediterranean for the present.

## CHAPTER XXXV.

*Mr. Jefferson elected President—Burr Vice-President—Duel between Hamilton and Burr—Burr's Conspiracy—Apprehension—Trial—Acquittal.*

AT the fourth presidential election, Aaron Burr, of New York, was voted for, by the electors who supported Thomas Jefferson, as president, in opposition to John Adams. On the issue of the election, it was found that Burr had an equal number of electoral votes with Mr. Jefferson. Although the friends of Mr. Jefferson had contemplated Burr, only as their candidate for the vice-presidency, nevertheless such were the provisions of the constitution at that time, that it devolved on the House of Representatives to choose, by ballot, one or the other for president. In this and all similar elections, the constitution provided, that the votes of the house of representatives should be taken by states. Notwithstanding, at the time, a majority of the House of Representatives were hostile to the election of Mr. Jefferson, some from political, and others from, merely, personal considerations, yet the votes of the house, taken by states, stood as follows: Jefferson, eight; Burr, six; two blank.\* This issue appeared, successively, after thirty-five ballotings; the democratic party voting uniformly for Mr. Jefferson, and the federal party, not out of any consideration of the character or qualifications of either, but from the single motive, of defeating Mr. Jefferson, known to be the choice of their political adversaries, supporting Burr. The representatives of two states were equally divided, between the two political parties; and, therefore, in thirty-five instances, voted blanks. At this interesting crisis, general Samuel Smith, of Baltimore, a representative of the state of Maryland, made public the contents of a letter

\* For the information of those who have not studied the constitution of the United States, it is proper to mention, that to make choice of president, in cases such as that above stated, it required a majority of all the states present; and that when the representatives of a state were equally divided, its vote was considered as a blank. Thus, in the above instance, as there were sixteen states, it required nine affirmative votes.

to himself, written by Burr; in which the latter declined all pretensions to the presidency, and authorised the former to disclaim all competition with Mr. Jefferson. On this specific declension, on the part of Burr, two federal members, who represented the states, which had heretofore voted blank, withdrew, and thus permitted the republican members to become the majority, and, instead of putting a blank into the box, to vote positively for Mr. Jefferson. Consequently, on the thirty-sixth balloting, Mr. Jefferson was elected president. Burr was of course the vice-president.

On the last balloting, Vermont, New York, New Jersey, Pennsylvania, Maryland, Virginia, North Carolina, Georgia, Kentucky, and Tennessee voted for Mr. Jefferson. Rhode Island, Massachusetts, New Hampshire, and Connecticut voted for Burr: and Delaware and South Carolina, which had hitherto voted for Burr, now voted blanks.

This scene agitated the people of the United States, more than any one, of a civil nature, that had occurred in the administration of the government. To prevent a similar occurrence, the constitution was altered, so as to make it the duty of the electors, in future, to designate the person voted for as president, and so of the vice-president.

From this period, Burr, who had been a leading man in the republican party, declined in popularity with his political friends. They suspected him of having connived at the efforts of the federal party, to supplant Mr. Jefferson, and procure his own election; although he knew full well that he had not been contemplated, by a single elector, as the president. Soon as he had ascertained, that he could no longer look to the party, with whom he had hitherto associated, for the indulgence of his ambition, his genius, which was of the highest order, began to cast about for a plan to recover his influence in the country. One was soon presented to his view, which, to the mind of a mere politician, was well projected. He became a candidate for the office of governor of New York; and calculated on success, from a combination of his yet powerful, personal friends, with the federal party in that

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state; which formed a formidable minority. The scheme was generally favoured by the federalists of New York. It was supposed that Burr and his friends, coalescing with the federalists there, would acquire the ascendancy in that populous and growing state, and ultimately, through its influence and numbers, and by the sagacity and address of the leader, be politically triumphant in the United States. The plan was plausible, and would possibly have succeeded, in part, but for the decided opposition of Alexander Hamilton, long the professional rival and political opponent of Burr. The influence of Hamilton was so decisive, that he paralysed every effort of the coalition, and prostrated Burr's hopes in the dust.

The election having terminated contrary to his views, Burr determined to revenge his disappointment on Hamilton, whom he considered as the author of his political overthrow. For this purpose, he addressed a note to Hamilton, requiring an acknowledgement or denial of the use of some expressions derogatory to his honour, which he was alleged to have used. The demand was deemed inadmissible, and a duel was the consequence. The parties met at Hoboken, in New Jersey, on the morning of the 11th of July, 1804. At the first fire Hamilton was mortally wounded. Burr fled from the scene of action; nor could he, in safety, have remained in the state. He was not only amenable to the law: but he had good reason to fly from the public indignation and resentment, which was much exasperated.

Burr appeared at Washington, in the following winter, and closed his political career, by presiding in the senate, on the trial of Samuel Chase, one of the associate justices of the supreme court of the United States.

During this winter, he conceived the project of prosecuting some enterprise to the westward; and made various attempts to seduce to his views some of the leading men in the United States. It has never appeared what were precisely his intentions; as many persons with whom he communicated, and each of whom, supposing himself to be in full possession of his confidence, entertained different and contradictory impressions of his project. It is believed that he never fully imparted his

secret purposes to any one; but that he resorted to various pretences, and as various motives, to multiply his followers, and augment his means. The public opinion finally settled down upon one or the other of two conclusions. The first; that he purposed a separation of the western states, from their political connexion with those on the Atlantic border; and, by uniting them with the territories on the western bank of the Mississippi, the formation of a distinct and independent empire. The second; that he meditated an invasion of Mexico, and other Spanish provinces, in the neighbourhood of the United States. The first is rendered improbable, from his knowledge of the character of the western people, who were as friendly to the integrity of the union, as any section of the American states. The latter is plausible, from his known sagacity, and uniformly accurate estimation of the ends and means of his enterprises. The revolutionary symptoms, in Mexico and the Spanish provinces, were well calculated to awaken the longings of an ambitious spirit: and there is little doubt, that they took strong hold on the ambition of Burr, who now considered every avenue to future success, in the United States, closed upon him forever. Having, in his competition with Mr. Jefferson, for the presidency, excluded himself from the confidence and affection of the republican party, now an overwhelming majority, and, by the death of Hamilton, committed himself to the hatred and vengeance of the federalists, he had no materials for the hopeful exercise of his genius, nor one distant prospect of indulgence to his ambition. In this desperate predicament, it was natural that he should look for other materials, and another country. Revolutionary Mexico invited him and his desperate, deluded followers, with the limited means at his command, there to ride the whirlwind, and direct the storm.

Having seduced several individuals of wealth and influence to his interest, Burr assembled a few desperate partizans on the Ohio, and steered his course towards the Mississippi. On his arrival in Kentucky, he found the public mind in a ferment, on the subject of his expedition; and, to allay the suspicions afloat, he voluntarily presented himself to the civil



authority, for examination or trial. This was a complete political finesse on his part. He must have known, that the attorney for the United States, in the district of Kentucky, was not, and could not be, possessed of any testimony against him. He had a particular regard to the beneficial effects of a judicial discharge or acquittal; and calculated, that either would destroy all suspicion or imputation against him. He was discharged of course.

From Kentucky, he descended the Ohio and the Mississippi, until he arrived at Natches; where his progress was impeded, in consequence of measures, taken at the instance of the government, for his apprehension. He surrendered, after a ridiculous armistice with Cowles Mead, the secretary and acting governor of the Mississippi territory; and was recognized to appear before its supreme court, on Monday, the 2d of February, 1807. On that day, he, accordingly, made his appearance, attended by counsel. A grand jury was organized, and charged with his case. On the next day, they made the following specific report:

“The grand jury of the Mississippi territory, on a due investigation of the evidence brought before them, are of opinion, that Aaron Burr has not been guilty of any crime, or misdemeanor, against the laws of the United States, or of this territory, nor given any just occasion for alarm, or inquietude, to the good people of this territory.”

The grand jury, at the same time, presented, as a grievance, the military measures taken against the person and property of Aaron Burr, when no resistance had been made by him to the ordinary civil authority. They also reprehended the feigned armistice, concluded between him and secretary Mead, as derogatory to the dignity of the government; and presented, as subversive of personal liberty, the arrests of sundry persons, suspected to be accomplices of Burr, by the military authority, in New Orleans, and elsewhere.

From Natches, he attempted an escape, in disguise; either into Florida, or, through Georgia, into South Carolina, where Joseph Alston, who had married his daughter, resided. In spite of his vigilance, he was apprehended on the Tombigbee,

and escorted, a prisoner of state, under the guard of an United States military officer, to Richmond, in Virginia. On his arrival in that city, he was delivered over to the civil authority, by virtue of a warrant from the honourable John Marshall, chief justice of the United States, grounded on charges of a high misdemeanor, in setting on foot and preparing, within the territories of the United States, a military expedition, to be carried thence, against the dominions of the king of Spain, then at peace with the United States; and, also, of treason against the United States.

At the close of an examination into the truth of these charges, taken before the chief justice, the district attorney, George Hay, esq., moved for the commitment of the prisoner. On this motion a long and animated discussion ensued; in which, John Wickham and Edmond Randolph, esqrs., counsel for the prisoner, and the prisoner himself, opposed, and Cæsar A. Rodney, esq., attorney general for the United States, supported the motion.

The chief justice, on a full consideration of the testimony and arguments, ordered Aaron Burr to be recognized, in the sum of ten thousand dollars, to take his trial, for carrying on a military expedition, against a nation with which the United States were at peace; at the same time, declaring, that the evidence, as at present adduced, would not authorise a commitment on the charge of treason, against the United States: and also stating, that the refusal to insert, in the commitment, the charge of treason, was the less important, as it would not diminish the right of the attorney for the United States, to prefer an indictment for treason, should he be furnished with the necessary testimony.

Burr, with five securities, executed a recognizance in the sum required, for his appearance at the next circuit court of the United States, for the district of Virginia.

The court, at which he was held to appear, commenced on the 22d day of May, 1807. The grand jury, empannelled and sworn, were as follow:

**JOHN RANDOLPH, Jun., Foreman.**

<b>Joseph Eggleston,</b>	<b>John Mercer,</b>
<b>Joseph C. Cabell,</b>	<b>Edward Pegram,</b>
<b>Littleton W. Tazewell,</b>	<b>Mumford Beverly,</b>
<b>Robert Taylor,</b>	<b>John Ambler,</b>
<b>James Pleasants,</b>	<b>Thomas Harrison,</b>
<b>John Brockenborough,</b>	<b>Alexander Shepherd,</b>
<b>William Daniel,</b>	<b>James Barbour.</b>
<b>James M. Garnet,</b>	

The chief justice, then, delivered an elaborate charge to the grand jury, in which he expounded the nature of treason against the United States, and laid down the rules of evidence, to be observed, in prosecuting their inquiry. The grand jury then retired.

On the 24th of June, 1807, the grand jury came into court. Mr. John Randolph, the foreman, addressed the court; and stated, that they had agreed upon several indictments, which he handed to the clerk. The clerk then read the indorsements thereon, which were in the following words:

“An indictment against Aaron Burr for treason—A true bill.”

“An indictment against Aaron Burr for a misdemeanor—A true bill.”

The grand jury, at the same time, returned similar indictments against Herman Blennerhasset, implicated with others as associates of Burr.

Burr was then committed to the custody of the marshal, and was, forthwith, conducted to jail.

On the 26th of June, the grand jury returned into court, with ten other indictments, found true bills, for treason and misdemeanor, against the following persons respectively: Jonathan Dayton, John Smith, Comfort Tyler, Israel Smith, and Davis Floyd.

On this day, the prisoner, Aaron Burr, being in court, the clerk read the indictment found against him, for treason against the United States; which specified the place of the overt act, at Blennerhasset's island, in the Ohio river, and

within the state of Virginia; and the time, to be the 10th of December, 1806. When the clerk had concluded, Aaron Burr addressed the court, and said: "I acknowledge myself to be the person named in the indictment. I plead not guilty; and put myself on my country for trial."

On the 17th of August, 1807, twelve petit jurors were empannelled, and sworn to try the prisoner; who were: Edward Carrington, David Lambert, Richard E. Parker, Hugh Mercer, Christopher Anthony, James Shepherd, Reuben Blakely, Benjamin Groves, Miles Botts, Henry E. Coleman, John M. Shepherd, and Richard Curd.

Proclamation having been made in due form, the prisoner standing up, the clerk charged the jury as usual, and read the indictment against him, and the issue thereon.

The trial in chief was then opened; and several days were consumed in the examination of witnesses, produced on the part of the United States. These witnesses proved an assemblage of twenty or thirty men, on Blennerhasset's island, about the 10th of December, 1806: but, at the same time, proved that those who composed the assemblage had not used any force, against the authority, civil or military, of the United States; and that the prisoner was not present at the assemblage.

The testimony adduced in support of the prosecution, having thus shewn, and the attorney of the United States having admitted, that the prisoner was not himself present, when the overt act, laid in the indictment, whatever its character may have been, was committed; the prisoner, Aaron Burr, in his proper person, addressed the court, and objected to the testimony offered by the United States, to connect him with those who committed that act; and contended, that such testimony was irrelevant, and ought, therefore, to be totally rejected.

Out of the objections of the prisoner, above stated, the following points arose, and occupied the attention of the court, for a whole week:

1st. That conformably to the constitution of the United States, no man can be convicted of treason, who was not present when the war was levied.

2d. That, if this construction be erroneous, no testimony can be received, to charge one man with the overt acts of others, until those overt acts, as laid in the indictment, be proved to the satisfaction of the court.

3d. That the indictment, in the present case, having charged the prisoner with levying war, on Blennerhasset's island, and containing no other overt act, cannot be supported by proof, that war was levied, at that place, by other persons, in the absence of the prisoner, even admitting those persons to be connected with him, in one common treasonable conspiracy.

4th. That, admitting such an indictment could be supported by such evidence, the previous conviction of some person, who committed the act, said to amount to levying war, is indispensable to the conviction of a person, who advised and procured that act.

These points were severally and eloquently discussed at the bar, and seriously adjudicated by the court. At the close of a long opinion, the chief justice decided: that "No testimony, relative to the conduct or declarations of the prisoner, elsewhere, and subsequently to the transaction on Blennerhasset's island, can be admitted: because such testimony, being in its nature merely corroborative, and incompetent to prove the overt act itself, is irrelevant, until there be proof of the overt act by two witnesses."

The counsel, on the part of the prosecution, having stated, that they were not able to prove, by two witnesses, that the assemblage, on Blennerhasset's island, was procured by the prisoner, the chief justice deemed it unnecessary to decide whether, or not, such testimony would be sufficient to implicate him in the assemblage, and its acts; professing, at the same time, his readiness to meet the question, if such testimony were offered.

To the jury the chief justice said: "You have now heard the opinion of the court, on the law of the case; you will apply that law to the facts, and find a verdict, of guilty or not guilty, as your own consciences may direct. It is true, that, although no further testimony be offered, it is in your power

to find a verdict of guilty, or not guilty. If you can satisfy yourselves of the guilt of the prisoner, by the evidence of two witnesses, you have the right to find a verdict of guilty."

At the opening of the court, on the 1st of September, the attorney for the United States observed, that he had neither argument nor evidence, further, to offer to the jury on the indictment for treason, against Aaron Burr. The jury then retired to their chamber; and, in a short time, afterwards returned into court, with the following verdict:

"We, of the jury, say, that Aaron Burr is NOT proved to be guilty under this indictment, by any evidence submitted to us. We, therefore, find him NOT GUILTY."

In the several cases of the United States against Blennerhasset and others, a nolle prosequi was entered. Burr was then put on his trial for a misdemeanor; which also issued in a verdict of acquittal. On the termination of the latter case, and after a full examination of all the witnesses produced, Burr and Blennerhasset, on motion of the attorney for the United States, were recognized, each in the sum of \$ 5000, to appear in the state of Ohio, and answer to charges for misdemeanor there to be preferred. Here all these matters terminated. Burr and Blennerhasset never appeared in Ohio; nor did the United States institute any further proceedings against them.



## CHAPTER XXXVI.

*British and French relations—Orders in Council—Imperial Decrees—Mr. Erskine—His arrangement—Mr. Jackson—His recall—Mr. Foster—President and Little Belt—Court of inquiry—Leopard and Chesapeake—Reparation by Great Britain.*

THE origin of those belligerent measures of Great Britain and France, which implicated the commerce, and, eventually, the national character of the United States, will be found developed in the 32d and 33d chapters of this history; but, to trace them satisfactorily to their results, it becomes necessary to review briefly a few of the subjects already slightly noticed.

From the year 1805, the ministry of Great Britain and the emperor of France, in the prosecution of their inveterate and mutual hostility, imposed restrictions on and prescribed regulations for the commerce of neutrals, which subjected every flag that sailed on the ocean to countless embarrassments. The maritime rights and the property of nations not disposed to be involved in their quarrel, constituted the medium of their novel and unjust warfare. In consequence, the relations of the United States, with those nations, which since the treaty of 1783 with one, and the convention of 1801 with the other, had been of a pacific character, assumed an unsettled and perplexed aspect. Great Britain and France, to accomplish their ambitious views against each other, mutually resorted to unprecedented measures, wholly unauthorised by the long established rules of civilized war. They assailed the rightful commerce of the United States, by public and authorised spoliations, under orders in council, proclamations of blockade, admiralty adjudications, and right of search, on the one hand; and imperial decrees, capture, and conflagration on the other, both equally rendering it, and all concerned in it, the victims of their passions, devices, usurpations, and injustice. For a series of years, the belligerents proceeded in this course of vexation and outrage.



When one of them committed some open or covert aggression on the commercial rights of the United States, with the intention of ultimately injuring her antagonist, the other retaliated, not on the aggressor, but on the unoffending neutral. This injustice, repeatedly practised, in the face of the most solemn remonstrances, was generally coloured by the insulting pretext, that, as the United States had suffered, without resistance, the wrongs inflicted on their commerce, and, indeed, their national independence, by the acts of the one, producing injury to her rival, the other had a right, by like acts, to revenge the wrong-doing of her enemy by depredations on the patient and neutral party. This injurious policy was practised, by both Great Britain and France, with the apparent design of drawing the United States from their sincere neutrality, and compelling them to take part in their tremendous struggle for ascendancy.

The injuries to the rights of the United States, constantly repeated by both belligerents, were as constantly remonstrated against, by the sufferers, as they were uniformly excused or justified, in nearly the same terms, by the aggressors. And, in effect, the history of the relations of the United States, with Great Britain and France, since the era of 1805, consists of little else, than a disgusting repetition of the same charges and apologies; the same efforts of the belligerents to involve the neutral in the vortex of their wars; and a manifest solicitude on her part to maintain peace, and preserve her neutrality.

It was the interest of the United States to preserve a free trade, unembarrassed by any unusual restrictions: but the policy of both the belligerents was, to impose such restrictions upon it, as would mould it to their own advantage.

The British and French ministers met the complaints of the American government, by pleading against their rivals, antecedent breaches of public law. Such pleas, even if founded in truth, could afford no justification. The Berlin and Milan decrees, which produced, in America and Great Britain, such heavy and indignant complaints,

were announced in the years 1806 and 1807. Although these two acts were pretended to be the foundations of the British orders in council which followed, and which occasioned the plunder, upon the ocean, of a large number of highly valuable American ships, freighted with rich cargoes; yet there were many violations of neutral rights and various contraventions of the usages of war, among civilized belligerents, committed by Great Britain long anterior to those decrees. The rival depredators, on the property of the United States, were proceeding to such extremities, on the assumed imbecility of the American government, or avarice of the American traders, that they were likely to divest them of every advantage, that could be derived from their neutral situation, agricultural industry, and commercial enterprise, unless their unlawful course could be arrested. The sophistry of each of the belligerents, in combating the pretexes of the other, or evading the claims of the United States, in the ambiguous phrascology of their correspondence, is sufficient to awaken indignation in every impartial mind.\*

After a very long series of embarrassing and inconsistent measures, a more honourable and conciliatory course appeared, for a time, to be meditated, on the part of Great Britain. Mr. Erskine was the minister plenipotentiary of that government, at Washington. He had been designated for that office under the influence of Mr. Fox, who held as a political maxim, that the glory of Britain, and her true interest, as a commercial nation, required a liberal conduct towards the United States, and a frank interchange of mutual benefits. This course, he contended, would render America the effectual friend of British manufacturing and commercial prosperity. Mr. Erskine having early imbibed the same principles of policy, Mr. Fox conceived, that he would be a proper instrument for promoting his just and liberal views, with respect to both countries. Mr. Erskine was accordingly prepared to give an enlarged and friendly interpretation to

\* See this correspondence in the collection of state papers published under the direction of the American government.

his instructions, for conducting the negotiations with the American government.

On the 7th of January, 1807, and in the following November, Great Britain had issued the most injurious of her orders in council to her naval commanders ; these amounted to an interdiction of all neutral trade, not only with her enemy's dominions, but with all the north of Germany. Thus stood the relations of Great Britain and the United States, on the 3d of March, 1809, when Mr. Jefferson terminated his administration. Shortly after the inauguration of Mr. Madison, Mr. Erskine, his Britannic majesty's minister plenipotentiary, voluntarily proposed an arrangement with the government of the United States at Washington, on the following principles : That the orders in council should be withdrawn, provided the intercourse with Great Britain, which had been prohibited, in consequence of their continuance, should be restored. He further offered satisfaction for the outrage committed by captain Humphries, by order of admiral Berkely, on the American frigate, Chesapeake. Mr. Erskine, also, in the same conciliatory spirit, declared it to be the British king's intention, speedily to send a minister extraordinary and plenipotentiary, empowered to negotiate a treaty of commerce, on equitable principles with the United States ; and to adjust the differences between the two countries. These propositions held out a pledge of justice and reconciliation so entirely satisfactory, and a disposition to cultivate a future good understanding with the United States, so well calculated to inspire sentiments of confidence and amity, that Mr. Madison received them with distinct expressions of pleasure ; and announced his high satisfaction on the occasion, in a message to congress.

This arrangement thus proposed by Mr. Erskine himself, was discussed and adjusted with the American secretary of state, Mr. Robert Smith, in three days ; the 17th, 18th, and 19th of April, 1809. This affair evinces how easily the greatest differences between nations, may be accommodated, when a sincere disposition exists to restore harmony. Accordingly, the president, that he might with the utmost prompti-

tude execute the duties imposed upon him by this arrangement, on the 20th of April issued a proclamation, declaring, that, as the British orders in council "will have been withdrawn on the 10th of June ensuing," after that day, the trade of the United States with Great Britain inhibited by acts of congress, then of force, and in operation, might be renewed.

This proclamation was justly regarded as an act of good faith, comporting with the high character and duties of a president, who desired to give immediate and true effect to such an arrangement as had been harmoniously concluded with the British minister. The whole transaction, together with the prospects it opened, gave the sincerest satisfaction to the people of the United States; the great majority of whom, notwithstanding the vexatious and harassing policy, recently pursued by Great Britain, towards their nautical fellow citizens and their commerce, were solicitous, even at that period, for the continuance of peace.

This honourable and liberal convention, which shed a transient sunshine over the affairs of the two countries, was, unhappily, not of long duration. It lasted, on the British side, only till the first arrivals from England, which, to the great disappointment of the American government, and the British minister resident at Washington, brought the unexpected intelligence, that this fair arrangement had not been ratified, by his Britannic majesty; and that the British secretary of state for foreign affairs even denied the authority of the minister plenipotentiary, to propose or enter into such an agreement.

The ministry of Great Britain, at that time, was composed of men, whose minds were actuated by those feelings towards the United States, to which an allusion has been made, and who pursued, generally, a high-toned and monopolizing policy, that excited the jealousy of most of the powers of Europe. They mistook the true interests of their nation, and departed from that nice integrity and noble candour in their correspondence with others, which are as much the glory of nations as of individuals. They refused, as we have stated, to ratify the convention actually proposed by their own minister, under the pretext that he had departed from his instructions in that

measure of mere justice; though it was a convention more truly honourable to them, and the king they represented, and beneficial to their nation, than any ministerial act, which had, for a long time, appeared on the records of their diplomacy. It was calculated, in its operation, to promote the interests of both nations, and restore an invaluable harmony between them. Nor was the conduct of the British ministry, in this particular, marked with disrespect for the American government alone. They also inflicted a stigma on the public conduct of their own plenipotentiary.

Mr. Erskine was of course immediately recalled: but his conduct, on his return, was the subject neither of public censure nor parliamentary inquiry. He was left unpunished. As his learned father was removed from his office, of lord high chancellor, with other members of the Fox connexion, so the recall of the son from his ministerial station was rather in the same course, than an evidence that his government really regarded him as culpable in the overture and convention of April, 1809. A parliamentary inquiry would have developed much of the correspondence, and especially the portions of his instructions on which he grounded his conduct; and had he really been guilty of the violation of his instructions with which he was charged, there can be no doubt, that such an inquiry would have been ordered. The talents and influence of the Fox and Erskine connexion, in both houses of parliament, were too great to allow Mr. Erskine to be condemned for misconception or misconduct, if he were justified by the letter and spirit of his orders. But Mr. Erskine was, as stated, neither censured nor discountenanced. On the contrary, he was publicly received at court, as a returned minister. The impartial world will duly estimate these circumstances; and they will not fail to perceive, that if the British government intended and authorised the overture and convention made by Mr. Erskine, as a political device to effect the annulling of the American inhibition of their trade, and intended to give a subsequent interpretation to instructions of equivocal phraseology, the operation was undeservedly successful. In a case like this, attended with some strong circumstances, which

cannot well be detailed, but which deeply affect the consideration of the subject, the judgment may be exercised in estimating the true causes and actual course of the mysterious operation. Cotemporaneous occurrences, between the French government and the United States, in the early part of the year 1809, may be closely considered, and may have affected the subject. The prospects of convulsion and disunion, held forth by the governor of Canada, and John Henry, the secret agent of the Canadian government, some of whose correspondence has been acquired and developed by the government of the United States, and which expressly advert with apparent regret,\* to the Erskine arrangement may be found of great importance in ascertaining the true views and real conduct of the British government in this singular case.

Francis James Jackson, his immediate successor, was not endowed with those qualities, nor had he the manners suitable for a plenipotentiary, whose object ought to have been to effect a restoration of harmony between two great nations, embittered against each other. His conduct, in the very beginning of his negotiations with the American government, afforded little hope of a favourable issue. He displayed a great degree of hauteur, and had not proceeded far in the discussion which necessarily arose out of the rejection of Mr. Erskine's fair convention, before he outraged that decorum which ought to be observed by ministers resident at foreign courts. He imputed duplicity, if not a direct violation of truth, to the heads of the American government. To vindicate his own government, for the rejection of the recent and friendly arrangement, which, on the part of the United States, had been promptly and in good faith executed, Mr. Jackson charged the president and his secretary, Mr. Smith, with unfairness in concluding the compact with Mr. Erskine.

\* Extract of a letter from John Henry to H. W. Ryland, Esq. secretary to the governor of Canada.

*"Boston, May 6, 1809.*

*"The recent changes that have occurred, quiet all apprehensions of war, and consequently lessen all hope of a separation of the states."*

He insinuated that they knew, at the time of making it, that Mr. Erskine was acting without authority, and even contrary to his instructions ; intending the inference, that, therefore, the convention thus formed could not be obligatory on the British government. Such allegations pertinaciously repeated, imputing weakness to his predecessor, as well as gross duplicity to the president and secretary of state, could not be tolerated. In announcing the issue to congress, the president said in his message : “ the correspondence, between the department of state and this minister, will show that forgetting the respect due to all governments, he did not refrain from imputations on this, which required that no further communications should be received from him. The necessity of this step will be made known to his Britannic majesty, through the minister plenipotentiary of the United States, in London,”

Mr. Jackson was recalled, and shortly afterwards succeeded by Augustus J. Foster, Esq. the late secretary to a former legation.

Immediately on Mr. Foster's arriving in Washington, the first subject that employed his attention, in his official capacity, was the controversy that arose out of the rencontre, on the 16th of May, 1811, between the United States frigate, President, commodore Rodgers, and his Britannic majesty's sloop of war the Little Belt, captain Bingham. The two commanders, in their reports to their respective governments, contradicted each other materially, in some most important particulars, essential to the formation of an accurate and impartial opinion of the whole transaction. Mr. Foster informed the American government, that the commander of the Little Belt, charged the American frigate, with having first fired on the sloop, and thus made her the aggressor. The president of the United States thought proper to have the facts ascertained by a court of inquiry ; which was ordered to assemble at New-York. It consisted of commodore Stephen Decatur, as president, captain Charles Stuart, and captain Isaac Chauncey, members, and William Paulding, jun. Esquire, judge advocate.

On the inquiry, it appeared, that commodore Rogers, perceiving his Britannic majesty's ship, the *Little Belt*, to be a vessel of war, made every exertion to come up with her before dark ; that the flag of the United States was displayed, on board the frigate *President*, as soon as the *Little Belt* was discovered to be a ship of war, and was kept flying until noon of the following day ; that no colours were perceived on board the *Little Belt*, until she hove to ; that it was too dark, to distinguish to what nation she belonged ; that commodore Rodgers first hailed the *Little Belt* ; that his hail was not satisfactorily answered ; that the *Little Belt* fired the first gun, without previous provocation or justifiable cause ; that the shot from the *Little Belt* was returned from the frigate by a single gun ; that the general fire was commenced by the sloop ; that, after the firing had continued four or five minutes, the sloop ceased her fire ; that when the sloop ceased to fire, the frigate consequently ceased also ; that the former, in about three minutes afterwards, recommenced a fire upon the latter ; that, in the second instance, the firing continued about five minutes, when the sloop was totally silenced ; that, in both instances, when the fire of the sloop ceased, commodore Rodgers exerted himself to save her from further injury, by an immediate order to cease firing from the frigate ; and that the communication of commodore Rodgers, bearing date off Sandy Hook, on the 23d of May, 1811, and addressed to the secretary of the navy of the United States, was a correct and true statement of the occurrences which took place between the United States frigate *President* and his Britannic majesty's sloop *Little Belt*. It moreover appeared, that captain Bingham acknowledged, that the broad pendant of the frigate had, during the chase, been distinguished from the *Little Belt*.

This result was communicated to Mr. Foster ; and, at the same time, he received the assurance of the American government, that the rencontre had not resulted from any intention, on the part of the United States, to insult or injure the British flag. With this explanation, Mr. Foster was apparently satisfied ; and, on receiving the proceedings of the court of



inquiry, and the assurance accompanying them, gave notice to the secretary of state, that he was instructed, by his government, to offer such satisfaction, for the outrage on the Chesapeake, as should be deemed adequate.

The final adjustment of the affair of the Leopard and the Chesapeake being now to be recorded, it is proper to look back, for the purpose of bringing that case singly and distinctly to view. Four seamen, deserters from the British service were reported to have entered into the service of the United States, and to have been received on board the frigate Chesapeake, then lying in Hampton Roads, and preparing for the Mediterranean. Admiral Berkely, commander of his Britannic majesty's fleet, on the Halifax station, issued his orders to the officers of a British squadron, actually lying within the capes of Virginia, closely to watch the Chesapeake, as she should pass them on her way to sea; to follow her beyond the waters of the United States; and then to take from her, by force, if necessary, the reputed deserters. Captain Humphries, of the Leopard, undertook the service of observing and pursuing the Chesapeake. He accordingly, followed, came up with, and, on the 22d of June, 1807, off the capes of Virginia, without notice attacked her. Commodore Barron, of the Chesapeake, was so disconcerted by the sudden and unexpected adventure, that, striking his colours, he surrendered, and permitted the four seamen to be taken from his ship, without making the resistance due to his character.

This act, on the part of captain Humphries, was an outrageous infraction of the laws of neutrality; and, on the part of commodore Barron, evinced a tame submission, or deplorable ignorance of his duty. Commodore Barron was tried by a court martial; found guilty of neglect of duty, and unofficer-like conduct; and suspended from command, in the naval service of the United States, for the term of five years.

Whatever controversies may have existed, as to the rights of belligerents, over their citizens or subjects, embarked on board the vessels of other nations, in the ordinary pursuits of commerce; they vanish, when applied to the case of persons on board national ships of war. A public armed ship

cannot be searched, on any pretence, by any act that does not partake of the character of war: and this character can be taken from it, only by its disavowal, on the part of the nation whose officer committed the outrage.

As an atonement for the unwarrantable act of captain Humphries, Mr. Foster, on the 1st of November, 1811, presented, to the United States, the explicit disavowal of it by his Britannic majesty; and offered the restoration of such of the men, who had been taken from the Chesapeake, as survived, and an adequate pecuniary provision for the sufferers, in consequence of the attack, including the families of those who unfortunately fell in the affair, and likewise of the wounded survivors.

These terms were accepted by the president. At the same time, he very justly expressed his regret, "that the reparation, due for such an aggression as that committed on the United States frigate Chesapeake," should have been so long delayed. Nor would he allow, that the translation of the offending officer from one station to another, which had been the case with admiral Berkely, who authorised the outrage, could "be regarded as constituting part of a reparation otherwise satisfactory."\*

The officer commanding the Chesapeake, then at Boston, was directed, to receive the seamen restored. The survivors were delivered at Boston, on board the Chesapeake, in the month of June, 1812, a short time previous to the declaration of war. Thus was this affair terminated, after repeated discussions, and a delay of more than five years.

\* The propriety of the reproof contained in this sentence, appears from the fact, that neither the captain of the Leopard, nor admiral Berkely, who gave orders for the outrage, were ever reprimanded, censured, or punished. The admiral, it is true, was withdrawn from the North American station; but he was transferred to a command on the coast of Portugal, more valuable, more honourable, and more in the way of the active and lucrative services of his profession.

## CHAPTER XXXVII.

*Berlin and Milan Decrees repealed; Orders in Council modified.*

THE rencontres between the Leopard and Chesapeake, and between the President and Little Belt, having been severally discussed, and finally disposed of, the British minister at Washington, proceeded, in his official course, to vindicate the orders in council, on the plea of their necessity to the self-defence of the British empire; and their being an equitable retaliation of the decretal acts of France; suggesting even that the United States ought to acquiesce in their continuance and strict enforcement, for the general interests of society.

Buonaparte, at this time, had relaxed nothing in what was called his continental system. He continued to observe, with the same injustice and hardship to neutral nations, which had been practised and continued by Great Britain, his several decrees of Berlin, Milan, Rambouillet, and Fontainebleau; which he did not attempt to disguise by any apology but the plea of the British example. He openly declared to the world, that they entered into his deliberate plans, to reduce within proper bounds the maritime supremacy usurped by Great Britain, and to wrest from her the power to tyrannize upon the ocean.

The United States, having failed in all their efforts, to procure a favourable change, in the systems pursued by Great Britain and France, towards their trade, had offered, by an act of congress, passed May 1st, 1810, the following alternative, to the consideration of both: "That, in case either Great Britain or France shall, before the 3d of March next, so revoke or modify her edicts, as that they shall cease to violate the neutral commerce of the United States, which fact the president of the United States shall declare by proclamation; and if the other nation shall not, within three months thereafter, so revoke or modify her edicts in like manner, then the

third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, and eighteenth sections of the act, entitled "An act to interdict the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes, shall, from and after the expiration of three months, from the date of the proclamation aforesaid, be revived and have full force and effect, so far as relates to the dominions, colonies, and dependencies, and to the articles the growth, produce, or manufacture of the dominions, colonies, and dependencies of the nation thus refusing or neglecting to revoke or modify her edicts, in the manner aforesaid. And the restrictions, imposed by this act, shall, from the date of such proclamation, cease, and be discontinued, in relation to the nation revoking or modifying her decrees in the manner aforesaid."

This proposition having been made known to the governments of Great Britain and France, M. Champagny, minister of France, transmitted an official communication, bearing date the 5th August, 1810, to Mr. Armstrong, the minister of the United States, at Paris, declaring that the decrees of Berlin and Milan were revoked; and that they would cease to operate, and their revocation take effect, on the first day of the ensuing November. The president of the United States, reposing full faith in the sincerity of this declaration, proceeded, on the 2d of November, 1810, to issue his proclamation announcing, that all restrictions on the trade of the United States with France had then ceased.

Great Britain, notwithstanding the fact announced in the proclamation of the president, that the French decrees aforesaid were withdrawn, persisted in the course of conduct she had before observed. The United States then proceeded to enforce the restrictions annexed, by the act of congress, of May 1st, 1810, to the refusal or neglect, of either nation, to revoke or modify her edicts as required; and accordingly, on the 2d of March, 1811, congress passed an act, entitled "An act supplementary to the act, entitled "An act concerning the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for

other purposes," having, among other provisions, the following:

"That in case Great Britain shall so revoke or modify her edicts, as that they shall cease to violate the neutral commerce of the United States, the president of the United States shall declare the fact by proclamation; and such proclamation shall be admitted as evidence, and no other evidence shall be admitted, of such revocation or modification, in any suit or prosecution, which may be instituted under the fourth section of the act, to which this act is a supplement. And the restrictions imposed, or which may be imposed, by virtue of the said act, shall, from the date of such proclamation, cease and be discontinued.

"That, until the proclamation aforesaid shall have been issued, the several provisions of the third, fourth, fifth, sixth, seventh, eighth, ninth, tenth, and eighteenth sections of the said act, entitled, "An act to interdict the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes," shall have full force, and be immediately carried into effect against Great Britain, her colonies, and dependencies:" See Appendix, No. VI.

This act of congress was communicated to Great Britain, with a hope that she would, without delay, embrace the favourable and equitable terms it offered, and obviate the disagreeable alternative it imposed: but instead of a prompt revocation, or modification of her orders in council, as required by this act, her representatives, in their correspondence with those of the United States, both in London and at Washington, persevered in the denial of the fact, that the French decrees had been repealed, or even modified; which fact was made the basis of the overtures held out to Great Britain, in the act of congress, of the 2d of March, 1811. They demanded, of the United States, the production of some document that would prove the absolute repeal of the French decrees, on the 1st of November, 1810; in pursuance of the assurance of the French minister, in the letter of the 5th of August, 1810. They also adduced various declarations of the emperor

Napoleon himself, to prove that his decrees were still in force, as fundamental laws of his empire; and moreover, the capture of certain American vessels, asserted to be under the decrees, and subsequently to their alleged revocation; whence they inferred, that they were neither repealed, nor even modified, so as not to affect the neutral commerce of the United States.

On the part of the United States it was replied, that not one vessel had been condemned, by French tribunals, on the principles of those decrees, since the 1st of November, 1810. The New Orleans Packet, from Gibraltar to Bordeaux, was detained, but never condemned. So the Grace Ann Green, from the same port, to Marseilles, was likewise detained, but was afterwards given up unconditionally to the owner; and, in like manner, such part of the cargo of the New Orleans Packet, as consisted of the produce of the United States. The cases of these vessels and others had been cited, to prove the existence of the decrees after the 1st of November, 1810: but with regard to them, the fact was, that, proceeding from a British port, they carried cargoes, some articles in each of which were prohibited by the municipal laws of France, or admitted by the sanction of the government alone. It did not appear that their detention was imputable to any other cause. Therefore, it was improperly ascribed to the continued operation of the Berlin and Milan decrees.

The mystery that hung over the arrangement, between the United States and France, as to the repeal or modification of the Berlin and Milan decrees, was, in no respect, chargeable to any want of candour on the part of the United States. The proclamation of the president was issued in the firm persuasion, that on the 1st day of November, 1810, the French decrees had been so modified as not to affect the commerce of the United States. He was bound so to believe; and he was bound to act under the conviction: because he had been assured, through the minister of France, that such would be the case. In this instance, he acted with the same candour, and with the same good faith, that he had manifested in the rejected arrangement with Mr. Erskine. In that instance, he anti-

pated the ratification of the convention, by the British government; because it was fair, and reciprocal, in its provisions, advantageous to both parties, and had been concluded by a minister plenipotentiary in behalf of Great Britain. On that occasion, the motives and conduct of the president were generously construed, and liberally eulogised, by all parties in the United States. Therefore, Great Britain had no reason to complain of the faith which the United States had reposed in the declaration of the proper functionary of the French government; nor to impute, to the president of the United States, and afterwards to congress, an unbecoming promptitude, in announcing the repeal of the decrees by proclamation, and proceeding, by law, to revive and enforce the several provisions of the inhibitory act against the commerce of Great Britain. The president and the congress acted, in the affair, with the candour and confidence that became the rulers of a just and magnanimous nation. That they were not able to produce the repeal in form, of the Berlin and Milan decrees, was alone chargeable to the finesse of the French government. No doubt this evidence, with all the solemnities required by the British government, was purposely withheld, to prevent the abrogation of the orders in council, on the part of Great Britain, and the probable result, to her, of an unrestrained commerce with the United States. Such a result was deprecated by Bonaparte, and avoided with the wariness of a sagacious statesman.

The United States had regularly fulfilled all their engagements with the French nation, as implied in the alternative act, so frequently quoted; and were desirous to convince Great Britain of their readiness to observe the same measure of amity towards her. For this purpose, their minister at Paris endeavoured to procure from the emperor, a specific recognition of the repeal of the decrees, to be exhibited to the British government, in justification of the president's proclamation, and of the act of congress, of the 2d of March, 1811.

The minister of France no longer able to resist his applications, or to answer them by any reasonable apology, on the 10th of May, 1812, transmitted to him the following act:

*Palace of St. Cloud, April 28, 1811.*

“ Napoleon, emperor of the French, king of Italy, protector of the confederation of the Rhine, mediator of the Swiss confederacy: On the report of our minister for foreign affairs, being informed of the law of the 2d of March, 1811, by which the congress of the United States has decreed the execution of the provisions of the act of non-intercourse, which interdicts the entry into American ports, of the ships and merchandise of Great Britain, her colonies, and dependencies; and considering that the said law is an act of resistance to the arbitrary pretensions, advanced in the British orders in council, and a formal refusal to sanction a system hostile to the independence of neutral powers, and of their flags; we have decreed, and do decree, as follows: The decrees of Berlin and Milan are definitively, from the first of November last, considered as no longer in force, as far as regards American vessels.

“ Signed,” &c.

The American minister, at the court of France, lost no time in communicating this decree both to the government at Washington, and to the minister of the United States at the British court. Its date, and the time of its first publication, threw a mystery over the whole correspondence of the English, French, and American governments. The public voice, in various quarters, called for explanation. The American secretary of state, and the French minister at Washington, both declared, that they had never received a copy of this imperial act nor been in any way apprised of its existence. It purported to have been ordained more than a year, previously to its communication to Mr. Barlow; and it seemed to have existed, at the very time, when the British government denied the repeal of the Berlin and Milan decrees, and the American minister in France was importuning the French, for such a formal evidence of their repeal. An explanation being urged on the duke of Bassano, he expressed his surprise, that a communication from him, in May, 1811, for the information of the American government, had



not been received. He also intimated, that he had at the same time furnished Mr. Russell, the American chargé d'affaires, at Paris, with a copy of the decree of the 28th of April, 1811. This intimation, however, Mr. Russell explicitly contradicted.

The Imperial act, of the 28th of April, 1811, recognizing the repeal of the Berlin and Milan decrees, notwithstanding all the mystery in the case, together with the sufferings and complaints of the British merchants and manufacturers, in various parts of the kingdom, so far influenced the British government, that, on the 23d of June, 1812, the orders in council of January, 1807, and April, 1809, were conditionally withdrawn. See appendix, No. VII.

Had the imperial recognition, of the 28th of April, 1811, been received, and communicated to Great Britain, and had she in consequence modified her orders in council, one month earlier, the issue, which followed, would probably have been avoided; at least for a time: but her perseverance in the practice of impressment; aggressions, of every form and degree, on the neutral commerce of the United States; and disregard of their rightful claims, in other respects, had induced the president, on the 1st of June, 1812, to recommend, to the consideration of the legislature of the union, the last appeal of nations; as necessary to vindicate the claims of justice, which had been so long, and so frequently violated, without the hope of redress, by any other resort. When the intelligence of the modification of the orders in council, on the 23d of June, 1812, arrived in the United States, war had actually commenced. They were then unwilling to recede from the belligerent ground, and retract the solemn decision, to which they had been impelled, while the wars of their oppressors insured the repetition of the wrongs to which they had been subjected. Indeed it had become necessary, that Great Britain should be fully convinced, that they preferred the evils of war to that condition, into which they had been thrown, by her extravagant pretensions and lawless conduct. The orders in council, if they had been unequivocally and unconditionally rescinded, formed only one of the grievances, of

which the United States complained. The impressment of their seamen, in the most unlawful manner, and often accompanied by the most aggravating circumstances, and the predatory system executed by the British cruizers, and sanctioned by the adjudications of British admiralty courts, had awakened the resentment of a great majority of the people, in a still higher degree than even those orders. Besides these, many subordinate causes of complaint, coldly, haughtily, and contemptuously disregarded by their enemy, lay deeply ranking in the American bosom. It was naturally trusted, by a brave and injured people, that the war, into which they were driven, would ultimately produce such impressions of the justice of their cause, of the firmness of their councils, and of the vigour of their arms, as would exact from Great Britain a more fair and regular deportment, in a future peace. They were determined to encounter the hazards and privations of war, rather than again permit their very independence to become the sport of any nation. Their expectations, though exposed to temporary disappointment, proved in the end not to be too sanguine. Well-founded national feeling incited and impelled them; and they were firmly resolved to pursue, to an honourable end, the course they had taken; under the most thorough convictions of its justice and expediency. Indeed such had been the injuries, vexations, and mortifications, to which they had long been subjected, on the ocean, on their frontiers, and in their negociations, and so hopeless were they, of any beneficial results from diplomatic discussions of the pretensions of the British government, resumed without a change of former feelings and former interests, that they considered a determined maintenance of the war, as the best and shortest course to a firm and honourable peace.

## CHAPTER XXXVIII.

*Embargo of 1807 ; Non Importation 1809 ; Political Clamors in the Eastern states ; Henry's Secret Mission to Boston ; His Communication to the American Government ; Indian Hostilities ; Harrison marches against the Prophet ; Battle of Tippecanoe.*

WHILE the United States and Great Britain were engaged in amicable negotiations, for the accommodation of their differences, through public ministers regularly authorised for the purpose, an extraordinary and reprehensible intrigue was commenced by the way of Canada, under the immediate direction of sir James Craig, the governor general of the British provinces, of North America, with the design and expectation to foment contentions among the people of the United States, and a dissolution of their federal union.

On the 22d of December, 1807, congress passed an act, laying an embargo, on all the ships and vessels in the ports and harbours of the United States, in pursuance of the recommendation of president Jefferson. This act was well conceived and intended, to guard the property of the citizens of the United States, and the persons of their seamen against the operations of the British orders in council, of January and November, 1807, and against an extension of the Berlin decree to them, by some new French measures of the month of September in the same year. This embargo was continued until the first of March, 1809 ; at which time it was repealed, and in its stead was substituted, an act, to interdict the commercial intercourse between the United States and Great Britain and France, and their dependencies.

The trying operation of these acts, together with the uses made of them, by those who, instead of misrepresenting their ends, ought to have admitted their saving policy, greatly influenced the spirit of party ; especially in the eastern states. In the censures upon the administration and its measures,

published in many of the public prints, and, uttered before various assemblies, the separation of the union had been used as a familiar topic of political declamation. These suggestions of separation were disseminated in Canada: the vehemence they exhibited, at some times, excited the fears of many good men, lest the leaders of the opposition might drive their deluded fellow-citizens, into the fatal project, of a distinct empire, to be composed of the eastern states, in the vain hope of a government inclined to a free commerce with the world, and especially with Great Britain, in all events. These proceedings favoured the views of a foreign government, a consequence to which such violent party struggles tend, in all countries. They invited the continued interference of that government, in concerns which ought to have been agitated only between the government and people of the United States. They induced sir James Craig, the governor of the British provinces, in the vicinity of the eastern states, early in 1809, to engage a certain John Henry in a secret and confidential mission to Boston, to observe the extraordinary state of things in the United States, and to make such communications as he should deem consonant to the pernicious ends of his mission. It would seem that John Henry had, previously, communicated "information, and political observations" to sir James Craig, which had been transmitted to the British secretary of state, who had "expressed his particular approbation of them," and thus adopted this plan of hostility to the peace and union of America. To what these communications had relation, there is little difficulty in accurately surmising. However, sir James Craig, by his secretary, Herman W. Ryland, proposed, to John Henry, a mission to Boston, suggested by the "extraordinary situation of things," at that time, in the United States; and furnished him with a letter of general recommendation, in which it was stated explicitly, that he was employed by his excellency, the governor, and that full confidence might be placed in him, for any communication which any person might wish to make, in the business committed to him. Sir James Craig, at the same time, gave his confidential agent, John Henry,

a letter of general instructions, dated, at Quebec, the 6th of February, 1809; in which were these paragraphs:

“ The principal object that I recommend to your attention is the endeavour, to obtain the most accurate information of the true state of affairs, in that part of the nation, which, from its wealth, the number of its inhabitants, and the known intelligence and ability of several of its leading men, must naturally possess a very considerable influence over, and will indeed, probably lead the other eastern states of America, in the part they may take, at this important crisis.

“ It has been supposed, that, if the federalists of the eastern states should be successful in obtaining that decided influence, which may enable them to direct the public opinion, it is not improbable, rather than submit to a continuance of the difficulties and distress to which they are now subject, they will exert that influence, to bring about a separation from the general union.\* The earliest information on this subject may be of great consequence to our government, as it may, also, be that it should be informed how far, in such an event, they would look to England for assistance, or be disposed to enter into a connection with us.

“ Although it would be highly inexpedient that you should, in any manner, appear as an avowed agent, yet, if you could contrive to obtain an intimacy, with any of the leading party, it may not be improper, that you should insinuate, though with great caution, that if they should wish to enter into any communication with our government through me, you are authorised to receive any such, and will safely transmit it to me.”

This letter of instruction, and the letter of recommendation were signed by sir James Craig; and their authenticity has

\* George Rose, Esq. one of the members of the British ministry, published a pamphlet on the commerce of Great Britain and America, in which he distinctly stated, that it was in the power of Great Britain, by a perseverance in the orders in council, to effect a revolution in the United States, in consequence of the distresses and embarrassments arising from that system.

never been denied by him, or his government. It is then demonstrably true, that John Henry was commissioned to visit Boston, as the agent of the governor general of the British provinces, to further the most pernicious views of the British government, in relation to the United States; and that those views regarded a separation of the eastern states from the federal union, by and with the assistance of Great Britain.

John Henry accepted the commission, and settled the proper channel and etiquette of correspondence, with his immediate employer by cypher and otherwise. In a letter, from Montreal, to sir James Craig, he said: "As the present moment seems favourable to the interference of his majesty's government in the measures pursued by the federal party, in the northern states, and more especially as the assembly of Massachusetts is now in session, I think it better to set forward immediately, than wait for any further explanation of the means of carrying on a secret correspondence."

He set out from Montreal on his mission, and entered the United States in Vermont. From Burlington he communicated his first despatch to sir James Craig. In this he announced favourable presages, and explicitly gave the most solemn assurance, that there was a general disposition among the leading federalists, to arrange their measures in conformity with the intentions of his Britannic majesty's government. His next communication was from Windsor, in the same state. In it he stated that the federal party declare, "that, in the event of a war, the state of Vermont will treat separately for itself with Great Britain; and support, to the utmost, the stipulations in which it may enter, without any regard to the policy of the general government." At the same time he said: "The democrats, on the other hand, assert, that, in such a case as that contemplated, the people would be nearly divided into equal numbers; one of which would support the government, if it could be done, without involving the people in a civil war; but, at all events, would risk every thing in preference to a coalition with Great Britain." He offered some local considerations for the difference he found between the sentiments of the inhabitants of Bur-

lington, and those of Windsor. The proximity of the former to the British provinces, and their greater intercourse with the Canadians, were reasons why they would be more disposed to favour a British alliance. Thence Henry proceeded to Boston, and from that place wrote several despatches, bearing different dates, from the 5th of March, to the 25th of May, 1809; in which he seems to have confined himself to mere speculations on political affairs. On arriving at Boston, he was constrained to give up all hope of being able to communicate any thing promising an immediate accomplishment of the ends desired. War with Great Britain was no longer to be expected. The arrangement with Mr. Erskine had in a great measure mitigated the opposition to the administration, even at Boston. Henry left that place, not having, as it would seem, done any more than amuse the governor of Canada with a few unimportant communications. On arriving at Montreal, he addressed his last despatch to sir James Craig, in conclusion of his mission, which he thus began: "I have the honour to inform your excellency, that I received, through Mr. secretary Ryland, your excellency's commands to return to Canada;" and thus concluded: "I lament that no occasion, commensurate to my wishes, has permitted me to prove how much I value the confidence of your excellency, and the approbation already expressed by his majesty's minister." This last letter directly asserts, that he had moved according to the "commands" of the governor general of Canada, and that his past conduct had received the sanction of the minister in London; and, it is pleasing to add, acknowledges that he had not found an occasion to prove his willingness to accomplish the insidious ends of his employers. The conciliatory arrangement with Mr. Erskine, as has been observed, terminated the prospects of success, which his anterior letters had represented, in flattering colours.

On the 1st of May, 1809, secretary Ryland, in a letter to John Henry, acknowledged the receipt of his despatches up to the 13th of April; and that they were then transcribing for the purpose of being sent home.

Thus the government of Great Britain was kept advised of the dispositions and intentions of the opposition. In 1811, John Henry visited London, and applied to the secretary of state, the earl of Liverpool, for compensation of his services, in the mission to Boston, in 1809. In answer to his application, lord Liverpool, by his secretary Robert Peel, acknowledged his services, in a correspondence, as early as 1808, "during his residence in the northern states of America," and expressed his "confidence" in his "ability and judgment:" but, on the subject of compensation, his lordship was not so satisfactory. Henry estimated his services very highly. He intimated, that, to his influence in procuring the legislature of Massachusetts, to resist the general government of the United States in its incipient preparations for hostility, Great Britain was indebted for an escape from a war. He stated that he had the promise of sir James Craig, that he should have "an employment in Canada, worth upwards of one thousand pounds a year;" and "respectfully suggested, that the appointment of judge advocate general, of the province of Lower Canada, with a salary of five hundred pounds a year, or a consulate in the United States, *sine curia*, would be considered, by him, a liberal discharge of any obligation, that his majesty's government might entertain, in relation to his service." Lord Liverpool promised a reference of his claim to the successor of sir James Craig, with an assurance, "that the public service would be benefited by his employment in a public situation." Whereupon Henry proposed to return to Canada; and received from lord Liverpool, a letter to sir George Prevost, who had succeeded sir James Craig, containing the assurance, which he had promised.

From the sequel, it would appear that Henry was disappointed, in his expectations of employment in Canada. Sir George Prevost had other friends to provide for; or did not suppose that the public service required his employment. To indulge "a just resentment of the perfidy and dishonour of those, who first violated the conditions upon which he received their confidence," Henry took leave of his British friends,



travelled to Washington, and proposed, for an adequate consideration, to reveal "a treacherous scheme of the British government, to foment disaffection to the constituted authorities of the nation," and "maintain intrigues with the disaffected, for the purpose of bringing about resistance to the laws; and, eventually, in concert with a British force, of destroying the union, and forming the eastern part thereof into a political connexion with Great Britain."

Henry made a disclosure of his connexions with, and his services to the British government, of which a sketch has been presented; for which disclosure he was paid the sum of \$50,000, as a charge to the account of the contingent expenses of foreign intercourse,

As soon as he had made his communications to the American government, and received the consideration mentioned, he repaired from Washington to New York, there embarked on board the United States sloop of war *Wasp*, and sailed for France.

This affair created at the time much public discussion. The friends of the administration, generally, justified the disbursement, which was made to obtain positive testimony of the secret and deadly hostility of Great Britain, towards the government of the United States; and of her disposition to plan and execute the most pernicious machinations, to dismember their union, and jeopardize their independence. On the other hand, it was contended, that the public money had been prodigally used, in the purchase of Henry's communications, to influence the passions of the people against Great Britain, and dispose them to hostility. It is the duty of the candid historian to pronounce upon the case, without regard to parties. If it had been questionable with the people of the United States, that Great Britain entertained secret enmity against their government, and would on any pretext meditate its destruction, it was worth ten times the amount of \$50,000, to convince them of the fact, and put them on their guard against the enemies of their peace and prosperity. Although the intelligence, furnished by Henry, may have proved that his morality was greatly inferior to his understanding; it,

nevertheless, furnished incontrovertible evidence of a most indefensible disposition, on the part of the agents of Great Britain, to disturb the peace and destroy the independence of the United States, even while the relations of peace subsisted between the two nations. This intrigue was justly enumerated among the many aggressions of Great Britain, which demanded the course, afterwards pursued by the United States, to redress their wrongs; and was pourtrayed in the following energetic terms, by the committee of the house of representatives, on foreign relations, in their report recommending war: "it is their duty to recite another act of still greater malignity, than any of those which have been already brought to your view. The attempt to dismember our union, and overthrow our excellent constitution, by a secret mission, the object of which was, to foment discontents, and excite insurrections against the constituted authorities and laws of the nation, as lately disclosed by the agent employed in it, affords full proof that there are no bounds to the hostility of the British government, towards the United States, no act, however unjustifiable, which it would not commit to accomplish their ruin."

In the month of May, 1812, lord Holland brought forward a motion in the house of lords, to request, of the prince regent, the production of copies of all the communications made by sir James Craig to his majesty's secretary of state, relative to the employment of John Henry in a mission to the United States of America; of the correspondence that took place between his majesty's secretary of state, and sir George Prevost on the subject of compensation claimed by Henry for his services; and also copies of all instructions sent to sir James Craig from his majesty's secretary of state, relative to the employment of Henry in the United States.

In bringing forward this motion, lord Holland expressly declared that the subject affected the honour of the British nation, and that it was indispensably necessary that its government should be vindicated against what, he trusted, was an unfounded charge. This charge was no less, he said, than that while the two nations were engaged in negotiations upon

certain points of national importance, the British government had employed a secret agent in the territories of the United States, not for the purpose of procuring intelligence, which he considered a legitimate object, but for the purpose of procuring some of the states of the union, to throw off their allegiance to their legal government, and to separate themselves from the rest.

The earl of Liverpool replied to lord Holland, and stated that the employment of Henry as an agent, by sir James Craig, was not, at the time, known to, nor was authorised by his majesty's government until many months afterwards. As an apology for the transaction, he adverted to the situation of the United States and Canada. He asserted, that, from the clamour which prevailed in America, and its warlike and menacing attitude, it became necessary that the governor of the British provinces in North America should be prepared to avert any hostile stroke that might be aimed at his majesty's dominions in that quarter. He acknowledged that sir James Craig had sent Henry in 1809, into the United States, and attempted an extenuation of his conduct.

In reply to the earl of Liverpool, Earl Gray said, if all which had been urged in apology for the conduct of sir James Craig were true, he had no right to use any but the regular military measures for defence. He had no right to endeavour to seduce the American citizens from their allegiance to their own government. This was a step which no preparations for war, on the part of the United States, could justify. While the two governments were employed in an amicable negotiation for peace, it appeared that Henry was employed, in endeavouring to detach American citizens from their allegiance. He saw no way by which satisfaction could be given to the Americans, on this point, or the honour of Great Britain be cleared, except, by an absolute denial on the part of ministers, or a condemnation of the measures by parliament.

Some weak excuses, in behalf of sir James Craig, were offered by lord Sidmouth and lord Mulgrave.

Lord Holland concluded the debate in a manly demand of

the documents necessary to establish the truth of the case; that so much as had been said to be exaggeration, might appear. He said, he trusted for the honour of the British name, that Henry had been employed merely to obtain information; but at the same time there were strong presumptions to the contrary. When the question was taken, there appeared a majority of forty-six members against the motion of lord Holland. Although he failed in his object, yet his motion produced admissions by the ministry of Great Britain, that completely justified the resentment of the United States, at the insidious embassy of Henry. While lord Holland, earl Gray, and the marquis of Lansdowne pronounced the same opinions on the transaction which were held by the American government, the British secretary of state was driven to his majority, to screen sir James Craig, himself, and his government, from the charge of employing a secret agent to detach the citizens of the United States from their allegiance to their government.

The attempt, which has just been presented to view, was prompted by those unhappy divisions that have existed among our citizens, since an early period in the administration of the government. It ought to admonish the Americans against the evils which are produced by party feuds. The British government was tempted to send an agent among them, to foment their divisions, disturb their domestic relations, and induce them to sport with the happiest government in the world. If no section of the United States, nor any individuals were implicated in this insidious mission, there were reasons for many to regret, that their conduct had been such, as to invite a foreign nation, to make treacherous experiments upon their patriotism. It is to be hoped, that no foreign interferences, in the affairs of the United States, will ever be attended by more fatal results; and that the people themselves will take warning, from that which has been here recorded, and never again expose themselves to the machinations of those who are opposed to their liberties, and envious of their happy state.

In the year 1811, several murders and depredations, committed by the Indians, and especially their menacing preparations, and combination on the Wabash, under the influence and direction of a fanatic, of the Shawanese tribe, who assumed the title of Prophet, induced the president, to assemble, in the Indiana territory, a force, consisting of regulars and neighbouring militia, and to cause them to be marched towards its north western frontier. This force was committed to the command of William Henry Harrison, Esq. governor of the Indiana territory; with instructions to march to the Prophet's town, and demand a restoration of the property, which had been plundered from citizens of the United States. He was authorised, also, to repel, by force, any further outrages, which could not be prevented by pacific negotiations. In the month of October, this body of troops, consisting of several companies of the Indiana militia, a few volunteers from Kentucky, and the 4th regiment of the United States infantry, commanded by colonel John P. Boyd, the whole commanded by governor Harrison, marched through the wilderness, and, on the evening of the 6th of November, arrived within a few miles of the town. Here three Indians approached the advanced guards, and expressed a wish to speak to the commander. They stated, that the Prophet had, two days before, sent messengers to communicate his answers to the demands made upon him: but that they unfortunately had taken a different route, from that on which the army marched, and, therefore, had not been met. Governor Harrison replied, that he did not intend to attack the Indians, unless he should discover, that they would not accept the terms he had to propose; that he would encamp near the river, and have an interview with the Prophet and his chiefs, in the morning, when he would explain the determinations of the president; and that, in the meanwhile, no hostilities would be committed. They seemed pleased with this reply, and promised, that the arrangement should be observed on the part of the Indians.

Governor Harrison then resumed his march, and pro-

ceeded until he was within 150 yards of the town. Here he was met by a number of Indians, with whom was the chief, who had been principal in the previous interview with the commander of the force of the United States. He pointed out a spot suitable for an encampment. The governor and the chief reiterated their engagements, and separated.

The army was encamped upon the ground, that had been designated by the Indians. It was a piece of dry oak land, considerably elevated, and situated between two prairies. The two columns of infantry occupied the front and rear, separated, on the left flank, 180 yards, and, on the right, about half that distance. The left flank was covered by two companies of mounted rifle men, amounting to 150 men, and commanded by major-general Wells, of Kentucky. The right flank was covered by Spencer's company of mounted riflemen, to the number of eighty. The front line was composed of one battalion of the 4th regiment of the United States infantry, major Floyd, flanked on the right by two companies of militia, and on the left by one. The rear line was formed of one battalion of the 4th United States infantry, captain Baen, acting as major, flanked by four companies of militia, under lieutenant Decker: two troops of dragoons, amounting to sixty, encamped in the rear of the left flank; and another, somewhat stronger, in the rear of the front line. To guard against a night attack, the order of encampment was the order of battle; and each man slept immediately opposite his post in the line.

The camp was defended by two captain's guards, each of four non-commissioned officers, and forty-two privates; and two subaltern's guards, each of twenty non-commissioned officers and privates. Just at the moment when the signal for calling up the men was about to be given, on the morning of the 7th of November, 1811, an attack commenced, on the left flank. A single musket only was fired in that direction, by the guard, who, abandoning their officer, fled into camp. The first notice, which the left flank had, of the approach of an enemy, was the usual yells of the savages, within a short distance of the line. They had broken their engagements to

keep the peace, until the ensuing day; which, it would seem, they had stipulated, purposely to gain an opportunity of surprising their adversaries, in their usual manner. They had, as it has been conjectured, pointed out a spot to governor Harrison, for his encampment, most suitable for their purpose: and nothing but the precaution of encamping in order of battle, and the deliberate firmness of the officers, in counteracting the effects of the surprise and alarm, saved the army from a total defeat. The storm first fell upon captain Barton's company of regulars, and captain Geiger's company of mounted riflemen; which formed the left angle of the rear line. Some Indians forced themselves through the angle, and thence penetrated into the encampment, before they were killed. The companies, that had been thus suddenly and severely attacked, were reinforced, with all possible speed. A heavy fire was then commenced, on the left of the front, immediately on the regular companies, of captains Baen, Snelling, and Prescott. A gallant charge by the cavalry, from the rear of the front line, under major Davies, was made, for the purpose of breaking the Indians, who appeared to be in great force, among some trees, a few yards distant in front. In this charge, major Davies was unfortunately wounded, and his men were driven back, by the force of the enemy. Captain Snelling then ordered his company to charge, with fixed bayonets. His order was gallantly executed, and the enemy dislodged. Captain Snelling had just returned into the line, when the fire of the enemy extended along the left flank, the whole of the front, the right flank, and part of the rear line. Upon Spencer's mounted riflemen, and the right of Warwick's company, it was excessively severe. Captain Spencer and his first and second lieutenants were killed; and captain Warwick was mortally wounded. The men, notwithstanding the fall of their officers, bravely maintained their posts, until they were reinforced. At the approach of day, the right and left flanks were strongly reinforced, from the front and rear lines, and every disposition made for a vigorous charge, as soon as the light should sufficiently discover the position of the enemy. Major Wells,

on the left, while these dispositions were making, charged the enemy so efficiently, that they were completely broken in that quarter. At this favouring moment, a small detachment from the cavalry, dashed furiously upon the retreating Indians, and precipitated them into the marsh. Simultaneously with these successful efforts on the left, the enemy were charged, on the right, by the companies of captain Cook and lieutenant Larabee. They were vigorously supported by the mounted riflemen, who pursued, and killed a number of Indians in their flight. Driven now at both points, by these successful charges, and pursued as far as the ground would permit, the Indians did not return to the combat. They were handled so severely, in the end, that they were compelled, contrary to their practice in battle, to abandon many of their killed, and several wounded, on the field. This fact alone establishes a decisive victory by general Harrison and his army. The attempt to conquer by surprise was completely frustrated; and the design of a butchering extermination of the whole American force by the savages, was chastised by a bloody defeat. Forty Indians were found dead on the field of battle. Numbers were carried off, some of whom were found the next day, thrown two, three, and four into one hole, and covered, with a design to conceal them from the victorious army. Governor Harrison estimated their loss in killed and wounded, at one hundred and fifty.

The American forces, from the commander to the privates, displayed great bravery, throughout this treacherous attack; and effectually resisted one of the most furious assaults, to be found in the annals of savage warfare. They were saved alone by their soldierly conduct. Had they fallen into a panic, in the first onset of the savages, and been thrown into disorder, they would probably, to a man, have become the victims of the most merciless of foes. They however sustained a severe loss in officers and men. The report of adjutant Adams, after the battle, makes the killed, one aid-de-camp, one captain, two subalterns, one serjeant, two corporals, and thirty privates, 37; mortally wounded, and subsequently dead, one major, two captains, and twenty-two privates, 25;



wounded, two lieutenant-colonels, one adjutant, one surgeon's mate, two captains, three subalterns, nine sergeants, five corporals, one musician, and one hundred and two privates, 126. Total killed and wounded, 181.

The exact number of Indians in the battle could not be accurately ascertained. Governor Harrison estimated them, at not less than six hundred, and perhaps not inferior to his own army, which, at the commencement of the action, amounted in the whole to seven hundred and fifty, regulars and militia.

There were in the field, as volunteer officers and privates, several respectable citizens of Kentucky; among whom were major Joseph H. Davies, and colonel Abraham Owens. Major Davies commanded the cavalry, attached to the army. He fell early in the action; greatly lamented by all his associates. He held the first standing in Kentucky, as a lawyer, and the highest rank, as an orator; behaved with the greatest bravery in the field; and died in the full display of the traits of a hero. The legislature of Kentucky, in testimony of their regret for the deaths of Davies, Owens and other volunteers, who fell in the battle, resolved to wear mourning for thirty days; and appointed John Rowan, Esquire, to deliver, in the capitol, a funeral oration in honour of those brave and lamented citizens.

Governor Harrison, on the 9th of November, after having burned the Prophet's town, and laid waste the surrounding settlement, from both of which he obliged the defeated enemy to fly, returned at leisure with his forces into the settled country. The expedition was productive of the best consequences.

The Prophet was immediately abandoned by his followers; who, on his defeat, lost all faith in his supernatural pretensions. Even his life was endangered, by the sudden change in the feelings of those, whom he had too successfully deluded. Most of the Indian tribes, who had been influenced, by his impious pretensions, to assume an attitude of hostility towards the United States, after his expulsion from his imagined sanctuary, offered their submissions, and sued for peace.

## CHAPTER XXXIX.

*Call of Congress in 1811; President communicates the state of the relations of the United States with Great Britain and France; Congress makes preparations to arm the nation; Declaration of war.*

THE language held by the British minister at Washington, in his correspondence with the secretary of state, very soon dissipated all hope of accommodation with Great Britain. Although his deportment, as a minister, was acceptable to the American government, yet it soon appeared, that he had brought no instructions that would authorise him to propose the slightest relaxation of the system, which Great Britain had pursued against the neutral commerce of the United States. On the contrary, his letters teemed with high-toned justifications of it. Under the impression, that the crisis had arrived, when it became necessary that the United States should assume a new course towards Great Britain, the president issued his proclamation convening the 12th congress, on the 4th of November, 1811.

When the two houses were organized, he communicated an interesting message; in which he gave an exposition of the state of the relations of the United States with Great Britain and France. "It was hoped," he said, "that the successive confirmations of the extinction of the French decrees, so far as they violated the neutral commerce of the United States, would have induced the government of Great Britain, to repeal its orders in council, and thereby authorise the removal of the existing obstructions, to her commerce with the United States.

"Instead of this reasonable step towards satisfaction and friendship, between the two nations, the orders were, at a moment when least to have been expected, put into more rigorous execution: and it was communicated, through the

British envoy, just arrived, that, whilst the revocation of the edicts of France, as officially made known to the British government, was denied to have taken place; it was an indispensable condition of the repeal of the British orders, that commerce should be restored to a footing, that would admit the productions and manufactures of Great Britain, when owned by neutrals, into markets shut against them by her enemy; the United States being given to understand, that, in the meantime, a continuance of the non-importation act would lead to measures of retaliation.

“At a later date, it has, indeed, appeared, that a communication to the British government, of fresh evidence of the repeal of the French decrees against our neutral trade, was followed by an intimation, that it had been transmitted to the British plenipotentiary here; in order that it might receive full consideration in the pending discussions. This communication appears not to have been received: but the transmission of it hither, instead of founding on it an actual repeal of her orders, or assurances that the repeal would ensue, will not permit us to rely on any effective change in the British cabinet. To be ready to meet, with cordiality, satisfactory proofs of such a change, and to proceed, in the meantime, in adapting our measures to the views which have been disclosed through their minister, will best consult our whole duty.

“In the unfriendly spirit of these disclosures, indemnity and redress for other wrongs have continued to be withheld; and our coasts, and the mouths of our harbours have again witnessed scenes, not less derogatory to the dearest of our national rights, than vexatious to the regular course of our trade. Among the occurrences produced by the conduct of British ships of war, hovering on our coasts, was an encounter between one of them, and the American frigate, commanded by captain Rodgers, rendered unavoidable, on the part of the latter, by a fire, commenced without cause, by the former; whose commander is, therefore, alone chargeable with the blood unfortunately shed, in maintaining the honour of the American flag.

“The justice and fairness which have been evinced on the

part of the United States towards France, both before and since the revocation of her decrees, authorised an expectation that her government would have followed up that measure, by all such others, as were due to our reasonable claims, as well as dictated by its amicable professions. No proof, however, is given, of an intention to repair the other wrongs done to the United States; and particularly to restore the great amount of American property, seized and condemned under edicts, which, though not affecting our neutral relations, and therefore not entering into questions between the United States and other belligerents, were nevertheless founded in such unjust principles, that the reparation ought to have been prompt and ample.

“ In addition to this, and other demands, of strict right, on that nation, the United States have much reason to be dissatisfied, with the rigorous and unexpected restrictions, to which their trade, with the French dominions, has been subjected; and which, if not discontinued, will require at least corresponding restrictions on importations from France into the United States.

“ On all these subjects, our minister plenipotentiary, lately sent to Paris, has carried with him the necessary instructions; the result of which will be communicated to you, and, by ascertaining the ulterior policy of the French government towards the United States, will enable you to adapt to it, that of the United States towards France.

“ Under the ominous indications which commanded attention, it became a duty to exert the means, committed to the executive department, in providing for the general security. The works of defence, on our maritime frontier, have accordingly been prosecuted, with an activity, leaving little to be added for the completion of the most important ones; and as particularly suited for co-operation in emergencies, a portion of the gun-boats has, in particular harbours, been ordered into use. The ships of war, before in commission, with the addition of a frigate, have been chiefly employed as a cruising guard to the rights of our coasts. Such a disposition has

been made of our land forces as was thought to promise the services most appropriate and important.

“ I must now add, that the period is arrived which claims, from the legislative guardians of the national rights, a system of more ample provisions for maintaining them. Notwithstanding the scrupulous justice, the protracted moderation, and the multiplied efforts, on the part of the United States, to substitute, for the accumulating dangers to the peace of the two countries, all the mutual advantages of re-established friendship and confidence, we have seen, that the British cabinet perseveres, not only in withholding a remedy for other wrongs, so long and so loudly calling for it; but, in the execution, brought home to the threshold of our territory, of measures, which, under existing circumstances, have the character, as well as the effect, of war on our lawful commerce.

“ With this evidence of hostile inflexibility, in trampling on rights, which no independent nation can relinquish, congress will feel the duty of putting the United States into an armour and an attitude, demanded by the crisis, and corresponding with the national spirit and expectations.

“ I recommend, accordingly, that adequate provision be made, in filling up the ranks, and prolonging the enlistments of the regular troops; for an auxiliary force, to be engaged for a more limited term; for the acceptance of volunteer corps, whose patriotic ardour may court a participation in urgent services; for detachments, as they may be wanted, of other portions of the militia; and for such a preparation of the great body, as will proportion its usefulness to its intrinsic capacities. Nor can the occasion fail to remind you of the importance of those military seminaries, which, in every event, will form a valuable and frugal part of our military establishment. Your attention will of course be drawn to such provisions, on the subject of our naval force, as may be required for the services, to which it may be best adapted.

“ I cannot close this communication, without expressing my deep sense of the crisis, in which you are assembled; my

confidence in a wise and honourable result of your deliberations ; assurances of the faithful zeal with which my co-operating duties will be discharged ; and invoking, at the same time, the blessings of heaven on our beloved country, and on all the means that may be employed, in vindicating its rights, and advancing its welfare."

In this important message, the president apprised the legislature, which holds the war power, that a rupture, to which the conferences with the British government had, for some time pointed, was at hand ; and that it had become their duty to place the United States in some adequate state of preparation, to meet that event, in a manner that would promise a vindication of their rights, at home and abroad. War had now become unavoidable, except by national degradation ; and therefore, as the lesser evil, expedient and necessary. Every means else had been tried, in vain, to secure the rights of the nation : and it became a simple question, whether its independence should be surrendered, or defended with all its energies, and at every hazard. There remained no middle ground. All the space between abject submission, and the resistance of repeated and aggravated wrongs, had been travelled over and over again, with the same result. Indeed, the public voice from many quarters had long since been observed to favour the last appeal ; and the government had just arrived at the point, at which it had been anticipated, by the wishes and expectations of many of the people. It had delayed too long, in the opinion of some, to recommend the only remedy, for the indignities and injuries which had been heaped upon the nation, as much from its forbearance as from the injustice of Great Britain. An earlier resistance on the part of the United States, might have suggested to her a more decent and rightful conduct towards them. Their patience, and, as it was said, even their tameness, had tempted her, as well as her continental rival, to assume that arrogant and unjust attitude which required to be corrected by war.

Congress immediately entered on the solemn duties committed to their consideration. Earnest and protracted dis-

ussions arose, on the nature and urgency of the crisis, as well as on the number and character of the forces requisite to meet the occasion. Some contended that a small regular army, and limited number of militia, with such corps of volunteers, as, it was supposed, would promptly offer to participate "in urgent services," would be adequate to the emergency in prospect. Others maintained, that, though the militia of the country were a useful and auxiliary, they were but an uncertain force, to be employed only on sudden emergencies, and in the absence of regular troops, which should form the chief reliance of every nation, in the vital operations of actual war; that, for permanent defence, and the pursuit of advantages, militia form a feeble reliance; principally from the mildness of their discipline, and the uncertain, and necessarily short terms of their service, expiring frequently at the moment when emergency demands their presence; and that they were, besides, the most expensive and wasteful species of force, which could be employed; a matter of no light consideration, at the moment of settling the means of carrying on a war, for the defence of national rights. Both fortified their opinions, by a recurrence to the experience of the revolutionary war; during which, there were many instances of great valour, and equal military skill exhibited by militia, and likewise many of dreadful results to the cause and the country, they were required to support. While some cited Bunker's hill, as a scene of glory, and honourable to the militia; others recapitulated the deplorable consequences that followed the conduct of that description of troops, at Gates's defeat.

In the house of representatives, the majority at first embraced the estimates submitted by the war department; which required, in addition to the existing military establishment, a provisional regular army of 10,000 men, with militia and volunteers proportionate to the exigencies of the service. The senate acted on its own estimates, and passed a bill authorising an additional regular force of 25,000 men, making the war establishment, in the whole 31,000 men. This bill was accepted by the house of representatives, and finally be-

come a law. At the same time, acts were passed, to complete the existing military establishment; to authorise the president to raise certain companies of rangers, for the protection of the frontiers of the United States; to authorise the purchase of ordnance, and ordnance stores, camp equipage, and other quarter master's stores, and small arms; to authorise the president to accept and organize volunteer military corps; to make provision for the defence of our maritime frontier; to establish a quarter master's department; to authorise a detachment from the militia of the United States; to organize a corps of artificers; to make provision for the corps of engineers; and to make appropriations to meet the expenses necessarily incurred, by these extraordinary measures.

During this session of congress, a proposition was brought forward, in the house of representatives, by the committee on naval affairs, to augment the naval establishment of the United States; which produced a very interesting and able debate, on the uses of a navy, and its indispensable necessity to a complete armament of the United States. The proposition had to encounter serious prejudices of long standing, against the utility of a considerable naval establishment. These were combated with ability and success by the chairman of the naval committee, and many other gentlemen on both sides of the house. The same proposition was discussed with equal zeal in the senate. Finally the two houses passed an act, which was approved by the president, on the 30th of March, 1812, directing the frigates Chesapeake, Constellation, and Adams, to be immediately repaired, equipped, and put into actual service; authorising an increase of the officers and seamen of the navy, so far as necessary to officer, man, and equip them; and making an appropriation of two hundred thousand dollars, annually, for three years, to be applied to the purchase and supply of timber, for ship-building, and other naval purposes; the first timber so purchased to be suitable for rebuilding the frigates Philadelphia, General Greene, New York and Boston.



On the 14th of March, 1812, congress, to defray the expenses authorised by these various acts, passed a law, to authorise the president to borrow, on the credit of the United States, a sum not exceeding eleven millions of dollars; which was executed on the most favourable terms. The whole amount was loaned by individuals and corporate bodies for an annual interest of six per centum.

These measures comprised what was enacted by the two houses of congress, in execution of the recommendations of the president, at the opening of the session. From the 30th of March, to the 1st of June, 1812, congress was occupied in little else, but revising and perfecting the system, upon which they had passed, according to the suggestions of experience in its administration, by the war and navy departments.

When they conceived themselves ready to assume an attitude of hostility towards Great Britain, it was deemed politic to suffer a period to elapse, sufficient to ascertain what impression these preparatory measures, evidently symptomatic of war, would have on the conduct of the British cabinet. During this interval of suspense, a question, as to the enemy to be selected, was agitated among the people of the United States, and informally discussed by the members of congress. The president, at the opening of the session, had impartially described the true state of the relations between the United States, and both France and Great Britain. He had depicted the continued injustice and vexations of both those nations towards the rights and interests of the United States, and had referred the course to be pursued, in relation to them, to the determination of that department of the government, to which, as already stated, the awful power to declare war has been exclusively committed by the constitution.

It had been long manifest, that both Great Britain and France concurred in the opinion, that the spirit of the United States was not martial, and that many of the American people were almost wholly under the influence of commercial

views, and an inordinate appetite for gain. From the past moderation of the government, and the mercantile aversion to incur, by war, an interruption of trade, those powers had imbibed an opinion, and they acted on the presumption, that the Americans would make no other, than a war of plenipotentiaries, and countervailing statutes; and that they were perfectly safe in the continuance of their injustice from the supposed apathy and embarrassment of the government, and from the propensities of the mercantile citizens and districts of the United States. These ideas were distinctly manifested on the part of Great Britain, in all her correspondence and intercourse with the United States. Whenever, and wherever, their subjects and citizens, their ships of war, and their public ministers came into contact, the American character, pretensions, and rights, were equally subjected to contumely and violence. Nothing could more outrage the decorum, that should subsist between nations at peace, than the incessant hovering of British ships about the American coast, obstructing the navigation of its ports and bays; and this conduct was the more aggravated, from the consideration, that it was applied to a people of the same national propensities, language, morals, laws, and religion with the aggressors, and regarded, by the impartial world, as holding a similar rank among civilized nations.

About the 20th of May, the *Hornet* sloop of war, which had carried out despatches from the government of the United States to Mr. Barlow, at Paris, and to Mr. Russell, in London, returned with the intelligence, that no changes had occurred in the cabinets of St. Cloud and St. James, at the date of the 20th of April, of a nature to permit the councils of the nation, to delay longer the selection of its enemy.

The president, therefore, on the 1st of June, sent the following message to the two houses of congress:

“ Without going back beyond the renewal in 1803, of the war in which Great Britain is engaged, and omitting unrepaired wrongs of inferior magnitude, the conduct of her government presents a series of acts hostile to the United States as an independent and neutral nation.

“ British cruisers have been in the continued practice of violating the American flag on the great highway of nations, and of seizing and carrying off persons sailing under it; not in the exercise of a belligerent right founded on the law of nations against an enemy, but of a municipal prerogative over British subjects. British jurisdiction is thus extended to neutral vessels in a situation where no laws can operate but the law of nations and the laws of the country to which the vessels belong; and a self-redress is assumed, which, if British subjects were wrongfully detained and alone concerned, is that substitution of force, for a resort to the responsible sovereign, which falls within the definition of war. Could the seizure of British subjects, in such cases, be regarded as within the exercise of a belligerent right, the acknowledged laws of war, which forbid an article of captured property to be adjudged without a regular investigation before a competent tribunal, would imperiously demand the fairest trial where the sacred rights of persons were at issue. In place of such a trial, these rights are subjected to the will of every petty commander.

“ The practice, hence, is so far from affecting British subjects alone, that, under the pretext of searching for these, thousands of American citizens, under the safeguard of public law, and of their national flag, have been torn from their country, and from every thing dear to them; have been dragged on board ships of war of a foreign nation, and exposed, under the severities of their discipline, to be exiled to the most distant and deadly climes, to risk their lives in the battles of their oppressors, and to be the melancholy instruments of taking away those of their own brethren.

“ Against this crying enormity, which Great Britain would be so prompt to avenge if committed against herself, the United States have in vain exhausted remonstrances and expositions. And that no proof might be wanting of their conciliatory disposition, and no pretext left for a continuance of the practice, the British government was formally assured of the readiness of the United States to enter into arrangements, such as could not be rejected, if the recovery of British sub-

jects were the real and the sole object. The communication passed without effect.

“British cruisers have also been in the practice of violating the rights and the peace of our coasts. They hover over and harass our entering and departing commerce. To the most insulting pretensions they have added the most lawless proceedings in our very harbours; and have wantonly spilt American blood, within the sanctuary of our territorial jurisdiction. The principles and rules enforced by that nation, when a neutral nation, against armed vessels of belligerents hovering near her coasts, and disturbing her commerce, are well-known. When called on, nevertheless, by the United States to punish the greater offences committed by her own vessels, her government has bestowed on their commanders additional marks of honour and confidence.

“Under pretended blockades, without the presence of an adequate force, and sometimes without the practicability of applying one, our commerce has been plundered in every sea; the great staples of our country have been cut off from their legitimate markets; and a destructive blow aimed at our agricultural and maritime interests. In aggravation of these predatory measures, they have been considered as in force from the dates of their notification; a retrospective effect being thus added, as has been done in other important cases, to the unlawfulness of the course pursued. And to render the outrage the more signal, these mock blockades have been reiterated and enforced in the face of official communications from the British government, declaring, as the true definition of a legal blockade, “that particular ports must be actually invested, and previous warning given to vessels bound to them, not to enter.”

“Not content with these occasional expedients for laying waste our neutral trade, the cabinet of Great Britain resorted, at length, to the sweeping system of blockades, under the name of orders in council, which has been moulded and managed, as might best suit its political views, its commercial jealousies, or the avidity of British cruisers.

“To our remonstrances against the complicated and trans-

endant injustice of this innovation, the first reply was, that the orders were reluctantly adopted by Great Britain as a necessary retaliation on the decrees of her enemy, proclaiming a general blockade of the British isles, at a time when the naval force of that enemy dared not to issue from his own ports. She was reminded, without effect, that her own prior blockades, unsupported by an adequate naval force actually applied and continued, were a bar to this plea; that executed edicts against millions of our property could not be retaliation on edicts, confessedly impossible to be executed; and that retaliation, to be just, should fall on the party setting the guilty example, not on an innocent party, which was not even chargeable with an acquiescence in it.

“ When deprived of this flimsy veil for a prohibition of our trade with her enemy, by the repeal of his prohibition of our trade with Great Britain, her cabinet, instead of a corresponding repeal, or a practical discontinuance of its orders, formally avowed a determination to persist in them against the United States, until the markets of her enemy should be laid open to British products; thus asserting an obligation on a neutral power, to require one belligerent to encourage, by its internal regulations, the trade of another belligerent; contradicting her own practice towards all nations, in peace as well as in war; and betraying the insincerity of those professions which inculcated a belief, that, having resorted to her orders with regret, she was anxious to find an occasion for putting an end to them.

“ Abandoning still more all respect for the neutral rights of the United States, and for its own consistency, the British government now demands, as pre-requisites to a repeal of its orders, as they relate to the United States, that a formality should be observed in the repeal of the French decrees, nowise necessary to their termination, nor exemplified by British usage; and that the French repeal, besides including that portion of the decrees which operate within a territorial jurisdiction, as well as that which operates on the high seas against the commerce of the United States, should not be a single special repeal, in relation to the United States; but

should be extended to whatever other neutral nations unconnected with them, may be affected by those decrees. And as an additional insult, they are called on for a formal disavowal of conditions and pretensions advanced by the French government, for which the United States are so far from having made themselves responsible, that, in official explanations, which have been published to the world, and in a correspondence of the American minister at London with the British minister for foreign affairs, such a responsibility was explicitly and emphatically disclaimed.

“ It has become, indeed, sufficiently certain, that the commerce of the United States is to be sacrificed, not as interfering with the belligerent rights of Great Britain, not as supplying the wants of her enemies, which she herself supplies, but as interfering with the monopoly which she covets for her own commerce and navigation. She carries on a war against the lawful commerce of a friend, that she may the better carry on a commerce polluted by the forgeries and perjuries which are, for the most part, the only passports, by which it can succeed.

“ Anxious to make every experiment short of the last resort of injured nations, the United States have withheld from Great Britain, under successive modifications, the benefits of a free intercourse with their market, the loss of which could not but outweigh the profits accruing from her restrictions of our commerce with other nations. And to entitle these experiments to the more favourable consideration, they were so framed as to enable her to place her adversary under the exclusive operation of them. To these appeals her government has been equally inflexible, as if willing to make sacrifices of every sort, rather than yield to the claims of justice, or renounce the errors of a false pride. Nay, so far were the attempts carried, to overcome the attachment of the British cabinet to its unjust edicts, that it received every encouragement within the competency of the executive branch of our government, to expect, that a repeal of them would be followed by a war between the United States and France, unless the French edicts should also be repealed.

Even this communication, although silencing forever the plea of a disposition in the United States to acquiesce in those edicts, originally the sole plea for them, received no attention.

“ If no other proof existed of a predetermination of the British government against a repeal of its orders, it might be found in the correspondence of the minister plenipotentiary of the United States at London, and the British secretary for foreign affairs in 1810, on the question whether the blockade of May, 1806, was considered as in force or as not in force. It had been ascertained that the French government, which urged this blockade as the ground of its Berlin decree, was willing, in the event of its removal, to repeal that decree; which, being followed by alternate repeals of the other offensive edicts, might abolish the whole system on both sides. This inviting opportunity for accomplishing an object so important to the United States, and professed so often to be the desire of both the belligerents, was made known to the British government. As that government admits, that an actual application of an adequate force is necessary to the existence of a legal blockade; and it was notorious, that if such a force had ever been applied, its long continuance had annulled the blockade in question, there could be no sufficient objection on the part of Great Britain, to a formal revocation of it; and no imaginable objection, to a declaration of the fact, that the blockade did not exist. The declaration would have been consistent with her avowed principles of blockade, and would have enabled the United States to demand from France, the pledged repeal of her decrees; either with success, in which case the way would have been opened for a general repeal of the belligerent edicts; or without success, in which case the United States would have been justified in turning their measures exclusively against France. The British government would, however, neither rescind the blockade, nor declare its non-existence; nor permit its non-existence to be inferred and affirmed by the American plenipotentiary. On the contrary, by representing the blockade to be comprehended in the orders in coun-

cil, the United States were compelled so to regard it in their subsequent proceedings.

“ There was a period when a favourable change in the policy of the British cabinet, was justly considered as established. The minister plenipotentiary of his Britannic majesty here proposed an adjustment of the differences more immediately endangering the harmony of the two countries. The proposition was accepted with a promptitude and cordiality corresponding with the invariable professions of this government. A foundation appeared to be laid for a sincere and lasting reconciliation. The prospect, however, quickly vanished; the whole proceeding was disavowed by the British government without any explanations which could at that time repress the belief, that the disavowal proceeded from a spirit of hostility to the commercial rights and prosperity of the United States. And it has since come into proof, that at the very moment, when the public minister was holding the language of friendship and inspiring confidence in the sincerity of the negotiation with which he was charged, a secret agent of his government was employed in intrigues, having for their object a subversion of our government, and a dismemberment of our happy nation.

“ In reviewing the conduct of Great Britain towards the United States, our attention is necessarily drawn to the warfare just renewed by the savages on one of our extensive frontiers; a warfare which is known to spare neither age nor sex, and to be distinguished by features peculiarly shocking to humanity. It is difficult to account for the activity and combinations which have for some time been developing themselves among tribes in the constant intercourse with British traders and garrisons, without connecting their hostility with that influence; and without recollecting the authenticated examples of such interpositions heretofore furnished by the officers and agents of that government.

“ Such is the spectacle of injuries and indignities which have been heaped on our country; and such the crisis which its unexampled forbearance and conciliatory efforts have not been able to avert. It might at least have been expected that



an enlightened nation, if less urged by moral obligations, or invited by friendly dispositions on the part of the United States, would have found, in its true interest alone, a sufficient motive to respect their rights and their tranquillity on the high seas; that an enlarged policy would have favoured that free and general circulation of commerce, in which the British nation is at all times interested, and which in times of war is the best alleviation of its calamities to herself as well as the other belligerents; and more especially that the British cabinet would not, for the sake of the precarious and surreptitious intercourse with hostile markets, have persevered in a course of measures which necessarily put at hazard the invaluable market of a great and growing country, disposed to cultivate the mutual advantages of an active commerce.

“ Other councils have prevailed. Our moderation and conciliation have had no other effect than to encourage perseverance, and to enlarge pretensions. We behold our seafaring citizens still the daily victims of lawless violence committed on the great common and highway of nations, even within sight of the country which owes them protection. We behold our vessels freighted with the products of our soil and industry, or returning with the honest proceeds of them, wrested from their lawful destinations, confiscated by prize courts, no longer the organs of public law, but the instruments of arbitrary edicts; and their unfortunate crews dispersed and lost, or forced or inveigled, in British ports, into British fleets: whilst arguments are employed in support of these aggressions, which have no foundation but in a principle supporting equally a claim to regulate our external commerce in all cases whatsoever.

“ We behold, in fine, on the side of Great Britain, a state of war against the United States; and on the side of the United States, a state of peace towards Great Britain.

“ Whether the United States shall continue passive under these progressive usurpations, and these accumulating wrongs; or, opposing force to force in defence of their natural rights, shall commit a just cause into the hands of the Almighty Disposer of events, avoiding all connections which

might entangle it in the contests or views of other powers, and preserving a constant readiness to concur in an honourable re-establishment of peace and friendship, is a solemn question, which the constitution wisely confides to the legislative department of the government. In recommending it to their early deliberations, I am happy in the assurance that the decision will be worthy the enlightened and patriotic councils of a virtuous, a free, and a powerful nation.

“ Having presented this view of the relations of the United States with Great Britain, and of the solemn alternative growing out of them, I proceed to remark, that the communications last made to congress on the subject of our relations with France will have shown that since the revocation of her decrees, as they violated the neutral rights of the United States, her government has authorised illegal captures, by its privateers and public ships, and that other outrages have been practised on our vessels and our citizens. It will have been seen also, that no indemnity had been provided, or satisfactorily pledged, for the extensive spoliations committed under the violent and retrospective orders of the French government against the property of our citizens seized within the jurisdiction of France. I abstain at this time from recommending to the consideration of congress definitive measures with respect to that nation, in the expectation that the result of unclosed discussions between our minister plenipotentiary at Paris, and the French government, will speedily enable congress to decide, with greater advantage, on the course due to the rights, the interests, and the honour of our country.”

This message was referred in the house of representatives to the committee on foreign relations. After a serious consideration of its contents, they reported a bill, declaring war between the United kingdoms of Great Britain and Ireland and their dependencies, and the United States of America, and their territories, accompanied by a manifesto of the causes that impelled to the war, of which the following is a summary. For :

1st. Impressing American citizens, while sailing on the

highway of nations, dragging them on board their ships of war, and forcing them to serve against nations in amity with the United States; and even to participate in aggressions on the rights of their fellow citizens when met on the high seas:

2dly, Violating the rights and peace of our coasts and harbours, harassing our departing commerce, and wantonly spilling American blood, within our territorial jurisdiction:

3dly, Plundering our commerce on every sea; under pretended blockades, not of harbours, ports, or places invested by adequate force; but of extended coasts, without the application of fleets to render them legal: and enforcing them from the date of their proclamation, thereby giving them virtually retrospective effect.

4thly, Committing numberless spoliations on our ships and commerce, under her orders in council, of various dates:

5thly, Employing secret agents within the United States, with a view to subvert our government, and dismember our union:

6thly, Encouraging the Indian tribes to make war on the people of the United States.

The bill reported by the committee on foreign relations passed the house of representatives, by a majority of thirty, in one hundred and twenty-eight votes; and, with the manifesto, was transmitted to the senate for its concurrence. In the senate, it passed by a majority of six, in thirty-two votes. On the 18th of June it received the approbation of the president, and, on the next day, was proclaimed a law. The proclamation enjoined "on all persons holding offices, civil or military, under the authority of the United States, that they be vigilant and zealous in discharging the duties respectively incident thereto;" and exhorted "all the good people of the United States, as they love their country, as they value the precious heritage derived from the virtue and valour of their fathers, as they feel the wrongs, which have forced on them the last resort of injured nations, and as they consult the best means, under the blessing of Divine Providence, of abridging its calamities, that they exert themselves in pre-

servicing order; in promoting concord; in maintaining the authority and efficacy of the laws, and in supporting and invigorating all the measures, which may be adopted by the constituted authorities, for obtaining a speedy, a just, and honourable peace."

By the act declaring war, the president was authorised to use the whole land and naval forces to carry the same into effect; and to issue, to private armed vessels of the United States, commissions, or letters of marque and general reprisals, under the seal of the United States, against the vessels, goods, and effects of the government and people of the United kingdoms of Great Britain and Ireland.

The act declaring war was followed by others, authorising the president to grant letters of marque and reprisal, and prescribing the formalities required of persons applying for the same; to organize more perfectly the army of the United States; to make further appropriations for the defence of the maritime frontier, and for the support of the navy; for the safe keeping and accommodation of prisoners of war; restraining intercourse with the enemy, and respecting alien enemies; to authorise the president to cause to be issued treasury notes, for such sums as he should deem expedient for the public service, not exceeding, in the whole, five millions of dollars; and imposing additional duties upon all goods, wares, and merchandise, imported from any foreign port or place, to aid the revenue during the war.

With these measures the twelfth congress closed its first session; and adjourned on the 6th of July, to meet again on the 1st Monday of November following.

## CHAPTER XL.

*Disturbances in Baltimore, June and July, 1812; Disturbances in Savannah, November, 1812.*

ON the 20th of June, 1812, two days after the declaration of war against Great Britain, some harsh strictures on the conduct of the government appeared in a public newspaper, entitled the "Federal Republican," printed in Baltimore, which excited very great resentment among those, who were friendly to the administration, and who approved of the war. A few days afterwards, the office of the editors was pulled down, and the press destroyed. The commotion, excited by this circumstance, throughout the city, in a great measure subsided; and the transaction was committed to the cognizance of a criminal court for legal investigation. On Saturday, the 26th of July, one of the editors of the Federal Republican, who had deemed it prudent to retire from the city, after the destruction of his press, in June, returned to town, accompanied by his personal and political friends, from different counties, in the state of Maryland, and by general Henry Lee, of Alexandria, in the District of Columbia, distinguished in the revolution, for his talents and intrepidity in partisan warfare, at the head of a legion of cavalry; afterwards governor of Virginia, and late a representative from that state, in the congress of the United States.

Mr. Hanson, one of the editors, took possession of a brick house in Charles street, lately the dwelling of Mr. Jacob Wagner, his partner; in which, with his friends, he remained throughout Sunday, the 27th. It was ascertained, by documents found afterwards in the possession of Mr. Hanson, that he had formed a determination, to continue the newspaper, by causing it first to be printed at Georgetown, in the district of Columbia, then transmitted to Baltimore, and issued from the house in Charles street; which he pro-

posed to defend, by force of arms, if he should deem it necessary, against any violence that might be offered. This plan had been projected and organized in the country, at a distance from the city of Baltimore, and unknown to its inhabitants in general. All its details were settled and adjusted with skill. The house was fortified strongly; having arms and ammunition deposited within, to be used as occasion might require. On Monday morning, the 28th, the paper was received from Georgetown, according to previous arrangements, and issued by Mr. Hanson, from the house prepared for that purpose. This particular number of the newspaper contained "severe animadversions" upon the mayor, police, and people of Baltimore, for the depredations on the printing office, in June; and it was generally circulated throughout the city.

In the course of the day, it became known, that Mr. Hanson was among those in the new office in Charles street. It was early whispered, that the house would be assailed. A number of citizens, taking part with Mr. Hanson and his associates, went to the house, and remained there. Towards the evening a crowd of boys collected in the street, opposite the house. Their noise disturbing the neighbourhood, and exciting some apprehension of a riot, a magistrate in the vicinity endeavoured to disperse them. About 8 o'clock in the evening, a carriage was seen to stop at the door of the house; from which a number of muskets and other military articles were taken, and conveyed, through an armed guard, into the house. The boys then returned, uttering opprobrious epithets, which they applied to the persons in the house. They began to throw stones at the windows. Until 9 o'clock, there did not appear more than five or six men, supposed to be connected with, or to have any control over the boys. About this time, a person, on the pavement, endeavouring to dissuade them from mischief, was severely wounded in one of his feet, by something ponderous thrown from the house. Several of those within the house called to the boys repeatedly, from the windows, and advised them to go away, and not molest

them; saying they were armed, and would protect themselves. The boys still continued to assail the house with stones. Two muskets were then fired from the upper story of the house, charged, as was supposed, with blank cartridge, to deter them from further violence. Immediately after the firing of these guns, the crowd in the street greatly increased; and repeated assaults, of increased violence, were made on the house. The sashes of the lower windows were broken; and attempts made to force the door by running against it.

Ten or a dozen muskets, in quick succession, were fired from the house; by which several persons were dangerously wounded: one of whom afterwards died. The military, in pursuance of an order from the general of brigade, arrived, about this period, to disperse the crowd, and maintain the peace. Several muskets were discharged from, and at the house, without effect: but, at length, by a fire from the door below, a doctor Gale was killed in the street, about ten or twelve feet from the house. This unhappy circumstance greatly increased the irritation of those, who were collected in the street: and they soon procured, and planted in front of the house, a field piece, which they were proceeding to discharge; but, by the interposition of several citizens, were restrained from firing upon the house, under an assurance, that the persons in it, would surrender themselves to the civil authority. This, together with the near approach of a sufficient military force, to suppress further violence, gave an opportunity for negotiation between the mediators, on the outside, and those who were within the house. The latter, receiving assurances, on which they felt safe in relying, that they should be protected from the fury of the people without, surrendered to the civil authority, about 7 o'clock, on Tuesday morning; and were conducted from the house, in which they had collected, to the jail, where they were committed. It now appeared, that the party consisted of upwards of twenty persons; among whom were general Henry Lee, general James M. Lingan, and Alexander C. Hanson, Esquire.

In the course of Tuesday, the mayor applied to the sheriff, to use every precaution in securing the doors of the jail ; and to the brigadier-general of the militia, for a sufficient force to preserve the peace. Orders were issued, calling out one regiment of infantry, two troops of cavalry, and two companies of artillery. In the course of the afternoon, the mayor, accompanied by the general and many citizens, repaired to the jail, at which a number of persons had assembled, generally peaceable and orderly citizens. Some who appeared irritated and revengeful were expostulated with ; appeared to yield to the admonitions of the more temperate ; and were appeased by an assurance from the proper officers, that the prisoners should not be bailed, or liberated during the night. So tranquil were the appearances of things, about the jail, that the few military men, who had turned out, were, with the consent of the mayor, dismissed ; and the people in the street all retired from the prison, at an early hour in the evening : but shortly after dark, a great crowd of disorderly persons assembled about the jail, and manifested the intention of breaking it open. The mayor, on being apprised of this unexpected recurrence of people, hastened to the spot, and, with the assistance of a few other gentlemen there, prevented the execution of their design for some time : but they were at length overpowered by the numbers and violence of the assailants. The mayor was carried away by force : and the turnkey was obliged to open the door of the jail. Upon the entry of the assailants, they forced the inner doors, with heavy sledges, with which they had provided themselves for the purpose, and rushed into the room, where the prisoners had been lodged. A scene of horror ensued, which can only be adequately imagined. The result was, general Lingan was killed. Eleven were dreadfully beaten and mangled, with weapons of every description, such as stones, bludgeons, and sledge hammers, and then thrown into one pile, outside of the door. Others were dragged about through the streets, and experienced the most dreadful treatment from the mob, into whose hands they fell. A few of the prisoners fortunately escaped through the crowd. While this affair was going on



at the jail, the house in Charles street was forcibly entered, and every thing in it destroyed or carried off.

It is not here necessary to enter into a repetition of the criminations, and recriminations, which were exchanged by the parties concerned in this dreadful transaction. It is a tale which, it were to be wished, could be blotted from the annals of the country. Such was the inadequacy of the ordinary tribunals of justice, in so very disordered a time, and such the degree of inflammation which had taken possession of the public feelings, that no effectual inquisition was ever made into this signal violation of the peace, nor punishment inflicted on the guilty. The leaders on both sides underwent trials; but were acquitted. The fate of general Lingan was peculiarly regretted. He was a brave and active officer during the revolution; was among the prisoners on board the Jersey, for many months; and was, in his private character, a very amiable man. It is distressing that such a man, having a family, too, in a great measure dependant on the continuance of his life, for their support, should have been drawn from his distant home to fall into such a scene, as that here described.\*

No other transaction of equal violence, with that which occurred in Baltimore, is recorded in the history of the United States. The insurrection in Pennsylvania, under the administration of president Washington, terminated without the occurrence of the loss of a single life, or any event half so shocking to moral feeling, or derogatory to the civil authority. One of less public moment, entirely unconnected with political considerations, happened at Savannah, in the

\* On the 3d of August, the mayor of Baltimore recommended, to the city council, a candid, impartial, and minute investigation of this unfortunate occurrence, that it might be given to the public in its true colours. The city council, in pursuance of the mayor's recommendation, appointed a committee of eight members, who were joined by ten other citizens of Baltimore, impartially chosen from both parties, in order to secure a correct and unexceptionable statement of the facts. After a rigid investigation of all the circumstances, they made a report, which was ordered to be printed, in all the newspapers of the city. From this report the preceding particulars have been digested.

month of November, 1811. There were lying in the harbour of that town two French privateers, *La Vengeance* and *L'Agile*. Between a number of seamen, belonging to several American vessels, lying at the wharves, and in the river, and these privateersmen, a contest arose, which originated at a house of ill-fame. In the rencontre, three American sailors were stabbed, and their opponents much bruised by bludgeons. The three sailors died of their wounds. The comrades of those unfortunate sufferers were so exasperated, that they determined to avenge their fate by destroying the privateers. They accordingly embodied, and, before the civil authority could interfere, set fire to *L'Agile*, and burnt her to the water's edge. *La Vengeance* was taken into safe keeping by the Volunteer Guards of the city; conveyed to the upper part of the town; and had a strong detachment put on board to defend her from injury. About midnight, the American sailors procured a lighter-boat, a quantity of tar, and other combustibles; with which they proceeded to *La Vengeance*, and obliged the guard to abandon her for their own safety. She was set on fire, and shared the fate of *L'Agile*. During these disturbances, which lasted through several days and nights, one privateersman was killed, and others on both sides wounded.

## CHAPTER XLI.

*Invasion of Canada; Surrender of Michilimuckinac; Retreat from Sandwich; Battle of Brownstown; Capitulation of General Hull, &c.*

WHEN an increase of the military establishment of the United States had been directed by congress, it became necessary to appoint an additional number of general officers. Among those selected, as commanders of brigades, was William Hull, then governor of the Michigan territory. With the full benefit of conferences with the government, he proceeded, by orders from the war department, which anticipated the declaration of war, early in the month of May, 1812, for his destination in the north-west. Advancing slowly, with a small force collected in Maryland, Pennsylvania, and Ohio, he arrived, about the last of June, at the town of Dayton, situated on one of the branches of the great Miami. Here the governor of the state of Ohio surrendered to him the command of the volunteers, under colonels McArthur, Findley and Cass; officers placed over them by their own election. They had been called out in the preceding month, and were at Dayton and Urbanna, waiting the arrival of the general. From these towns, general Hull commenced a direct march towards Detroit. When he had arrived at the Rapids, on the Miami, he despatched a schooner with the hospital stores and the baggage of the officers, under the guard of a lieutenant and thirty men. The schooner was captured, on her way to Detroit, and was plundered of all the stores and baggage.

General Hull had been invested with discretionary powers to invade Canada from Detroit, immediately on receiving intelligence of the declaration of war, if circumstances should warrant his adoption of that measure; or to wait for such an accession of force, as would justify the step. On the 12th of July, 1812, the army passed into Canada, and fixed head quarters at Sandwich, a few miles from Malden,

the strongest fortress of the British in that country; and reputed to be garrisoned generally by 160 men. On the approach of the invading army, the inhabitants near the river, removed to the interior of the country. To calm their fears, general Hull, on the 12th of July, issued a proclamation, recommending to the Canadians to remain at their homes, and promising protection of their property, persons and rights, on condition of their inaction. He denounced a war of extermination against the Indians, who should be found participating in the contest; declaring that "the first stroke of the tomahawk, the first attempt of the scalping knife, should be the signal of one indiscriminate scene of desolation. No white man, found fighting by the side of an Indian, would be taken prisoner. Instant destruction would be his lot. If the dictates of reason, duty, justice and humanity, could not prevent the employment of a force, which respects no rights, and knows no wrongs, it would be prevented by a severe and relentless system of retaliation."

On the publication of this proclamation, such of the Canadians as were disposed to peace were relieved from their apprehensions. Some of them, to the number of fifty, repaired, of their own motion, to the American army. The Canadian population in that quarter, is very inconsiderable, after deducting the officers of the provincial government, the army, the navy, and their followers, and assistants.

At this time, the force of the enemy, at Malden, consisted of a medley of British regulars, Canadian militia, and Indian savages: and, it is believed, did not exceed in the whole one thousand men. The Indians had not yet generally declared themselves on either side; observing, with their usual cunning, a seeming neutrality, until success should indicate on which side it would be the safest to range themselves: but a few warriors from various tribes, influenced by old resentments, and excited by British presents, had already made their election, and were associated with the enemy's forces, at Malden.

Several parties were detached from the American army, on different days, to reconnoitre the surrounding country; and

inconsiderable skirmishes ensued, producing no definite results on either side. On the 14th of July, colonel M<sup>c</sup>Arthur, with a small rifle corps, penetrated through a handsome and cultivated region, along the old river la Franche, lately called the Thames, from which he collected a quantity of provision, ammunition, and military stores, and in three days returned to the American head quarters at Sandwich. Colonel M<sup>c</sup>Arthur reported, that the grain-fields, in the country through which he had marched, exhibited a fine prospect of a plentiful harvest. To this matter, the American general was, from his situation, obliged to have regard, as he would have, in some measure, to feed his army upon the products of the country subject to his arms, or draw his supplies, at an immense cost, from the interior of Ohio, over difficult roads, and through a part of the northwestern forests, of 150 miles in extent.

On the 16th of July, another detachment of 280 men, under colonel Cass, was despatched for similar purposes. They penetrated thirteen miles from Sandwich, in a southern direction; and proceeded, without any obstruction, to a bridge over the Canards, or *river of ducks*, within four miles of Malden, where they found a British guard. Colonel Cass divided his detachment with the design of surprising this guard, by proceeding silently along both sides of the river, and placing it between the two parties: but some unexpected impediments producing delay in one of his divisions, the guard fled, at the approach of the other, and with little loss arrived within the fortress of Malden.

At this interesting juncture, the American army lay inactive in the encampment, at Sandwich. This delay proved the source of incalculable evils, not only to the ultimate fate of Hull and his army, but to the whole frontier from Detroit to the Missouri, and to the general interests of the United States. Instead of that confident and dauntless progress, which was expected of general Hull, at the war department, where his own estimates of the forces and provisions, necessary to complete success in Upper Canada, had been made the basis of his instructions; of that rapid pursuit of

victory, which he had vauntingly promised the volunteers, who followed him from Ohio; and of the active employment of that force which, he had assured the Canadians, would "look down" all opposition, general Hull suffered his army to remain inactive in Sandwich, from the 12th of July, until the 8th of August, 1812. The *petit guerre*, which was authorised to be pursued by reconnoitring parties, exhibiting rather the desultory movements of flank companies, than the efficient operations of a well-conducted army, begat among the Canadians, who had associated with the American army, or returned to their homes, under the idea of the protection promised by the proclamation of the 12th, serious doubts of general Hull's capacity or inclination to execute his undertakings, or perform his engagements. The great army, of which the force now at Sandwich was said to be the van-guard, had not arrived. The enemy were allowed time to strengthen their fortress, at Malden, allure the Indians to their interest, and discipline the militia, who had been suddenly called to arms. In addition to these advantages to the enemy, gained by delay, the affrighted Canadians were allowed a month for deliberation, on the question of submission or resistance; to estimate the strength of the American army, which their fears at first had greatly exaggerated; and finally to discover that the great body of Hull's army were volunteers and militia, and not regular soldiers. As no impressive stroke was achieved, nor any imposing enterprise commenced to maintain the spirit of the American volunteers, they gradually lost confidence in their commander, and reliance on the efficiency of their own operations. No exploit was displayed to affect even the neutrality of the Indians, in the neighbourhood of Detroit, much less to detach those from the enemy, who had joined him at Malden. While this state of things existed in the vicinity of Sandwich, an affair occurred at Michilimackinac, the most northern military post held by the American government, which alarmed general Hull, and was the beginning of a tide of untoward events, which embarrassed the United States, during the remainder of the campaign of 1812, and the early part of that of 1813. Nor

was its current broken, and returned upon the enemy, until the 10th of September, 1818. For more than one year, the American forces were obliged to act on the defensive on every frontier.

Fort Michilimackinac stood on an island of the same name, at the entrance of the strait which connects the lakes Huron and Michigan. At this place, was annually held a fair, where the Indian traders and the merchants of Montreal and Albany convened, to exchange the peltries of the north, for the merchandises of the east. This post was defended by a small garrison, under the command of lieutenant Hanks, who was entirely ignorant of the declaration of war; of which the British in Canada had obtained earlier intelligence, by the superior expedition of political or mercantile speculation. The communications, of so great importance to the safety of the garrison at Michilimackinac, had not, before the last of June, reached major Mullaney, at Canandaigua, commander of the north-western military district of the United States, through whom intelligence of the war was to be conveyed to lieutenant Hanks. While this important information from the war department was detained on its route to Michilimackinac, until after the 17th of July, the American garrison was taken by surprise, in consequence, as has been stated, of prior intelligence received by the enemy.

The first idea of hostilities threatening his post, was excited in the commandant, by the dubious and unfriendly movements of his Indian neighbours: and even these did not awaken any extraordinary suspicions, or seem to call for more than ordinary vigilance, at a post always liable to danger, from the vacillation of Indian friendship or enmity, until he perceived his fate, in the approach of a British force, on its way to attack him. The short interval, which elapsed between the moment when the enemy was discovered advancing to attack the fort, and the summons of the garrison to surrender, was employed by lieutenant Hanks, in the most active preparations for a suitable defence; but the sudden appearance of captain Roberts, of the British army, with a greatly superior force of regular troops, Canadian militia,

and Indians, amounting to 1000 men, furnished with every implement for the complete investment and siege of the place, induced him to offer a capitulation. In consequence, the garrison, consisting of fifty-seven men, including officers, surrendered prisoners of war, on the 17th of July, 1812; on the conditions of being sent into the United States, and not serving again during the war, unless regularly exchanged.

On the 28th of July, information of this disaster reached the camp at Sandwich; and, when imparted to general Hull, is said to have filled him with the most gloomy apprehensions of the northern hive of Indians being opened on his rear, and speedily enveloping the whole army. Instantly he began to form the resolution of abandoning his contemplated conquests, and the field of glory, to return within the limits of the United States. As soon as the symptoms of this dispiriting movement began to unfold themselves, the army abandoned their flattering expectations. Instead of making one effort to re-animate his troops, the general communicated gloom to his corps, and checked every suggestion of a resolute assault on the enemy in Malden; the surest expedient to extricate his army from approaching danger. Had he made a gallant assault upon the enemy, and seized his strong fortress, he need not have dreaded the swarms from the northern hive. A victorious assault on Malden, would have subjected the disposition and election of the savages, whom he so much dreaded, entirely to his control, to be moulded to any purpose consonant with his objects in Canada; but he chose a course exactly calculated to ensnare himself. His conduct was of a nature to produce all the evils which he so fearfully anticipated.

On the 8th of August, general Hull determined to return to Detroit. The troops, who were in the highest spirits, when the army entered Canada, and, under the influence of their animation, would have cheerfully followed him, in any enterprise, were now assailed by despondence. They had supposed that they came to an easy conquest, and that the object of their self-denials, privations, and perseverance in a long march through a wilderness, was almost within their grasp. All these expectations were now dashed by disap-



pointment. The unfortunate Canadians, who had joined the American standard, reposing on the courage and honour of the general, were shamefully abandoned to the vengeance of their government. This retreat, to which every soldier was disinclined, afforded full opportunity to major-general Brock, who had just arrived at Fort Malden, from Fort George, on the Niagara, to reinforce the garrison, by the Canadian militia, *en masse*; many of whom, in the event of the capture of Malden, by the American army, would have joined the invaders. As soon as he had made his arrangements, general Brock pursued the retreating army towards Detroit. He advanced to the margin of the strait, and made several demonstrations of an intention to cross it, and lay siege to the American fort at that place.

General Hull, whether panic-struck, or influenced, as he alleged, by humane views, or controled by treacherous engagements to the enemy, as was supposed by some, exhibited strong indications of a purpose to surrender that important post, together with the whole army under his command, to the very inferior and inefficient force of the enemy. Suspicion on this point speedily rose into conviction: and, as soon as this idea, which was confirmed by many obvious circumstances, became generally circulated and credited among the troops, the indignation of the army was not to be smothered. A plan was immediately agitated, to deprive the general of his command; and only failed, through the absence of several principal officers on detached commands, the events of which shall hereafter be more fully related: but the precipitation with which a surrender was actually made, prevented the accomplishment of any expedient to rescue the army from such a commander, and place it at least in the attitude of defence.

On the 15th of August, general Brock, from the Canadian side of the strait, sent a flag to general Hull, demanding the surrender of the town and fort of Detroit, to the arms of his Britannic majesty. The demand was rejected. A fire was then opened from the British side, which was faintly returned from the American, till a late hour in the evening. Several ves-

sels having, during the ensuing night, been moved up the river nearly opposite to the fort, under cover of their guns, the British army crossed over, about three miles below. As they advanced towards the fort, along the margin of the river, general Hull ordered a white flag to be hoisted, and the firing to be discontinued. A British officer rode up, and demanded an explanation of general Hull's intention: and, in a short time afterwards, articles of capitulation were signed, by which the fort, troops, arms, and all the public stores, were surrendered to the British forces. The provisions advancing from Ohio, and the detachments sent out to protect them, were included in the surrender: but an exception was made, in favour of private property, and a stipulation that the militia and volunteers should be permitted to return home, on condition of not serving during the war, unless regularly exchanged. In this manner occurred that early and fatal event, which threw a dispiriting cloud over the hopes, and frustrated the plans of the American government, in relation to the operations of the forces unfortunately entrusted to the command of general Hull.

Shortly after he had entered Canada, he received intelligence of the near approach of a convoy of provisions, for the use of his army, coming from the state of Ohio, under the escort of captain Brush. A number of Indians having crossed the strait, for the purpose of intercepting these supplies, the general detached major Vanhorne, with two hundred men, to protect the convoy, and hasten the progress of captain Brush. Near Brownstown, major Vanhorne, with his detachment, found himself in the midst of his Indian enemies, before his danger was perceived. Fifteen Americans fell at the first fire. Among them were several officers. The whole detachment was thrown into such disorder, that it was not possible for all the efforts of the commander, to rally and bring them to a charge. They fled with precipitation.

Intelligence of this disaster was communicated to general Hull, at Sandwich, at the moment when he was ordering a general retreat out of Canada. He despatched lieutenant colonel Miller, of the 4th United States' regiment, with 600 men,

consisting of regular infantry, and artillery, having one field piece and a howitzer, and detachments from the Ohio and Michigan volunteers, with orders to proceed to the river Raisin, for the protection of captain Brush; and to open a secure communication from his post to Detroit. On the 9th of August, about the middle of the afternoon, colonel Miller encountered a large force of British and Indians, who had posted themselves about four miles from Brownstown, near the road, behind a breast-work of logs, concealed in a thicket. The van-guard of the American forces, under captain Snelling, suddenly received the fire from the whole line of the enemy. Snelling, though surprised, maintained his ground with firmness, till colonel Miller advanced to his relief, with the whole force of the detachment. The troops were promptly formed for battle, and advanced upon the enemy. When within a few paces of their front, they made a single discharge of musketry, and rushed to the conflict with fixed bayonets. The enemy, firing in their retreat, fled into Brownstown. They were pursued until night interposed, and put an end to the action.

The Indians, in this combat, were headed by their brave chief Tecumseh, who exhibited his usual valour. The British regulars, in the action, amounted to 400. The whole, including a few Canadians, were supposed to be not less than 1000. Their loss could not be precisely ascertained; as many of the wounded, and probably some of the slain, were carried off, according to the Indian practice. Forty Indians were found killed on the field. The British commander, major Muir, and Tecumseh, were both wounded. The American detachment lost eighty-three: the greater portion of whom were wounded.

Colonel Miller and his brave comrades, soon after their gallant achievement near Brownstown, to which they advanced at the close of the action, on the 9th, received orders from general Hull to repair to Detroit. They returned only to ground their victorious arms, having been included in the surrender of that post and its dependencies. Colonel M. Arthur also, returning with a body of 300 men, who had been

detached for the relief of captain Brush, by another route, arrived within sight of the fort, when he was informed of its fate, and received orders to surrender his command, in the terms of the capitulation. Two officers were despatched to captain Brush, and to the commander of Fort Dearborn, to inform them that they were prisoners of war. It was by this time discovered, that, in addition to the military surrender, an article in the capitulation included the whole territory and inhabitants of Michigan. Thirty-three pieces of ordnance, twenty-five iron, and eight brass, the latter captured with Burgoyne at Saratoga, and all public property of every description, fell into the hands of the enemy: and an extended frontier was thus laid open to the incursions and depredations of hostile British and savages, by this most mortifying capitulation.

The following particulars relative to the surrender of Fort Detroit, were published by colonel Lewis Cass, of the Ohio volunteers, and one of the most intelligent officers belonging to the army commanded by general Hull. The 4th United States' regiment was stationed in the fort; the Ohio volunteers and a part of the Michigan militia behind some pickets, so situated, that the whole flank of the enemy would have been exposed; and the residue of the Michigan militia were in the upper part of the town, to resist the incursions of the savages. Two twenty-four pounders, loaded with grape-shot, were posted on a commanding eminence, ready to sweep the advancing column of the enemy, as it approached the fort. Full confidence in a favourable result was felt by the American army. The advantages of their situation were great and manifest; and our troops calmly awaited the approach of the enemy. Not a murmur broke upon the ear; not a look of cowardice met the eye. Every man expected a proud day for his country: and each was anxious that his individual exertion should contribute to the honourable result.

When the head of the British column arrived within five hundred yards of our line, orders were given, by general Hull, for the whole to retreat to the fort; and that the twenty-four pounders should not be fired. One universal burst of

indignation was vented upon the receipt of this order. Those who deliberately examined the passing events, saw the folly and ruin of crowding 1100 men into a little work, which 300 could fully man; and into which the shot and shells of the enemy from the Canada side, were constantly falling. The fort was in this manner filled. The men were directed to stack their arms; and scarcely was there room for moving. Shortly afterwards a white flag was hung out upon the walls. A communication passed between the commanding generals; which was followed by a capitulation. In entering into this capitulation, the general took counsel only of his own feelings. Not an officer was consulted. No one anticipated a surrender, till the white flag was displayed. Even the women were indignant at so shameful a degradation of the American character; and all felt as they should have felt, but he who held in his hands the reins of authority.

The volunteers and militia returned, indignant, to their respective homes. The commander, with the regular troops, were sent to Montreal, and thence to Quebec, as prisoners of war.

General Hull made a long justificatory report of his proceedings to the war department; in which he took upon himself the whole responsibility of the surrender. On being exchanged, he was arrested and put on trial; charged with treason, cowardice, neglect of duty, and unofficer-like conduct. The court martial, by whom he was tried, for the want of jurisdiction, declined judgment on the first charge; saying, at the same time, that, from the evidence produced, they did not believe he had been guilty of treason. They found him guilty of the second and third charges. He was sentenced to be shot to death: but, in consideration of his revolutionary services, and advanced age, the court recommended him to the mercy of the president. In pursuance of this recommendation, the president remitted the punishment of death. By a general order, his name was struck from the roll of officers of the army of the United States.

On the 15th of August, captain Heald, commanding at Chicago, now Fort Dearborn, according to orders from

general Hull, commenced his march for Detroit, with fifty-four regulars and twelve militia; accompanied by captain Wells, the inhabitants near the place, principally women and children, and a few friendly Indians. They had not proceeded more than one mile and a half, when they were attacked by 500 Indians. Captain Heald made all the defence which he could with his small force. After losing twenty-six of the regulars and all the militia, he surrendered to an Indian chief, who offered him protection. Captain Wells, ensign Roman, two women and twelve children, who accompanied captain Heald's party, were killed. Mrs. Heald, who was taken prisoner with her husband, was wounded by six shot; and the captain himself by two. The Indians had fifteen killed, and numbers wounded.

On the 16th of August, immediately after the surrender of Detroit, general Brock issued a proclamation, announcing the cession of the Michigan territory, by capitulation, to his Britannic majesty, without any other condition than the protection of private property; continuing in force, until his majesty's pleasure should be known, or so long as the peace and safety of the territory would admit, the laws before in existence; and securing to the inhabitants the full exercise and enjoyment of their religion.

## CHAPTER XLII.

*Proposition for an Armistice; United States' Navy; Commodore Rodgers sails from New York; Chase of the Belvidera; Pursuit of the Constitution; Capture of the Guerriere; Capture of the Alert, &c.*

THE operations of the right wing of the United States' army, under major-general Dearborn, were suspended a few weeks in the summer of 1812, by a proposition for an armistice from sir George Prevost, governor-general of the Canadas. Mr. Foster, the late British minister to the United States, immediately after the declaration of war, sailed from New York for England. He proceeded by way of Halifax. When he arrived there, he received intelligence of the repeal, or rather the suspension, of the British orders in council, on the 23d of June. Supposing that this circumstance had removed the principal cause of the war, and that a door was now opened for a cessation of hostilities, he communicated the intelligence to sir George Prevost, with an intimation, that it might be used as the basis of an armistice. Sir George Prevost despatched colonel Baynes, the British adjutant-general in Canada, as a commissioner, with powers to negotiate an armistice with major-general Dearborn, near Albany. A provisional agreement was formed between those two officers, which suspended all military operations on both sides, until the decision of the president should be received on the proposition for an armistice, with a view to renewed negotiations. The president deemed the proposition too indefinite to be entitled to notice. The orders in council by no means covered the whole ground of controversy between the two nations; and, as the other subjects of complaint were not included in the proposition from sir George Prevost, the president refused to sanction the armistice. This decision was communicated without delay to the governor of Canada.

The events of the war by land, thus far pursued, were truly

discouraging. And had nothing occurred to counteract the impressions that they were well calculated to produce, the prospect of its continuance would have been overcast with gloomy apprehension. On the ocean, a far different scene soon began to be displayed. The navy, on which the calculations of the friends of the war were not sanguine, exhibited, in an early period, rational grounds for hope and exultation. Scarcely had the first military movements commenced on land, when the principal portion of the navy put to sea, followed by the solitudes of our citizens. Although the American coast was covered by a squadron of British men of war, all the American frigates in readiness, went gladly forth to the unequal combat; and, to the joy and surprise of all who had been long familiar with the naval pre-eminence of Great Britain, returned, in succession, to cheer their country with the intelligence of their adventures and achievements.

At the commencement of the war, the United States had not more than seven frigates, three sloops, five brigs, four schooners, one corvette, and a number of gun boats. With this small armament, the naval officers dared to court a participation in the contest with that nation, whose bards had chaunted to her naval pride, that

“ Her march is o’er the mountain wave,  
“ Her home is on the deep.”

Commodore Rodgers, in the frigate *President*, when he received the proclamation of war, called his ship’s crew together, and offered a discharge to every man who was reluctant to risk his life with him in the perils of the conflict which at length had arrived: but, all were willing to meet the thousand ships of the enemy. His pendant was immediately displayed, and his anchor weighed. He sailed on the 21st of June, in company with the *United States*, *Congress*, *Hornet*, and *Argus*, from the harbour of New York. His first object was to capture, or drive from the coast, two British frigates, the *Tartarus* and the *Belvidera*, which had



been riding for some time, in the vicinity of Sandy Hook, and frequently, interrupting the outward and homeward-bound commerce of the United States. The *Belvidera* was soon discovered and chased : but she escaped by superior sailing. The frigate *President* pressed her so closely, that she was compelled to start her water, throw a considerable portion of her armament over board, and resort to other expedients, to expedite her sailing. She was, several times in the chase, reached by the bow guns of the *President*, by which her rigging was injured, and several of her crew killed and wounded. The *President* had six killed and wounded by the fire of the *Belvidera*, and sixteen by the bursting of one of her own guns. The commodore himself, by this untoward accident, was wounded in one of his legs.

Having thus cleared the coast of these frigates, commodore Rodgers, with the squadron under his command, proceeded in quest of a large homeward-bound British West India fleet ; whose track he followed until he arrived within the mouth of the English channel. Here he was obliged to abandon the hope of coming up with the object of his pursuit, and steer a new course. He ran, thence, along the coasts of France, Spain, and Portugal ; thence by the island of Madeira, off Coro and Floros, back to the Banks, along Nova Scotia, to Boston ; where he arrived on the 1st of September, with 120 British prisoners taken on the cruise.

This long and enterprising cruise, though not fortunate in affording an opportunity for any brilliant military achievement, was important to the commerce of the United States : as it induced the enemy, instead of annoying it, to send their cruisers in quest of the American squadron. Thus the property, despatched home in consequence of the war, had a better opportunity of a safe arrival in the ports of the United States.

On the 12th of July, 1812, the frigate *Constitution*, captain Isaac Hull, sailed from the Chesapeake. On the 17th, she was chased by a British squadron, consisting of the *African*, of sixty-four guns, the frigates *Shannon*, *Guerriere*, *Belvidera*, and *Eolus*, a brig, and a schooner. One of the frigates

ran up within gun-shot of the Constitution; but shortened sail, to wait for her comrades. A dead calm prevailed through the day. Captain Hull, determined to save his ship, if possible, employed all his skill, and encouraged his crew to the exertion of every muscle, while hope was left. At length, he improved the suggestion of his first lieutenant, now captain Morris, and resorted to towing and warping his ship; by sending out his boats ahead, with anchors to hold them, while the sailors with incessant labour hauled her up. This expedient was observed by the enemy, and imitated with the advantage of greater numbers, by sending out all the boats belonging to his squadron attached to two frigates, and warping after the Constitution. They perceptibly gained upon, and, at length, reached her with their bow-chasers. The Constitution returned their fire with her stern-chasers. On the morning of the 18th, a favouring breeze took the Constitution. She spread all her canvass, eluded her pursuers, and arrived safe at Boston, on the 26th.

This singular chase was continued sixty hours; during which, every man on board the Constitution cheerfully adhered to his station. Her escape was due, not only to the skill and gallantry of the commander and his officers, and the patience and energy of the crew, on the one side; but to the respect which the pursuers evinced for the single ship, in various periods of the chase. Once, a frigate could have brought her to action: but, as has been observed, she waited the near approach of her associates. Again, had all the boats of the squadron been attached to one, instead of two frigates, the Constitution would probably have been overtaken by towing: but this would have resulted as in the case of the frigate, which came within shot by sailing. The enemy afterwards spoke of the conduct of captain Hull, on this trying occasion, in handsome terms: and admitted that he rescued his ship from, what they had considered, certain capture.

As soon as the Constitution had received her complement of guns, and was fully equipped for sea, she sailed from Boston on a cruise. On the 19th of August, being in latitude 41, 41, and longitude 55, 48, at 2 o'clock P. M. captain Hull

descried a sail, to which he immediately gave chase. At half past 3, she was ascertained to be a frigate. At the distance of three miles from the Constitution, she backed her maintop-sail, and waited for her to come down. Both ships manœuvred for the advantage of position, for some time. They closed broadside to broadside, five minutes before 6 o'clock, P. M. The Constitution had reserved her fire until she approached within pistol-shot of her antagonist; and then opened with a tremendous blaze, from all her guns, double-shotted with round and grape. In fifteen minutes after the fire of the Constitution began, the mizen-mast of her antagonist went over; and in fifteen minutes more, the fore-mast and main-mast followed, carrying with them every spar except the bowsprit. The Constitution had received no essential injury; and her opponent, perceiving her fate hopeless, surrendered. The prize proved to be his Britannic majesty's frigate *Guerriere*, captain Dacres. She was so completely cut up by the fire of the Constitution, that a few more broadsides would inevitably have carried her to the bottom.

Thus the *Guerriere*, a frigate well-known for her late gasconading on the American coast, during the year 1811, bearing challenges on her sails, to the frigates of the United States, while they were in amity with Great Britain, after an action of thirty minutes, struck to the Constitution, in a condition so worthless, that, on removing her crew, captain Hull committed her wreck to the flames.

The *Guerriere* was captured from the French, in 1806, by captain Lavie of his Britannic majesty's navy, and was considered a frigate of the first class. She carried fifty guns when taken from the French, and had forty-nine on board when she struck to the Constitution.

The loss of the Constitution, in the action, was seven killed and seven wounded. Of the former was lieutenant William S. Bush, of the marines, and, of the latter, Charles Morris, first lieutenant of the ship, and sailing-master Aylwin. The loss of the *Guerriere* was, in killed and missing, forty; wounded, sixty-two. Total 102.

A few days before this action, the *Guerriere* boarded an American merchant brig; and captain Dacres wrote the following challenge on her register:

“Captain Dacres, commander of his Britannic majesty’s frigate *Guerriere*, of forty-four guns, presents his compliments to commodore Rodgers, of the United States frigate *President*, and will be very happy to meet him, or any other American frigate of equal force to the *President*, off Sandy Hook, for the purpose of having a few minutes *tete a tete*.”

The *Constitution* is of similar force with the *President*: but, after a few minutes *tete a tete* with her, the *Guerriere* was struck from the list of the royal navy. Captain Hull received many expressions of gratitude and esteem from his fellow citizens on his return to the United States. Several state legislatures voted him thanks, with costly swords, in compliment to his gallantry in the action. The corporation of New York presented him with the freedom of the city in a gold box. The citizens of Charleston and Philadelphia gave him two elegant pieces of plate. Congress passed resolutions expressive of their high sense of the gallantry of the officers and crew of the *Constitution*; voted medals and swords to the captain and his subalterns; and appropriated \$50,000 to be distributed among them and the crew, in lieu of prize money. Lieutenant Morris, for his conduct in this action, as well as in the late escape of the *Constitution*, in July, was promoted to the rank of post-captain; and sailing master Aylwin commissioned a lieutenant in the navy of the United States.

The triumph of the *Constitution* might surprise the vain prejudices of Great Britain, accustomed, with such facility, to vanquish her rivals on the ocean: but to many in the United States, whose local situations had given them some knowledge of their naval officers, and who had enjoyed the opportunity of observing the valour and energy of their seamen, it was not a matter of surprise. Such a result was confidently expected. The constant and rigid discipline, inculcated on board the United States’ ships of war, renders the sailors almost adequate to the navigation and command of a vessel. They

are generally healthful, intelligent, courageous; and above all, they are freemen, actuated by a noble love of their country, and inspired by the invincible spirit of republicanism.

In the interior of the United States, far from the ocean, the people had little opportunity to form correct opinions of the character of American seamen; and as little to estimate the utility of a naval establishment, competent to the defence of the commerce of the nation, and the cities and harbours of the seaboard: but the victory of the Constitution at once rendered the navy a theme of eulogium, even in the states where three-fourths of the people never saw a sail spread. The emulation of every naval officer, and every seaman, from Portsmouth to New Orleans, was awakened. Every vessel, above the grade of a gun boat, was soon equipped for the ocean, and manned without delay. This spirit, as will be seen in the sequel, existed to the last moment of the war.

Early in August, 1812, the United States' frigate *Essex*, captain Porter, sailed on a cruise from the harbour of New York. On the 13th of that month, his Britannic majesty's sloop of war *Alert*, captain T. L. P. Laugharne, ran down on the weather quarter of the *Essex*, gave three cheers, and commenced action. After eight minutes firing, she struck her colours, with seven feet water in her hold, much cut to pieces, and having three men wounded. The *Essex* did not receive the slightest injury.

Captain Porter, after disarming the *Alert*, made her a cartel, put 500 prisoners on board, and, under the command of lieutenant J. P. Wilmer, despatched her to St. John's, in Newfoundland, with orders to receive, in exchange, all American prisoners there, and return to New York.

Though captain Porter claimed no honour for this victory, he bore a flattering testimony in behalf of the good conduct of his officers and seamen. The fire of the *Essex*, in the engagement, displayed that precision and efficacy of American gunnery, which was equally evident in every naval conflict during the war.

## CHAPTER XLIII.

*Naval Operations on the Lakes; The Enemy attempts the Capture of the Oneida; Lieutenant Elliot attacks and carries the Detroit and Caledonia; Capture of the Frolic and Macedonian; Loss of the Nautilus and Vixen.*

EARLY in the war, naval operations began on the great lakes, which separate the British provinces from the United States. The first of these was an abortive attempt, on the part of the enemy, to capture the United States' brig Oneida. She was defended by her commander, lieutenant Woolsey, with great spirit. Another was a gallant enterprise of lieutenant Jesse D. Elliot, of the United States' navy. He conceived the design of boarding the British brig Detroit, formerly the United States' brig Adams, taken by the enemy at the surrender of Detroit, and the brig Caledonia; both well-armed, and anchored under the protection of Fort Erie. On the 9th of October, about three hours before day-light, with one hundred select men, sailors and regulars, divided into two equal parties, he proceeded in two boats, to attack and cut out the enemy's vessels. He was accompanied by sailing master Watts, lieutenant Roach, and captain Towson, of the United States' artillery. In two hours after they put off from the mouth of Buffaloe creek, they were along side of the Detroit and Caledonia. In ten minutes after the assault began, the crews of the brigs were overcome, both vessels captured, and under way for the American side. By the current of the river, they were forced to run down near the enemy's shore, under a heavy fire from the batteries. They at length anchored in the stream some hundred yards from two heavy batteries on the enemy's side. Lieutenant Elliot hailed to the shore, and gave notice that, if the fire upon the vessels were continued, he would bring the prisoners on deck, and expose them to the same fate with his own men. His threat was disregarded; and a constant and de-

structive fire kept up. Lieutenant Elliot, declining an act having any semblance of barbarity, and failing in a design of warping the *Detroit* to the American shore, on account of the great force of the current, cut his cable, and drifted on Squaw Island. Thence the prisoners were sent off in a boarding-boat. Scarcely had lieutenant Elliot left the *Detroit* for the shore, with the view of making arrangements to secure her, and the property on board, from the enemy, when she was boarded from the British side by forty soldiers: but they were soon compelled to abandon her, with the loss of most of their party, by the fire of an American detachment, sent to the island for the protection of the brig. The *Detroit* was afterwards burnt by the Americans. The *Caledonia* belonged to the North Western company, and was loaded with furs worth \$200,000.

In this very gallant achievement, lieutenant Elliot lost only four men in killed and wounded. The *Detroit* mounted six long six-pounders, having for her guard a lieutenant of marines, with fifty-six men. She had thirty American prisoners on board, who were now released; and was loaded with muskets, pistols, cutlasses and battle-axes. The *Caledonia* was armed with two small guns, blunderbusses, pistols, muskets, cutlasses, and boarding-pikes. Her guard consisted of an officer and twelve men. She had ten American prisoners on board, who were likewise released. Lieutenant Elliot was deservedly promoted for his good conduct in this affair.

The United States' sloop of war *Wasp* returned to the United States from Europe, immediately after the declaration of war. She refitted, and sailed on a cruise, from the Delaware, on the 13th of October. On the 17th, she discovered a convoy of six large armed merchantmen, under the escort of a heavy sloop of war. At day-light, on the 18th, the *Wasp* gave chase to the convoy. At half after 11 o'clock, A. M. she engaged the sloop, having first received her fire at the distance of fifty or sixty yards. This space was gradually lessened, until the *Wasp* laid her on board, after a well-supported fire of forty-three minutes. Although the *Wasp* was so near, while loading the last broadside, that the rammers

of her guns shoved against the side of the sloop, her crew shewed the same alacrity which they exhibited during the whole of the action. The sloop surrendered immediately on being boarded. The prize was his Britannic majesty's sloop of war, *Frolic*, carrying twenty-two guns; sixteen of them thirty-two pound carronades, four twelve pounders on the main deck, and two twelve pound carronades, on the fore-castle; making her superior to the *Wasp*, in force, four twelve pounders. In two hours after the *Frolic* struck, the *Poictiers*, a British seventy-four, appeared in sight, and took possession of the *Wasp* and her prize.

The conduct of lieutenant Biddle contributed much to the capture of the *Frolic*, by his exact attention to every department during the engagement, and the animating example he afforded the crew, by his intrepidity. Lieutenants Rodgers and Booth, and sailing-master Rapp, evinced, by the effectual and incessant fire of their respective divisions, that they were not to be surpassed in skill or resolution. The *Wasp's* main-top-mast was shot away, between four and five minutes from the commencement of the action; and falling, together with the main-top-sail yard, across the larboard fore and fore-top-sail braces, rendered her yards unmanageable during the remainder of the action. At eight minutes from the beginning of the contest, the gaff and mizen-top-gallant-mast came down; and, at the expiration of twelve minutes more, every brace, and most of the rigging were shot away. A few minutes after separating from the *Frolic*, both her masts fell upon deck; the main-mast going close by the deck, and the fore-mast twelve or fifteen feet above.

The loss of the *Frolic*, as nearly as could be ascertained, was thirty killed, and forty or fifty wounded. Among the former were her first lieutenant and sailing master; and among the latter was captain Whinyates, her commander. The *Wasp* had five killed, and five wounded.

Captain Jones, his officers, and crew, on their return from captivity, experienced the most flattering reception from their country. The legislatures of Massachusetts, New York, and Delaware presented the captain with swords; the



order of Cincinnati admitted him an honorary member ; and congress voted him, his officers, and crew, \$25,000.

On the 25th of October, the frigate *United States*, captain Decatur, cruising in lat. 29, N. long. 29, 30, W. fell in with, and, after an action of one hour and a half, captured his Britannic majesty's frigate *Macedonian*, captain John Carden, mounting forty-nine guns. The *Macedonian* was a new ship, and reputed one of the best sailers in the British navy. Being to windward, she had the advantage of choosing her own distance ; which was so great, that, for the first half hour, the *United States* could not use her carronades, and, at no moment, her musketry or grape with effect. The *Macedonian* lost her mizen-mast, fore and main-top-masts, and main yard ; and was much cut up in her hull. The *United States* sustained so little injury, that she could have continued her cruise with perfect safety. However, captain Decatur thought it best to convoy his prize into port.

The *United States* had five killed, and seven wounded ; among the latter was lieutenant Funk. On board the *Macedonian* there were thirty-six killed, and sixty-eight wounded.

The arrival of captain Decatur with his prize excited an universal burst of joy in the *United States*. He received a round of grateful attentions ; similar honours from congress, state legislatures, and city corporations, with those conferred on captains Hull and Jones ; and the usual appropriation for the capture of an enemy's frigate, to be distributed as prize money.

The *Macedonian* was immediately repaired, and assigned to the command of captain Jones, as a further testimony of the confidence of the government in his naval skill and gallantry. She is now one of the finest frigates of the *United States'* navy.

During this brilliant naval career, the *United States*, without any diminution of honour, lost two small gun brigs ; the *Nautilus*, captain Crane, and *Vixen*, captain Reed. The first was captured by a British squadron ; and the latter, by the frigate *Southampton*, sir James L. Yeo. Shortly after the surrender of the *Vixen* to the *Southampton*, both vessels

ran ashore, and were wrecked. All the property, saved from the wrecks, was recovered by the generous and hazardous exertions of the captive American sailors. Sir James L. Yeo publicly acknowledged his obligations to captain Reed, for the services of his crew; and offered him a parole, with permission to return, without delay, to the United States: but his generous and noble heart would not allow him to leave his comrades. He shortly afterwards died of a fever, induced by exposure and fatigue. He was buried in an enemy's land, and by an enemy's hand, with the honours of war. His amiable manners, chivalrous spirit, and generous succour of his enemies, won their affection, and commanded their tears over his grave.

The naval events, which occurred between the adjournment of the twelfth congress, in July, 1812, and its meeting in November following, especially when contrasted with the operations of the land forces, could not fail to command the serious attention of the government. The president, in his communications to congress, on the 4th of November, and 11th of December, 1812, recapitulating the principal achievements of the navy, said: "Our public ships and private cruisers, by their activity, and, when there was occasion, by their intrepidity, have made the enemy sensible of the difference between a reciprocity of captures, and the long confinement of them to their side.

"A nation, feeling what it owes to itself and its citizens, could never abandon, to arbitrary violence on the ocean, a class of men, who give such examples of capacity and courage, in defending their rights on that element; examples, which ought to impress on the enemy, however brave and powerful, a preference of justice and peace to hostility against a country, whose prosperous career may be accelerated, but cannot be prevented by the assaults made on it."

These sentiments were responded by the committee of the house of representatives, on naval affairs, in a report, by which they recommended an increase of the naval establishment.

At the same time, the public voice, in favour of a liberal

patronage of a navy, which had enhanced the military reputation of the country, became very distinct. The public gazettes of both parties, and in every section of the union, were emulous in praise of its exploits. The public eye was turned with grateful emotions, to the scenes from which so much renown had, in so short a period, been reflected on the arms of the nation. Congress was urged, promptly to devote their deliberations to a subject, which involved the securest means of defending the commercial rights of their constituents, and of commanding, from foreign nations, that respect, without which their independence, their government, and their virtues would avail them little, in their intercourse with the world. Had the ministry of Great Britain been correctly impressed by the tendency of the great revolution in the sentiments of the American people, on the subject of their naval establishment, they would have consulted the interest of their own maritime empire, by a speedy termination of a war, which was destined to elicit and cherish a rivalry on the great highway of nations, that will, inevitably, divide that exclusive dominion on the ocean, which had been exercised by their navy.

## CHAPTER XLIV.

*Battle of Queenstown; Cannonading from Erie to Ontario; Captain Lyon captures forty British Soldiers on St. Regis; Colonel Pike's incursion; General Smyth assumes the command on the Niagara; Incursion from Black Rock, &c.*

ON the frontier, between Lakes Erie and Ontario, during the months of September and October, 1812, a very considerable military force was distributed from Fort Niagara to the village of Buffalo. This force consisted of militia, volunteers, and regulars; and was commanded by major-general Stephen Van Rensselaer, of the New York militia.

General Van Rensselaer, impressed with the importance of closing the campaign by some brilliant exploit, to obviate the evil consequences of the failure of the left wing of the army, determined to cross the Niagara from Lewistown; attack the enemy on the opposite heights; and take possession of the village of Queenstown: where the troops might be sheltered from the inclemency of that severe climate. On the 12th of October, he designated the corps which should compose the van in the expedition, and detailed the several detachments intended to follow and support them. It was determined, that, in the first instance, colonel Solomon Van Rensselaer, with 300 militia, and lieutenant-colonel Chrystic, with as many regulars, should lead the way, and carry the heights by surprise; when lieutenant-colonel Fenwick was to cross, with a detachment of flying artillery, followed by another detachment of regular infantry, under major Mullany. As soon as these several corps should obtain complete possession of the heights, so as to protect the transit of the whole army, general Van Rensselaer proposed to follow, and establish his head quarters at Queenstown. Brigadier general Smyth had been ordered to march the troops at Buffalo to Lewistown, to afford such reinforcements as the service might eventually require in the enemy's territory.

should be adopted; and gave full assurances that he would afford every facility in his power for a re-embarkation of the troops: but the boats were dispersed; and the oarsmen, panic-struck, had fled. Therefore few were able to recross.

About 4 o'clock, P. M. a most severe and bloody conflict recommenced on the heights; which was continued thirty minutes, with a tremendous fire of cannon, flying artillery, and musketry. The enemy by superior numbers regained the principal battery, and obtained advantages on every side. Under these circumstances, those brave Americans, who had acquitted themselves to their country, with so much gallantry throughout the day, exhausted in strength, out of ammunition, and chagrined by the unpardonable neglect of their fellow soldiers, whose presence would have secured the triumphs of the morning, and added a brilliant victory to the exploits of the day, gave up the conflict.

General Van Rensselaer in his report of this affair said: "I can only add, that the victory was really won; but lost for the want of a small reinforcement. *One-third part of the idle men might have saved all.*"

Brigadier-general Wadsworth, colonels Van Rensselaer and Scott, lieutenant-colonels Chrystie and Fenwick, and captain Gibson were conspicuous for their intelligence, activity, and gallantry, in the various events of this day; and received the acknowledgments of the commanding general for their services. Public fame has spoken highly of the good conduct of captains Wool, Ogilvie, Armstrong, Machesney, and Lawrence; also of lieutenants Kearney, Carr, Hugginan, Lent, Reve, Randolph, Gansevoort, Smith, &c. In the course of the day, about 1100 troops, regulars, volunteers, and militia, passed into Canada from Lewistown; very few of whom returned. Sixty were killed, one hundred wounded, and the rest were nearly all taken prisoners, at the close of the last conflict. From 1200 to 1500 men remained idle spectators of the interesting events, that were passing on the enemy's shore; and, when the moment for their services arrived, refused to obey the orders of their commander, or the dictates of honour and duty. They basely declined a

participation in a scene which promised to wipe off the stains impressed on the character of the army, by the late untoward events in the north-west; disregarding every invitation which honour or sympathy could make.

The enemy's forces have been variously estimated. It is believed, on the most credible evidence, that they were, including the savages, double the number of the American forces in the field, at any period of the day. The 49th British regiment, signalised in Egypt under colonel, since lieutenant-general Brock, and usually called the "Egyptian Invincibles," was among their prominent corps, and was led by its favourite commander. In the second engagement, this regiment of British regulars, 600 strong, encountered a body of 320 American regulars, supported by a few militia and volunteers; the whole under colonel Chrystie. They mutually resorted to the bayonet; and, after a bloody conflict, the famous invincibles yielded to the superior energy of their antagonists, although the latter were so far inferior in numbers. They were rallied by lieutenant-general Brock, who was killed in conducting them a second time to the charge. The American prisoners were treated kindly by this brave regiment; who, after the battle was over, acknowledged they had never opposed more gallant adversaries.

No restraint, however, was imposed upon the Indians, by general Sheaffe, a native of Boston, who, on the fall of lieutenant-general Brock, succeeded to the command of the British forces. They stripped and scalped the slain, and even the wounded and dying Americans, who were left on the field of battle. Captain Ogilvie saw the corpse of ensign Morris stripped even of his shirt; and the skull of a soldier, who had been wounded, cloven by a tomahawk.

The remains of lieutenant-general Brock were interred with the honours of war at Newark, opposite Fort Niagara. During the procession to the grave, minute-guns were fired by the Americans; a testimony of respect for the military character of the deceased.

Although the attempt on the heights of Queenstown ulti-

mately failed, yet there were many circumstances in the enterprise, which reflected credit on the country. The detachments which were sent over, evinced an excess of those qualities, which, when well-directed, give celebrity to military bodies. Although one-half of the forces, at Lewistown, refused to partake in the honours of the day, and thereby disgraced themselves, disappointed the hopes of their country, and defeated the plans of their commander, yet a battle was fought that shed glory on the arms of the United States, and excited a spirit of emulation not unpropitious to future success.

Had the regular troops, under general Smyth, been associated in this enterprise with the corps commanded by colonels Chrystie, Van Rensselaer, Scott and Fenwick, the victory would, in all human probability, have been complete. In that case, the defection of the militia at Lewistown would not have entailed on their gallant fellow soldiers defeat and captivity. Why general Van Rensselaer failed to order down general Smyth, in time to afford the required reinforcements, or why the embarkation was commenced before his arrival, are questions that the historian is not called on to decide. It clearly appears, that there were means sufficient to command success, had they been rightly employed. A few hundred men took possession of an eligible post in the enemy's country, and prepared the way for any number of succouring troops to follow without danger; yet, notwithstanding there were men enough, within a few miles, to improve these advantages into a successful invasion, through a want of concert, where there ought to have existed complete subordination and cordiality, the public service suffered, and an important expedition failed. No adequate investigation into the causes of the failure was ever made, by a competent tribunal; and the community were left to speculate upon the criminations and recriminations of the officers entrusted with the direction of the military concerns, in that quarter.

At the time when general Van Rensselaer attempted to establish himself in Canada, a general cannonading com-

menced on both sides of the river, from lake to lake, which was kept up for several days without much damage to either party.

Several small affairs, in which a few British soldiers were made prisoners, happened along the eastern frontier of New York. On the 22d of October, forty British prisoners were taken by captain Lyon, on the river St. Regis, without the loss of a single man. This party of the enemy was escorting an embassy and despatches from sir George Prevost, to a small tribe of Indians, in amity with the United States. Thirty-eight muskets, one stand of colours, sir George's despatches, and all the baggage were taken; and at the same time captain Tilden captured their two batteaux.

In the night of the 19th of October, colonel Pike, of the 15th United States' regiment, made an incursion of several miles into the enemy's territory; assaulted a post, defended by a body of British and Indians; burned a block house; and returned with only five men wounded.

Major-general Van Rensselaer resigned the command of the forces on the Niagara to brigadier-general Smyth. Having surveyed the river attentively, and duly considered the hazards of a second attempt to pass an army across so dangerous a strait, at an advanced season of the year, general Smyth determined on an embarkation and landing of the army a few miles below Fort Erie. The troops under his command were all desirous, that the enterprise should be attempted; and the general promised that their military ardour should not want an opportunity for its gratification.

To increase his numbers, and render his tenure of a post in the enemy's territory permanent, on the 10th of November, 1812, general Smyth issued a proclamation, addressed "to the men of New York," inviting them to join and follow the fortunes of his army, which, he said, would, in a few days, plant the American standard in Canada. In consequence, a great many volunteers turned out, and repaired to head quarters at the village of Buffalo. On the 17th, general Smyth issued a second proclamation, announcing to "the army of the centre" his determination to cross the Niagara,



to conquer Canada, and secure the peace of the American frontier.

The troops assembled at Buffalo, amounting to 4500, were organized and equipped for the intended invasion. Ten boats, to convey a detachment in advance of the army, were prepared, and a number of sailors engaged to navigate them, under the direction of lieutenant Angus of the navy, supported by lieutenant Dudley, sailing-master Watts, and other naval officers. At 3 o'clock in the morning of the 28th of November, they put off. The enemy soon discovered their approach, and opened a severe fire on the boats. Five were forced to put back; in one of which was colonel Winder, of the 14th infantry, to whom the command of the detachment had been assigned. The other boats proceeded, and landed their division. The command now devolved on lieutenant-colonel Bærstler. The party was divided. One division headed by captain King, of the 15th United States' infantry, lieutenant Angus, and Samuel Swartwout, stormed the enemy's principal batteries, and drove their garrisons to the Red House, where they rallied in a body of two hundred and fifty, and commenced a rapid fire on the Americans. The sailors charged with boarding pikes and cutlasses, and the regulars with the bayonet. They dispersed the enemy, fired the house, and made fifty prisoners. Lieutenant-colonel Bærstler, with the other party, was equally successful in an opposite direction. Every battery, between Chippewa and Erie, was carried, the cannon spiked, and a frontier of sixteen miles entirely cleared. The small force that accomplished this gallant and successful enterprise did not exceed 120 men, regulars and sailors. They carried every thing before them, by the rapidity of their movements. Lieut. Col. Bærstler, exerting a Stentorian voice, roared in various directions as though he commanded thousands, and created such a panic in the enemy, that they fled before him wherever he moved. They supposed the whole American army was about to fall upon them. As soon as the ends of this daring and well-executed adventure had been completely accomplished, a retreat to the American shore was ordered.

Captain King, with twelve men, determined to wait the arrival of the main army. Sailing-master Watts, gallantly leading a division of sailors, fell at their head. Midshipman Graham lost one of his legs. Captains Morgan, Sprowl, and Dox, and lieutenant Lisson exhibited animating examples to their men.

It would be naturally supposed, that this brilliant service was followed by the transit of the main army; but a scene, at once ridiculous and lamentable, was exhibited on the American shore. Several obstructions produced a delay of the general embarkation until 2 o'clock, P. M. About 2000 men were then on board the boats, at Black Rock. Among them was major-general Peter B. Porter, of the New York volunteers. They were waiting orders from general Smyth to proceed. Two thousand more were paraded on the shore, intended to compose a reserve, and to follow in a second embarkation. In the meantime, the enemy had recovered from the effects of their surprise on the night preceding, and, after taking captain King and his twelve men prisoners, paraded in line, to the number of 500, about half a mile from the river. They had themselves experienced the terrifying effects of lieutenant-colonel Bærstler's lungs; and now improved upon his device. They blew trumpets, winded bugles, and filled the welkin with their vociferations. Unfortunately for the credit of the American general, the project succeeded completely. He over-rated the force of the enemy, and ordered his troops to debark, and retire to their quarters. The disappointment created universal dissatisfaction and chagrin, which broke out in loud murmurs. The general tranquilized the discontents of the army, by an assurance that the expedition was not abandoned; but only postponed for more adequate preparation to convey the troops, in safety, across the stream. On Sunday, general orders were issued, to march the army, again, to the navy-yard, and embark at 9 o'clock on the following morning. The officers generally remonstrated against this order; alleging that it would be impolitic to cross in day-light: as the enemy had been allowed time to repair their batteries, and to receive

reinforcements. The work of reparation could easily be seen from the American camp; and the alleged reinforcement was visible, in the extended line of the enemy, for more than a mile immediately on the hill, which overhung the points, where it was proposed to land the troops.

It was determined, on the suggestion of the officers, to recall the order of Sunday morning; and that the army should embark before day on Tuesday morning, and land, in order of battle, five miles below the navy-yard.

At the time and place appointed, the second embarkation was effected in good order. General Porter, with a flag to designate the leading boat, was at least half a mile from the shore, waiting anxiously the order for the whole to proceed; instead of which he was astonished to receive a peremptory command from general Smyth to debark. It was now announced explicitly, that the invasion of Canada was abandoned for the season. The troops of the United States were ordered into winter-quarters; and the volunteers and militia dismissed, with permission to return to their homes.

A scene of great disorder and insubordination ensued. The men fired their pieces in every direction, in testimony of their contempt of the commander; and loaded him with the severest reproaches. Indeed so vehement was their indignation, and so unequivocally was their resentment expressed, that general Smyth considered his person in danger; and was compelled, through regard to his safety, to resort to extraordinary measures to protect himself from harm. The inhabitants of Buffaloe would neither allow him to quarter in their houses, nor afford him shelter from the fury of the enraged soldiers.

General Smyth resigned the command of the troops at Buffaloe, after having attempted to remove the imputations against his personal courage, by a duel with general Porter. He retired to his seat in Virginia, where he was permitted by the government to enjoy his "ungathered laurels" without molestation. His proceedings on the Niagara frontier had been such as to awaken some expectations from his enterprise, when the command of the army devolved on him. In his proclamations, which were couched in the most vaunting

style, he denounced his predecessors in command, as the causes of the military "miscarriages" which had "disgraced" and "sacrificed" two armies; alleging that "they were popular men, destitute alike of theory and experience in the art of war." In assuming the command, he boldly censured the conduct of others, and publicly avowed that the government had been unfortunate in the selection of some of those who had been appointed to direct the valour of the American people. At the same time, he appeared to invite the army and the nation to look to him as their redeeming spirit.

## CHAPTER XLV.

*Commodore Chauncey takes Command of the Lakes; and Major General Harrison of the North Western Army; Defence of Fort Harrison; Colonel Lewis defeats the enemy at the river Raisin; Winchester's defeat.*

THE expectations of gaining the command of the lakes, by the invasion of Canada from Detroit, having been disappointed, measures were instantly adopted, to provide, on them, a naval force superior to that of the enemy. Captain Isaac Chauncey, of the United States' navy, was designated for the supreme command over all the marine forces, to be employed in that important duty.

At the same time, the government, in concert with the executive authorities of Kentucky and Ohio, adopted the most efficient measures for the speedy organization of a second army on the north-western frontier. A call was made for volunteers from the neighbouring states and territories; which in a short time convened a large force in the state of Ohio. William Henry Harrison, who commanded in the late battle with the Indians, at Tippecanoe, and who enjoyed a great degree of popularity in the western states, was appointed major-general in the army of the United States; with a view to the command of all the forces, destined to recover from the enemy the important post, which had been surrendered by general Hull. About the period when the organization of this force was pending, a party of Indians, from the Wabash, invested Fort Harrison, commanded by captain Zebulon Taylor, of the 7th United States' infantry. At 11 o'clock, P. M. on the 4th of September, 1812, the garrison was alarmed by the fire of a centinel. Captain Taylor ordered his men to their posts. The enemy had approached, and set fire to the lower block-house. Buckets were instantly procured, and every exertion made, to extinguish the flames; but, without success. This block-house

communicated immediately with the barracks, and its destruction by fire necessarily opened a way into the fort. Two of the soldiers of the garrison jumped the picquet, and sought safety in flight. Dismay seized all the men at first. Their situation was truly alarming. The horrid yelling of the savages without, and the cries of the women within the fort, were enough to shake the courage of the stoutest heart. However, fortunately for the garrison, captain Taylor did not allow the discouraging circumstances that surrounded him, to deprive him of his presence of mind. He gave orders to unroof the barracks, near the burning block-house, and to keep water constantly applied, to prevent the conflagration of the rows of buildings, which enclosed one side of the fort. He also directed a temporary breast-work to be thrown up within the fort, in order to obstruct the passage occasioned by the absence of the consumed block-house. The propriety and practicability of captain Taylor's plan were self-evident, and it was executed with great spirit. While these important operations were going on, a constant fire was directed upon the enemy from the upper block-house and the two bastions. By day-light the breast-work was thrown up five or six feet high; although the enemy had levelled their rifles at the spot, and poured a shower of arrows on the men at work. The attack of the savages was kept up until the dawn, when they retired beyond the reach of the guns of the fort. One of the men who, at the commencement of the attack, jumped over the picquet, returned about an hour before day, with one of his arms broken. The other was caught by the Indians, and cut to pieces.

The enemy, disappointed in his object, drove up the horses, cattle, and hogs, belonging to the people who lived about the fort, and wantonly shot the whole of them, within sight of their proprietors. They remained around the fort all the next day; but made no other attempt upon it. All the provisions of the garrison were destroyed by the conflagration of the block-house; and they were left to subsist on green corn, until a supply could be procured.

The enemy carried off all his killed and wounded. Captain Taylor lost two men in the fort, one was killed in an attempt to fly, and several were wounded.

This party of Indians was collected from the tribes under the influence of the Shawanee Prophet; and the fort occupied by captain Taylor was built by governor Harrison, on his march, one year before, against the Prophet's forces on the Wabash. This instance of hostility may serve to show how far the British influence extended over the Indians. While the Prophet instigated parties of the Shawanese and Miamies to attack Fort Harrison, situated north-west of Vincennes; Tecumseh, a brother of the Prophet, at the head of other parties of the same and other tribes, was associated with major Muir at Brownstown, in the battle with colonel Miller; and with lieutenant-general Brock, at the surrender of Detroit. When the American forces marched out of the fort at Detroit, as prisoners to his Britannic majesty's arms, a large body of Indians were paraded in line, with Tecumseh, as a brigadier-general, in the pay of Great Britain, at their head: equally ostensible with the British regulars, in receiving the submission of the garrison.

Captain Taylor repaired the breach in the fort, and held the garrison under the most trying circumstances, with only fourteen men, until he was relieved by the arrival of colonel Russell, with a force sufficient to defy any attack from the Indians. The president promoted captain Taylor, for his exemplary conduct in the defence.

General Harrison assumed the command of all the forces in the north-western district in September; and employed all his abilities in preparing the means necessary to accomplish the great ends of the government in that quarter. His duties imposed on him constant vigilance and unremitting activity. All the military arrangements for the support of an army, and the protection of an extended frontier, made by the government at the beginning of the campaign, had been entirely broken up, by the disastrous events which occurred under general Hull. In consequence, embarrassments of every nature pressed upon general Harrison, from the moment of

his arrival in Ohio. The troops were to be collected, distributed into departments, equipped, and provisioned. Posts and fortifications were to be re-established; the means of transportation and convoy provided; and a desultory enemy, hovering in front, and rear, and on each flank, to be resisted; and all at so great a distance from the head of the war department, as to allow little opportunity for counsel or instructions.

General Harrison commenced his operations, by despatching flying detachments in various directions, to intimidate, restrain, and chastise the savages. Several expeditions against them were planned, on a larger scale, and executed with success, by generals Hopkins and Tupper, and by colonels Campbell and Russell. These, with the cotemporaneous and constant services of the United States' rangers, distributed into small detachments, from Fort Wayne to Fort Harrison, afforded some protection to the inhabitants, and broke the spirit of the Indians, when not immediately stimulated by the presence of their British allies. Removed at a distance from the head quarters of the British army, they had little confidence in themselves; especially when chased, and sometimes vanquished, by the American detachments, traversing their wild forests in various directions.

But the temporary tranquillity, which the inhabitants of the north-west experienced from such operations, was terminated by an unfortunate event, that befel a division of troops under brigadier-general Winchester. In advance of the main army under general Harrison, colonel Lewis was completely successful in an attack upon a body of the enemy, at the river Raisin. Their force consisted of several hundred Indians, and a company of militia strongly picquetted. The action began about 3 o'clock, in the afternoon of the 18th of January, 1813, and continued until night. The Indians suffered severely; but their allies saved themselves by flight. General Harrison despatched general Winchester, with 200 men, on the morning of the 19th, to take command of all the troops at the Raisin.

When general Winchester joined colonel Lewis, their united forces formed a division 1000 strong.



General Winchester was attacked by a combined force of Indians and British regulars, at Frenchtown, on the river Raisin. The action commenced at reveille, on the 22d of January, 1813. The picquet guards of the Americans were driven in; and a heavy fire opened on the whole line, which was thrown into disorder. It was directed to retire, a short distance, to a more advantageous position. The enemy began to deploy upon, and double the left flank with force and rapidity. A destructive fire was sustained for some time. At length, borne down by numbers, the general surrendered. Major Madison, of the Kentucky volunteers, with 400 men, continued the contest. General Winchester, in the meantime, was conducted into the presence of the British commander, who proposed that major Madison and his party should have an opportunity of surrendering themselves prisoners of war. The general, apprehending the dreadful consequences of their falling into the hands of the Indians, who were assembled in great numbers, sent a flag to those brave fellows, with the terms proposed; which were: "that they should be protected from the fury of the savages; allowed to retain their private property; and have their side-arms returned to them." The offer was accepted.

Four hundred and fifty were made prisoners on these conditions. The rest were generally slain, chiefly by the Indians, many in the most cruel manner, after they had been taken or surrendered prisoners. The British official account thus described the result: "Colonel Proctor, by a vigorous and spirited attack completely defeated general Winchester's division, with the loss of between 4 and 500 slain: *for all who attempted to save themselves by flight, were cut off by the Indian warriors.*"

It has been already seen, that a great proportion of the prisoners surrendered on terms, proposed by colonel Proctor: which pledged them protection from the savages. After the capitulation, general Winchester reminded him of his engagement, and he promised that it should be faithfully performed; and that the wounded should be carefully removed in sleighs on the following day, under a competent guard. But the

wounded were left at Frenchtown, when colonel Proctor moved off for Malden, with the prisoners who were able to march. On the morning of the 23d, the savage allies of the British, whose services on this occasion were acknowledged, in general orders, in the most complimentary terms, stripped and murdered all who were unable to march. The fate of captain Hart, one of the wounded, was peculiarly tragical. He had received a flesh wound in his knee during the action, in which he was signalized by a romantic bravery. After the battle was over, captain Elliot, a British officer, who had been his classmate at Princeton college, in New Jersey, waited on him. He promised, voluntarily, to protect him against all harm; and that he would, on the next day, have him conveyed to his own house, at Malden, where he should remain until entirely recovered from his wound. Elliot broke his promise, and left him to his fate. On the 24th, a band of savages burst into the house where he lay, and ruthlessly tore him from his bed. He was then carried, in the arms of a brother officer, to another apartment. Here he was again assailed by the Indians. At length he made a contract with an Indian, to carry him to Malden; and actually paid him down the stipulated consideration.

They set off. After having travelled four or five miles, towards Malden, they were met by a party of Indians; one of whom shot captain Hart on his horse! He fell; was tomahawked; and scalped on the ground.

The prisoners were generally stripped of their clothing, rifled of their money; and suffered every act of contumely which superciliousness and cruelty could imagine. The swords of the officers, and side arms of the men, were given to the savages; notwithstanding the stipulation, in the capitulation, that they should be returned at Malden.

The wounded, whom captain Hart left behind him, at Frenchtown, experienced no less cruel treatment, than was received by that amiable and accomplished officer and gentleman. Some of them were suffered to languish and die naked in the snow, and to become the prey of dogs and hogs. Others were stripped, hewed to pieces with the tomahawk,

and thrown into the fire. And several were actually held alive on the fire, while the savages enjoyed, with transports of mirth, the writhings of their broiling victims.

The spirits of those brave men who were made prisoners at Raisin, and carried into the enemy's territory, were not broken, although they were deprived of their clothes and money. When offered the parole for their signatures, they demanded "*who were his majesty's allies?*" Their conquerors were staggered by this inquiry. They were ashamed to acknowledge the truth, in the presence of those, who had witnessed the deeds of "*Roundhead, and his band of warriors, rendering essential service by their bravery and good conduct.*" "*His majesty's allies are known,*" was the evasive answer.

Among the slain in the field, and those massacred by the savages after the action terminated, were colonel Allen, captains Hickman, Simpson, Mead, Edwards, Price, M'Cracken and many others, the choicest citizens of Kentucky.

The enemy acknowledged a severe loss on their side. Of the 41st regiment, which three times charged the picqueted detachment under major Madison, and which was repulsed as often, 150 were killed and wounded. The whole force of the enemy was not less than 2000. Some of their officers had the candour to acknowledge the victory a dear one. The Indians conducted the desultory part of the engagement; and were generally employed in the pursuit of the flying. The British regulars, observing the maxim in war, *not to leave an enemy posted in the rear*, stopped, within point-blank shot of the body of troops commanded by major Madison, to attack their picquets. These troops, being generally expert sharp-shooters, dealt out a fearful measure of destruction upon their assailants. Colonels Proctor and Vincent, for their services to their king, in this memorable scene, were promoted to the rank of brigadier-generals, in Upper Canada.

For the monstrous outrages committed on the prisoners, the British officers offered as excuses, the restless and ungovernable spirit of the Indians, and their inveterate animosity towards the Americans; which rendered it impossible, in the moment of action, to impose any restraints upon their

known habits of warfare. This pretence aggravated, rather than excused their high offence against humanity, in employing the ruthless savages as auxiliaries, in war, against a Christian people. It could not have been unknown to the British officers, that, at the commencement of the war, the government of the United States rejected the proffered assistance of the Indians, and used every argument to induce them to remain neutral in the contest. After this deference to the principles of humanity on one side, to employ them on the other, and permit them to indulge their demoniac thirst of blood, and to practice their ferocious barbarities upon the persons of women and children, and on those of wounded and captive officers and men, has impressed a stain upon the character of the British empire, that no renown in arms, nor high pretensions to civilization and religion can efface. The savage policy of indulging those ferocious warriors, in their licentious passions, to secure their friendship and alliance in war, cannot be extenuated, much less justified, upon any principle known to humanity, honour, or chivalry.

## CHAPTER XLVI

*Proposition for an armistice from the American Government; One from the British, by Admiral Warren; Second session of the twelfth Congress; Operations on Lake Ontario; Defence of Fort Meigs; Capture of the Java and Peacock, &c.*

WITH a view to abridge the evils, inseparable from a state of warfare, the president, early after the adjournment of congress in July, 1812, conveyed, to the British government, the terms on which the progress of the war might be arrested, without the delays of formal and final ratification; and the American chargé d'affaires, at London, was, at the same time, authorised to agree to an armistice founded upon them.

These terms required, that the orders in council should be repealed, as they affected the United States, without the revival of blockades, violating acknowledged rules; that there should be an immediate discharge of American seamen from British, and a stop to impressment from American ships, with an understanding, that an exclusion of the seamen of each nation, from the ships of the other, should be stipulated; and that the armistice should be improved into a definitive and comprehensive adjustment of depending controversies.

Although a repeal of the orders, susceptible of explanations meeting the views of the American government, had previously taken place, this pacific advance was declined by the British government, being an avowed refusal of a suspension of the practice of impressment during the armistice, and without any intimation, that the arrangement proposed, with respect to seamen, would be accepted.

The British government, through admiral sir John B. Warren, who arrived on the American coast in September, as commander of the British fleet, communicated a proposition for an armistice, of the following tenor: that the govern-

ment of the United States should instantly recall their letters of marque and reprisal against British ships, together with all orders and instructions for any acts of hostility, whatever, against the territories of his majesty, or the persons or property of his subjects, with the understanding, that, immediately on receiving an official assurance to that effect, he would instruct all the officers under his command, to desist from war-measures against the United States. This proposition was expressly founded on the alleged repeal of the orders in council.

The proposition through admiral sir J. B. Warren was not accepted, for the same reasons, which influenced the president to reject the armistice, proposed through sir George Prevost.

The president, having communicated to congress the issue of the several attempts, which had been made in their recess, to restore the relations of peace with Great Britain; fully detailed the state of the domestic affairs of the country; and recommended the adoption of such laws as would tend to the relief, defence, and protection of its widely extended frontiers. After a faithful recital of the military events, of the first campaign of the war, and presenting an exhibit of our relations with foreign nations, he thus concluded :

“ The situation of our country, fellow-citizens, is not without its difficulties; though it abounds in animating considerations, of which the state of our pecuniary resources is an example. With more than one nation, we have serious and unsettled controversies; and with one, powerful in its means and habits of war, we are at war. The spirit and strength of the nation are nevertheless equal to the support of all its rights, and to carry it through all its trials. They can be met in that confidence. Above all, we have the inestimable consolation of knowing, that the war, in which we are actually engaged, is a war neither of ambition nor of vain glory; that it is waged not in violation of the rights of others, but in the maintenance of our own; that it was preceded by a patience without example, under wrongs ac-

cumulating without end; and that it was finally not declared, until every hope of averting it was extinguished, by the transfer of the British sceptre into new hands, clinging to former councils, and until declarations were reiterated to the last hour, through the British envoy here, that the hostile edicts, against our commercial rights, and our maritime independence, would not be revoked; nay, that they could not be revoked, without violating the obligations of Great Britain to other powers, as well as to her own interests. To have shrunk, under such circumstances, from manly resistance, would have been a degradation, blasting our best and proudest hopes. It would have struck us from the high rank, where the virtuous struggles of our forefathers had placed us, and have betrayed the magnificent legacy which we hold in trust for future generations. It would have acknowledged, that on the element, which forms three-fourths of the globe we inhabit, and where all independent nations have equal and common rights, the American people were not an independent people; but colonists and vassals. It was at this moment, and with such an alternative, that war was chosen. The nation felt the necessity of it, and called for it. The appeal was accordingly made, in a just cause, to the just and all-powerful Being, who holds in his hands the chain of events, and the destiny of nations. It remains only, that, faithful to ourselves, entangled in no connection with the views of other powers, and ever ready to accept peace from the hand of justice, we prosecute the war with united counsels, and with the ample faculties of the nation, until peace be so obtained, and as the only means, under the Divine blessing, of speedily obtaining it."

In pursuance of the recommendation of the president, the twelfth congress passed acts, to encourage a speedy completion of the army, by increasing the pay of its non-commissioned officers, musicians, privates, and others; to increase the navy of the United States, by building four seventy-fours, and six frigates, to rate forty-four guns each; authorising twenty regiments of infantry, to be enlisted for the term of one year; and the appointment of six additional ma-

for, and six brigadier-generals in the army; also, acts authorising the president to borrow on the credit of the United States, any sum not less than sixteen millions of dollars, for defraying the extraordinary expenses of the war; and to issue treasury notes, for the service of the year 1813, not exceeding \$5,000,000; to raise ten additional companies of rangers, for the protection of the frontiers of the United States; to encourage the destruction of the enemy's ships of war, by torpedoes, submarine instruments, or any other destructive machinery; creating a superintendant-general of military supplies; regulating and organizing the staff of the army; directing six additional sloops of war to be built, and armed vessels to be constructed, manned, and equipped for the public service on the lakes; and making appropriations for the support of the navy and army during the year 1813.

In addition to the foregoing important measures, an act was passed, for the regulation of seamen, on board the public and private vessels of the United States. This act was designed to narrow the controversy between the United States and Great Britain, on the subject of impressment; and enacted, that, from and after the termination of the war with Great Britain, it should not be lawful to employ, on board the public or private vessels of the United States, any persons, except citizens, or persons of colour, natives of the United States; that no person, arriving in the United States, after the operation of the act commenced, should be capable of becoming a citizen, who had not, for the continued term of five years, next preceding his admission, resided within the United States, and been, at no time during the said five years, out of their territory; and that no seaman or other seafaring man, not being a citizen of the United States, should be admitted or received, as a passenger, on board of any public or private vessel of the United States, in a foreign port, without permission, in writing, from the proper officers of the nation, of which he may be a subject or citizen. It was also provided by this act, that its principles should not be applied to the citizens or subjects of nations that would not reciprocate them.



Another important act was passed, whereby it was enacted, that, in all and every case, wherein, during the war, any violations of the laws and usages of civilized warfare, should be committed or perpetrated, by those acting under the authority of the British government, on any of the citizens of the United States, the president should cause full and ample retaliation to be made, according to those laws and usages; and that, in all cases, where any outrage, act of cruelty, or barbarity should be practised by savages, in alliance with the British government, or in connection with those acting under the authority of the same, the president should cause full and ample retaliation, to be executed on British subjects, being prisoners of war, as if the same outrage or cruelty had been authorised by the British government.

It will be seen, without any explanation, that the act, investing the president with the power of retaliation, was produced by such scenes as that exhibited at the river Raisin. It would, perhaps, be inferred from the passing of this act, that there had existed, previously, no authority in the president, or commanding officers in the army and navy, to retaliate the violations, by the enemy, of the rules and usages of civilized warfare: but this inference would be wholly erroneous. The rules and usages of war, of themselves, afford authority to punish, by retaliation, every violation of them; and the palpable disinclination to fair retaliation, from whatever motives of humanity, in the president, and officers of the army and navy, even when there had been instances of the most flagrant outrages, committed by the enemy, alone induced congress to pass this act. It was merely declaratory of a power incident to sovereignty; and was enacted from the conviction, that there is more mercy in its just execution, than in the omission to exercise it. A few determined and signal examples of retaliation, in the early periods of the war, exercised on some of those, who not only associated with the Indians, in battle; but, without an effort to restrain their ferocious practices, saw them butcher American prisoners, entitled to protection by the usages of civilized

warfare, would have saved many precious lives. If a just, though rigid system of retaliation had been observed, from the period, when it became known, that the Indians were employed against the United States, the lamentable end of captain Hart, his comrades, and numbers of men, women and children, who perished by the hands of savages, would not have been a subject of historical record.

Commodore Isaac Chauncey arrived at Sackett's Harbour, in October, 1812. Hitherto the enemy had the ascendancy on Lake Ontario; their squadron being much superior to the American flotilla, both in the number and size of vessels, and their weight of metal. In one month, Chauncey collected and equipped a squadron of light vessels, by which, with the Oneida flag ship, he braved the enemy on the lake. He chased the Royal George, his principal ship, into the harbour of Kingston, where he fired on her for two hours, and sustained the fire from the batteries on shore. The weather became exceedingly foul, and obliged the commodore to withdraw, and proceed to Sackett's Harbour. As he came out of the enemy's port, he captured a small schooner, inward-bound, and committed her to the convoy of one of his small vessels, the Growler; which, returning with the prize schooner to Sackett's Harbour, captured and brought in an enemy's sloop, having on board \$12,000 in specie, and the baggage and private property of lieutenant-general Brock, under the care of his cousin and private secretary, captain Brock, who was made prisoner.

The navigation of the lake being closed for the present season, commodore Chauncey devoted his whole attention to preparations for more effectual operations, early in the next. On the 26th of November, he launched the fine ship Madison, which he determined to have equipped and put at the head of his squadron, when he should again go in quest of the enemy.

On the 29th of December, 1812, at 2 o'clock, P. M. lat. 15° 6' south, and long. 38° west, the United States' frigate Constitution, captain William Bainbridge, fell in with and captured his Britannic majesty's frigate Java, of fifty guns, and upwards of 400 men, commanded by captain Lambert, a

very distinguished officer. The action lasted one hour and fifty-five minutes, in which the enemy was completely dismasted ; not having a spar of any kind left standing.

The loss on board the Constitution was nine men killed, and twenty-five wounded ; of the latter were captain Bainbridge, lieutenant Aylwin, and master's-mate Waldo. The Java had sixty killed, and one hundred and seventy wounded.

In addition to her own crew, the Java had upwards of one hundred supernumerary officers and seamen, for the British ships in the East Indies. She had, also, on board, lieutenant-general Hislop, appointed to the command of Bombay, major Walker, and captain Wood of his staff, and captain Marshall, destined for the command of a sloop of war in the East Indies. The Java, having been reduced to a perfect wreck, by the severity of the Constitution's fire, was burnt, by order of captain Bainbridge, on the second day after she was taken. The Java was bravely defended. Her commander was mortally wounded, and shortly afterwards died. The Constitution proceeded to St. Salvador, where she discharged her prisoners on parole. From St. Salvador, she returned to the United States, and arrived safe at Boston, on the 8th of February, 1813 ; having three shots in her hull, and her spars and rigging considerably injured.

On landing in Boston, commodore Bainbridge was received with a salute of cannon, and the loud acclamations of thousands. Many instruments of music greeted him and his gallant associates with the good old tune " yankee doodle." The streets, houses, and house-tops were crowded with the citizens ; while, for their gratification, commodore Rodgers escorted his victorious brother through the streets. Party feeling was prostrated. All welcomed the gallant band, who had twice met, and twice conquered the enemy. The legislature of Massachusetts, being in session, passed a vote of thanks to commodore Bainbridge, his officers, and crew, for their services to their country in this signal action.

The commodore in every respect followed in the track of captain Hull. He received similar honours, and like compensation, for himself and the crew of the Constitution, with

those conferred in the case of the *Guerriere*. Nor was the applause bestowed by his grateful fellow-citizens, more honourable to him as a man, than was a distinguishing tribute to his humanity, by lieutenant-general Hislop. The general presented him with an elegant sword, in compliment of his magnanimity to the prisoners, who fell into his hands, by the capture of the *Java*.

On the 19th of March, 1813, the sloop *Hornet*, of eighteen guns, captain James Lawrence, closed a long cruise of 145 days. At the time when the *Constitution* sailed from St. Salvador, the *Hornet* was lying off the harbour, blockading the *Bonne Citoyenne*, an English sloop of war, carrying twenty guns; where she continued until the 24th of January. She was then driven from her station by the *Montague*, a 74, which came from Rio Janeiro, purposely to relieve the *Bonne Citoyenne*, which had on board \$1,500,000. Captain Lawrence steered westward, to cruise off Pernambuco; and, on the 4th of February, captured the English brig *Resolution*, of ten guns, with coffee, jerked beef, flour, butter, and \$23,000 in specie. He then ran down the coast, for Maranham; and thence off Surinam, where he cruised from the 15th, to the 23d of February. Thence he stood for Demarara. On the morning of the 24th, he discovered a brig to leeward, to which he gave chase. Running into shallow water, and having no pilot on board, he was obliged to haul off. While chasing the first vessel, he saw another at anchor, without the bar, having English colours flying. In beating round the bank of Coroband, to get at her, at half past 3 o'clock, P. M. he discovered a third sail, on his weather-quarter, gradually nearing him. At twenty minutes after four, she hoisted English colours; when she was discovered to be a large man of war brig. The *Hornet* was cleared for action, and kept close by the wind, in order to get the weather-gage. At ten minutes after five, she hoisted American colours, and tacked. At twenty-five minutes after five, in passing each other, within pistol shot, both vessels exchanged broadsides. The *Hornet* bore up, received the enemy's starboard broadside, ran her close on board, and kept up such a heavy and well-

directed fire, that, in less than fifteen minutes, she was forced to strike; with an ensign hoisted union down, in token of distress. Shortly afterwards, her main-mast went by the board. The prize proved to be his Britannic majesty's brig Peacock. Her captain, Peake, fell in the latter part of the action. She sunk so precipitately as to carry down thirteen of her own, and three of the Hornet's crew; although great efforts were made to keep her afloat. Four of the former gained the foretop, and were taken off.

The Hornet lost, in the action, one man killed, and two slightly wounded. Two were severely burnt by the explosion of a cartridge; one of whom died. Her rigging and sails were much cut. She had one shot through the foremast, and her bowsprit was slightly injured; but she received not the least damage in her hull. It was impossible to ascertain the loss of the Peacock. The captain and four men were found dead on board. Thirty three were wounded, most of them severely; and nine were drowned.

The Hornet and Peacock were of the same tonnage, and carried nearly the same complement of guns. Their armament differed, only, in that the Peacock mounted one twelve pound carronade on her top-gallant forecastle, and two swivels aft. Perhaps there never was, in any naval engagement, between two ships of equal size and of equal metal, so great a disparity in the precision and effect of the firing. The Peacock was sunk in fifteen minutes after the Hornet opened upon her. It was remarked by the British naval officers, at Halifax, when the news of the engagement arrived there, that, if the Peacock had been moored, as a target, within pistol shot of the heaviest ship of the line, she would hardly have been sunk in less time.

There were on board of the Peacock, at the time of the action, two impressed American seamen. They requested to be excused from fighting against their country. Their request was peremptorily refused. They were forced to their stations, and compelled to fight. There is an anecdote, the truth of which one hundred British sailors will testify, to be contrasted with this unfeeling and lawless tyranny. On

the day succeeding the destruction of his Britannic majesty's brig Peacock, the crew of the Hornet made a subscription, and supplied the prisoners with two shirts, a blue jacket and trowsers each, to supply the loss they sustained by the sinking of their vessel.

The *Espiegle*, a British brig of war, lying within sight of the combat, declined coming out to assist her consort, in her extremity; or afterwards, to try her own fortune with the Hornet in a second conflict.

These repeated misfortunes on the ocean, the theatre of the pride and glory of Great Britain, drove her officers, and even her government, to various pretences, some frivolous enough, to excuse them to the world. At first they pretended their ships were decayed, and their crews defective. Next they asserted, that the crews of the American frigates and sloops were English and Irish sailors: but this reflected rather severely on the capacity and courage of British naval commanders, and the discipline of the British navy. Lastly, they asserted, that the American frigates were seventy-fours, and the sloops frigates. It was even admitted officially before the end of the war, that a single British ought to avoid an American frigate. All their experience, however, did not enable them to correct their mistakes, and improve by their discoveries. The same result, with one exception, which will be stated in its place, continued to mark every naval action during the war.

The brilliant victory of captain Lawrence excited the same rejoicing and the same warm expressions of approbation, as those of Hull, Bainbridge and Decatur. Various public bodies voted their thanks, and some of them voted swords, to the victor, who, on his arrival in the United States, was presented with the commission of post-captain in the navy.

The President, in communicating to congress, the result of the engagement with the Peacock, thus forcibly described it: "In continuation of the brilliant achievements of our infant navy, a signal triumph has been gained by captain Lawrence and his companions in the Hornet sloop of war, with a celerity so

unexampled, and a slaughter of the enemy so disproportionate to the loss in the *Hornet*, as to claim for the conquerors the highest praise, and the full recompense, provided by congress in preceding cases."

Before quitting this series of naval exploits, it is pertinent to observe, that the frigate *President* captured, and brought into port, several vessels of inferior force; in one of which were taken \$168,000 in specie. In the *Resolution*, on the 4th of February, \$23,000 were taken by the *Hornet*, as already stated: and the frigate *United States* captured several very valuable merchantmen. These and similar captures, though not attended with such eclat as followed the victories over the *Guerriere*, *Macedonian*, *Frolic*, *Java*, and *Peacock*, had no little influence in creating and supporting a spirit of enterprise, and a singular activity, in the naval corps; and, at the same time, inclined the government to a greater reliance on maritime measures, for the protection of the commerce of the United States, and the defence of their rights, on the ocean.

The defeat of general Winchester considerably diminished the army under general Harrison, and deprived him of the counsel of many of his most intelligent officers. This, together with the menacing circumstances that surrounded him, on all sides, induced him to intrench himself at Fort Meigs. He had scarcely resolved on this measure, when the enemy began to show himself around his fortifications. He plainly saw reconnoitering parties, surveying his position. From the first, to the third of May, a continued cannonading and fire of small arms were kept up on both sides. On the 5th, general Harrison received intelligence of the near approach of general Green Clay, advancing with 1200 men to his relief. He was immediately ordered to land eight hundred men on the opposite shore from Fort Meigs, to storm the enemy's batteries there, spike their cannon, and destroy their carriages; while the troops in the garrison were making a sortie upon their new works on the other side of the river, and immediately about the fort. Colonel Dudley took command of the detachment from general Clay's brigade;

and colonel Miller, of the 19th United States' infantry led the sortie. Colonel Dudley and his men resolutely carried the batteries, spiked the cannon, and put to flight all the British regulars, Canadian militia, and Indians on that side of the river. Instead, however, of regarding the orders of general Harrison, they unfortunately did not immediately cross the river, and return to the fort; but pursued the enemy. They had not proceeded far, before they experienced the fatal consequences of their rashness and disobedience. The enemy was reinforced by a large body of savages, who were placed in an ambuscade. Colonel Dudley was unfortunately drawn into the snare. Only 150 men of his whole detachment gained the fort. He was himself killed; and forty-five of his men were tomahawked, and left dead on the field, and in the woods. Many of the wounded experienced similar cruelties with those which befel the wounded prisoners at Frenchtown.

General Clay, with the remnant of his brigade, assailed the Indians that intercepted his progress. Protected by a squadron of dragoons, sent out for their relief, they fortunately reached the fort with little loss.

Colonel Miller led out the sortie in a gallant style. The whole circuit of the enemy's works, on this side of the river, was attacked with great impetuosity; their batteries carried, and their cannon spiked. He returned, after this gallant service, with forty-two prisoners. In the several charges that were made under his direction, major Alexander, captains Croghan, Langham, Bradford, Nearing and Sabrie, and lieutenants Campbell and Gwynne, acquitted themselves with great gallantry. They routed twice their numbers of British regulars, Canadian militia, and Indians. Colonel Miller went out with three hundred and fifty men. The enemy's forces, at the batteries, including the Indians who hovered about, and hurried to their relief, as soon as the sally was discovered, amounted to eight hundred.

With the events of this day, the enemy's attempt on Fort Meigs was discontinued. Several days were spent in negotiations between general Harrison and the British commander, for the exchange and release of prisoners on both sides: and,



on the 9th, the siege was raised, and the enemy's forces retreated.

General Proctor had commenced his operations against general Harrison's position, in the fullest confidence of success; and promised the Indians, when Fort Meigs should be reduced, to deliver the garrison to them. During the siege, which lasted thirteen days, and in the sortie, general Harrison lost eighty-one in killed, and one hundred and eighty-nine wounded: but the sacrifice was small in comparison with the consequences, that were naturally connected with its safety. Had the army under general Harrison met the fate of Winchester's division, the whole north-western frontier of the United States would again have been exposed to the incursions of the Indians; who would unquestionably have remained hostile, as long as the British continued to be successful. The failure of general Proctor, at Fort Meigs, was followed by many reverses of the former good fortune of the enemy; and, from that moment, the confidence of the Indians in themselves, and their allies began to decline. •

## CHAPTER XLVII.

*Mediation of Russia; Capture of York and Fort George; Repulse of the enemy at Sackett's Harbour; Loss of the Chesapeake; Battle at Stoney Creek; Surrender of lieutenant-colonel Boerstler; Escape of Major Chapin; The Six Nations; Defence of Fort Stephenson, &c.*

EARLY in the spring of 1813, an offer was formally communicated from his imperial majesty, the emperor of Russia, of his mediation, as the common friend of the United States and Great Britain, for the purpose of facilitating a peace between them. "The high character of the emperor Alexander," said the president, "being a satisfactory pledge for the sincerity and impartiality of his offer, it was immediately accepted; and as a proof, on the part of the United States, of a disposition to meet their adversary, in honourable experiments to terminate the war, it was determined to avoid the intermediate delay incident to the distance of the parties, by a definite provision for the contemplated negociation." John Quincy Adams, then minister of the United States at St. Petersburg, Albert Gallatin, secretary of the treasury, and James A. Bayard, a senator in congress, from the state of Delaware, were accordingly commissioned, with the requisite powers to conclude a treaty of peace, with persons clothed with like powers, on the part of Great Britain. They were authorised, also, to enter into such conventional regulations of the commerce between the two countries, as might be supposed mutually advantageous.

Commodore Chauncey, in order to co-operate in a design which had been projected against Upper Canada, sailed from Sackett's Harbour on the 25th of April, 1813, having on board his fleet 1700 troops, destined for this service. Early on the second day, he arrived before the town of York, the capital of the province, with the intention of uniting with the troops under general Dearborn, commander of the American land forces. The commodore immediately commenced debarking

the troops, under a heavy fire from the enemy. The corps of riflemen, under major Forsyth, landed first; and, after a warm conflict of an hour and a half, under cover of the fleet, the enemy retreated. As soon as the remaining troops had effected their landing, general Pike, who landed with them, placing himself at their head, ordered them to advance briskly up the sloping ground, on which the different batteries were erected. This order was executed with the greatest ardour; and the first battery carried at the point of the bayonet. They hardly halted here; but rushing impetuously forward towards the main works of the enemy, they were suddenly arrested by a tremendous explosion under their feet, of a magazine prepared for the purpose, by which 200 men were instantly slain, and terribly mangled, together with their gallant leader. Recovering from their momentary surprise, the troops again rushed on to the summit of the slope, where the last fortifications were placed, which general Sheaff and the regulars abandoned at their approach. Here the commanding officer of the Canadian militia agreed to terms of capitulation for the town; upon which the fortifications, and the capital of Upper Canada were surrendered to the arms of the United States. The loss of the Americans in this affair, was 269 in killed and wounded; while in killed, wounded, and prisoners, the enemy lost 930 men.

The standard taken on this day, at York, was delivered to the secretary of the navy, by the hands of lieutenant Dudley, together with the mace deposited in the parliament house, having the savage trophy of a human scalp suspended on the wall above it. These acts of barbarism, indeed, when alleged against their own countrymen, and the officers of their own army, can hardly obtain credit in Great Britain; so little are the people at large aware of the deterioration which manners often suffer, by being removed from the salutary influence of public opinion.

Commodore Chauncey, having on board 350 men, of colonel M'Comb's regiment of artillery, destined to co-operate in the contemplated attack on Fort George, a British post in the vicinity of Niagara, sailed on the 22d of May, 1813,

from Sackett's Harbour. He had ordered several small vessels, as transports, to precede him, which were filled with troops. After consulting with general Dearborn, and settling their plan, he employed the 26th in reconnoitring the place of landing, and the following night, in sounding along the shore. Having satisfied himself, with regard to the proper point, at which to effect his debarkation, he fixed on the 27th, for the transportation of the whole army from Niagara. The heavy artillery, and as many of the troops as possible, were taken on board the fleet; the rest were conveyed in boats. At three o'clock, the signal was made for weighing; and in the course of one hour, all the troops, with the generals Lewis, Chandler, Winder, and Boyd, were completely debarked; and before noon, the vessels respectively occupied the positions assigned to them. All the ships were ordered to anchor within musket shot of the shore; and so well were their guns directed, and with such energy were they supplied, that, shortly after they opened their fire, the whole of the enemy's lines were completely abandoned: but, in receding by a circuitous route, they concealed themselves in a capacious ravine, directly in front of their superior fortifications; from this situation rising on a sudden, they contested the landing of the troops with great vigour, and several times rushed forward to the attack with great impetuosity. The cool and steady courage of the Americans sustained and repelled the repeated charges of the enemy, who were compelled to seek refuge in the fort above. Here, also, the attack being urged with the same ardour; all their defences, after a short resistance, were abandoned, and taken possession of by the invaders. In this arduous conflict, the advance under colonels Scott and Forsyth, and the brigades of generals Boyd and Winder greatly distinguished themselves; for on them the severity of the action principally fell. One hundred and eight of the British regulars were slain; and two hundred and seventy-six were wounded, and taken prisoners. After the action, the captured Canadians, to the number of 507, were dismissed on their parole. The Americans had thirty-nine killed, and one hundred and eleven wounded.

A languid firing proceeded now and then from Fort Erie, throughout the following night, the object of which was not ascertained. Early in the morning, however, of the next day, all the British magazines in the neighbourhood of Erie were blown up by the troops of the garrison; and in the afternoon the Americans entered the fort. Captain Perry volunteered his services, on this occasion, to commodore Chauncey, and was seen every where throughout the fleet, acting a part worthy of his future distinction.

The enemy, to balance the loss of the capital of Upper Canada, and the forts George and Erie, resolved to set on foot an expedition, under the governor in chief of Canada, sir George Prevost, against Sackett's Harbour, the principal resort of the American fleet on lake Ontario. General Jacob Brown, of the New York militia, was selected for the command of the harbour. He had not been bred in camps, but was possessed of bravery and talents. The British troops, prepared for the occasion, proceeded in a numerous convoy of large horse-boats, under the protection of their gun-boats; and approaching behind two small islands in the vicinity of the harbour, they landed about 1200 men, driving before them a small body of militia, stationed near the shore to observe their movements. Scarcely had they completed their debarkation, when, suddenly, a large detachment of militia falling upon their rear, while colonel Backus with his regular troops attacked them in front, they were completely put to the rout; and the whole body, together with the governor, narrowly escaped being all captured. Sir James Lucas Yeo commanded the fleet, which saved them. In this action, the Americans had about 400 men of their regular army; and out of the whole number engaged, both regular and militia, they lost 150 men, lamenting principally the brave colonel Backus, mortally wounded. This hasty but decisive conflict left the great lake of Ontario to be contended for on nearly equal terms by commodore Chauncey, and sir James Lucas Yeo. They were constantly on the alert, each straining every nerve to obtain an advantage over the other, in the eager hope of accomplishing some splendid achievement.

In these efforts they wore away the following summer, without accomplishing any important enterprise, or attaining any other end than merely the display, on both sides, of their masterly skill in naval tactics.

Near the conclusion of the month of May, an event occurred, of considerable interest in the naval history of this country, and of Great Britain, on account of the reputation of the commanders engaged in it, and the importance which the latter nation seemed to attach to her success in the affair. Three British frigates, the *Tenedos*, the *Belle Poule*, and the *Shannon*, were cruising off the harbour of Boston, where captain Lawrence, whose reputation had been so much raised by the destruction of the *Peacock*, and who had been lately advanced, as a reward of his merit, to the command of the *Chesapeake* frigate, was held almost in a state of blockade. The British naval officers being deeply mortified at their frequent defeats on their own element, by a young nation whose name had hardly been known on the ocean, and their soreness on that subject' being recently increased by the splendid success of captain Lawrence, it was planned by the captains of those three frigates, to invite him out of the harbour, and to set against him the *Shannon*. She was one of the finest ships of that class, belonging to the British navy, and commanded by captain Broke, one of their best officers, who was justly held in the highest estimation. Every precaution was adopted to render success more certain to the champion of Britain. The *Tenedos*, and the *Belle Poule* actually furnished a chosen portion of their respective crews to the *Shannon* for this important rencontre. Lawrence, recently promoted to the command of his ship, no longer enjoyed the advantage of a crew accustomed to sail under his command, and united with him by the ties of mutual esteem and confidence. But, studiously invited to the combat, his nice sense of honour would not permit him to deliberate a moment about accepting the challenge, under all his disadvantages. He sailed from the harbour of Boston about noon, on the first of June; and so eager were the combatants, that they were not long in coming to close quarters. A hand grenade,

thrown from the Shannon, exploded in the arm chest of the Chesapeake, with disastrous effect. Captain Broke, with great promptitude, seized the moment of confusion and distress, and boarded the Chesapeake. A scene of horrible conflict and carnage ensued. Captain Lawrence had been mortally wounded early in the action, and carried below; every officer, qualified for the command, was either killed, or severely wounded, and of the crew one-third were disabled. The ship was overcome by superior numbers, and her colours were hauled down. The gallant captain Lawrence, at the last ebb of life, still exclaimed to those near him, "Don't give up the ship." Situated as he was, where he could not behold the dreadful carnage throughout the vessel, this cry, in a commander as humane as he was brave, could be considered only as the dying exclamation of a gallant spirit, excited in the highest degree by unexpected misfortune.

Victory had before so frequently and so long perched on the American standard, that the return of it to Great Britain, in this example, produced such a degree of exultation as demonstrated that she had now found an enemy against whom it was a glory to contend on vantage ground. In her naval conflicts with other nations, she hardly deigned more than a transient notice of any victory over a single ship, with, perhaps, a passing compliment to the officer by whom it was achieved. Nothing less than the capture of whole fleets any longer gratified her fastidious ambition of naval glory. On this occasion, her triumph seemed to elevate Broke to the level of her Howes, her Duncans, and her Nelsons. The honours heaped upon this captain of a frigate, might have adorned their first admirals. He was undoubtedly a brave man; but the precautions by which his victory was secured, demonstrated how much he respected his rival. It was certainly a high compliment to the naval skill and prowess of the United States, that no other commander of that class had ever before received such testimonies of the favour of the British government.

Captain Lawrence was interred at Halifax, among his enemies, with the public respect due to his rank in the navy, and to his character as an officer, equally distinguished for

his bravery and humanity. Every circumstance in the death, or obsequies of such a man becomes interesting to the sympathies of his countrymen, and deserves to be recorded with that minuteness which his merits claimed. Captain Crowninshield, a wealthy citizen of Salem, in Massachusetts, prompted by a benevolent and patriotic spirit, obtained from the government a flag of truce; and proceeding at his own expense to Halifax, solicited the bodies of captain Lawrence, and lieutenant Ludlow, and brought them in his own vessel to Salem, where every honour, which could evince the esteem and regret of their fellow-citizens was conferred upon them, by the inhabitants of that town. Here fraternal affection took up the ulterior duty of conveying their remains to the city of New York, to be finally consigned to the tomb. Arrangements were made by the municipality of that city, to express, by a public funeral, their grateful remembrance of the virtues and services of the deceased; and on no occasion, perhaps, has a more sincere and universal sympathy been displayed by the citizens. That patriotic corporation gave an additional testimony of its veneration of the memory of Lawrence, by appropriating out of its funds two thousand dollars for the support and education of his two surviving infant-children.

About the 1st of June, general Dearborn despatched brigadier-generals Chandler and Winder, with their brigades, in pursuit of the enemy who had been driven from Fort George on the 27th of May. It was understood that the British force, under general Vincent, occupied a position at the head of Burlington-bay; waiting reinforcements from Kingston, and expecting a junction with the army under general Proctor, who was reported to have left Malden. The British commander had, near Stoney Creek, made his arrangements to surprise his pursuers. Having obtained the counter-sign, for the night, by some treacherous means, about two hours before day, on the morning of the 6th of June, general Vincent entered the American camp without opposition, seized the artillery near the front of the line, and turned it upon his adversaries. The attack was so sudden and unexpected, that



it produced universal confusion through the camp. Brigadiers Chandler and Winder were made prisoners. Captain Towson, with a corps of light-artillery, posted in the rear of the American camp, as soon as he was enabled to discover the position of the enemy, opened upon him a well-directed fire, and threw him into great confusion. For the remainder of the engagement, both armies were so intermingled in broken detachments, that nothing like a regular conflict took place. A desultory warfare was kept up until towards the dawn, when the enemy drew off the field. There is no doubt, that general Vincent considered his army vanquished; for he seems to have fled for safety from the field. His horse, well caparisoned, was taken; and he himself was found, in the morning, almost famished, at a distance of four miles from the scene of action.

The British impliedly acknowledged defeat, by sending in a flag to obtain permission to bury their dead. They also sent to inquire the fate of general Vincent; supposing him either killed, or taken prisoner. The loss of the American army was, in the whole, 154; of whom seventeen were killed, thirty-eight wounded, and ninety-nine missing. Besides the killed and wounded of the enemy, left on the field, between seventy and eighty were made prisoners. Early in the morning after the action, the American army retreated ten miles, and was joined by major-general Lewis. The army was put in motion, on its return to Fort George, according to the order of general Dearborn. The prisoners, camp equipage, and all the baggage of the officers, were embarked in boats, to be transported by water. After they had put off, and progressed about three miles, an armed schooner, from the squadron under sir James L. Yeo, who had ascended the lake to co-operate with general Vincent, pursued them. The officer and guard, having charge of the boats laden with the camp equipage and baggage, pulled for the shore, and deserted them. In consequence twelve were taken. The other division, under adjutant Francis D. Cummins, having charge of the prisoners, rowed to a promontory, which they doubled before night. Perceiving, as they passed the point, that they

would inevitably be overtaken, if they inclined to the shore; under cover of the night, they put out on the lake, and suffered the schooner to pass them; her commander supposing that the boats would, of course, keep close to the shore. The schooner passed down in sight of Fort George; and scarcely disappeared, before the boats, with all the prisoners, came up behind her, and arrived in safety, after a perilous voyage.

Shortly after the return of the army to Fort George, general Dearborn, from indisposition, resigned the command of the military district to general Lewis, who then undertook to direct the operations of the army in Canada. Various desultory skirmishes between reconnoitring parties of the enemy, and the American picquet-guards, took place daily, until the 23d of June. On the evening of that day, lieutenant-colonel Bærstler, with 570 men, was ordered by general Dearborn, who had resumed the command at Fort George, to the Beaver Dams, to attack and disperse a body of the enemy collected there for the purpose of procuring provisions. In the morning of the 24th, Bærstler was attacked from an ambuscade; but soon drove the enemy. He then retired a short distance, and sent back for a reinforcement. Three hundred men, under colonel Chrystie, were despatched to his relief: but on arriving at Queenstown, they learned, that Bærstler had surrendered. The officer who commanded the British and Indians, opposed to Bærstler, obtained his surrender by a stratagem. He impressed him with an idea that a superior force, of regulars and Indians, surrounded him; and that the savages could not be restrained from acts of cruelty, if the Americans fell into their hands. Bærstler was thus induced to surrender to a force which was really inferior to his own.

On the 17th of June, the enemy attacked, as usual, the outposts of the American army, with about 200 regulars, and a number of Indians. Detachments were immediately ordered out to the support of the pickets. After a contest of one hour, occasionally severe, the enemy was dispersed. In this affair, colonel Scott, majors Cumming, and Armstrong, and captains Vandeusen, Birdsall, Towson, and Madison, behaved

with great gallantry. The Americans were commanded by colonel Winfield Scott.

An exploit of major Chapin, with a small body of men, who had been taken prisoners with lieutenant-colonel Børstler, is well worthy of a particular detail. They had been detained as prisoners, at the head of the lake; and instead of being admitted to their parole, agreeably to their capitulation, the major, with twenty-eight men, was ordered down to the British post at Kingston, under the guard of an officer and sixteen men. They proceeded with tranquillity the first day, till they made themselves perfectly acquainted with their situation. On the second, at a concerted signal, they suddenly sprung upon their guard, disarmed them, and put the vessel about for Fort George, where, after rowing hard all night, and being closely pursued by the enemy, they arrived in safety, with their guard as prisoners.

The month of July was chiefly consumed in a series of expeditions, and rencontres of small parties, which had no important effect on the ultimate object of the war; and the details of which would little instruct, or interest the public, though they often contributed to the display of individual courage, and were useful to the young soldier, chiefly by rendering him familiar with danger. One event merits more particular notice on account of its influence on the general operations of the war in the two Canadas. It was the declaration of hostilities, by the Six Nations, Mohawks, Oneidas, Onondagoes, Senecas, Cayugas, and Tuscororas, against the provinces of Upper and Lower Canada. The employment, by the British government, of the savages, whose modes of warfare are not so much the objects of terror, as of horror, rendered it expedient for the Americans to incorporate in their armies, the same kind of force, in order to counteract the habitual stratagems of the savages, and defeat their insidious hostilities. It formed a fair and candid apology for this procrastinated alliance. But with the characteristic mildness of American manners, they provided, by a solemn treaty, against the exercise of their cruelties in war. The

warriors of the Six Nations bound themselves by a special covenant to abstain from that barbarity towards the wounded and the dead, so congenial with their national habits, and so revolting to our civilized ideas. Of the influence of a cultivated people, whose manners and religion the savages respect, to induce them to resign their inhuman treatment of their prisoners, major Chapin gave an instructive example, immediately after uniting his force with the warriors of the Six Nations. A corps composed of volunteer militia, and of these Indians, had completely put to the rout a party of the enemy in the vicinity of Fort George. In a council held before the conflict, for all things among them must be done by common consent, the Indians, by his advice, agreed among themselves, besides the obligation of their general treaty, which they recognized, that no one should scalp, or tomahawk prisoners, or employ towards them any species of savage inhumanity. Accordingly, after the battle, sixteen wounded captives were committed solely to their management; when, governed by a sacred regard to their covenant, and the benevolent advice of their commander, they exhibited as great magnanimity towards their fallen enemy, as they had shown bravery against their warring foe in battle. This example completely explodes the apology set up by British officers, *that they could not control their allies.*

About the beginning of August, general Harrison received undoubted intelligence of the British and Indians being in great force in the vicinity of forts Meigs and Stephenson: and he prepared, in consequence, for a vigorous defence of the former, which was ostensibly their principal object. Declining, however, to make an immediate attack upon that fortification, which was well provided to meet or repel the siege of such an enemy; they made several feints to deceive, and surprise the garrison, or to withdraw their attention from the real object of general Proctor, which was to capture fort Stephenson as a preliminary step to the siege of Fort Meigs. A large body of savages, under the direction of the noted Tecumseh, appeared for several days, at a convenient distance, to keep up the alarm of the garri-

son by a threatening aspect, and occasionally by false attacks. In one of these artifices, the Indians at a distance somewhat further removed, presented to the ear, by an incessant firing, the report of a warm engagement, with the force under general Harrison, apparently with the intention of inducing the garrison to leave their works, for the purpose of rescuing their commander from danger. But finding they were not to be deceived by these artifices, they directed their movements chiefly to draw off the attention of the commanders of both forts from their designs, while colonel Dixon with 700 Indians, under the immediate command of their own chiefs, and general Proctor, at the head of 500 British regular troops, were making gradual approaches to invest Fort Stephenson, and cut off a retreat. Though the most active exertions were employed to receive the enemy; yet so many obstacles presented themselves to prevent or retard the entire equipment of this post, to sustain the imminent dangers which menaced it, that general Harrison, not confiding in its security, gave orders to major Croghan, a young officer of only twenty-one years of age, who had been raised to the command, for the distinguished proofs of courage and intelligence which he had formerly displayed in the defence of Fort Meigs, to abandon it after destroying all the public property, as soon as the enemy should appear in force before it. The major, confident in the resources of his situation and of his mind, undertook the high responsibility of disobeying the orders of his superior officer, and determined to defend the fort. Tecumseh, who withdrew from the position he had occupied in the neighbourhood of Fort Meigs, with the extraordinary force of two thousand Indian warriors, took post so as to favour the approaches and attack of Proctor and Dixon upon Fort Stephenson. Croghan made the best preparations in his power for a strenuous defence, with a garrison of no more than one hundred and sixty: but they were brave men, animated by his example. He first cut a board and deep ditch, and encompassed the fort with a strong stockade. The ditch the enemy

would be obliged to pass, before they reached his pickets, through the top of each of which, a bayonet was driven in a horizontal direction. Behind the whole, a small piece of artillery was placed, in a block-house, masqued, and directly opposite to a ravine, along which the enemy would naturally advance to the assault. The British general, having completed the investment of the place, and made all his preparatory dispositions for the attack, first endeavoured to obtain possession by address. He sent a flag, accompanied by colonel Elliot, an American by birth, and possessed of a peculiar softness and placidity of manner, which eminently favoured his first access. He was attended by a stout and haughty Indian chief. Elliot attempted by many bland and insinuating offers, to seduce the officer, who met him from Croghan. This conduct so incensed the American, that, in the midst of his negotiation, he turned from his apostate countryman, with the utmost indignation and disdain. The irritated chief, unable to bridle his rude passions, seized the American officer, and made a violent attempt to disarm him. The attempt, however, was instantly checked by colonel Elliot: but Croghan, distrusting the intention of the flag, immediately recalled his messenger to the garrison. A warm fire was then opened on the fort, from all the gun-boats, stationed along the river, and continued during the whole day, and the succeeding night. Shells were thrown into it, from a five and half-inch mortar; the effect of which was increased by the incessant play of many smaller pieces of ordnance. General Proctor, finding, after a long time, that he had made little impression on the works, and believing, that he had no means of carrying them by storm, unless he could accomplish a breach at a particular angle of the fort, directed all his guns to be made to bear upon that point. Then was seen an active and emulous struggle, between one party trying to destroy, and the other endeavouring to preserve the fort. At length by means of bags of sand, and even of flour, the angle beleaguered was rendered sufficiently secure. Proctor ordered colonel Short to lead up a column

of 350 chosen veterans against it, while another column should attempt to draw the attention of the garrison by an attack in the opposite direction. The artifice did not succeed. Major Croghan, believing that he had sufficiently provided for the safety of that point, ordered his men at the angle which was the object of nearly all the efforts of the enemy, to remain firm at their posts, and not to be diverted by the feint. The real attack was now advancing against that point, where the enemy supposed that a partial breach had been effected. At this moment, a tremendous fire was opened upon the advancing column, which checked their approach, and threw them into a momentary confusion. Colonel Short rushing forward, called on all, who had courage, to follow him. He overleaped the picquets, and fell headlong into the ditch. This rash conduct was accompanied by a hideous vociferation. He shouted, "no quarters to the Americans;" and indulged in the use of the most contemptuous epithets. Thus he hoped to gain access into the fortress, and by the fury of the assault, to discourage all opposition. Of eighty men, who leaped with him into the ditch, sixty were, almost at once, killed or severely wounded. The rest surrendered themselves prisoners, praying mercy of the victors. Short himself was among the slain. In the meanwhile, the masqued piece of artillery which pointed along the ravine, up which the enemy, in this moment of confusion, were ardently pressing, opened upon the assailants, doubly charged with leaden slugs and balls, which mowed them down with prodigious slaughter. Notwithstanding their losses, the enemy hovered about the fort, and kept up a languid fire for some time after dark. The cries of the wounded, and the dying, in the ditch and ravine, filled the garrison with commiseration, and induced them at great hazard, to administer such relief, as their situation enabled them to afford.

Proctor, in dismay, abandoned all his wounded fellow-soldiers, and the dead bodies of some of his principal officers, to the generosity of major Croghan, and fled for safety.

After this signal repulse, an extreme panic affected the British and savage forces. The Indians dispersed into the surrounding woods, to conceal themselves; and the British retreated to their boats. The savages, after their dispersion, saw with deep regret, the pillage of two fortresses pass out of their hands; and, to their still greater chagrin, their wonted thirst of blood was unsatisfied. The loss of the garrison was very inconsiderable.

This brilliant affair procured for the commandant, the officers, and the troops, universal applause. Major Croghan was created by brevet lieutenant-colonel, in the army of the United States. The ladies of Chillicothe accounted it an honour, to have the opportunity of presenting him a sword worthy of the hero, and the splendour of his late action. His brother officers, captain Hunter, lieutenants Johnson, Baylor, Meeks and Anthony, with ensigns Ship and Duncan, likewise deserved, and received a high degree of applause for their gallantry and skill.

General Harrison, though possessing the most favourable sentiments of the courage and talents of the young and gallant Croghan, received, with the utmost surprise, and with the highest pleasure, the intelligence of the repulse and flight of the combined force of the British and Indians before Fort Stephenson. It completely released the frontier to the south of the strait at Detroit, from its most troublesome enemy. The mortification of the Indians, in consequence of their disappointments, both at this place and Fort Meigs, was so great that they were on the point of renouncing their alliance with the British government.



## CHAPTER XLVIII.

*Defeat and Capture of the British squadron on Lake Erie, by  
Commodore Perry, September 10th, 1813.*

GENERAL HARRISON was now occupied in collecting and organizing his detachments; receiving and training reinforcements; and making arrangements to transfer his troops into the enemy's territory, as soon as the squadron, in preparation at Erie, should be in readiness to take the lake, and afford him the facilities of transportation.

Commodore Oliver H. Perry sailed from Erie, where he had, in a few months, from the trees of the neighbouring forests, constructed a squadron of vessels, to oppose that of the enemy, which had rode triumphant on the lake, from the commencement of the war. The squadron, with which the commodore sailed, carried in the whole fifty-six guns; which were distributed as follows:

Brigs,	Lawrence, (flag ship)	30	guns.
	Niagara,	20	do.
	Caledonia,	3	do.
Schooners,	Ariel,	4	do.
	Scorpion,	2	do.
	Somers,	2	do. and 2 swivels.
	Tigress,	1	do.
Sloops,	Trippe,	1	do.
	Porcupine,	1	do.

The enemy's squadron was commanded by commodore Barclay. It carried, in the whole, sixty-nine guns; which were distributed thus:

Ships,	Detroit, (flag ship)	19	guns, and 2 howitzers.
	Queen Charlotte,	17	do. 1 do.
Schooners,	Lady Prevost,	13	do. 1 do.
	Chippewa,	1	do.
Brig,	Hunter,	10	do. 2 swivels.
Sloop,	Little Belt,	3	do.

Commodore Perry's squadron exceeded the British in the number of vessels: but commodore Barclay had the more important advantage in the number of men, and the size of his vessels.

The British squadron proceeded from Amherstburgh, about the same time that the American sailed from Erie. A few leagues only separated them.

Eager, as both were, for the combat, they were not long in coming to close quarters. On the 10th of September, commodore Barclay, with his squadron, appeared in sight of Put-in-bay, where commodore Perry lay at anchor, and bore down upon his antagonist, with a fair wind. The American squadron got under weigh, and was soon met by the *Detroit*, and the *Queen Charlotte*. They attacked the *Lawrence*, which, by the chance of the wind, was considerably ahead of her companions. They poured upon her their whole fire for ten minutes, without the possibility of her receiving any aid. The wind afterwards became more favourable; but was too light to bring up the most distant of the American vessels, to participate in the conflict; so that, for two hours, the *Lawrence* alone supported the fire of the ships which attacked her. She suffered extremely in the loss of men; and was reduced almost to a sinking condition. Her rigging was entirely shot away, her guns dismantled, twenty-two of her men killed, and sixty-one wounded. She had, however, returned a terrible vengeance on her assailants. About this critical juncture, the wind freshened, and was bringing up the *Niagara* into the action; and all the smaller vessels were pressing forward, at different distances in her rear. The gallant resolution, in an instant occurred to the commodore, to commit the *Lawrence* to lieutenant Yarnell, and shift his flag to the *Niagara*. He immediately descended into a boat, and ordered his oarsmen to convey him to that vessel, to which he proceeded through a shower of cannon balls and bullets, waving his sword on high as he passed along, to encourage his men. As he boarded the *Niagara*, he saw the flag of the *Lawrence* come down: but in a few minutes, it was again hoisted by lieutenant Yarnell. The wind continuing favoura-

ble, the whole fleet was enabled to come into action. The commodore resolved with his ship to pierce the centre of his enemy's line. As he passed within half pistol shot of the *Detroit*, *Queen Charlotte* and *Lady Prevost*, on the one side, the *Chippewa* and *Little Belt* on the other, he poured into each a most galling and destructive fire. The crew of the *Lady Prevost*, unable to stand its effect, deserted her decks. At this moment one of the guns of the *Ariel* bursted; which further lessened the force of commodore Perry. But this dubious aspect of the battle soon changed. From the shattered and unmanageable condition of the British squadron, their two principal ships were unable to avoid running foul of each other. Advantage was taken of the event by the American commodore. Before they could clear themselves, they were assailed by the least injured vessels of the American squadron. The *Detroit* was soon obliged to strike her colours: and the *Queen Charlotte*, the *Lady Prevost*, the *Hunter* and the *Chippewa*, speedily followed her example. In short, the whole fleet surrendered to the American squadron, except the *Little Belt*; which made an ineffectual effort to escape. She was pursued about a league by two gun-boats, and brought back to complete the triumph of the United States.

Commodore Perry, duly estimating the great importance of his victory to the ulterior operations of the army, and, at the same time, willing to remove without delay the very great anxiety, that pressed on the whole community, about the fate of his squadron, despatched, at 4 o'clock, P. M. two handsome bulletins, one to general Harrison, the other to the secretary of the navy; announcing the result to the former in the following words:

“DEAR GENERAL,

“We have met the enemy; and they are ours. Two ships, two brigs, one schooner, and one sloop! Yours, with great respect and esteem.

“O. H. PERRY.”

And to the secretary of the navy, his letter ran thus :

“SIR—It has pleased the Almighty to give to the arms of the United States a signal victory over their enemies on this lake. The British squadron, consisting of two ships, two brigs, one schooner, and one sloop, have this moment surrendered to the force under my command, after a smart conflict. I have the honour to be, sir, very respectfully, your obedient servant.

“O. H. PERRY.”

The crews of the British vessels at the commencement of the action exceeded those of the American one hundred : and at the close, the prisoners greatly exceeded the number of the captors. As might be expected in such an engagement, many brave men fell on both sides. On board the American squadron twenty-seven were killed, and ninety-six wounded. Among the slain, were Lieut. Brooks, of the marines, and midshipman Laub, of the *Lawrence*, and midshipman Clarke, of the *Scorpion*. Of the wounded, were lieutenants Yarnell, Forest, and Edwards, purser Hamilton, midshipmen Claxton, since dead, Swartwout and Cummings, and sailing-master Taylor. The killed and wounded of the enemy were not ascertained : but Commodore Perry believed them to have been greater than those of the Americans. The captain and first lieutenant of the *Queen Charlotte*, and first lieutenant of the *Detroit*, were killed. Commodore Barclay and the commander of the *Lady Prevost*, were severely wounded.

Commodore Perry represented the conduct of his officers and men, as being in every respect exemplary. Indeed, the issue of the battle speaks their highest eulogium. The brave captain Elliot, who had distinguished himself by the capture of the *Detroit* and *Caledonia*, on the *Niagara*, was second to Perry in command, and displayed his characteristic intrepidity and judgment. Commodore Barclay fought his squadron with unquestionable energy and bravery, and displayed a high degree of nautical skill. He lost the victory by the superior gunnery of his antagonists. The rigging of the American squadron was very much injured : but, the hulls of the

British were almost beat to splinters. Commodore Perry, while bestowing his kind attentions upon his own wounded, did not forget the claims of his vanquished and bleeding enemies. He administered to the wounded Barclay, all the relief which humanity could suggest.

Notwithstanding the victory was principally due to the bold and daring decision of shifting his flag to the Niagara, he modestly ascribed his success, to the blessing of the Almighty, to the gallantry of his officers, and to the fidelity of his men.

In communicating to the two houses of congress, the events of the 10th of September, 1813, the president stated: "On Lake Erie, the squadron, under the command of captain Perry, having met the British squadron, of superior force, a sanguinary conflict ended in the capture of the enemy's whole squadron. The conduct of that officer, adroit as it was daring, and which was so well seconded by his comrades, justly entitles them to the admiration and gratitude of their country; and will fill an early page in its naval annals, with a victory never surpassed in lustre, however much it may be in magnitude."

The immediate effects of Perry's success, were the transfer of the north western army into the territory of the enemy, the flight and defeat of general Proctor's army and its allies; and the dispersion of the confederated Indian tribes. The effects of these events were the rescue of the inhabitants of Michigan from their oppression, aggravated by gross infractions of the capitulation, which subjected them to a foreign government; the alienation of the savages from the enemy, by whom they were disappointed and abandoned; and the relief of an extensive region of country from a merciless warfare, which desolated its frontiers, and imposed on its citizens, the most harassing services.

Independent of the immediate and important results of the conflict on the lake, the nation had in it a deep stake, so far as its naval reputation was concerned, It was the first contest of the kind, in which the United States were a party. The Constitution had sunk the *Guerriere* and *Java*, and the

United States had captured the Macedonian; events which, with the victories over the Frolic and Peacock, had amply demonstrated, that an American was adequate to meet, in single combat, a British ship of equal force: but to commodore Perry it was reserved to demonstrate, that a multiplication of vessels would not, and did not diminish the chances of success. The issue between the belligerents, on this occasion, received an impressive and memorable decision; not characterised by accident, or what might be called good fortune: but by a masterly precision and fitness in the disposition and combination of force, and the application of nautical science. Whatever of good fortune presided over it, was on the side of the British squadron; and under its auspices, at one moment, commodore Barclay had good reason to expect the award of victory in his favour: but to the advantages of superior force, greater numbers, and previous discipline, commodore Perry opposed energy, patriotism, valour, and enterprise. The verdict was signally in his favour. The palm was decreed to the arms of the United States.

The ocean is the usual scene of naval conflict: but Perry and Barclay met on the bosom of Erie. Over its waves their two governments claimed common jurisdiction in time of peace; and in war each aspired to its exclusive exercise. The commanders built and equipped their respective squadrons. Barclay had the advantage of time in the beginning, and the advantage of force, when the contest ceased to be a competition of artizans. He eagerly sought his rival, as early as informed of his departure from Erie, with full confidence in his advantages. His vessels had been trimmed, and his men seasoned, in a previous cruise around the lake: an advantage professional men would consider almost a guarantee of victory, against a squadron of equal force just out of port. But the mind of commodore Perry overlooked the whole with a steady regard to the consequences; and, in the greatest extremity enabled him so to combine manœuvre with force, as to wrest success from his opponent. No one can doubt that the issue of the memorable contest, is to be ascribed to

the superior abilities of the American commander, and the skill and valour of his comrades.

The following resolutions were passed by both houses of congress, and approved by the president :

*“ Resolved, by the Senate and House of Representatives of the United States of America in congress assembled, that the thanks of congress be, and the same are hereby presented to captain Oliver H. Perry, and through him to the officers, petty officers, seamen, marines, and infantry acting as such, attached to the squadron under his command, for the decisive and glorious victory gained on Lake Eric, on the tenth of September, eighteen hundred and thirteen, over a British squadron of superior force.*

*“ Resolved, that the president of the United States be requested to cause gold medals to be struck, emblematical of the action between the two squadrons, and to present them to captain Perry, and captain Jesse D. Elliott, in such a manner as will be most honourable to them; and that the president be further requested to present a silver medal, with suitable emblems and devices, to each of the commissioned officers, either of the navy or army, serving on board, and a sword to each of the midshipmen and sailing-masters, who so nobly distinguished themselves on that memorable day.*

*“ Resolved, that the president of the United States be requested to present a silver medal, with like emblems and devices, to the nearest male relative of Lieut. John Brooks, of the marines; and a sword to the nearest male relatives of midshipmen Henry Laub, and Thomas Claxton, Junr. and to communicate to them the deep regret which congress feel for the loss of those gallant men, whose names ought to live in the recollection and affection of a grateful country, and whose conduct ought to be recorded as an example to future generations.*

*“ Resolved, that three months pay be allowed, exclusively of the common allowance, to all the petty officers, seamen, marines, and infantry serving as such, who so gloriously supported the honour of the American flag, under the orders of their gallant commander, on that signal occasion.”*

In addition to the preceding resolutions in favour of commodore Perry, and his brave associates, congress awarded a substantial pecuniary munificence for their services. An act was subsequently passed, authorising the president to purchase the British vessels captured on Lake Erie, by the American squadron; and the sum of two hundred and fifty-five thousand dollars, in payment of the same, was appropriated, and directed to be distributed as prize money among the captors, or their heirs. While this act was on its passage in the senate, it appeared that commodore Chauncey was considered the naval commander on the "Lake station," and entitled to a share of the prize money according to his rank, and according to the usage of the navy in such cases: but on motion of the hon. Rufus King, of the senate, a section was inserted, which gave to captain Perry in addition to his rightful share of the prize money, as commander of the ship *Lawrence*, the sum of FIVE THOUSAND DOLLARS; which sum was accordingly appropriated and paid.

In bestowing a vote of thanks, on the brave heroes of Lake Erie, and in compensating their patriotic services, congress acted in consonance with the feelings and sentiments of the whole American people.



## CHAPTER XLIX.

*General Harrison's army landed at Amherstburgh; Pursues the British army; Battle of the Moravian town; General Harrison returns to Detroit; Expedition to Michilimackinac; General Wilkinson descends the St. Lawrence; Battle of Williamsburgh, &c.*

GENERAL HARRISON, with all his forces, regulars, volunteers, and militia, was conveyed by the squadron, under commodore Perry, and boats constructed for the purpose, across lake Erie; and landed, on the 23d of September, 1813, about three miles below Amherstburgh, without opposition. In one hour afterwards, he took possession of the town. General Proctor had abandoned the place, having previously burned the fort, navy-yard, barracks, and public store-houses, and retired to Sandwich. Thither general Harrison pursued him. On the approach of the American army, Proctor retired with all his force, and took a position on the Thames, about fifty-six miles from Detroit. Placing general M<sup>c</sup>Arthur with a strong guard at Detroit, and leaving general Cass's brigade at Sandwich, with orders to follow, as soon as they could be equipped, general Harrison, with the remainder of his force, on the 2d of October, took up the line of march, with a determination of overtaking the British army. In the meantime, five nations of Indians who had been associated with the enemy, the Ottoways, Chippeways, Pottewattimies, Miamies, and Kickapoos, came into Detroit, and sued for peace with the United States. General M<sup>c</sup>Arthur made an agreement with them, by which it was stipulated, that, for the present, all hostilities should cease. They engaged "to take hold of the same tomahawk, and strike all who were, or should become, enemies to the United States, whether British or Indians."

On arriving at Dalson's, on the Thames, where general Harrison had expected to find the British army posted, it was ascertained that general Proctor had changed his posi-

tion. He was still pursued, and the chase soon became highly interesting. The British, in their retreat, set fire to houses, in which large quantities of military stores had been deposited: and the Americans, in several instances, came up in time to extinguish the flames, and saved, for themselves, a considerable supply of many important and useful appendages to their equipment; among which were two twenty-four pounders, with their carriages, a number of muskets, and a considerable quantity of balls and shells of various sizes.

Early on the morning of the 5th, the enemy supposed not to be far distant, general Harrison made a rapid march with colonel Johnson's mounted riflemen, with a view of hanging on his rear, and retarding his progress until governor Shelby should come up with the infantry. The governor's zeal and the eagerness of his men induced them to follow with such expedition, that they kept close in the rear of the mounted men. Before 9 o'clock, the advance captured, at Arnold's mills, two gun-boats and several batteaux loaded with provisions and ammunition. This proved a most fortunate circumstance in the pursuit. The batteaux were used in transporting the troops over the river, without which much time would have been wasted by a circuitous march. In three hours the whole army was enabled to pass a difficult and bold stream. Advancing eight miles further, general Harrison arrived on the ground, where part of the British army had encamped the preceding night. A reconnoitring party was detached from Johnson's mounted regiment, to observe the enemy, and communicate such intelligence as they could procure. The reconnoitring officer soon reported that he was stopped by the enemy, formed across the line on which the American army was marching, near to the Moravian town. General Harrison having arrayed his troops in order of battle, pressed forward to the attack. The British lines were charged by Johnson's horse, with great impetuosity, and broken. The horse having formed again, in the rear of the enemy, were proceeding at full speed to repeat the charge, when the British officers, seeing no possibility of reducing their disordered ranks into a condition to receive it, immediately surrendered. Three Americans only were wounded in this charge.

On the left, however, the contest with the Indians was more severe. Here indeed was the battle. Colonel Johnson, who commanded on that flank of his regiment, received a most galling fire; which was returned with prodigious effect. About this juncture, a body of Indians on the right, fell with great fury upon the front infantry line, and for a moment made an impression upon it. His excellency governor Shelby advanced a regiment to its support; and part of the mounted regiment, at the same moment, falling on the rear of the savages, they were completely routed. Their flight now became general; and many of them were cut down by the pursuing cavalry.

General Harrison, in his official report of the events of this day, gave a full detail of the conduct and services of his officers and auxiliaries. Among them were many high and respectable civil officers, of the western states, who had taken the field, under general Harrison, to make a grand effort to free themselves and their fellow citizens, from the merciless warfare, to which they had been subjected, since the 16th of August, 1812. At their head stands the name of Isaac Shelby, governor of Kentucky, in the sixty-sixth year of his age: who had acquired high reputation through the revolutionary war; and was engaged as a colonel in the battle on King's mountain, when Ferguson was killed, and his army taken prisoners.

No description of his services and his example, at the battle of the Moravian town, could be more impressive than general Harrison's. In his report to the secretary of war, he said: "In communicating to the president, through you, sir, my opinion of the conduct of the officers, who served under my command, I am at a loss how to mention that of governor Shelby; being convinced that no eulogium of mine can reach his merit. The governor of an independent state, greatly my superior in years, in experience, and military character, placed himself under my command, and was not more remarkable for his zeal and activity, than for the promptitude and cheerfulness with which he obeyed my orders."

There were in the engagement, volunteers from the state of

Kentucky, major-generals Henry and Desha, the latter a member of congress; brigadiers Allen, Caldwell, King, Childs, and Trotter; and colonels Richard M. Johnson, a member of congress, M'Dowell and Walker. General Adair, formerly a senator in congress, was in the field, as aide-de-camp to governor Shelby. His military skill was acknowledged by the commanding general, to be of great benefit to the army. The brave commodore Perry accompanied general Harrison, and was again prodigal of the heroism, he had so nobly displayed upon the lake.

General Proctor saved himself by flight. A great part of his baggage, with his official letters and papers, were taken. The British prisoners, including officers, amounted to six hundred and one. Tecumseh, the leader of the Indians, in this and all the most important battles where they took part, was killed; and it has been reported and is generally believed, that he fell in a personal rencontre with colonel Johnson. The warriors under Tecumseh formed by far the strongest wing of the enemy's line, and supported the contest with more determined courage than was exhibited by their allies. An unusual number of their slain were left on the ground; victims of their folly, and devotion to war. It was remarkable in this action, that they withstood, for a long time, the repeated shocks of Johnson's mounted riflemen. In general, they dread cavalry. On the other hand, the British infantry, famed for their resistance of cavalry, were so dispirited and, indeed, panic-struck, by the first assault of the singularly accoutred horsemen, who precipitated themselves upon them, that they exhibited a discouraging example to their red allies.

The success of general Harrison over the British troops and the Indians, together with the consequences which were likely to follow, highly exasperated sir George Prevost, governor-general of Canada. In his general orders, issued at Montreal, on the 24th of Nov. 1813, with a single sweep of his pen, he recalled all the honours he had heretofore heaped upon the right wing of the British army. A few months previously, Proctor had been promoted and complimented, in the

same general orders with Roundhead, for his exploits achieved at the river Raisin. He experienced a sad reverse not only in the field, but in the opinion of the governor, as the following extract will show :

“ His excellency the commander of the forces has received an official report from major-general Proctor, of the affair which took place on the 5th of October, near the Moravian village : and he has in vain sought in it, for grounds to palliate the report made to his excellency by staff adjutant Reiffenstein, upon which the general order of the 18th of October was founded. On the contrary, that statement remains unconfirmed in all the principal events, which marked that disgraceful day. The precipitancy, with which the staff adjutant retreated from the field of action, prevented his ascertaining the loss sustained by the division on that occasion. It also led him most grossly to exaggerate the enemy's force, and to misrepresent the conduct of the Indian warriors, who, instead of retreating towards Machedash, as he had stated, gallantly maintained the conflict, under their brave chief, Tecumseh ; and in their turn harassed the American army on its retreat to Detroit.

“ The subjoined return states the loss the right division has sustained, in the action of the fleet on Lake Erie, on the 10th of September, and in the affair of the 5th of October, near the Moravian village. In the latter but very few appear to have been rescued by an honourable death, from the ignominy of passing under the American yoke ; nor are there many, whose wounds plead in mitigation of this reproach. The right division appears to have been incumbered with an unmanageable load of unnecessary and forbidden private baggage : while the requisite arrangements for the expeditious and certain conveyance of the ammunition and provisions, the sole objects worthy of consideration, appear to have been totally neglected ; as well as all those ordinary measures, resorted to, by officers of intelligence, to retard and impede the advance of a pursuing enemy. The result affords but too fatal a proof of this unjustifiable neglect. The right division had quitted Sandwich on its retreat, on the 26th of September, having

had ample time for every previous arrangement; on the 2d of October following, the enemy pursued by the same route, and on the 4th succeeded in capturing all the stores of the division; and on the following day attacked and defeated it almost without a struggle.

“ With heartfelt pride and satisfaction, the commander of the forces had lavished, on the right division of the army, that tribute of praise which was so justly due to its former gallantry, and steady discipline. It is with poignant grief and mortification, that he now beholds its well-earned laurels tarnished, and its conduct calling loudly for reproach and censure.

“ The commander of the forces appeals to the genuine feelings of the British soldier, from whom he neither conceals the extent of the loss the army has suffered, nor the far more to be lamented injury it has sustained in its wounded honour; confident that but one sentiment will animate every breast, and that, zealous to wash out the stain, which by a most extraordinary and unaccountable infatuation, has fallen on a formerly deserving portion of the army, all will vie to emulate the glorious achievement recently performed, by a small but highly-spirited and well-disciplined division, led by officers possessed of enterprise, intelligence and gallantry, nobly evincing what British soldiers can perform, when susceptible of no fear, but that of failing in the discharge of their duty.”

Gen. Harrison returned to Detroit with his army, prisoners, and other evidences of victory. The arms of the United States had now recovered all the losses of the campaign of 1812, with the exception of Michilimackinac; subdued and dispersed the Indians; and completely conquered that part of Upper Canada, which lies north-west of the Niagara. While the volunteers of Kentucky, many of whom had lost relations and friends, by the hands of the Indians, in the service of Great Britain, were traversing the country about Malden, Amherstburgh, and Sandwich, they could not fail to remember their heavy privations. Had they not been as humane as brave,

they would not have refrained from avenging the barbarities at the river Raisin, committed under the eyes of the very men who were now their prisoners: but history can record to their honour, that not merely professing to be a Christian people, they gave a high example of Christian virtues. For evil they returned not evil. For cruelty they returned mercy and protection. They passed through Amherstburgh, where major Madison and his unfortunate comrades, contrary to the stipulations of their capitulation, were stripped of their clothes, spoiled of their money, and deprived of their side arms; yet they did harm neither to the persons nor property of the citizens or soldiers. Amherstburgh had long been known to be the depot of the presents bestowed on the Indians by the British government, and often the reward of their most barbarous deeds. Here also were collected the spoils of their warriors, made in their incursions into the territories of the United States, and afterwards purchased by the inhabitants of the town, or placed under their protection. At the same time, it could not but occur to the recollection of the victors, that a great part of the outrages of the savages, which were so frequently lamented in America, had originated in the open and secret encouragement given them by the British traders in their peltries and merchandises. Yet disdain- ing to follow the example set by the enemy, these brave men held individual property sacred, and inviolably protected the persons of the inhabitants. Even the houses, grounds, and other property of colonel Elliot, the most active agent in those scenes of horrid barbarity, were protected from the smallest molestation.

As doubts may be entertained of the correctness of the statements of cruelties exercised by the enemy upon American prisoners, and of the very great contrast between their treatment, and that of the prisoners taken by the United States, it cannot be improper to present an extract from a letter of general Harrison to general Vincent, after the decisive battle of the Moravian town, and written with that degree of candour and dignity of sentiment, which became an

officer of his high standing. General Proctor had asked his humane attention to the officers who had been taken prisoners.

“ With respect,” says general Harrison, “ to the subject of general Proctor’s letter, those which I have the honour to enclose you, from the British officers, who were taken on the 5th ultimo, to their friends, and the report of Mr. Le Breton, will satisfy you, that no indulgence which humanity could claim in their favour, or the usages of war sanction, has been withheld. In making this statement, I wish it, however, to be distinctly understood, that my conduct with regard to the prisoners, and the property taken, has been dictated solely by motives of humanity, and not by a belief that it could be claimed upon the score of reciprocity of treatment towards the American prisoners, who have fallen into the hands of general Proctor. The unhappy descriptions of persons who have escaped from the tomahawk of the savages, in the employment of the British government, who fought under the immediate orders of that officer, have suffered all the indignities and deprivations which human nature is capable of supporting. But I am far from believing that the conduct of general Proctor has been thought an example worthy of imitation by the greater part of the British officers.” Again, after reciting instances of cruelty, committed under the eyes of Proctor, which make the blood run cold, general Harrison proceeds: “ I have never heard a single excuse for the employment of the savages, by your government, unless we can credit the story of some British officer, who dared to assert, that *“ as we had employed the Kentuckians, you had a right to make use of the Indians.”* If such injurious sentiments have really prevailed, to the prejudice of a brave, well-informed, and virtuous people, they will be removed by the representations of your officers, who were lately taken upon the river Thames. They will inform you, sir, that so far from offering any violence to the persons of their prisoners, *these savages* would not permit a word to escape them, which was calculated to wound their feelings; and this too with the sufferings of their friends and relations, at the river Raisin and Miami, fresh upon their recollection.”



General Vincent, in his reply, stated, that "the accounts, given by the British officers, whom the fortune of war had lately placed at the disposal of the United States, could not fail of affording very consoling reflections to this army, and their anxious friends."

In correspondence with the foregoing, though somewhat out of place, may be introduced the representation of captain Pring, who succeeded commodore Downie, after the signal victory on Lake Champlain, in his despatches to the lords of the admiralty in England. He made public and grateful mention of the distinguished humanity, with which the prisoners were treated, by commodore M'Donough. Lord Liverpool, in a debate in the British house of peers, fully admitting this humanity, affected to draw from it a most ludicrous inference. He asserted that it afforded a proof that the Americans were desirous once more of placing themselves under British protection.

To close the history of the war in the north-west, and to avoid carrying the reader, at a future period, to an insulated event, which had little influence upon the great objects of the war, notice is here taken of an expedition, under lieutenant-colonel Croghan, against the fortress held by the British at Michilimackinac. The forces destined for this service ascended from Detroit by water. They landed on the 20th of July, 1814, at St. Joseph's, and set fire to the fort. From this place a detachment of infantry and artillery, under major Holmes, was ordered to Sault St. Mary's, to break up the enemy's establishment at that place. The order was executed by major Holmes, supported by lieutenant Turner of the navy; and a quantity of merchandise captured and brought off. On arriving at Michilimackinac, on the 26th, colonel Croghan found that the enemy had strongly fortified the height overlooking the old American fort.

Believing his force too weak to carry the place by storm, he determined on arrangements to approach it gradually, under cover of his heavy artillery. On landing, to execute his designs, colonel Croghan found himself opposed, unexpectedly, by a body of British and Indians, strongly posted,

with a battery of four pieces. A movement was made, to turn the enemy's flank ; to gain his rear ; and force him from his position, without incurring a destructive fire from his batteries in front ; but by a fire, from a party of Indians, concealed in the woods, major Holmes was killed, and captain Desha severely wounded ; and the line, in consequence of the fall of those officers, thrown into confusion. A vigorous charge was ordered in front ; which, though executed in some disorder, drove the enemy into the woods. Finding, when he gained possession of the ground, which the enemy had occupied, that it would not favour his designs upon the fortifications, and to save his men from a useless combat, colonel Croghan determined to return to the shipping.

The issue of this little expedition, which cost the life of major Holmes, one of the best officers of his rank in the army, and twelve men, left the British still in possession of Michilimackinac, which they held until the end of the war.

Captain St. Clair, who had the command of the squadron that transported colonel Croghan and his forces in this operation, continued for some time to cruise on Lake Huron, with the view of intercepting the provisions destined to feed the garrison at Michilimackinac. All the enemy's vessels, of every description, were swept from the face of the lake. Two small vessels, the Tygress and Scorpion, were left by captain St. Clair, to cruise on Lake Huron, for the purpose of interrupting the conveyance of supplies to the British garrison above. These were surprised and captured by a very superior force of British soldiers and Indians in boats. This incident closed the war in that quarter.

General Harrison, having been instructed from the department of war, in the event of his success against Proctor, to join his forces with the army on the Niagara, embarked, after stationing a respectable force at Detroit, on board the fleet, and sailed for the village of Buffaloe, where he arrived in the beginning of November, 1813.

Lake Ontario being cleared of all hostile obstruction by the ascendancy of Chauncey's squadron, general Wilkinson, to whom the descent upon Montreal had been committed, as a

preliminary to the invasion of Lower Canada, began seriously to prepare for this important operation. In the early part of the month of October, 1813, he had ordered his army to be transported to Sackett's Harbour, whence, in the course of that month, they were transferred to Grenadier's island, a station about midway between the harbour and Kingston, the principal rendezvous of the British fleet on Ontario. As it was near the communication with the St. Lawrence, it was the most convenient position, from which to commence the descent of that river. The season began to assume considerable severity, and many obstacles prevented their equipment and progress, till the 3d of November. Having at length entered upon the stream, they proceeded to Ogdensburgh, situated below Kingston, on the American shore. They reached that village on the 6th. From this place, general Wilkinson addressed a letter to general Hampton, who had advanced along the shore of lake Champlain, to co-operate with him in his designs on Canada. General Hampton had menaced that part of the lower province, which is on the south of the St. Lawrence, and had established his head-quarters at the Four Corners. From this place, his orders were to direct his march, so as to meet the army of general Wilkinson, at St. Regis, where they would find a convenient and favourable entrance into Lower Canada. The orders, however, were expressed in such terms as were considered by general Hampton, to leave his route and the point of junction of the two armies, in a great measure, to his own discretion. The statement, which general Wilkinson had made, of the scantiness of his stock of provisions, induced general Hampton to postpone the junction, lest the augmented consumption of two armies should produce inconvenience. Wilkinson relied on magazines, which the secretary of war had informed him were established on lake Champlain; but which unfortunately had not been replenished. Hampton declared, that it was not in his power to command, for the sustenance of his troops, more than each soldier was able to transport on his back. For this reason, he directed his march along the river Chateaugay,

by which route, though circuitous, he ultimately proposed to approach Montreal, with greater convenience, through a country abundant in provisions. He represented, that, by this course, he had not the smallest intention to abandon the expedition, or to render it abortive. On the contrary, he declared that the attack on Montreal was a favourite object, to which his heart was devoted : but his conduct was declared by general Wilkinson to be contrary to military subordination, and his official duty. Much of the dissension between these officers seems to have arisen from the transfer of the secretary of war, from his usual station at Washington, to the vicinity of the army, to regulate, like a commander in chief, the operations of all the military commanders.

General Wilkinson, in descending the St. Lawrence, had been obliged to pass by a fortified post, established at Prescott, on the Canada shore. A dark night, rendered still more favourable by a dense fog, was chosen for the purpose ; which prevented much injury to the flotilla, that accompanied him, from the musquetry with which the bank was lined. A heavy galley, however, with several gun-boats, hung on his rear, to retard his progress. On the morning of the 10th, general Brown was sent in advance with a considerable force, for the purpose of clearing the bank, from all hostile obstruction ; as a *rapid* in the river, of about eight miles in length, was soon to be passed ; which, without such precaution, would greatly endanger the safety of the army. About noon, the report of artillery, in the direction in which general Brown was marching, brought certain intelligence, that he was engaged with the enemy. This, of course, delayed the movement of the flotilla, till it was too late to proceed above two miles. All the vessels came-to ; and the army reposed for the night. In the morning, after they had ascertained the success of general Brown, on the preceding day, the flotilla began to advance : but the enemy again appearing in the rear, supported by a large land force on the Canada margin of the river, general Boyd, with a strong detachment under his command, was ordered to repel them. The Americans were drawn

up in three columns, commanded respectively by the generals Covington and Swartwout, and colonel Coles. The enemy were repelled back above a mile. The front lines, having expended all their ammunition, were under the necessity of falling back, to procure a new supply. This retrograde movement so disconcerted the rear as to induce a necessity for the whole to retire. The artillery were obliged to follow the example; and, in retreating across grounds variously intersected with many natural and artificial ravines, lost one field piece. A violent storm, and the impending night put an end to the battle. The Americans contented themselves with having actually beaten back the enemy, and frustrated his attempt to interrupt the progress of the army. The enemy, having seized the abandoned piece of ordnance, claimed it as a trophy of victory. In this battle, fought on Christler's field, near the village of Williamsburgh, the American forces were sixteen hundred, and the enemy's, as collected from the reports of the prisoners, not inferior. There is good reason to believe, that the British loss in killed and wounded, was considerably greater than ours. Adjutant general Walbach's report made the American loss three hundred and thirty nine; killed one hundred and two; wounded two hundred and thirty nine: and in a despatch from general Wilkinson to the war department, written six days after the battle was fought, it is stated that the enemy's loss was not less than five hundred, in killed and wounded. There cannot be a doubt of their defeat: for the American flotilla the next day passed the *rapids* without molestation. It was evidently the object of the enemy to arrest the progress of general Wilkinson at this place, the most difficult to be passed, on the river; and affording the best opportunity of annoyance from the Canadian shore. Had the enemy considered himself victorious, he would certainly have interrupted the beaten army, and prevented its junction with the flotilla on the river, or with general Brown at Cornwall. Neither of which he attempted.

In the action, brigadier general Covington received a musket shot in the abdomen. He died on the 13th, greatly lamented by the army and by the nation. He was a native

of Maryland, and one of general Wayne's favourite pupils; having commanded the cavalry, in his decisive battle with the Indians, in 1794.

Of the killed, on the field, were lieutenants Hunter, Olmstead, and William W. Smith; the last an excellent officer of the light artillery. Of the wounded, besides general Covington, were brigadier-general Swartwout, adjutant general Cumming, colonel Preston, assistant adjutant general Chambers, major Noon, five captains, and six subalterns.

Opposite to Cornwall, general Wilkinson had expected to meet general Hampton: but there he received a communication from him by colonel Atkinson, assigning the reasons why he declined a junction, and was retracing his steps to Lake Champlain. General Wilkinson immediately laid his letter, accompanied with the explanations of colonel Atkinson, before a council of his principal officers, who gave it as their unanimous opinion, that, in the actual circumstances of the advancing army, the attack on Montreal should be suspended for the present season; and that the troops should immediately go into winter quarters, at the French Mills.

Shortly after the departure of general Wilkinson from Niagara, general Harrison arrived from Detroit, and took command. Fort George was placed under the charge of general M'Clure, of the New York militia; and general Harrison then descended with the regulars to Sackett's Harbour; where he resigned the command in that quarter, and proceeded by the way of Washington to Ohio. Fort George was soon afterwards abandoned, and blown up by Gen. M'Clure.

In the month of January, 1814, a body of the enemy crossed over to the American shore: and, through the negligence of captain Leonard, the commanding officer, Fort Niagara was surprised and captured. About the same period, another body crossed above the falls, and laid waste the village of Buffalo, and all the settlements on the American side, for several miles from the river. The enemy garrisoned and held possession of Fort Niagara, until the close of the war.

## CHAPTER I.

*First and second sessions of the thirteenth Congress; Internal Taxes; Creek war; Naturalized Citizens; New England militia; Finances of 1814; Embargo; Proposition for Negotiation at Gottenburgh, &c.; Repeal of Embargo and Non-Importation acts; Extension of Blockade, &c.*

ON the fourth Monday of May, 1813, the thirteenth congress convened; and, on the next day, received a congratulatory message from the president. As an encouragement to persevering and invigorated exertions, to bring the war to a happy result, he represented the progress of the arms of the United States, to have been propitious both by land, and on the water; and stated, that the improvements of the national armament, as authorised by the last congress, were advancing towards completion. The loan of sixteen millions was contracted for, at an annual interest, not less than seven and a half per cent. and a million of the money paid into the treasury, on the 1st of April, 1813. The receipts into the treasury, from the 1st of October, 1812, up to the 31st of March, 1813, were about equal to the expenditures for the same period.

The president's sketch of the finances of the nation, while it shewed that due provision had been made for the current year, evinced, at the same time, by the limited amount of the actual revenue, and the precarious dependence on loans, the necessity of providing, more adequately, for the future supplies of the treasury. A well-digested system of internal taxes, in aid of existing revenue, was recommended, to lessen the amount of necessary loans, place the public credit on a more satisfactory basis, and improve the terms on which loans in future were to be obtained. In calling for a system of revenue, adequate to the expenditures occasioned by the war, the president made an animated appeal to the people;

and urged considerations well calculated to command, for the government, the most liberal support, from the abundant resources of the nation. His message concluded in the following terms :

“The contest, in which the United States are engaged, appeals for its support, to every motive that can animate an uncorrupted and enlightened people; to the love of country; to the pride of liberty; to an emulation of the glorious founders of their independence, by a successful vindication of its violated attributes; to the gratitude and sympathy, which demand security from the most degrading wrongs, of a class of citizens, who had proved themselves so worthy the protection of their country, by their heroic zeal in its defence; and finally, to the sacred obligation of transmitting entire, to future generations, that precious patrimony of national rights and independence which is held in trust by the present, from the goodness of Divine Providence.”

The communication of the president having principally suggested to the deliberation of congress, an adequate system of internal revenue; an act was passed, to lay a direct tax, of three millions of dollars, upon the United States; also acts laying duties on sugar, refined within the United States; on carriages for the conveyance of persons; on licences to distillers of spirituous liquors; on sales at auction of merchandise, ships, and vessels; on licenses to retailers of wines, spirituous liquors, and foreign merchandise; on notes of banks, bankers, and certain companies; on notes, bonds, and obligations, discounted by banks, bankers, and certain companies; on certain bills of exchange; and an act to impose a duty on imported salt. In addition to the preceding fiscal measures, an act was passed authorising a loan for a sum not exceeding seven millions five hundred thousand dollars; which was shortly afterwards executed, on terms somewhat more favourable than the last loan of sixteen millions.

During this session of congress, several acts were passed in relation to naval and military affairs; the most prominent of which were those, authorising the president to cause to be built barges, for the defence of the ports and harbours of the



United States ; making an appropriation of two hundred and fifty thousand dollars, to enable him to hire or purchase hulks, to be sunk for the greater security of ports and harbours ; to raise a corps of sea-fencibles ; and an act to raise five regiments of infantry, to be enlisted for and during the war, and employed in the defence of the seaboard of the United States.

One other subject claimed the attention of the national legislature. The spirit and enterprise of the commanders of private armed vessels, in annoying the commerce of the enemy, demanded a favourable regard to their interest. In consideration thereof, two acts were passed ; one reducing the duties payable on prize goods, captured by private armed vessels ; the other allowing a bounty, of twenty-five dollars, to the owners, officers and crews of vessels, commissioned as letters of marque, for each and every prisoner captured and brought into the United States.

On the first Monday in December, 1813, the thirteenth congress commenced its second session, which many circumstances combined to render memorable. At its opening, the president announced that the British government had declined to accept and negotiate thro' the mediation of Russia ; and that, in consequence, there was no course left to the United States, but to exert their strength to support their rights. In the several victories of general Harrison and commodore Perry, both by land and on Lake Erie, there were encouragements to a vigorous prosecution of the war. At the moment, when the president was enabled to announce the rescue of the inhabitants of the north-western frontier, from their late exposure to wary, active, and merciless enemies, he had to communicate, that the Indians on the south-western border, who, under the persevering endeavours of the government of the United States, had gradually acquired more civilized habits, had become the unfortunate subjects of seduction by the agents of Great Britain. The Creek tribes, infuriated by a bloody fanaticism, recently propagated among them, had renounced their friendly intercourse with the people of the states in their vicinity, and commenced a war, marked more strongly by desperation, than any before waged by them. To pre-

vent such a war from spreading among the contiguous tribes, and facilitating military enterprises of the enemy in that section of the Union, the president, in the recess of congress, had called into service a force, collected from the states of Georgia and Tennessee, which, united with the military corps of the Mississippi territory, and a few companies of the regular troops, would not only chastise the savages into peace, but make a lasting impression on their fears. Already had the Tennessee volunteers, under generals Coffee and Jackson, made successful expeditions into their territories, and obtained victories over large bodies of them, assembled under their ablest and boldest leaders. In communicating the very unexpected hostility among tribes, who had experienced the great benefits of an advanced civilization, under the generous policy of the United States, the president well remarked, that, "The systematic perseverance of the enemy, in courting the aid of the savages in all quarters, had the natural effect of kindling their ordinary propensity to war into a passion, which, even among those best disposed towards the United States, was ready, if not employed on our side, to be turned against us. A departure from our protracted forbearance to accept the services tendered by them, has thus been forced upon us: but in yielding to it, the retaliation has been mitigated as much as possible, both in its extent, and in its character; stopping far short of the example of the enemy, who owe the advantage they have occasionally gained in battle, chiefly to the number of their savage associates, and who have not controlled them, either from their usual practice of indiscriminate massacre on defenceless inhabitants, or from scenes of carnage, without a parallel, on prisoners to the British arms, guarded by all the laws of humanity, and of honourable war."

The president also communicated, in detail, a controversy between the United States and Great Britain, which originated in a principle held by the latter, in opposition to a power delegated to congress, by the constitution of the former. In Great Britain, the allegiance of a subject is held to be indefeasible. In the United States,

emigrants, from foreign states, may be naturalized, and enjoy all the privileges of native citizens.

Among the prisoners taken by the British forces, at the battle of Queenstown, were a number of persons, natives of Great Britain, who had been naturalized, according to the laws of the United States. These were sent, by the British commander in Canada, to Great Britain, as criminals for trial. As early as advised of this fact, the president, justly considering naturalized citizens, as much entitled to the protection of the United States, as native citizens, interposed in their behalf; and ordered a like number of British prisoners of war to be put in confinement, with a notification, that they should experience whatever violence might be committed on the American prisoners sent to Great Britain.

The president had hoped, that the sympathy for the British, if not for the American prisoners, of the government of Great Britain, would have arrested a system, so severe in its operation upon individuals; especially when the adoption of the measure by this government, had been rendered indispensable, by its own example: but it did not seek a release of the British prisoners, thus confined, by restoring the Americans, sent to England for trial as criminals, to the condition and quality of prisoners of war. On the contrary, it ordered into close confinement, American officers and non-commissioned officers, to double the number of the British prisoners confined in the United States, with formal notice, that, in the event of a retaliation, for the death which might be inflicted on the prisoners of war, sent to Great Britain for trial, the officers and non-commissioned officers, so confined, would also be put to death; and to deter the president from his just determination, to protect the American prisoners, of every description, it was, at the same time, notified, that the commanders of the British armies and fleets, were instructed, in the same event, to carry on the war, with a destructive violence, against the towns and inhabitants on the seaboard of the United States. The president firmly persisted; and followed up the violence of the enemy, by ordering into confinement, a correspondent number of British officers, pri-

soners of war, to abide the fate of the American prisoners in England, and all others confined contrary to the rules of war, for the purposes of violence. He also gave notice to the British government, that it was his determination, to retaliate any other proceeding, against the citizens of the United States, contrary to the established and legitimate modes of warfare.

At one period of the war, it was feared by some, and asserted by others, that the high and haughty spirit of the British government would not allow it to recede from the principle, which had been assumed, in the case of the naturalized Americans, taken at Queenstown, and sent, as traitors, to Great Britain, to be capitally tried; and that the lives of many valuable men would be immolated, unless the president would relax in his determination, to retaliate the original violence. The result was as happy to all concerned, as it was honourable to the firmness of the president. The British government, at length, receded one step; which was followed by the president; and so on, until all were happily released. There were persons, and many of them claiming to be citizens of the United States, and zealous friends of the constitution, who reprobated the system pursued, in the controversy, by the president; and openly alleged the right of the British government, to take and hold as traitors all persons, born subjects of the crown of Great Britain, if found in arms, associated with her enemies, notwithstanding they might have been naturalized, and become the citizens or subjects of another state. The president considered himself bound, not only to protect the American prisoners, in his capacity of commander in chief of the army and navy of the United States; but also as the head of the executive department of the government, to assert the authority of congress, under the power delegated by the sovereignty of the United States, to naturalize foreigners, and make them citizens, to all intents, and for all purposes, except solely to be "eligible to the office of president."

The naturalization of foreigners is no infringement of the rights of other nations; nor is it peculiar to the government

of the United States. Great Britain, on the contrary, claims and exercises the same power, with, indeed, greater facilities to the emigrant, than are authorised by the laws of the United States. This would appear paradoxical to some, who may read the controversy above stated. To remove all question on the point, it is proper to make the following extracts from the laws of Great Britain :

“And for the better encouraging of foreign mariners and seamen, to come and serve on board ships belonging to the kingdom of Great Britain; be it further enacted by the authority aforesaid, that every such foreign mariner or seaman, who shall, from and after the said 25th day of April, have faithfully served on board her majesty’s ships of war, or any privateer, or merchant or trading ship or ships, vessel or vessels, which at the time of such service shall belong to any of her majesty’s subjects of Great Britain, for the space of two years, shall, to all intents and purposes, be deemed and taken to be a natural born subject of her majesty’s kingdom of Great Britain, and have and enjoy all the privileges, powers, rights and capacities, which such foreign mariner, or seaman, could, should, or ought to have had and enjoyed, in case he had been a natural-born subject of her majesty, and actually a native within the kingdom of Great Britain.” 6 *Anne*, c. 37, sec. 30.

“By statute 13 *Geo.* 2. c. 3, every foreign seaman who, in time of war, serves two years on board an English ship, by virtue of the king’s proclamation, is *ipso facto* naturalized under the like restrictions as in 12 *W.* 3, c. 2: which statute of *W.* merely prohibits such naturalized foreigner from being a member of the privy council, or of parliament, and from having grants of lands from the crown; and by statute 13 *Geo.* 2, c. 7, 20 *Geo.* 2, c. 44, 22 *Geo.* 2, c. 45, 2 *Geo.* 3, c. 25 and 13 *Geo.* 3, c. 25, all foreign protestants and Jews, upon their residing seven years in any of the American colonies, without being absent above two months at a time, and all foreign protestants serving two years in a military capacity there, or being three years employed in the whale fishery, without afterwards absenting themselves from the king’s dominions for more than one year, and none of them falling within the inca-

pacities declared by a statute 4 Geo. 2, c. 21, shall be, upon taking the oath of allegiance and supremacy, or in some cases making an affirmation to the same effect, naturalized to all intents and purposes as if they had been born in this kingdom; except as to sitting in parliament, or being of the privy council, and holding offices or grants of land, &c. from the crown within the kingdom of Great Britain and Ireland. By statute 26 Geo. 3, c. 20, s. 24, 27, 28 and 29 Geo. 3, c. 20, s. 25, every foreigner who has established himself and family in Great Britain, carried on the whale fishery, and imported the produce thereof for the space of five years successively, is declared to be entitled to all the privileges of a natural born subject."

The terms of naturalization are different in Great Britain and the United States; but the principle is the same. As Great Britain naturalizes aliens, and protects them as subjects, she cannot deny the United States the same right.

It would then appear, that the proceedings, on the part of the British government, in relation to the prisoners, captured at Queenstown, and sent to Great Britain, to be tried as traitors, was absolutely inconsistent with those ancient and repeated laws and proclamations, avowedly to acquire and retain the subjects of other governments, which she has openly and formally enacted and promulgated through a series of centuries, and still maintains in full force, in every quarter of the world, for the declared promotion of her own national industry, colonies, forces, wealth and power. A pretension of Great Britain, to the exclusive enjoyment of this privilege, can never be hazarded by her, in any regular discussion with any other government; would be absolutely inadmissible, if it were advanced by her; being derogatory from the sovereignty and independence of all other nations: and would stamp the execution of any prisoner, such as those in question, with the indisputable character of unjustifiable homicide. The right of the United States, in common with other independent sovereignties, to reciprocate the naturalization of British subjects, has been thus fairly brought up, in discussion and consideration, and can never hereafter be justly

questioned. It is due to the president, Mr. Madison, that this equal and essential sovereign right was on that memorable occasion, mutually respected by the governments of the two nations.

In the message, now under consideration, the president called the attention of congress to a revision of the militia laws, for the purpose of securing, more effectually, the services of all detachments called into the employment of, and placed under, the general government. This subject had become one of great importance; and was rendered necessary to be acted on, by the direction which the war had taken. While it was principally waged upon the north-western frontier, the government found every facility in the use of the militia, which the energy and alacrity of the western citizens could afford. In the south-west, likewise, the inhabitants of Tennessee, Georgia, Louisiana, and the Mississippi Territory, took the field with the greatest promptitude, when their services were required by the government, to suppress the hostilities of the Indians in their vicinity. But the war was afterwards chiefly transferred to the Niagara and St. Lawrence, in the neighbourhood of the eastern states. In the first and second campaigns, the governments of certain of those states had assumed an attitude, in relation to the government of the United States, which, in effect, deprived it of the use of the militia, in the most populous section of the union. This attitude went far to establish a partial neutrality in the eastern states. Under the influence of obvious considerations of discretion and respect, the president appears to have avoided all unnecessary agitations of questions between the federal and state governments, concerning the authority of the national legislature on the subject of the militia. He had not hitherto deemed it advisable to press the subject for a legislative decision. But the vicinity of the eastern states, to the theatre of war, brought up the questions of prerogative, between the executive department of the United States, and such of the governors as created the difficulty. The president therefore thought it his duty to call for such legislative measures as would secure the use of that

force, which the constitution had committed to the national authority. Congress, however, did not interpose its prerogative over the militia; and therefore left the controversy without a decision. This was a great dereliction of duty.

The president next called the attention of the national legislature to some measures, which might give to our vessels of war, public or private, the use of ports of friendly powers, to which they might direct their prizes; and also recommended provisions which would authorise him to allow the cruisers of other nations at war with Great Britain, such use of the American ports, as they should be willing to reciprocate with American cruisers.

The pecuniary affairs of the United States were represented to be in a prosperous condition; and the message authorised congress to expect, that the sums, necessary to meet the demands upon the government, for the ensuing year, would be obtained by similar measures, and from the same resources, which had hitherto supplied the ways and means. This assurance induced congress to rely confidently on a system, which, though at first sufficient, at length failed. This system was particularly reported to the house of representatives, by the committee of ways and means, accompanied by estimates of the expenditures for the year 1814, in the following items:

For the civil list, including the principal and interest of the public debt	- - -	\$13,900,000
For the military establishment	- - -	24,550,000
For the naval establishment	- - -	6,900,000

Amounting all together to - - - - 45,350,000

The funds to meet the expenditures were thus estimated:

Revenue derived from customs, and the sales of public lands	- - - -	\$6,600,000
Internal revenue and direct taxes	- - -	3,500,000
Balance to be received from the loan last authorised	- - - -	3,650,000
Balance of treasury notes, authorised for the service of 1813,	- - - -	1,070,000



Cash in the treasury	-	-	-	-	1,180,000
					<hr/>
					16,000,000
To be provided	-	-	-	-	29,350,000
					<hr/>
By loan	-	-	-	-	25,000,000
Treasury notes	-	-	-	-	5,000,000

Early in the session, the president communicated a confidential message, to the two houses of congress, stating that the tendency of the commercial and navigation laws of the United States favoured the enemy, and would contribute to prolong the war. It was alleged, that supplies of the most essential kinds found their way to the British forces, from our own ports and outlets; and that even the fleets and troops of the enemy, infesting our coasts and waters, were by such supplies encouraged in a predatory and incursive warfare. It was also represented that many abuses, favourable to the interest of the enemy, were practised in so much of the import trade as the war had left to the United States. To remedy these evils, the president recommended an embargo on all exports, and such restrictions on the import trade, as would effectually exclude the introduction, by collusive captures of, or ransoming vessels from the enemy, laden with British merchandize.

In pursuance of the president's recommendation, an act was immediately passed, laying an embargo on all ships and vessels in the ports and harbours of the United States.

Congress then proceeded to the general duties of legislation. Among the acts which were passed in relation to military affairs, were the following: An act making further provision for filling the ranks of the regular army, by allowing a bounty of one hundred and twenty-four dollars to recruits; and eight dollars to any non-commissioned officer, soldier, or citizen, for every able-bodied man by him procured to be enlisted into the service, for the term of five years, or during the war: An act to raise three regiments of riflemen: An act

to authorise the president, to receive into the service certain volunteer corps, provided they engaged to serve for the term of five years, or during the war; in which event, they were allowed the same bounty, pay, rations, clothing, forage and emoluments of every kind, as the regular troops of the United States: An act to authorise an additional issue of treasury notes, not exceeding five millions of dollars: An act allowing pensions to the widows and orphans of persons slain in the public or private armed vessels of the United States; to take effect from the declaration of war: An act allowing the bounty of one hundred dollars to the owners, officers, and crews of the private armed vessels, commissioned as letters of marque, for each and every prisoner by them captured, and delivered to an agent, authorised to receive him at any port of the United States, or of nations at war with Great Britain: An act authorising the president to cause to be built, equipped, and employed, floating batteries for the defence of the waters of the United States: An act authorising a loan of twenty-five millions of dollars: An act for the better organizing, paying, and supplying the army; the most important section of which was, that, in case of failure in filling the rank and file of any regiments, the president should direct the deficient regiments to be consolidated, and their supernumerary officers to be discharged: An act to increase the marine corps: An act to appoint commanders in the flotilla service: And acts making appropriations for the support of the army and navy for the year 1814.

In the beginning of the year 1814, the *Bramble*, a British flag of truce, arrived at Annapolis, with despatches from lord Castlereagh to the American government; announcing, that, notwithstanding the rejection of the mediation of Russia, the prince regent was willing to appoint commissioners, to meet those of the United States, and enter upon a direct negotiation, for the restoration of peace, at London; or, if insuperable objections were entertained to this place, at Gottenburgh. The president promptly acceded to the proposition from the British government, and designated Gottenburgh as the place

of negotiation. The honourable Henry Clay, speaker of the house of representatives, and Jonathan Russell, Esquire, were appointed commissioners, with full powers to treat with such commissioners as should be appointed, on the part of Great Britain; and authorised to proceed immediately from the United States to Gottenburgh. At the same time, commissions, with similar powers, were transmitted to John Quincy Adams, James A. Bayard, and Albert Gallatin, already in Europe; who were instructed to meet Messrs. Clay and Russell at Gottenburgh, and co-operate with them in the contemplated negotiations.

The British government commissioned lord Gambier, Henry Goulbourn, and William Adams, Esquires, to meet the American commissioners; and proposed to transfer the seat of the negotiation from Gottenburgh to Ghent. The proposal was accepted. The issue of their meeting will be noticed in its place.

The Bramble brought intelligence, of great moment, relating to the military events between the combined powers, and the French armies. A series of severe battles, closing with the defeat of the emperor Napoleon at Leipsic, had so modified the relations of Europe, and affected the commerce of the world, as to require the government of the United States to adjust their relations to the recent changes. After serious deliberation, as to the policy to be pursued, the president transmitted a message to the two houses of congress, in which he stated, that, "taking into view the mutual interest, which the United States and foreign nations, in amity with them, have in a liberal commercial intercourse, and the extensive changes, favourable thereto, which have recently taken place; and taking into view, also, the important advantages which may otherwise result from adapting the state of our commercial laws to the circumstances now existing:

"I recommend to the consideration of congress, the expediency of authorising, after a certain day, exportations, specie excepted, from the United States, and in vessels owned and navigated by the subjects of powers at peace with

them, and a repeal of so much of our laws as prohibits the importation of articles not the property of enemies, but produced or manufactured only within their dominions."

The committee of foreign relations, in the house of representatives, to whom the message of the president was referred, uniting with the executive in the policy of the measures proposed, on the 4th of April, 1814, reported a bill to repeal the embargo lately imposed, and all acts prohibiting the importation of goods, wares, and merchandise of the growth, produce, or manufacture of Great Britain or Ireland, or of any of the colonies or dependencies thereof, or of any place or country in the actual possession of Great Britain, &c.

The enemy now extended the blockade, which, through an insidious distinction between the southern and eastern section of the union, was heretofore enforced only against the former, to the whole coast from New Orleans to Castine.

The thirteenth congress closed its second session on the 18th of April, 1814; and adjourned to meet again on the last Monday of October following.

## CHAPTER LI.

*Loss of the United States' brig Argus; Capture of the Boxer; British squadron in the Delaware and Chesapeake; Frenchtown, Havre de Grace, Fredericktown, and Georgetown; Craney Island; Hampton; Operations on the Patuxent; Battle of Bladensburgh; Capture of Washington and Alexandria; Defeat of Sir Peter Parker; Attack on Baltimore.*

THE United States' brig, the Argus, captain Allen, sailed from New York, in June 1813, to convey the American minister, Mr. Crawford, to France; and having landed him at l'Orient, proceeded on a cruise into the British channel, in which, before the middle of August, she captured twenty merchant ships. The British ministry, seeing this spirited attack upon their commerce, as it were at their very door, ordered the Pelican, captain Maple, a gun-brig of superior force, to be fitted out for the purpose of capturing this daring cruiser. The Pelican, accordingly, about the middle of this month, discovered, and after a severe conflict vanquished and made prize of the Argus. The fact would not deserve particular notice, among so many other events, of greater importance, were it not for the purpose of demonstrating, how much it is in the power of the Americans, by their small cruisers, to do serious injury to the commerce of Great Britain, and to alarm her merchants almost within their own harbours.

This single brig had been so destructive in her short cruise in the channel, as considerably to raise the premiums of insurance on the English trade in that narrow sea.

Only one other naval affair requires to be mentioned, before the beginning of the following year. A cautious interval, till that period, seems to have taken place, in the sailing and distribution of the British frigates, and inferior vessels of war. The Boxer, a well-appointed brig, of fourteen guns, with a crew of one hundred men, sailed from St. John's, in New Brunswick, in the beginning of the year 1813, for the purpose, it was said, of engaging the United States

brig *Enterprize*, of equal force, under the command of captain William Burroughs. The vessels met on the fifth of September. At the first broadside, captain Blythe, of the *Boxer*, was killed by a cannon shot: and immediately afterwards, his antagonist, Burroughs, fell by a musket ball. The command of both vessels then devolved upon their first lieutenants, who maintained the conflict with great bravery. Captain Burroughs, though expiring with his painful wound, refused to be carried below, or to receive any soothing applications to his pain, till the sword of captain Blythe was presented to him, in token of the surrender of the *Boxer*. Apprized of the success of his ship, and satisfied that his life was the price of victory, clasping his hands, he exclaimed, "I die contented;" then resigned himself to the friendly assiduities of his surrounding officers; so completely did the sentiments of honour and patriotism extinguish the consideration of death itself! The colours of the *Boxer* had been nailed to the mast; so that her surrender was necessarily announced by the hail of the lieutenant. These vessels were taken into Portland, and the two commanders, so determined in combat, were laid side by side, in the peaceful silence of the grave. When brought into harbour, the vessels exhibited the usual symptoms of the American superiority in gunnery. The hull of the British brig was literally battered to pieces, and her sides were pierced by eighteen balls, near her water line; while her rigging was comparatively little injured. An English gazette justly remarked: "*The Boxer was certainly not lost for want of heroism; but the fact seems to be too clearly established, that the Americans possess some superior mode of firing; and we cannot be too anxiously employed in discovering to what circumstances, that superiority is owing.*" At Portland, an honourable monument was erected over the grave of Burroughs, by Matthew L. Davis, Esq. of New York, in commemoration of his courage and his virtues.

In March, 1813, the *Poictiers*, a ship of the line, the frigate *Belvidera*, and some small armed vessels of the enemy, came into the Delaware bay, and extended their cruises up the

river. They continued, for a long time, to carry on a marauding warfare, in which the small shallows and market boats in the river, and its tributary streams, together with the property of the inhabitants on their shores, were the objects of their ambition. The apology, for their predatory excursions into the neighbouring settlements, was their deficiency of fresh provisions, which they proposed to supply from the flocks and barns of the peaceful citizens. Their achievements were not honourable to themselves; but often entailed most severe privation, and sometimes ruin, on those whom the rules of civilized warfare ought to have protected. By these rules, the persons and property of non-combatants are exempted from the devastations of war.

Admiral Beresford, the commandant of the squadron, sailed to Lewistown, a mere village near the western cape of the bay, and within the state of Delaware, to demand a supply for his fleet, of water and cattle, from the civil magistrates, as the condition of exempting the town from attack. Colonel Davis and major Hunter, in command there, took measures for removing the women, and all other helpless persons from the town, and then set the admiral and his squadron at defiance. Their property the people would not put in competition with their personal duties and the national laws. With many bombs, and a severe cannonading, the British ships annoyed this village, at intervals, for two days; till at last they found it convenient to abandon their demand, and to withdraw entirely from the waters of the Delaware.

They thence proceeded to the Chesapeake; where they pursued their course, with a more lawless violence, and in a manner still more inconsistent with the usages of war among civilized belligerents. History blushes to recapitulate the depredations and conflagrations which were here perpetrated. The pen of the historian cannot record one solitary exploit of honourable warfare, worthy the arms of an heroic nation. The outrages of their sailors and marines were to the last degree shocking and indefensible. They committed indiscriminate havoc upon every species of private property, along the shores of the bay, and on the margin of its inlets.

One of their first feats, in a series of predatory exploits, was plundering and destroying the small village of Frenchtown, a place of mercantile deposit and transit, on the Elk river. Two storehouses, filled with public property, were the ostensible excuse for the pillage and conflagration of that place. From Frenchtown they proceeded down the Elk, ascended the river Susquehannah, and attacked, plundered, and burnt the neat and flourishing, but unprotected village of Havre de Grace; for which outrage, no provocation had been given, nor could excuse be assigned.

The whole of this little town, house after house, excepting one, was consigned to the flames. The few militia, who were in the place, fled before their superior numbers. The plunder of Havre de Grace did not detain the enemy long. After burning and destroying the mansions, a ware-house, and the foundry of Mr. Hughes, one mile and a half up the river, they retired to perpetrate similar acts, at two opposite villages, Fredericktown and Georgetown, on the river Sas-safras. This unworthy warfare occupied them from the 1st of May till the 20th of June, when their movements began to indicate a design of making an attack upon Norfolk.

It would be tedious and unprofitable to follow their various movements at the lower part of the bay; and to describe the activity and adventure of the militia of Virginia and Maryland, in the protection of their property, and limiting the incursions of the enemy. The scene of action was frequently changing; and the officers and men, called out on emergencies, to repel marauding parties, were continually harassed. The country is so intersected by rivers, and in-lets to the Chesapeake, that it was impossible fully to provide against a warfare so desultory, as that which the enemy adopted. There was no naval force sufficient to expel him from his possession of the bay; and the great object of the government became the defence of Norfolk. This was committed principally to the discretion of general Robert Taylor, of the militia of Virginia. No one could be found more capable of providing the numerous minute precautions,



and executing the comprehensive plans, requisite to the attainment of the object. He had all under his view at once, and as far as an officer so circumstanced could be expected to embrace, at a single glance, such a diversity of objects, his mind expanded over the whole with great precision and acuteness. Norfolk was saved, and no dangerous or permanent impression was made on any portion of Virginia. Wherever the enemy met a steady resistance from the regular troops, or the militia, hastily gathered together, they speedily retreated, were driven back to their boats, or returned to their fleet. The ravages and licentiousness, however, of the British troops, which were often perpetrated under the eyes, and with the connivance of their officers, left a stain on the military and naval character of their nation.

On the 21st of June, 1813, the movements of the enemy indicated an attack on Craney Island; and, early in the morning of the 22d, they actually landed about two thousand five hundred men, with a view to assail the American post, on the west side of the Island. Soon after the debarkation of these troops, forty five or fifty boats, filled with sailors and marines, left the shipping, and approached the north side of the island. The naval force of the United States, on the station, united in defence of the post; which was so well conducted, that the enemy was beaten off. His loss in the course of the day, it was stated by lieutenant colonel Beatty, who commanded on the island, was not less than two hundred. Four or five of his barges were sunk. The Centipede, fifty two feet long, with twenty four oars, and belonging to admiral Warren's ship, was captured, with twenty two prisoners, a brass three pounder, and a number of muskets, pistols, and cutlasses. Forty British deserters were brought in; and many others were dispersed through the country. There was not one man lost on the American side, in the course of the day.

Defeated in the attempt on Craney Island, the enemy next made an attack on the village of Hampton. On the 25th of June, he landed two thousand five hundred men; and, after a

gallant resistance, by a few hundred militia, took possession of the town. A scene of great enormity ensued.

When he obtained possession of this place, the females were treated with the utmost licentiousness. Many of the unhappy victims, afterwards, expired under the effects of the wounds and bruises inflicted, to compel them to submit to the brutal embraces of ruffians. These enormities were so unauthorized by the rules of civilized warfare, and so contrary to every principle of honour and morality, that general Taylor deemed it his duty to represent them in their proper character to admiral Warren, and to suggest to him, that some course of inquiry, and punishment of the guilty, were due to the honour of his arms. Admiral Warren communicated to Sir Sidney Beckwith, the commander of the British forces at Hampton, general Taylor's dignified remonstrance. As an extenuation of the excesses of the troops under his command, and which he did not pretend to deny, Sir Sidney alleged, that they were occasioned by a proceeding of so extraordinary a nature, that, if he had not been an eye witness, he could not have credited it. He stated, that, at the recent attempt on Craney island, the British troops, in a barge sunk by the fire of the Americans, clung to the wreck; and that several American soldiers waded into the water, a considerable distance from the island, and shot them. "With a feeling," said Sir Sidney Beckwith, "natural to such a proceeding, the men of that corps landed at Hampton."

General Taylor very properly replied, that the facts alleged in this apology ought to have been ascertained by proper evidence, and redress demanded, before retaliation was resorted to; a retaliation too extravagant in its nature, applying not to the perpetrators of the alleged offence, but to innocent and helpless females. The officers, who had commanded at Craney island, on the occasion to which Sir Sidney Beckwith had allusion, indignant at the imputation on their humanity, strenuously demanded of general Taylor, a scrupulous investigation of the circumstances. The investigation was ordered; and resulted in a complete refutation

of the allegations. It appeared in evidence, that a captured British soldier was shot in the water near Craney island, in an attempt to effect his escape. This circumstance had been perverted, in the British fleet, into a high offence against humanity and the rules of civilized warfare.

The depositions, taken during the investigation, were transmitted to admiral Warren, to disprove an allegation made, without foundation, against the known clemency of the American troops, to all whom the fortune of war placed in their power.

No one need question the representation of the conduct of the British troops at Hampton. So indignant, on the subject, were the people of the United States, that congress deemed it of sufficient moment, to appoint a committee to make an impartial inquisition into the whole of this shocking transaction. The following is an extract from the report of that committee: "The shrieks of the innocent victims of infernal lust, at Hampton, were heard by the American prisoners; but were too weak to reach the ears, or disturb the repose of the British officers, whose duty, as men, required them to protect every female, whom the fortune of war had thrown into their power. The committee will not dwell on this hateful subject. Human language affords no terms strong enough to depict the emotions, which the examination of it has awakened. They rejoice, that these acts have appeared so incredible to the American people; and, for the honour of human nature, they deeply regret, that the evidences so clearly establish their truth."

While the enemy were pursuing their predatory course in the Chesapeake, being unable to accomplish their designs upon Norfolk, they began to turn their views again towards the higher part of the bay. A flotilla, of small schooners and barges, was, in consequence, fitted out at Baltimore, and the direction of its movements committed to that intrepid officer, and skilful seaman, commodore Barney; to scour the bay and protect its shores, numerous creeks, and inlets, from the enemy. About the 1st of June, 1814, the British squadron having been provided with suitable vessels, to pursue his

light armada, Barney was obliged to take refuge in the mouth of the Patuxent, whither the large ships of the squadron could not pursue him. The enemy determined to assail him in barges. When, at different times, they attempted to follow him, he repelled them to the fleet.

At length, determined to capture or destroy the American flotilla, the enemy, reinforced by the boats of a razee, and a sloop of war, which had recently joined the British squadron off the Patuxent, pursued it up to the mouth of St. Leonard's creek, into which commodore Barney retreated. In this attempt, the enemy was foiled. On the 10th of June, he returned with two schooners and twenty-one barges. A smart engagement ensued, which resulted in the repulse of the enemy. Two of his frigates afterwards ascended the Patuxent, and completely blockaded Barney's flotilla in St. Leonard's creek. On the 26th, a combined attack of artillery and marines, detached from Washington, to co-operate with the commodore, was made on the frigates, at the mouth of the creek. After a fire of two hours upon them, with hot shot, they got under weigh, and stood down the Patuxent. Commodore Barney embraced the opportunity, ran out of the creek, and ascended the Patuxent.

On the 15th of June, while the flotilla was blockaded in St. Leonard's creek, a detachment of the enemy's light vessels and barges proceeded up the Patuxent, and landed a body of men, who took possession of Benedict and Marlborough. At these depots, were large ware-houses, full of tobacco, the staple of the country, amounting to many thousand hogsheads. The visit to these villages, lying within fifty miles of Washington, though on a different river, discovered an easy access, not before observed, to Washington; of which the enemy afterwards availed themselves. Here, besides plundering a large quantity of cattle, from the neighbouring plantations, for the use of their fleet, they engaged themselves in burning the tobacco, till, satisfied with this depredation and mischief, they thought proper to return to their ships. No serious apprehensions had been previously entertained, in the vicinity of the city, of any

interior attack beyond those little predatory excursions, which had become customary around the bay, and its tributary streams. Early in the month of June, 1814, however, certain intelligence having arrived in America, of the complete success of the allied powers in Europe, and the final submission of France, the prudence of the president naturally inclined him to entertain the most serious apprehensions of the increased exertions of Great Britain, released, as she was, from all her enemies, on the European continent. The language of her parliamentary orators, of her public ministers, as well as gazettes, breathed nothing but resentment, against the United States; the more to be dreaded, as she had now no other object to awaken her fears, or employ her arms. It was naturally apprehended, that some point in the southern portion of the union, would first invite the attention of this augmented force. The Chesapeake presented the most obvious and easy access to Baltimore; which many symptoms led the eyes of critical observers, to contemplate as the first object of attack. Admiral Cochrane, with twenty-two sail, arrived in the bay, on the 16th of August. In a short time, he was joined by an expedition from Bermuda, under admiral Malcolm, which was known to be destined against some point in the Chesapeake. The circumstance of Barney's flotilla having taken shelter near the head of the Patuxent, connected with the excursion which had been made to Benedict, awakened the attention of the British officers, to a direct route to the capital; and, if they meant to proceed against that place, offered a favourable mask to cover their designs; as all their preparations might seem to be made only against Barney. The ulterior object being resolved upon, admiral Cochrane ascended the Patuxent, with the greater proportion of his fleet. At the same time, he despatched captain Gordon, with a detachment, consisting of two frigates, two rocket ships, two bomb ships, and a schooner, with orders to ascend the Potomac, and, demolishing fort Washington, open a communication, by that river, to the city of Washington. This operation was intended to facilitate a retreat from the city, of the forces destined to march against it, from the Patuxent.

The British land forces, commanded by general Ross, were debarked at Benedict; and, on the 21st of August, proceeded to Nottingham. Thence, they directed their march upon Upper Marlboro', where they arrived at 2 o'clock, P. M. on the 22d. The American flotilla, which commodore Baruey had left at this place, was then blown up. While the enemy were advancing, brigadier-general Winder assembled the forces destined to oppose general Ross, at the Wood-yard, fourteen miles from Washington. Commodore Barney, with the flotilla-men, joined general Winder, and took charge of two long eighteen-pounders, mounted on carriages. At the same time, captain Miller, with a body of marines, trained to act as infantry or artillery, and well equipped in both capacities, appeared in the field, to co-operate with the army. Thus reinforced, general Winder prepared to dispute the progress of the enemy. In the afternoon of the 22d, he fell back to the battalion Old Fields, and encamped for the night.

About 12 o'clock, on the 23d, general Winder detached lieutenant-colonel Scott, of the United States' 36th regiment, major Peter, of the Georgetown artillery, and captain Stull, of the Georgetown riflemen, with their respective corps, to reconnoitre the enemy, and annoy his advance, if in motion. They proceeded on the road towards Marlboro', and, about six miles from the American camp, encountered the head of the enemy's column, in full march for Washington. A light skirmish ensued, in which captain Stull and major Peter fired a few rounds; when the detachment retreated back to the Old Fields. The enemy advanced; and, at night, encamped three miles south of the same ground.

General Winder, to avoid a battle by night, which would deprive him of his great advantage over the enemy in artillery, having thirteen six, three twelve, and two eighteen-pounders, marched, about sun-set, from the Old Fields into the city of Washington; and encamped near the bridge above the navy yard. Early in the morning of the 24th, the enemy pursued his march, and took the road to Bladensburg; having general Winder's force on his left flank, and leaving his

communication with the shipping, at Benedict, entirely unguarded.

General Stansbury, from Baltimore, with a brigade of 1353 militia, arrived at Bladensburg, on the 22d of August, and colonel Sterret in the evening of the 23d, with 500 more, jaded and exhausted by a rapid march, and the heat of the weather, and inadequately supplied with provisions. Colonel Sterret was accompanied by three hundred men, consisting of the Baltimore artillery, commanded by captains Myers and Magruder, and a light battalion of riflemen, under major Pinkney. The enemy appeared in view from Bladensburg, about half after twelve o'clock, P. M. of the 24th. General Stansbury took his position on the west of the eastern branch of the Potomac, and on the north of the turnpike road, leading through Bladensburg to the city of Washington. Between his line of infantry and the bridge over the Eastern Branch, were stationed the Baltimore artillery and riflemen, afterwards reinforced by Burch's artillery and Doughty's riflemen. With this advance the engagement commenced. Just as general Stansbury had completed the disposition of his forces, general Winder arrived on the field, rode to the right of Stansbury's brigade, and, after surveying the ground, and examining the position of the enemy, confirmed the previous arrangement. Thus the Baltimore forces were made the first line. General Winder then rode back, about half a mile from the bridge, where he met the head of his army approaching, in column, under brigadier Smith, of the militia of the district of Columbia. At the instant that general Smith came in view of the enemy, he perceived that they were advancing to the attack, at a brisk pace. It was now too late to advance far enough, to form in line, directly on the right of Stansbury's brigade. He therefore immediately deployed, and formed the second line, to the right and rear of the first. A strong regiment of Maryland militia, under colonels Beall and Hood, marched through Bladensburg, immediately ahead of the enemy's column, crossed the bridge, and formed in line on the heights south of

the great road. Major Peter, with a corps of artilleryists, took a position, on an eminence, near the left of the 1st regiment of general Smith's line; having an uninterrupted play on the enemy, in passing the bridge, and deploying on the field. A strong squadron of cavalry, commanded by lieutenant-colonel Laval, was posted in the rear of Stansbury's line.

The enemy, without halting longer than twenty minutes, after coming in full view of the American front line, moved in column, through Bladensburg, to the bridge. Their advance, under colonel Thornton, in passing the bridge, received the first discharges of the riflemen and artillery; which wounded the colonel, and, for a moment, obliged them to fall back. They were urged on, by their officers; deployed to their right; and proceeded firmly to charge the Baltimore riflemen and artillery. When the enemy's advance had taken the field, general Ross, with the main body of his army, passed the bridge, without any opposition, except from the fire of major Peter's artillery, and proceeded steadily along the road. As soon as the right of the enemy had approached, within musket-range of the object of their attack, the artillery and riflemen, in front of Stansbury's line, broke and retreated in disorder upon that line, which soon participated in their confusion, and abandoned the contest. The enemy's main body proceeded firmly along the road, in the face of Peter's artillery, which played severely upon, and cut down numbers of their column, for three or four hundred yards from the bridge; and their right wing, which had, in the first instance, formed the advance, and driven Stansbury's brigade from their position, inclined towards the left of general Smith's line. Just as this line was about to be engaged, general Winder ordered a retreat. General Smith executed the order by regiments, and corps as they were formed, and in as good order as the ground would admit. After retreating five or six hundred yards, the brigade was perfectly formed; but was ordered again by general Winder to retreat. General Smith then took up the line of march towards Washington. Immediately before general Smith retreated, commodore Barney, with his flotilla-men, and captain Miller, with the marines,



arrived, and, occupying the ground between Gen. Smith and colonel Beall, engaged the enemy. The commodore opened with an eighteen pounder, directly on the road, in front of the approaching column, a most destructive fire. Captain Miller, having formed the marines on the right of Barney's two pieces, opened an enfilading fire, with his three twelve pounders, upon the left flank of the enemy. The first discharge from Barney's pieces made great havoc among the enemy's front platoons, and literally opened an avenue in their column. They deliberated for a moment; and then attempted to deploy, from the front of their column, upon Miller's marines: but they received such a copious discharge from the twelve pounders, double charged with cannister, and from the musketry, at the same moment, that their leading platoons were thrown into confusion, and fell back upon the advancing column. During this time, Barney's pieces were served with spirit, and directed with fatal aim. At this moment, the enemy might be regarded as defeated, and would have surrendered prisoners, had Barney's left been protected by two hundred resolute infantry, or by as many marines as were on his right, commanded by another Miller. Finding himself unable to reach Barney's position, without exposing his troops to a terrible slaughter, general Ross resorted to manœuvres, which he would not have hazarded, had he been opposed by an extended line of infantry. He adopted the only measures, which could give him the victory, without a great destruction of his troops. He deployed to the left, from the centre of his column, out of the range of the musketry of the marines, and flotilla-men acting as infantry. At the same time, he displayed to the right, from the head of his column, and, in that direction, joined the advanced corps, which routed Stansbury's line. Thus the British army was formed into two divisions. The left proceeded up the hill in front of Beall's Maryland militia, who fled without making the least resistance; and exposed captain Miller and his marines to a charge in front, while they were flanked by three times their numbers. At length Miller fell by a severe wound; when he gave up his

command to captain Sevier, with orders to draw off the field. The right wing of the enemy crossed the ground, which had been occupied by general Smith's line, and attacked Barney's left, which was entirely unguarded. Barney, whose horse was killed under him, was wounded and lay bleeding on the ground. His brave men continued to load and fire with terrible effect, until they were nearly surrounded, and the enemy had actually seized one of their pieces. Being unable to effect any thing more on this ground, they joined the marines in their retreat. Commodore Barney and captain Miller were made prisoners; and, in consideration of their distinguished gallantry, experienced every attention from the enemy.

In quitting their first positions, the marines and flotillamen expected, within a short distance, to find the army rallied, and posted for a second contest. These brave corps were willing to repeat their exertions, a second, third, and fourth time, if necessary, to save the capital from the enemy: but the army had actually abandoned the city to its fate. If Gen. Winder had not ordered general Smith to retreat, or if general Smith had declined to obey, and remained for the protection of Barney's batteries, the enemy would very probably have surrendered on the field. When general Ross crossed the bridge, he had not expected to encounter, on the road, such a fire as was opened upon him by Barney and Miller. He had supposed, indeed, that the whole force of the American army lay before him, and, with the judgment of an experienced officer, marked the vacancy between general Smith and colonel Beall, through which the road passed, as the weak point. Thither he directed his army in column, while the advance acted on his right. General Ross had proceeded so far under his first impressions, that he never could have recovered himself from the effects of an unexpected and well-served battery, and a spirited infantry occupying the very ground which he had considered entirely unguarded, but for the unfortunate retreat of general Smith's brigade. Had it not retired at the moment when Barney and Miller engaged, general Ross would inevitably have considered him-

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self entrapped, by a judicious military stratagem. Their late arrival on the field, might have been improved into the surprise and defeat of the whole British army. The flight of Stansbury's line would not, alone, have destroyed the chances of victory. It was the fatal retreat of general Smith, that secured the enemy's success. The general's brigade was well posted, and had a great proportion of uniformed corps, well-drilled, and well-commanded. It continued calm and firm at the moment, when it was about to engage; and marched off the ground, in good order.

The president, and the heads of departments, were on the field, when the battle commenced, but they were obliged, in its progress, to retire. When the head of the retreating column reached the capitol, where general Armstrong and colonel Monroe, on horseback, were engaged in conversation, general Winder rode up, and, to the suggestion of defending it, by a second attempt, stated that he was not in condition to maintain another conflict; alleging that the army was dispersed and broken down by fatigue.\* General Smith then proceeded through the city, to occupy the heights behind Georgetown. Meeting with no further resistance, general Ross, with 1000 men, slowly approached the metropolis, where they arrived at 8 o'clock in the evening. The rear came up afterwards, and encamped in sight of the capitol. The enemy set fire to the private dwelling of Mr. Sewall; whence had been discharged a volley of musketry which killed the horse of general Ross. They then proceeded to burn the capitol, containing the senate chamber, representative hall, supreme court-room, congressional library, and legislative archives. The treasury, war, and navy offices, together with the president's house, shared the same fate. Every public building, except the general post-office, containing the models of patented inventions in the arts, was subjected to the torch. The navy yard, with a vast quantity of public property, also

\* The conduct of general Winder at Bladensburgh, and in the retreat, was afterwards investigated by a court of enquiry, convened at Baltimore, whose report exculpated him.

a fine new-built frigate, nearly ready to be launched, and a sloop of war, were burnt by commodore Tingey, according to orders from the secretary of the navy, to prevent their falling into the possession of the enemy. The fort and magazine at Greenleaf's point, the public stores at the marine barracks, and two or three rope walks, the property of private citizens, were destroyed by the British. While their army lay on the capitol-square, all the private houses in its vicinity, which had been abandoned by their proprietors and tenants, were entered and rifled by the soldiers. A commodious dwelling, belonging to the estate of general Washington, and Carroll's hotel, were consigned to the flames; and the office of the National Intelligencer was spoiled by the destruction of the presses, and a shameful dispersion of the types. In general, however, private property and houses inhabited were unmolested; yet many acts of lawless outrage, besides those stated, were perpetrated in various parts of the city.

The success of general Ross, in this expedition, cannot be ascribed to the display of superior military skill. It was not due to his force, or the deportment of his troops in the field. The resolution to march an army fifty miles into the interior of a country, thickly inhabited, and in the face of another of superior numbers, affords strong proof of his temerity, but none of his prudence. He succeeded against every rational calculation. For the same reasons that his march on Washington was hazardous and even rash, it must be admitted, that the failure, to repulse or capture his army, reflects heavily on those entrusted with its safety. That the defence was extremely mismanaged, cannot be doubted. Among many reasons that could be assigned for the feeble resistance made by general Stansbury's line, one will present itself forcibly to the reader, when informed, that it commenced the action, and abandoned the field, without knowing any thing of a second line in its rear. Every one will at once perceive, that, consequently, it could have no expectation of ultimate success, however profuse of its valour and blood. How different might have been its impulse, had it been informed, that a second line was in the field, to partake in the danger

of a conflict, and participate in the glory of a victory! At the least, it might have been impelled by emulation, if not assured of success. It is wholly inexplicable, that there was not more concert between the two lines.

There had been sufficient warning to those charged with the defence of the metropolis, to prepare for an attack; and the geography of the country indicated, beyond all doubt, that the enemy, if not beaten before, would pass the eastern branch of the Potomac at Bladensburg. He could pass it no where below. He would pass it no where above, lest the American army should intercept his communication with the shipping at Benedict. The commanding general of the American forces, if he did not deem himself more than competent to defeat him in the field, ought, in due time, to have posted his army behind suitable defences at Bladensburg. The force that retreated from the Old Fields, on the evening of the 23d, should not have been held at the bridge, above the Navy Yard, which could have been secured by fifty men, or blown up in a second, while the enemy was permitted to march unmolested over a route where it was certain he would expose himself to a battle, under every disadvantage. Besides the forces, which were precipitately interposed, to arrest the progress of the enemy at Bladensburg, and which will be found recapitulated below, there were two considerable corps, within hearing of the firing, one of 450 men, under brigadier Young, of the Alexandria militia, the other of 600 infantry and 100 cavalry, under colonel Minor, of the Virginia militia. They ought to have been in the field. Arrangements ought to have been made, to remedy an unsuccessful essay in the first instance, by rallying, and confronting the enemy, in a series of contests, over the finest ground for desultory troops. And most palpably, the capitol, capable of being made an impregnable citadel, against an enemy with little artillery, and that of the lighter class, ought to have been garrisoned by a competent force. Protected as it was, in front, and on each wing, by a line of houses, competent to withstand musketry, it would have bid defiance to almost any assault of the enemy.

The army under general Winder, consisted of—

United States' dragoons	-	-	-	140
Maryland do.	}	Militia	-	240
District of Columbia, do.			-	50
Virginia do.			-	100
			<hr/>	530
Regular infantry	-	-	-	500
Seamen and marines	-	-	-	600
			<hr/>	1100
Stansbury's brigade	}	Militia	-	1353
Sterret's regiment			-	500
Baltimore artillery			-	150
Pinkney's battalion			-	150
			<hr/>	2153
Smith's brigade, 1070	}	Militia	-	
Cramer's battalion, 240			-	
Waring's detachment, 150			-	1610
Maynard's do. 150			-	
			<hr/>	7610
Beall's and Hood's regiment, (Militia)	-	-	-	800
Volunteer corps	-	-	-	350
			<hr/>	1150
Total at Bladensburg	-	-	-	6543
At hand: Young's brigade, (Militia)	-	-	-	450
Minor's Virginia corps	-	-	-	600
			<hr/>	1050
Grand total	-	-	-	7593

General Winder, after the battle, reported his forces at about 5000 men; nearly 2600 less than appears from the preceding detail. The difference exceeds half the force of the enemy at Bladensburg; and is greater than the number which, at any time during the day, he was enabled to bring into action. The advance under colonel Thornton, did not exceed 1200. The American army had on the field not less than twenty-three pieces, of calibres varying from six to eighteen-pounders. General Winder supposed that the loss of his army was about from thirty to forty killed, and from fifty to sixty wounded. It is believed, however, that this is a large computation; for Dr. Catlet, the attending surgeon, stated

the killed at ten or twelve; and the wounded, some of whom died, at thirty.

The enemy's forces have been variously estimated, from 3500 to 5000. The former may be somewhat under the true number. The latter is doubtless too high. Those who had the best opportunities of counting them, calculated that their whole number was about 4000: and this calculation is warranted by the incidents in the field. They were distributed as follows:

1st brigade, colonel Brooke, of the 44th regiment,  
4th, or King's own,  
44th regiment.

2d brigade, colonel Patterson, of the 21st regiment,  
21st Royal Scots, fusileers,  
2d battalion Royal Marines,  
Detachment of marines under captain Robins.

Light brigade, colonel Thornton, of the 85th regiment,  
85th light infantry,

21 } Light infantry companies, major Jones, of the 4th Regt.  
44 }

One company of marine skirmishers under Lieut. Stevens,  
Colonial Marines under captain Read,

Two three-pounders and a howitzer, under captain Carmichael, Royal Artillery.

Seamen and engineers, with rockets, admiral Cockburn.

The loss of the enemy, considering the nature and issue of the contest, was very great. It was 400 in killed and wounded; an unusual proportion of the former. In prisoners and deserters, from the time they quitted their shipping until they returned, it was 500. Some British deserters, who came into Annapolis, after the enemy descended the Patuxent, reported, that there was great distress in the fleet, for the loss they had sustained in the expedition. They said it was 1100. A terrible accident, at Greenleaf's point, killed captain Blanchard, of the British engineers, and above forty men; and wounded badly as many more. The garrison,

which had been stationed there, on the arrival of the enemy at Washington, threw a large quantity of powder into a dry well within the fort. A party of from eighty to one hundred men, headed by captain Blanchard, went to the point, to destroy the cannon. While there, by some means, supposed to be the careless dropping of a burning match, by a British soldier, into the well, the powder took fire, and blew up with a tremendous explosion. Some of the unfortunate sufferers were dug alive out of the cavern, mangled in a most shocking manner; with their arms blown off, their eyes bursted, and their bones dislocated and broken. Others, more fortunate, were saved from languishing in agonies, by instant death. Of the whole party, that went to the Point, not more than twenty returned, who could wish their lives prolonged.

The enemy remained at Washington until eight o'clock, P. M. on the 25th. He then retired, by the way of Bladensburg; where he took up all his wounded, who could ride, or be transported in carriages. For the purpose of moving them off, he had collected thirty or forty horses, twelve carts and waggons, one coachee, and several gigs. A drove of sixty or seventy cattle preceded this cavalcade. Several officers of rank, and about one hundred and fifty non-commissioned officers and privates, whose wounds would not admit of their removal, were left behind, and became prisoners.

The British army retired in great disorder. Although it commenced its retreat early in the evening of the 25th, it did not entirely clear Bladensburg, until the afternoon of the 26th. It proceeded very much in the same style until it arrived at Benedict, on the evening of the 27th. General Ross scarcely kept up his order sufficiently to identify the body of his army. It was divided into detachments; marched on different routes; and separated at the distance of several miles; each consulting its pleasure as to pace. Many straggling parties were made prisoners by the citizens inhabiting the country between Bladensburg and the Patuxent. And it can hardly be doubted, that one-half of the American troops, who were defeated at Bladensburg, might, if pro-



perly organized, have retrieved their lost honour in a vigorous pursuit of the retiring enemy. But no effort of the kind was made. He was permitted, in the most irregular manner, to retrace his march, and, without any annoyance from an armed force, to re-embark.

In the meantime, captain Gordon, with a detachment from the enemy's fleet, ascended the Potomac. On the 27th of August, he approached Fort Washington, on the east side of the river, and about six miles below Alexandria; and began at long distance to fire upon it. Captain Dyson, who commanded the fort, blew it up, and retreated with the garrison, without firing a gun.

No opposition being made from any quarter to the progress of the squadron, it passed the site of the late fortification, bound for Alexandria. It was met by a flag despatched by the corporation, proposing a capitulation. In the evening of the 28th, the squadron was arranged off the town, so as entirely to command it from the river. On the morning of the 29th, in answer to the communication received by the flag, the day before, captain Gordon, from his Britannic majesty's frigate, *Sea Horse*, dictated his terms to the town council; which were, that the place should not be destroyed, the inhabitants molested, or dwelling houses entered, on the following conditions:

That no hostility should be offered to the squadron, on the part of the Americans:

That all naval and ordnance stores, public and private, should be delivered up:

That all the shipping in the harbour should be surrendered; and their owners furnish their equipment immediately:

That the vessels sunk for security should be raised, and delivered up in the condition in which they were, on the day when the squadron passed the Kettle Bottoms:

That all merchandise, of every description, including that removed, since the 19th of August, should be embarked on board the surrendered ships:

That all refreshments, required for his majesty's squad-

ron, should be furnished by the citizens, and be paid for in bills on the British government.

One hour was allowed to the council for their acceptance or rejection of these terms. After some explanations, relative to their jurisdiction over some of the subjects mentioned, the council submitted. The enemy burnt one vessel; and carried off three ships, three brigs, several bay and river vessels, laden with 16,000 barrels of flour, 1000 hogsheads of tobacco, 180 bales of cotton, and \$5000 worth of wine, sugar, &c. Captain Gordon, with his booty, commenced the descent of the Potomac, on the 3d of September. Some ineffectual resistance to his progress was attempted, under the direction of commodores Rodgers, Porter, Perry, and other naval officers, associated with the volunteer companies of the district of Columbia, and a few militia of Virginia and Maryland.

On the 20th of August, 1814, sir Peter Parker, with 250 sailors and marines, from the *Menelaus* frigate, on a cruise in the upper part of the Chesapeake bay, landed near Georgetown-cross-roads, on the eastern shore of Maryland; and, armed with pikes, cutlasses, pistols and muskets, attacked 170 militia, under colonel Philip Read, armed with muskets, rifles, and two pieces of field-artillery. The British, with firmness, advanced to the charge; and were met with equal resolution. After an obstinate contest, which lasted for one hour, the enemy retreated, leaving thirteen killed, and three wounded, on the field. Seventeen wounded were carried off; among whom was sir Peter Parker. He died a few days afterwards; and his body was carried to England, to sleep in the tomb of his ancestors. The Americans had three slightly wounded; none killed. They picked up, the next morning, from the ground over which the enemy retreated, many muskets, cutlasses, and boarding-pikes, with a grenade and rocket.

The British forces, in the Chesapeake and its waters, assembled under the commander in chief, admiral Cochrane. This imposing armada, consisting of nearly fifty sail, having on

board 5000 land troops, commanded by general Ross, appeared, on the 10th of September, at the mouth of the river Patapsco, about fourteen miles from the city of Baltimore. Here it became evident, that the design was to attack that city; which had hitherto been rendered dubious, by their equivocal movements since leaving Washington. The defence of Baltimore was committed to major-general Samuel Smith, of the Maryland militia; who held the rank of lieutenant-colonel, in the revolutionary war, and was particularly distinguished by the defence of the Delaware in 1776. The general, expecting the enemy would land at North Point, whence he might approach the city, by the most practicable route, while his fleet would menace it from the Patapsco in front, ordered brigadier-general Stricker, of the Baltimore militia, to march with part of his brigade, accompanied by several additional corps of riflemen, cavalry, and artillery, under their proper officers, to the number of 3000 men, to oppose his progress. Light corps of riflemen and musketry, taken from general Stansbury's brigade, supported by a body of Pennsylvania volunteers, were ordered to assume a station at the mouth of Bear Creek, and to be in readiness to co-operate with general Stricker. On the 11th, in the afternoon, these troops reached their destination, on the north side of the Patapsco, about seven miles below the city; the riflemen taking post two, and the cavalry three miles in advance.

Early in the morning of the 12th, the advanced videttes brought intelligence to general Stricker, that the enemy was debarking troops under cover of his gun-boats, within the mouth of the Patapsco. The general took a position at the junction of the different roads, leading from the city to the Point; resting his right upon Bear Creek, and having his left covered by a swamp. In this situation, he waited for the enemy; sending forward an advance corps, under major Heath, to commence the battle, and gradually retire to the main body. General Ross put himself at the head of his troops, to force general Stricker out of the road to the city. About this time, he received a rifle ball in his breast, which

put an end to his career. The fall of their general was a severe loss to the British army, and checked, for a time, the prosecution of their design.

In the afternoon, however, by order of colonel Brooke, on whom the command devolved, their whole force proceeded, and commenced their operations by discharging rockets. A brisk cannonade from both sides followed; and, in a few minutes, the action became general along the lines. General Stricker maintained his ground against superior numbers, for an hour and a half. Unfortunately, however, a regiment on his left giving way, he was obliged to retire to a gentle elevation in his rear; where he had stationed a regiment of reserve. The enemy not pursuing his advantage, general Stricker took post on ground, still further in his rear; and about half a mile in advance of the entrenchments, thrown up on the rising ground east of Baltimore. Here he was joined by generals Winder and Douglass, with a brigade of Virginia militia, and the United States' dragoons, under captain Burd.

The brigades, under generals Stansbury and Forman, the seamen and marines under commodore Rodgers, the Pennsylvania volunteers, the Baltimore and marine artillery, under their respective officers, manned the entrenchments and batteries. Thus posted, and expecting the enemy, the troops remained under arms, through the night of the 12th. The next morning, the British army appeared, about two miles in front of the entrenchments, on the road leading from Baltimore towards Philadelphia. They inclined thence towards the York and Harford roads, apparently with the design to march upon Baltimore in that direction. This movement was counteracted by generals Winder and Stricker. They next advanced within a mile of the entrenchments, with the purpose, it was supposed, to attack in front. Major-general Smith drew generals Winder and Stricker to the left of the line of entrenchments, to assail the enemy on his right, and in his rear, if he seriously attempted the assault.

While these operations were pending upon land, the British fleet moved up the Patapsco, to bombard Fort M'Henry, com-

manded by major Armistead. In anticipation of this attack, he had been furnished with several companies of the Baltimore artillery. He was supported, also, by 600 infantry, detached from different regiments of the United States, and a detachment from Barney's flotilla. The whole formed an aggregate of 1000 men. Two batteries, to the right of Fort M. Henry, were manned, one by a detachment of sailors, under lieutenant Newcombe, the other by lieutenant Webster, of the flotilla. As soon as the British commenced their bombardment, the batteries at the fort opened their fire: but all their shot and shells falling short of the British vessels, the garrison was compelled to remain inactive spectators of the tremendous scene. In the afternoon of the 13th, an accident occurred, which produced momentary agitation in the fort. A gun, in the south west bastion, was dismounted by a shell; which, by its explosion, killed a lieutenant, and wounded several men. The enemy, observing the disorder from their vessels, and hoping to gain some considerable advantage, instantly advanced three of their bomb ships: but the fire from the garrison taking effect upon them in their new situation, they were compelled to retire, in disappointment.

The bombardment, was continued with slight intermission for twenty-five hours. During the night of the 13th, three rocket vessels and several barges, succeeded in passing the principal fort; but as soon as discovered, a combined fire from the different batteries, obliged them to return, with the loss of one of their barges, which was sunk; and all on board of it perished.

In the course of the night, admiral Cochrane held a consultation with colonel Brooke, in which they mutually agreed, that the capture of Baltimore, with their present force, was impracticable; and that, therefore, the attempt should be abandoned with all convenient speed. However, the bombardment was continued, to keep up a diversion in favour of the retiring army, and favour its movements. The retreat was commenced under cover of a dark and tempestuous night. The enemy was pursued, the next morning, by a body of light troops, under general Winder, who

effected nothing, but the capture of a few stragglers. Covered by the guns of the fleet, and protected, in the rear, by works previously thrown up, to oppose their landing, colonel Brooke re-embarked his troops in safety.

The loss of the Americans, in the battle of North Point, was twenty killed, and ninety wounded. Of the former was James Lowry Donaldson, Esq. a very respectable citizen, and, at the time of his fall, a representative of Baltimore, in the state legislature. In the fort, on which the enemy discharged 1800 shells, only four men were killed, and twenty wounded. Lieutenant Clagget and sergeant Clemson were of the former.

The enemy's loss in the field was considerable. On the morning after the battle of North Point, 171 were found on the ground. Their whole loss, in killed, wounded, and missing, has been estimated at from 500 to 700. The superiority of the American gunnery over that of the enemy, was very evident on this occasion, from the respective number of killed and wounded, during the whole period of the descent, retreat, and embarkation.

## CHAPTER LII.

*General Wilkinson attacks the enemy at La Cole. Oswego and Sandy Creek. General Brown invades Canada, and captures Fort Erie; Battles of Chippewa and Niagara; General Drummond assaults Fort Erie; Sortie of the 17th of September, 1814; Capture of the British squadron on Lake Champlain; Repulse of Sir George Prevost, &c.*

THE great force of the enemy's fleet, in the Chesapeake, enabled him to continue a harassing warfare about its shores, which the government had not the power to prevent. The velocity and the uncertainty, which characterise the motions of a naval armament, rendered it utterly impracticable to provide against every marauding enterprise of the enemy. One hundred thousand men distributed around the shores of the Chesapeake, might not be able to prevent some debarkations, followed by depredations on private estates.

But the reader will now be introduced to scenes, where the armies of the United States contended with those of the enemy on equal terms; and he will there find results on which the American people may reflect with pride.

General Wilkinson, after his descent of the St. Lawrence, remained, during the winter season, quiet in his quarters at the French Mills. General Macomb was ordered to proceed to Lake Champlain, to superintend the operations in that quarter; and general Brown, promoted to the rank of major-general, to assume the command of the Niagara frontier, which had been left with a very feeble protection, since the departure of general Wilkinson, to conduct the expedition against Montreal.

General Wilkinson, towards the last of March, 1814, put his army in motion, and proceeded to attack the enemy in a position on the river La Cole, within the province of Lower Canada; where their troops had fortified a large stone mill, and erected a block-house and other defences. An eighteen-

pounder was ordered forward for the purpose of destroying the fortress: but from the difficulty of transporting a gun of such weight, through a deep forest, which lay in the route, it was relinquished for a smaller piece of ordnance, which the engineer pronounced to be sufficient for the service. After a fair experiment of its force, and sustaining a vigorous sortie by the enemy, in which captains Larabee and M'Pherson were severely wounded, the general withdrew his forces, resolving, finally, to relinquish Canada. He retreated to Odelltown, on the dividing line between the lower province and the United States. This inauspicious opening of the campaign, succeeding the failure of the expedition against Montreal, occasioned the removal of general Wilkinson, from the command. He was shortly afterwards succeeded by general Izard.\*

General Brown arrived on the Niagara, early in the spring. High expectations were formed, from the extraordinary vigour, often exhibited by this officer, and the penetrating judgment by which he was distinguished. On Lake Ontario, the British had gained the ascendancy by a large addition to their naval force, made in the preceding autumn and winter. Active measures were taken by the government of the United States, to place the American fleet on a footing more equal to that of their enemy. The summer of 1814 was spent by both, in preparing vessels of larger dimensions, and carrying a greater weight of metal.

The campaign opened with several handsome small affairs; among which were the defence of Oswego, and the defeat and capture of a party of British sailors and marines at Sandy Creek.

On the 5th of May, sir James L. Yeo, with four ships, three brigs, and a number of gun-boats, barges and transports, appeared before the American fort at Oswego. His object was to intercept the guns, rigging, and naval stores, intended for the Superior, a vessel nearly finished at Sack-

\* General Wilkinson was afterwards acquitted, by a court martial, of various charges exhibited against him, by the secretary of war.



ett's Harbour. He directed an attack on the fort, and a small water battery near it, for thirty-six hours. On the American side, lieutenant-colonel Mitchell, of the United States' artillery, commanded, with only 300 men. He was ably assisted in the defence by captain Boyle, who commanded the water battery, and a party of sailors, from the Growler's crew, under lieutenant Pearce. The enemy made an attempt to land a detachment from the shipping, to facilitate the capture of the fort. They proceeded, with this view, in fifteen or twenty barges covered by gun-boats: but, on approaching the shore, received such a well-directed fire from captain Boyle's battery, that they were compelled to return. One of their barges, sixty feet long, and worked by thirty oars, was abandoned, and fell into the hands of the Americans.

On the morning of the 6th, the enemy landed between two and three thousand troops, regulars, marines, and sailors, above the fort; from which colonel Mitchell withdrew, and prepared to meet the enemy's column on its approach. Supported by captains Romeyne, Melvin, and McIntire, he made a handsome resistance, against an overwhelming superiority; but was at length obliged to yield the ground, or be captured. The British troops then took possession of the fort and barracks. The principal object of the enemy, having on his appearance been removed, he found a small recompense for the lives and blood, which the capture of a naked fort cost him. His loss in killed, wounded, and drowned, was 235. Captain Hattaway was of the killed; and captains Mulcaster, Popham, and Ledergrew, besides subalterns, were wounded. The American loss was one lieutenant, and five men killed; thirty-eight wounded; and twenty-five missing.

On the 7th, after setting fire to the fort and barracks, the enemy returned to the shipping.

The affair at Oswego was followed by another, which resulted in the capture of a party of the enemy. On the morning of the 29th of May, captain Woolsey having brought, to the mouth of Oswego creek, his flotilla, laden with guns and stores, for the shipping at Sackett's Harbour, despatched

Lieutenant Pearce in a look-out-boat, to reconnoitre the enemy. Off Sandy creek the boat was chased by three gun-boats, three cutters, and a gig, commanded by captain Popham of the British navy. The look-out-boat ran up the creek. Supposing that the enemy would pursue lieutenant Pearce, captain Woolsey and major Appling, of the United States' riflemen, concerted a plan to capture this detachment of the enemy; which completely succeeded. Major Appling concealed his men on the banks of the creek. When the British flotilla arrived, within point-blank-shot of the riflemen, they rose from their concealment, and discharged a volley upon the surprised enemy. In ten minutes, the whole were taken prisoners, amounting to 200, including officers. The enemy had one midshipman, and thirteen sailors and marines killed; and two lieutenants, and twenty-eight sailors and marines wounded. Among the prisoners, were two post-captains and four lieutenants of the British navy, and two lieutenants of royal marines. Major Appling had only one man slightly wounded. The enemy's flotilla fell into the hands of the Americans.

On Lake Erie nothing occurred in the meanwhile, to attract attention. Gen. Brown was occupied in collecting and disciplining his troops, for a vigorous invasion of Upper Canada, from the Niagara. On the evening of the 3d of July, general orders were issued for the embarkation of his army, consisting of two brigades; together with a body of New York and Pennsylvania volunteers, and a corps of Indians under general Porter. All were suffered to land on the opposite shore without molestation. The first brigade marched under general Scott; and, with the artillery under major Hindman, landed nearly a mile below Fort Erie; while general Ripley, with the second brigade, made the shore at nearly the same distance above the fort; which was soon completely invested. A battery of long eighteen-pounders, placed in a commanding position, shortly induced the garrison, consisting of one hundred and thirty-seven men, to surrender themselves prisoners of war.

General Brown, having placed a small garrison in Fort

Eric, moved, the following day, to Chippewa plains. He suffered no interruption, during the march: but, in the afternoon, general Porter's advance met the light parties of the enemy, in a wood, at some distance from the ground on which the army had halted. After a short rencontre, they drove the enemy a considerable distance. They then met a heavy column approaching to give them battle; and, from the cloud of dust, and the heavy firing, general Brown concluded, that the entire force of the British army was bearing upon him. General Scott, with Towson's artillery, was immediately ordered forward; and in a few minutes was in close action with the enemy. General Porter's volunteers gave way, and left the flank of Scott's brigade exposed. Major Jessup, commanding on the left, finding himself pressed both in front and in flank, and his men fast falling, ordered his battalion to support arms, and advance. They rushed undauntedly forward, soon gained an eligible position, and returned a deadly fire upon the enemy, which compelled him to recede. General Ripley, with the reserve, was ordered to advance, and by means of a wood which favoured the movement, to gain the rear of the enemy's right. This was attempted; but the gallantry and impetuosity of general Scott's brigade, forced the enemy from the field before it could be executed. As soon as he was pushed beyond the declivity, where the ground begins to descend towards the Chippewa, his troops broke, and fled in disorder, behind his works; whence his batteries opening upon the pursuers, checked their progress.

The action was severe and close. The Americans lost 60 men killed, and 248 wounded. By the official accounts of the British, their killed amounted to 133, and their wounded to 320; besides 46 missing.

This favourable opening of the campaign diffused general joy. Great apprehension had been excited, by information, that a large portion of lord Wellington's army, flushed with their recent successes in Spain, had arrived in Canada: besides, all the maritime towns on the coast of the United States, were threatened by other veteran forces. Every arrival

from Europe announced increased hostility on the part of Great Britain, and the most vigorous preparations and additional means of annoyance. Under such circumstances, this decisive victory of general Brown had an animating effect on the army and nation.

After this rencontre, the enemy, instead of provoking another engagement, to recover their losses, abandoned their works at Chippewa, burned their barracks, and retired again to Fort George. General Brown pressed close upon their rear, the whole way. He offered them the opportunity, repeatedly, of retrieving their honour; but they chose to confine themselves within the protection of their works. In the meantime, the general waited to receive reinforcements, and additional artillery from Sackett's Harbour, to effect the reduction of the strong forts at the mouth of the Niagara. Commodore Chauncey, by indisposition, was prevented from cooperating in this plan. General Brown, therefore, returned to Queenstown Heights; where he learned that a large reinforcement to the enemy had arrived from Kingston and Prescott. He again receded and encamped at Chippewa. On the 25th of July, a strong detachment, from forts George and Niagara, was seen in full march towards Schlosser, on the opposite shore of the Niagara. General Brown's baggage and provisions being in danger, from this movement of the enemy, he ordered general Scott with his brigade, and Towson's artillery, to march in the direction of Queenstown, to divert the enemy from his supposed design upon Schlosser.

On arriving at the Falls, general Scott discovered the British army directly in his front. He immediately despatched a messenger to general Brown, with the intelligence, and advanced upon the enemy. The report of the cannon informed the general of the fact, before the arrival of the messenger. General Ripley was forthwith ordered to march to the support of general Scott; while general Brown, with all speed, repaired to the scene of action. When he arrived on the ground, he found general Scott, with Towson's artillery, warmly engaged. The 25th regiment, under the command of major Jessup, moved to the right of the main

body, with discretionary orders, to be governed by circumstances. The conflict was desperate; but the Americans, being inferior in force, were suffering severely; major Jessup, taking advantage of an error committed by the British commander, in leaving an important road on his left, unguarded, threw his battalion on the rear of the enemy; when a fearful slaughter ensued. The major penetrated the British line from the rear; cut off its left wing; and captured major general Riall, his suit, and a number of prisoners. Lieutenant-general Drummond narrowly escaped the same fate. One of his aids, however, was taken. He had been detached from the front, to order up the reserve, with the view of falling upon general Scott, with the whole force of the army, and so overwhelming him at once, by four times his numbers. This manœuvre was defeated by the fortunate capture of general Drummond's aid.

Although general Ripley's brigade had pressed forward, with the greatest ardour, the battle had raged for an hour before it arrived on the ground. By this time night began to cover the combatants. In order to relieve the first brigade, which was now greatly exhausted, Ripley's fresh troops were ordered to pass general Scott's line, and to display in front. In the meantime, the enemy had taken a new position, and occupied a height with his artillery, which gave him manifest advantage. To insure victory to the Americans, it was necessary to seize this height. For this purpose, the second brigade advanced along the Queenstown road; and the first regiment of infantry, which had just arrived, was formed in line, facing the enemy upon the hill, with the view of attracting his attention, while the second brigade should advance in his rear, and carry his artillery. Colonel Miller, with the 21st regiment, was ordered to seize it at the point of the bayonet. It advanced in column, to the attack. On receiving the fire of the batteries, it faltered; but was again formed, and, assuming a steady attitude, advanced to the charge, and seized the batteries. The enemy, in dismay, was driven from his commanding position: and the Americans, with the captured cannon, consisting of nine pieces, occupied

the ground. In this situation, they withstood three desperate attacks from the enemy, who had rallied his broken corps, and received reinforcements. At every charge he was repulsed; and finally the American troops were left in quiet possession of the field.

It was now near midnight; and generals Brown and Scott were both severely wounded. The troops were much exhausted. General Ripley, on whom the command devolved, was instructed to return to camp, taking with him the wounded, and the captured artillery. But the carriages were so shattered, and such had been the slaughter of the horses, that it was found impracticable to remove the guns, at that late hour.

The American official account of this battle, makes the loss of the army, 171 killed, 572 wounded, and 117 missing. The British prisoners, including major-general Riall and suite, were 179. Generals Brown and Scott were among the American wounded; among those of the British, lieutenant-general Drummond and major-general Riall. The total loss of the British in killed, wounded, and missing, amounted to 860. The whole force of the British engaged in the action, including the Canadian militia, amounted to 4500; that of the Americans was less than 3000. On the 26th, general Ripley, deeming the army too much reduced to remain in the field, retired to Fort Erie; where general Gaines assumed the command.

General Drummond, on the 15th of August, attempted to storm the fort; but was repulsed with the loss of 600 men; one-half of whom were slain. The assault, and defence, were of the same desperate character, with the battles of Chippewa and Niagara; and could not fail to inspire the British officers and soldiers, with high ideas of the discipline and courage of the American army.

General Brown, having recovered from the wounds received in the battle of Niagara, resumed the command of his army, on the 2d of September. The adverse troops were engaged during the months of August and September, in almost continual labour, erecting and mounting batte-

ries, for assault on the one side, and defence on the other. At the same time, repeated and severe skirmishing daily took place between the picquets. The army under the command of general Brown, suffered much from the fire of the enemy's batteries; two of which were within 500 yards of Fort Erie. General Brown discovered, that a third was erecting in a position to enfilade his encampment; which by the 12th was nearly completed. It mounted long twenty-four pounders; and, if permitted to open, would inevitably render Fort Erie untenable. A spirited measure was adopted by general Brown, to ward off the impending danger. Twice victorious in the field, he could not brook the idea of surrendering the heroes of Chippewa and Niagara, when sheltered by fortifications.

The general, therefore, on the 17th, determined to make a sortie, to carry the enemy's batteries, and destroy his cannon. It was executed in the most gallant style. The batteries were carried, the works blown up, and the cannon rendered useless. The conflict was severe; and the carnage very great. Besides his works and artillery, the enemy lost 800 men in killed, wounded, and prisoners. The American army sustained a great loss in officers. Among the killed were colonel Gibson, of the United States' riflemen, and brevet lieutenant-colonel Wood, of the engineers. More estimable men, or gallant officers, never died in the service of any nation. Of the regular forces, one colonel, one lieutenant-colonel, three captains, five sergeants, seven corporals, and forty-four privates were killed. One brigadier-general, Ripley, one brigade-major, one lieutenant-colonel, one major, two captains, eleven subalterns, thirteen sergeants, eleven corporals, and ninety-four privates, were wounded. One adjutant, one sergeant, one corporal, and thirty-six privates were missing. Of the militia, not so many were killed and wounded; but more were missing. One brigadier-general, Davis, one captain, three subalterns, one sergeant, one corporal, and twelve privates were killed. One major-general, Porter, two aides-de-camp, one brigade-major, two captains, two subalterns, four sergeants, three corporals, and sixty-

five privates were wounded. One lieutenant-colonel, one major, one quarter master, two captains, four subalterns, nine sergeants, thirteen corporals, six musicians, and one hundred and thirty-six privates were missing.

After entirely accomplishing the object of the commander in chief, the troops returned to the fort with 385 prisoners. In consequence of this exploit, the army was secured from danger, covered itself with imperishable honour, and taught the British troops, who had vainly styled themselves "Lord Wellington's invincibles," to respect the arms of freemen. Generals Drummond and De Watteville broke up their camp in the night of the 21st, and sought safety behind the works at Chippewa.

Major-general Izard, from Plattsburg, arrived on the Niagara, about the middle of October, with a reinforcement of 1400 men, and, as senior officer, took command of the district. General Brown repaired to Sackett's Harbour, and took command of the forces stationed there, for the defence of the shipping and military stores. After remaining a short time on the Canada side, Gen. Izard withdrew from the British territory, and ordered his troops into winter quarters, near Buffaloe. Thus, on the Niagara, ended the campaign of 1814; in which the enemy lost not less than three thousand veteran soldiers. The battles of Chippewa, Niagara, and Erie, together with the grand events on Lake Champlain, and at Plattsburg, which will be particularly detailed in the sequel, gave a new and encouraging aspect to the military affairs of the United States. The names of Brown, Scott, Ripley, Gaines, Porter, Miller, Jessup, M'Ree, &c. are rendered dear to the American people; and those of Gibson and Wood affectionately registered in the hearts of their countrymen.

During the months of July and August, several divisions of the British army, from the Garonne, whose prowess had been so conspicuous under lord Wellington, arrived in the St. Lawrence. Some of them were sent to the upper province, to be employed on the Niagara; and partook in the affairs which have just been passed in review. Others remained at



the disposal of sir George Prevost, to be used, in a powerful effort, on lake Champlain; which, if successful, might be prosecuted to the Hudson; to co-operate, it was said, with another army, to be introduced by the mouth of that river, so as to produce a complete separation between the northern and southern states. The British army under sir George, 14,000 strong, approached Plattsburg, about the first of September, 1814. A strong squadron of armed ships, headed by the *Confiance*, commodore Downie, a frigate of 39 guns, entered lake Champlain simultaneously; with the design of making a combined attack, by land and water, on the town; on the American squadron, in its harbour, commanded by commodore Macdonough: and on general Macomb's garrison, consisting of 1500 men, supported by a body of militia, of the state of New York, under general Moers, and volunteers of Vermont, under general Strong.

General Macomb and commodore Macdonough, calmly contemplating the emergency, put all the zeal and talents of their officers, soldiers, and seamen, in requisition, and, in emulous efforts to place the defences of Plattsburg, in the best possible state, prepared to receive the enemy.

All the females and children of the town, were removed; and all the males capable of bearing arms, were supplied from the public magazine, and formed into a separate corps, for the protection of their altars and their firesides. General Moers, with 700 militia, as an advance party, was detached seven miles in front, to observe the motions of the enemy, and obstruct his march, by skirmishes, felling trees, and breaking up the bridges in his route. Still further in advance, was posted lieutenant-colonel Appling with 110 riflemen, to procure intelligence, and to cut off such soldiers as might be found straggling from the enemy's ranks. At the onset, general Moers's troops, unaccustomed to arms, indicated the usual qualities of militia, in their early rencontres. Experience, by degrees, produced on them its common effects. Supported, at intervals, by small corps of regular troops, under colonel Appling, major Wool, and captain Sproul, they soon displayed the materials of good soldiers. They greatly

aided in embarrassing and retarding the progress of sir George Prevost; who, from the 6th to the 10th of September, was occupied in the conveyance of his artillery, by roads almost impracticable for the transportation of heavy ordnance.

On the 11th, at 8 o'clock, A. M. commodore Macdonough's look-out-boat announced the enemy at hand. In a little time commodore Downie approached in order of battle. His line consisted of the frigate *Confiance*, thirty-nine guns, twenty-seven of which were twenty-four pounders; the brig *Linnet*, sixteen guns; the sloops *Chub* and *Finch*, eleven guns each; and thirteen galleys, five of which carried two, and the remainder one gun each. The American squadron consisted of the *Saratoga*, twenty-six guns, eight of which were long twenty-four pounders; the *Eagle*, twenty-guns; the *Ticonderoga*, seventeen guns; the *Preble*, seven guns; and ten galleys, six of which carried two guns, and the remainder one. It lay in the bay of Plattsburg, moored in line, ready to receive the enemy, having on each flank, a division of gun boats. At nine o'clock, commodore Downie ranged the British directly abreast of the American squadron, at the distance of 300 yards. The *Confiance* was opposed to the *Saratoga*; and the *Linnet* to the *Eagle*. The battle raged with terrible havoc between the principal vessels, which were, in a short time, very much shattered. At half past ten, the *Eagle* not being able to bring her guns to bear, according to the wish of her commander, he cut her cable, and anchored in a more eligible position. All the guns on one side of the *Saratoga* being dismounted, or rendered unmanageable, commodore Macdonough ordered her stern anchor let go, her bower cable cut, and the ship swung round, so as to bring her other broadside to bear on the *Confiance*; which soon afterwards struck her colours. The *Saratoga's* broadside was then directed upon the *Linnet*, which, in fifteen minutes, was obliged to surrender. The sloop which was opposed to the *Eagle*, had already struck, and was drifting down the line; the other, which was ranged with the enemy's galleys, followed her ex-

ample. Three of the British galleys were sent to the bottom of the lake. The others drew out of the line, to effect their escape. Signal was made to pursue : but at the moment, commodore Macdonough being informed, that some of his own vessels were in a sinking state, the galleys were recalled ; and the men ordered to the pumps. Ten galleys of the enemy, consequently, escaped in a very shattered condition. One hundred and five round shot pierced the hull of the *Confiance*. The *Saratoga* received only fifty-five. The enemy generally over-shot the hulls of the American ships. Scarcely twenty hammocks were left in their nettings. The rest were carried away by the enemy's shot ; an obvious proof that the guns of the British ships were too much elevated.

The action lasted two hours and twenty minutes, without intermission ; and was in full view of both armies on land. On board the American squadron the killed amounted to fifty-two, and the wounded to fifty-eight. On board the captured vessels, eighty-four were killed ; including captain Downie, the commodore of the squadron ; and 110 were wounded. The number of men engaged on the American side, was 820 ; on the British, about 1050. The British squadron mounted ninety-five, and the American eighty-four guns. The British cannon and mortars, on shore, were opened on the American works, at the same time, that the engagement commenced on the lake ; and continued throwing bombs, balls, and rockets, till the evening : when the bombardment ceased, and all the British line at once became silent. At the commencement of the cannonade and bombardment, three divisions of the enemy attempted to pass the Saranac ; one over the village bridge ; and another over the upper bridge ; but both were gallantly repelled by the United States' regular troops. The third, and most desperate, was made at a ford about three miles higher up the stream ; but this was beaten back by the militia and volunteers, after a spirited engagement, which lasted a long time. Here the enemy suffered the greatest loss. Most of the column which crossed the river, were killed, wounded, or taken. A whole company of the 76th

regiment was nearly cut off; three lieutenants, and twenty-seven men, being taken prisoners, and all the rest slain.

At dusk, the enemy withdrew his artillery. At 9 o'clock, P. M. all the baggage, that could be transported, was precipitately sent off; and at two, the next morning, the whole British army abandoned Plattsburg. They left their sick and wounded to the humanity of general Macomb. Immense quantities of provisions, military stores, and camp-equipage, fell into the hands of the victors. So precipitate and unexpected was their flight, that they had arrived at Chazy, eight miles from Plattsburg, before their retreat was discovered. The militia and volunteers then pursued, and made prisoners of part of their rear guard. Upwards of 400 deserters voluntarily came into head quarters, and surrendered themselves to the American officers. The forces of the United States, on the land, and on the lake, did not exceed 3350 men. The enemy's killed, wounded, prisoners, and deserters, were not less than 3050. General Macomb's troops were in broken corps; most of them convalescents left by general Izard.

A great quantity of military stores was taken on board the British squadron. The provisions, clothing, and muskets, for sir George Prevost's army, were on board, and fell into the hands of the captors.

These very important events excited the highest joy and gratitude of the people of the United States. The capture of the British squadron on Lake Champlain, the repulse of sir George Prevost from Plattsburg, the failure of Ross and Cochrane at Baltimore, and the brilliant sortie of general Brown, from Fort Erie, upon generals Drummond and De Watteville, all happening in succession, between the 11th and 17th of September, could not fail to command the notice of the national legislature. Sitting amidst the ruins of the capitol, congress voted their thanks to commodore Macdonough, and, through him, to the officers, petty officers, seamen, marines, and infantry serving as marines, attached to the squadron under his command, for the decisive and splendid victory on Lake Champlain, gained on the 11th of September, 1814, over a British squadron, of superior force; and requested

the president to cause medals, emblematical of the action, between the two squadrons, to be struck, and presented to commodore Macdonough, and to each of the commissioned officers of the navy and army, serving under him; a sword to each of the midshipmen and sailing-masters; and three months pay, exclusive of the usual allowance, to the petty officers, seamen, marines, and infantry serving as marines, who so gloriously supported the honour of the American flag on that occasion. At the same time, they voted their thanks to generals Brown, Gaines, and Macomb, and through them, to the officers and men of the army and militia, serving under them, for their good conduct, when the enemy was defeated at Chippewa, Niagara, Erie, and Plattsburg; and requested the president to cause complimentary medals, with suitable devices, to be presented to generals Brown, Gaines, Macomb, Scott, Ripley, Porter, and Miller.

An act was also passed, authorising the president to purchase the vessels captured on Lake Champlain, by the American squadron; and directing the purchase money to be distributed as prize money among the captors. These measures of congress were followed by others of state legislatures, and corporations of cities, highly honourable to their own patriotism, and complimentary of the gallant men, who had so signally sustained the reputation of the arms of the United States.

## CHAPTER LIII.

*Blockade of the ships United States, Macedonian and Hornet; Cruise of the Essex, and her capture at Valparaiso; Captures of the Epervier, Reindeer, and Avon; Bombardment of Stonington; Occupation of Eastport, Castine, and Machias.*

EARLY in 1813, the frigates *United States*, commodore Decatur, and *Macedonian*, captain Jones, and the sloop of war *Hornet*, captain Biddle, attempted to sail on a cruise, from the harbour of New York. A strong detachment of the enemy's fleet had for some time lain off Sandy Hook, and prevented their departure in that direction. They ran through the sound, and were nearly successful in getting clear of the enemy: but they were stopped by a superior force, which obliged them to put into the harbour of New London. They were so closely pursued by the enemy, who appeared to be determined to regain the *Macedonian*, that commodore Decatur caused the frigates to be towed up the river as far as was practicable, and required a military force to aid in their defence. Fortifications were constructed, and some of the heavy guns of the frigates mounted upon them, to repel the enemy, if he pursued. The frigates were detained in this situation during the war. The *Hornet* slipped out, and ran up the sound into the harbour of New York.

On the 29th of April, 1814, captain Warrington in the *United States'* sloop of war *Peacock*, cruising in lat. 27° 47', N. long. 80° 9', W. fell in with and captured his Britannic majesty's sloop of war *Epervier*, rating and mounting eighteen 32lb. carronades, with a crew of 128 men. The *Epervier* in the action had eleven killed and fifteen wounded: among the latter, her first lieutenant severely. Not a man in the *Peacock* was killed; and only two wounded. When the *Epervier* struck, she had five feet water in her hold; her maintop-mast over the side, main-boom shot away, fore-mast cut nearly in

two, and tottering; fore-rigging and stays shot away; bowsprit badly wounded; and forty-five shot holes in her hull, twenty of which were within a foot of her water line. In fifteen minutes after the *Epervier* struck, the *Peacock* was ready for another action. Not a round shot touched her hull, nor were her masts and spars in the least disabled. Her fore-yard was injured early in the engagement by two round shot; a circumstance which contributed to prolong the contest. It deprived the *Peacock* of the use of her fore, and foretop-sails, and prevented captain Warrington from closing with his antagonist. The *Epervier* had on board \$120,000 in specie, which were taken out; and the prize, under lieutenant Nicholson, sent into Savannah.

On the 28th of June, 1814, in lat. 48° 36', N. long. 11° 15', W. the United States' sloop *Wasp*, captain Blakely, engaged, and, after an action of nineteen minutes, captured his Britannic majesty's sloop *Reindeer*, captain Manners, mounting sixteen 24lb. one 12lb. and two 9lb. carronades, with a complement of 120 men. The *Reindeer* was desperately fought, and her guns fired with great precision. On account of the proximity of the ships, and the smoothness of the sea, the execution on both ships was great. The crew of the *Reindeer* attempted to board the *Wasp* several times; but were repelled with the loss of several lives on both sides. The hull of the *Wasp* was struck by six round shot, and peppered thickly by grape. Her fore-mast was penetrated by a 24lb. shot; and her rigging a good deal injured. The *Reindeer* was literally cut to pieces in a line with her ports. Her upper works, boats, and spars, were one complete wreck. After removing the prisoners, the *Reindeer* was set on fire, and blown up. The *Wasp* had five killed, and twenty-one wounded. The *Reindeer* had twenty-three killed, and forty-two wounded. After the action, captain Blakely put into L'Orient, to dispose of his prisoners, and repair his ship.

The *Wasp*, in fine condition, sailed from L'Orient, on the 27th of August. On the first of September, she brought to action his Britannic majesty's brig of war *Avon*, which she succeeded in capturing; but the *Castilian*, a brig of eighteen

guns, appearing within musket shot, and two other sail to the leeward, the prize was abandoned ; while the Wasp made sail to prepare for action. The Castilian fired one broadside at the Wasp, which cut away the maintop-sail-back-stay, and considerably damaged her top ; and then repaired with her consorts to relieve the crew of the Avon, which was fast going down, firing signals of distress. Her crew was removed before she was overwhelmed.

The Wasp repaired damages on the next day, and continued her cruize. On the 21st of September, she captured, off Madeira, the *Atalanta*, a British brig of eight guns. This prize shortly afterwards arrived at Savannah, in charge of an officer of the Wasp ; who brought despatches from captain Blakely, to the secretary of the navy. These contained the last intelligence of the Wasp. She was lost at sea, by some untoward occurrence. Her fate is certain ; but the manner of it unknown. The melancholy end of captain Blakely and his comrades, has been most sincerely lamented. The Wasp was one of the most successful cruisers in the service of the United States. She destroyed, between the first of May and the first of September, 1814, \$1,000,000 worth of the enemy's property ; besides sinking two men of war.

In the first year of the war, the United States' frigate *Essex*, captain Porter, sailed in company with the frigate *President*, commodore Bainbridge, and the sloop *Hornet*, captain Lawrence ; separated from her companions, off St. Salvador ; and proceeded on a cruise to the Pacific Ocean. She doubled Cape Horn, in February, 1813, and ran up to lat. 40, S. ; thence to the harbour of Valparaiso. She traversed the Pacific, along the coast of Chili, and visited the several islands, to which the vessels of Great Britain, engaged in the whale-fishery, usually resort. In this service, she released many American fishermen from distressing embarrassments, and opened a way for their return to the United States. Captain Porter, with his prize-vessels, organized a fleet of twelve sail, which, together with the *Essex*, carried 107 guns ; and spread desolation over the British whale-fishery. With this force, for a whole year, he kept undisputed possession of an extensive portion



of that great ocean, and expelled from its waters the enemy's flag. The admiralty of Great Britain sent out ships of war, to cruise for the Essex, and relieve their valuable commerce in the Pacific, from the annoyance it suffered, through the daring enterprise of her commander. The British frigate *Phœbe*, captain Hillyar, carrying 53 guns, in company with the sloop of war *Cherub*, captain Tucker, mounting twenty-eight guns, at length discovered the Essex, in the harbour of Valparaiso. After they had cruised several weeks before the town, captain Porter ventured out, and fired upon the *Phœbe*; when she ran down to her help-mate, two and a half miles to leeward. Finding that he could not provoke the *Phœbe* to an equal combat, captain Porter determined to put to sea, and depend upon the superior sailing of his ship for escape. On the 28th of March, 1814, he made the experiment, with a promising wind: but on rounding the point, a heavy squall took the Essex, carried away her main-top-mast, and precipitated into the deep, several of her crew, who were drowned. The *Phœbe* and her consort gave chase. Captain Porter endeavoured to regain the port; but was prevented by the disabled state of his ship. He then ran into a small bay, under the guns of a Spanish battery, on the east side of the harbour, and let go his anchor. The *Phœbe* and the *Cherub*, regardless of the neutrality of the port, assailed the crippled Essex. The first, placing herself under the stern, and the latter on the starboard bow, commenced the attack. The *Cherub* was soon driven from her station, by the well-directed fire of the Essex, and took her position with the *Phœbe*. Both then kept up a raking fire upon the single frigate. Captain Porter returned their fire with three long twelve-pounders, from his stern ports; and so crippled his assailants, as to oblige them to haul off, and repair damage. The enemy returned to the attack, placing both ships on the starboard quarter, out of the reach of carronades, and the range of the long guns, which had, in the first instance, proved so effectual from the stern. Captain Porter, in these desperate circumstances, ordered his cable cut, his only manageable sail set, and stood out

with the intention to board the *Phœbe*. A heavy firing was then opened on both sides; after which the enemy edged off, and chose the distance best suited for his long guns. The *Essex*, through want of sail, could not follow; and was obliged to give up the hope of closing. Captain Porter then determined, if possible, to run his ship on shore, and set her on fire. He had the fairest prospect of succeeding in his endeavours; but, when within pistol shot of the shore, the wind shifted, and exposed the *Essex* to a raking fire from the long guns of the *Phœbe*. At length captain Porter was constrained to surrender his ship, after having done every thing in the power of man to defend her. The carnage, on board the *Essex*, was awful. Out of a crew of 225 hands, fifty-eight were killed; sixty-five wounded; and thirty-one drowned. Well might her gallant commander say: "We have been unfortunate; but not disgraced." The contest lasted two hours and a half. The British nation is said to have sustained losses to the amount of six millions of dollars, by this cruise.

Captain Porter entered into a convention with commodore Hillyar, by which, having disarmed the *Essex Junior*, a prize to the *Essex*, he was allowed, with his surviving officers and men, to proceed in her to the United States.

When the *Essex Junior* arrived off Sandy Hook, with captain Porter and 132 of his companions, on parole, she was overhauled by the *Saturn* razeed; and then permitted to proceed. She was a second time impeded by the same vessel; when captain Porter, perceiving a disposition on the part of her commander, to violate the convention ratified by commodore Hillyar, put off in his boat, and escaped to the shore. He landed on Long Island, having rowed a distance of thirty or forty miles.

Lieutenant Gamble, of the marines, and twenty-one men, were left by captain Porter, at Madison Island, in charge of three prizes to the *Essex*. The men mutinied, and the natives became hostile. After a gallant defence of himself, and a few adherents, lieutenant Gamble put to sea, in one of the prizes. He was captured by a British vessel, and returned to the

United States, after the termination of the war. The amiable midshipman Feltus was killed in the contest at Madison Island.

During the years 1812, and 1813, the enemy thought proper to favour the eastern states; with a view to preserve the intercourse, which had subsisted between them and the provinces of New Brunswick and Nova Scotia. In 1814, this lenity was changed into a system of active warfare.

One of the first acts of hostility, in this quarter, was committed by sir Thomas Hardy. He anchored before Stonington, a maritime village in Connecticut; and demanded, of the magistracy of the town, that Mrs. Stewart, the wife of the late British consul at New London, should be sent to the British fleet, by a given time; that the small battery, raised for the protection of the town, should be dismantled; and that no torpedoes, of which the British naval commanders had conceived fearful ideas, should be suffered in the harbour.

The demand, with respect to Mrs. Stewart, was of course referred to the decision of the government. The others were refused. A bombardment of the town was then commenced, by sir Thomas Hardy, and kept up for two days: when it was abruptly discontinued, and the British vessels departed from the harbour.

The village sustained little injury from either the bombardment, or the cannonade. The citizens displayed the most undaunted courage in the defence of the town.

Several expeditions were prosecuted by the enemy, in the months of July, August, and September, against Eastport, Castine, Machias, and other villages between the Penobscot and the Bay of Passamaquoddy. The United States' forces, at these places, were too feeble to make any resistance, against the overwhelming numbers of the enemy. Eastport was strongly fortified by the British, and a garrison of 1200 men established there; which held possession of the place during the war. The British commanders by sea and land, issued formal proclamations, claiming all the territory east of the Penobscot river, as belonging to the dominions of his Britannic majesty. Sir John C. Sherbrooke, the governor of

New Brunswick, pretended to exercise civil jurisdiction over the inhabitants of that district. The question of jurisdiction over the islands in the Bay of Passamaquoddy, was raised between the British and American commissioners, in the negotiations at Ghent; and, according to an article in the treaty of peace, remains to be settled, by a re-survey of the boundary line, between the United States and the British provinces.

The United States' frigate Adams, captain Morris, put into the Penobscot a few days previous to the occupation of Castine by the enemy; and proceeded to Hampden to repair. Commodore Barrie, with two sloops, one transport, ten barges, and one thousand men, ascended the river from Castine, to capture or destroy her. Captain Morris, her commander, having no means of defending his ship, against a force so superior, set her on fire; and retreated with his crew. Commodore Barrie with his flotilla returned to Castine.

Machias, which lies between this place and Passamaquoddy bay, was taken by the British, without resistance.

## CHAPTER LIV.

*War with the Creek Indians; Battles at Davis's Creek and Latchway; Massacre at Fort Mims; Battles of Tallusatches, Taledega, Hillabee, Autossee, Alabama, Talapoosee, Camp Defiance, Emucfau or Horse Shoe; Submission of the Indians, and Treaty of Peace, &c.*

AS early as the commencement of hostilities, between the United States and Great Britain, the Seminole Indians, united with a few renegado negroes, became troublesome to some of the frontier counties in Georgia. They made incursions into the most defenceless settlements, murdered some of the citizens, and committed depredations on the property of others. Small parties of volunteers, United States' riflemen, and marines, were distributed along the St. Mary's, to resist the outrages of the savages and their associates. Captain Williams, of the marines, and captain Fort, of the Georgia volunteers, with about twenty men, convoying some public wagons, on the 11th of September, 1812, were attacked by fifty Indians and negroes. Captain Williams and his party made a valiant defence. The commander was severely wounded, and carried off the field; while captain Fort conducted a retreat to save the party from massacre. The enemy took possession of the wagons; one of which, they used in carrying off their killed and wounded. The next day a party of Americans found captain Williams, in his concealment, still living. He languished under eight severe wounds, for three or four days, and died at Davis's creek. One man was killed and scalped on the battle ground.

On the 24th of September, adjutant-general Newnan, with 117 Georgia volunteers, proceeded from Picollata towards the Latchway towns. On the 26th, he was met and attacked by one hundred and fifty Indians. In the commencement of the action, the leader of the Indians, *King Paine*, was killed. His men made several desperate efforts to recover the body; in which, they at length succeeded by the force of numbers.

Having accomplished their object, which cost them between twenty and thirty lives, they abandoned the contest. This rencontre, which was unusually fierce on the part of the savages, was continued with little intermission for four hours.

In the evening of the same day, the enemy received a strong reinforcement, in which there were several negroes. They returned to renew the combat, and were again repelled, with about the same loss they had sustained in the first conflict. In these attacks, the Georgians lost only one killed, and nine wounded. Colonel Newnan, finding the enemy collecting around him, prudently resolved to shelter his men, by throwing up a slight breast-work; until he could receive reinforcements which would enable him effectually to chastise the savages. He was repeatedly assaulted by the lurking foe; but finding all their efforts unsuccessful against the fortification, the Indians killed all the horses, belonging to the detachment, and disappeared. On the 4th of October, they returned, under an impression that the volunteers had abandoned their works; but colonel Newnan improved their mistake into a complete surprise. When the Indians had approached near enough to be within reach of the garrison, a volley was suddenly fired upon them, which was followed by a spirited sortie, with fixed bayonets. The savages fled in consternation; and the volunteers returned to Picollata. In the last affair, the loss of the enemy was thirty killed and wounded. In this short expedition, the Seminoles were signally chastised by a party of inexperienced volunteers. They lost in the several affairs, besides King Paine, three of their principal chiefs, and nearly one hundred warriors, in killed and wounded.

In the spring and summer of 1813, a civil war broke out among the warriors of the Creek nation; inhabiting a beautiful and fertile territory, south of Tennessee, and west of Georgia. The parties divided on the question of peace or war with the United States. The old and best-disposed chiefs, with a minority of the warriors, were strenuous advocates for peace with a people, from whose government they had received the most strict justice, and under the patronage

of which, they had made happy advances in the arts of civilization. The young chiefs, and a great majority of the enterprising warriors, under the influence of an infuriated fanaticism, and stimulated by British agents, and emissaries, from the north-western tribes, already in alliance with the British forces, declared for war against the United States. The divisions among themselves contributed to procrastinate the bursting of the storm: but at last it struck with the most dreadful fury upon Fort Mims, in the Tensaw settlement, on the Alabama; to which about three hundred men, women, and children, had fled for safety. The Indians, to the number of 500, suddenly assaulted the fort, towards the close of August, 1813. It was defended by major Beasley and one hundred and thirty volunteers, belonging to the Mississippi territory. The garrison sold their lives dearly. Sixty-three savages fell at the gate in the contest for possession. It had most unfortunately been left open by the centinel, who first discovered the enemy; and numbers of them actually made their way through it, before the whole force of the garrison rallied. A few men escaped, after the Indians had gained complete possession, by leaping the picquets, and forcing their way through the enemy. Out of 450 persons, including the garrison, seventy or eighty only escaped. The poor women and children were immolated in the most savage style of Indian barbarity. They were generally crowded into the upper story of the most spacious building, within the fortification, to shelter themselves while the battle raged. The house was afterwards burned by the victors, and the innocent tenants devoted to the flames.

This atrocious outrage demanded prompt retaliation. The Indians having violated the relations of peace, by this perfidious act of hostility, the governments of Georgia and Tennessee, with laudable energy and activity, organized and equipped detachments of militia and volunteers, and marched them into the territories of the Creeks, to avenge their crimes. Delay, on the part of Tennessee and Georgia, would have exposed their citizens to many outrages like that committed on the inhabitants of Tensaw. To carry a vigorous

war, into the interior of their country, was the only means of limiting the enterprises of the enemy, and the most effectual policy to secure an extended frontier from the horrors of savage warfare. The work of retaliation soon began, and was continued, in a series of brilliant victories, over the desperate foe, by generals Coffee, White, and Jackson, of Tennessee, and general Floyd, of Georgia, until this new ally of his Britannic majesty was signally overthrown.

On the 2d of November, 1813, general Jackson detached general Coffee, with a part of his brigade of cavalry and mounted riflemen, to destroy Talluschatches, where a considerable force of the hostile Creeks was concentrated. General Coffee was completely successful in this expedition. On the morning of the third, he arrived before the towns, and sent on a small party to draw the enemy out, by displaying themselves in the first instance, and afterwards affecting a retreat. In this way two hundred warriors were led up to the head of a column 900 strong, which opened upon them a general fire, followed by a vigorous charge. The enemy retreated firing, until they gained their habitations; where they made a desperate resistance: but their destruction was soon completed. In a few minutes, the last warrior was prostrated. The spirit, with which these deluded and infuriated fanatics contended, was unexampled. They met death without shrinking or complaining. Not one asked quarters; but all fought as long as they could stand or sit. In consequence of the contest with those who took shelter in their wigwams, a few of the squaws and children were unavoidably killed: the rest, to the number of eighty-six, were made prisoners. General Coffee had five men killed; and forty-one slightly wounded.

On the morning of the 7th of November, general Jackson, having received intelligence, by a runner from the friendly Indians, at Taledega, that the hostile Creeks, in great force, were encamped near Lashley's fort, and were preparing to destroy it, directed his march thither without delay. On the morning of the 8th, by a stratagem like that practised by general Coffee, at the Talluschatches, he drew the enemy into the field, where the army was in array to meet him.



A bloody contest ensued : but the enemy soon fled to the mountains ; leaving two hundred and ninety dead warriors on the ground. Of general Jackson's army, seventeen were killed, and sixteen wounded.

On the 18th of November, general James White, commanding a combined force, consisting of mounted infantry, under colonel Burch ; cavalry, under major Porter ; and a few Cherokee Indians, under colonel Morgan, surrounded the Hillibee village, in which a large body of hostile Creeks were assembled. The enterprise was so skilfully and courageously conducted, that sixty warriors were killed, and two hundred and fifty-six made prisoners, without the loss of a single man, on the side of the Americans. The village was destroyed. General White, after traversing the enemy's territory, in various directions, and penetrating into the very heart of the nation, proceeded to Fort Armstrong with the prisoners.

On the morning of the 29th of November, general Floyd, with 950 Georgia militia, and 350 friendly Indians, attacked a body of 800 hostile Creeks, assembled at Autossee, on the Talapoosee. The enemy, for some time, maintained a desperate battle : but the well-directed fire of Floyd's artillery, and a vigorous charge of his infantry, forced them to take refuge in their houses, and the thickets in the rear of the town. The friendly Indians formed on the flanks of the Georgia line, and fought resolutely. After a contest of two hours and a half, the enemy was driven from the plain ; and the town, which contained upwards of 400 houses, regularly built, was burned. General Floyd had eleven killed, and fifty-four wounded. Of the latter, were the general himself, severely, and adjutant-general Newnan, slightly. The enemy left two hundred of their dead on the field ; among whom, were the Autossee and Tallissee kings. Their wounded were carried off. Autossee was the finest Indian town in America ; and stood on what the Creeks esteemed holy ground. Their struggle in its defence reflected the highest honour on their bravery.

On the 23d of December, at the Holy Ground, on the Ala-

bama, a body of the Creeks made an attack upon a detachment of regulars, volunteers, mounted militia, and a party of Choctaws, commanded by brigadier Claiborne; but were immediately repulsed. They left on the field thirty killed. The wounded were carried off. General Claiborne's loss was one killed, and six wounded. After the repulse of the enemy, their town, containing two hundred recently built houses, was destroyed, together with a large quantity of provisions and property of various kinds. On the next day, a village of sixty houses, situated eight miles above the Holy Ground, and a number of boats belonging to the enemy, were destroyed; and three Indians killed.

On the 22d of January, 1814, general Jackson, with a detachment of Tennessee volunteers, and friendly Indians, amounting in the whole to fourteen hundred, was attacked by 900 Creeks, near the bend of the Talapoossee. They were beaten off, with the loss of forty-five killed. General Jackson, discovering their force to be very menacing, and having effected the chief object of the expedition, which was a diversion in favour of general Floyd, operating below, deemed it prudent to return to Fort Strother. On the 24th, the enemy, who had rallied after the repulse of the 22d, overtook and attacked the retiring detachment, while passing a difficult defile. The rear guard was broken; which threw the whole into confusion. General Jackson found great difficulty in remedying the disorder. However, with the able support of colonels Carroll and Riggins, captains Quarles, Elliot, and Pipkins, and lieutenant Armstrong, the troops were reduced to order; and the enemy was overthrown. In this and the affair of the 22d, the enemy left 189 dead warriors on the field. Many were carried off. Of general Jackson's forces, twenty-four were killed, and twenty-one wounded.

The resolution, of general Jackson, to retire to Fort Strother, after the affair of the 22d, proved to be very judicious. His troops, on this expedition, were generally inexperienced, and inadequate in numbers to maintain a permanent foot-hold in the enemy's territory. On the other hand, the expedition probably saved general Floyd's army; as will

appear in the sequel. An important diversion was made in his favour, by the retrograde motion of general Jackson. The enemy pursued him, instead of uniting in a desperate attack, made by another corps, about the same time, on general Floyd. Without being apprised of the important result, general Jackson, in his despatch to major-general Pinkney, commander of the military district, dated the 29th of January, 1814, said: "I was happy in an opportunity of keeping my men engaged, harassing the enemy, and, at the same time, making a diversion to facilitate the operations of general Floyd."

At 5 o'clock, A. M. on the 27th, the enemy made a desperate attack on the army commanded by that officer. They advanced, unobserved, upon the centinels, and, having fired at them, rushed furiously upon the line. The steady and rapid fire of captain Thomas's artillery, and captain Adams's riflemen, preserved the front lines. As soon as day-light facilitated the operations of infantry, general Floyd ordered a charge with fixed bayonets. The troops advanced with a quick pace to the charge; and the enemy instantly fled. A signal to pursue was given to the cavalry. They charged at full gallop, and sabred a number of the flying savages. Fifty-two warriors were left dead on the field. All, who fell before day-light, were carried off. Their wounded must have been numerous; for they were traced by their blood through the Caulibee Swamp. General Floyd's loss was seventeen killed, and 132 wounded. Adjutant-general Newnan received three severe wounds. The number of the Indians was supposed to be not less than 1200. The vigilance and intrepidity of the officers, and the steady resolution of the men, in withstanding a furious night attack, rendered the more appalling, by the hideous yells of the savages, deserved the highest praise. They calmly waited the arrival of day, when they dealt out a sanguinary retaliation. The proximity of the Great Swamp saved the enemy from entire destruction.

At the bend of Talapoosee, usually called the Horse-Shoe, the last signal stroke of vengeance was inflicted on the Creeks, on the 27th of March, by the Tennessee volunteers, and

a regiment of United States' infantry. The Indians, expecting a visit from general Jackson, collected from the Oak-fuskee, Oak-chaga, New-yaucan, Hillibeas, Fish-pond, and Eufales towns, to the number of twelve hundred, selected an eligible position, and strongly fortified themselves on the Talapoosee. Their fort displayed an ingenuity in its construction, which would have done credit to a professed engineer. The breast-work was from five to eight feet high.

General Jackson, determined to cut off the retreat of the garrison, detached general Coffee, with the mounted men, and nearly the whole of the friendly Indians, to pass the Talapoosee, and occupy the opposite bank, in such manner as would prevent the enemy from escaping, by swimming over the river. While general Coffee was executing this part of the general plan, the infantry, riflemen, and artillerists, moved up within one hundred and fifty yards of the fortification, and opened a fire on the enemy, which was continued without intermission two hours. General Coffee, having gained the opposite bank, without being perceived by the Indians within the fort, ordered a part of his men, and the friendly Indians who accompanied him, to cross the river in canoes, and set fire to the houses, in the rear of the enemy. The detachment crossed in safety; set fire to the houses; and proceeded to attack the fort in the rear. The proceedings of this party were decisively in favour of a successful assault in front. General Jackson took advantage of the diversion, and directed the troops to carry the works by storm. The regulars, led by colonel Williams, and the volunteers by general Doherty, hailed the order with acclamations, and rushed upon the fortress in the most gallant style. The enemy received the attack in great desperation, and defended the works with enthusiastic intrepidity. When the American forces had obtained complete possession of the fort, the Indians, who survived the conflict, attempted to escape, as had been anticipated, by swimming across the Talapoosee. General Coffee's men intercepted and killed every one who took to the river. Besides those killed and drowned in attempting to fly, 557 were killed on the peninsula. Two

hundred and fifty women and children were made prisoners. Out of twelve hundred warriors, not more than twenty were supposed to have escaped death. Only three were made prisoners.

The loss in general Jackson's army did not exceed twenty killed, and one hundred and six wounded.

This affair may be considered as the closing scene of this bloody war with the deluded Creeks. About the time when it happened, a body of volunteers from the Carolinas, under general Graham and colonel Pearson, arrived in the territory of the lower Creeks, just in time to receive the submission of those whom they had expected to conquer. Several hundred surrendered to a detachment under colonel Pearson; and, with those killed, wounded, and taken prisoners in the different engagements between the 1st of November, 1813, and the 1st of April, 1814, made an aggregate of nearly three thousand. Three-fourths of the whole were killed.

In earnest of submission to the arms of the United States, on the 9th day of August, 1814, forty chiefs, deputies and warriors of the Creek nation, capitulated with major-general Jackson; and assented to a convention, the terms of which were in substance, as follow:

A cession of territory, to the United States, equivalent to the expenses incurred, in the prosecution of the war:

An abandonment of all communication and intercourse with any British or Spanish post, garrison, or town; and a rejection of any commercial agent or trader, not licensed by the president of the United States:

An acknowledgment of right, on the part of the United States, to establish military posts and trading houses, and to open roads through their remaining territory, and a right to the free navigation of all its waters: and

The capture and surrender of all the prophets and instigators of the war, whether foreigners or natives, not parties to the treaty, if to be found within their territory.

The United States engaged, at the same time, to supply the Creeks with the necessaries of life; until, by returning to their peaceful occupations, they should become able to procure bread for themselves.

Thus terminated a war, which, at its commencement, threatened to result in the entire extermination of the most numerous and warlike race of Indians within the territorial boundaries of the United States. Humanity sighs over the awful effusion of human blood which it produced: but the destruction of the savages may perhaps be defended on their own barbarous principle, of giving or receiving no quarters in battle. The Creek nation had long experienced the liberality and friendship of the United States. The strictest regard had always been paid to their territorial rights. The neighbouring states and the United States had enacted laws, highly penal, completely to secure to them the undisturbed use and occupation of their lands. The system pursued by the British government, in relation to the Indians, unfortunately was strongly seconded by the native inclination, of that blood-thirsty race of men, to be engaged in war. And as the government of the United States magnanimously declined their alliance, at the commencement of hostilities, they went over to the enemy. The interference of Great Britain, in the relations that subsisted between the United States and the Creek Indians, was, as will be presently seen, finally retaliated upon her, with four-fold vengeance. The war with those deluded savages was the school in which generals Jackson, Coffee, and Carroll, became adepts in the tactics, that made a Tennessee-rifleman superior to a "Wellington-invincible," and qualified an army of citizen soldiers to defeat an army of veterans, of superior numbers. The ways of Providence are indeed inscrutable to man. When the Creek war broke out, the United States were completely begirt with enemies; and short-sighted man would have considered the addition of an infuriated and warlike race, to the list of their foes, as an event much to be deplored. But this circumstance, more than any other, favoured the defence of New Orleans. The officers and soldiers, who defeated the legions of Pakenham, Gibbs, Keane, and Lambert, were formed in the contest, with the unfortunate victims to British influence.

## CHAPTER LV.

*General Jackson appointed major-general in the army; Defeat of the enemy before Fort Bowyer; Invasion of Louisiana; Battles below New Orleans; Retreat of the enemy; Capture of Fort Bowyer; Intelligence of Peace, &c.*

THE military qualities displayed by general Jackson, in the short and victorious war with the Creek Indians, attracted the favourable notice of the government of the United States. He was appointed, in the summer of 1814, major-general, in the regular army, and ordered to assume the command of the troops destined for the defence of the maritime frontier, between the Perdido and Mississippi. He repaired to, and fixed his head quarters at Mobile; where he assembled a respectable force of regulars, militia, and Tennessee volunteers, chiefly of the last. Soon after his arrival, the enemy, in force, appeared in the Mobile bay; and directed a combined attack, by land and water, against Fort Bowyer, garrisoned by only 120 men, and commanded by major Lawrence, of the United States' 2d infantry.

On the 15th of September, 1814, the *Hermes*, commodore Percy, of twenty-eight thirty-two pound carronades, accompanied by the *Carron*, captain Spencer, of twenty-eight thirty-two pound carronades, and two gun brigs, with a fair wind stood for the fort. In the meantime, colonel Nicolls, with 100 marines, captain Woodbine, with 400 Indians, and twenty-five artillerymen, with one twelve pounder, and a six inch howitzer, approached in the rear by land. Thus arrayed, the bombardment of the fort began, at four o'clock, P. M.; and was continued, without intermission, until seven. The American garrison, with great precision returned the fire upon the ships, and obliged them to retire. The flag ship was so much disabled, that she drifted on shore, within 600 yards of the fort: where she was set on fire, and abandoned by her crew. Three

hours afterwards, her magazine blew up, with a great explosion. The other vessels hauled off. The Carron and one of the brigs were severely handled. The detachment on land raised a battery, from which they commenced a feeble fire: but a few well-directed rounds, from the rear of the fort, dismounted their guns; and obliged the enemy to retire, without contributing any thing towards the object of their expedition.

Major Lawrence, his officers, and men, were indefatigable in their duty; and, with their guns generally double-shotted, fired between four and five hundred rounds. The loss of the garrison was only four killed and five wounded. That of the enemy is believed to have been very serious. Deserters, who came in on the 16th, reported, that the captain and only twenty of the *Hermes's* crew escaped. She went into the action with 170. They further stated, that eighty-five were killed on board the Carron; and that one of the brigs, which was more immediately exposed to the fire of the fort, was greatly shattered, and had many of her crew killed and wounded. The report of the deserters probably exaggerated the truth: but there is no doubt, from the destruction of the principal ship, and the crippled state of the others, that the enemy sustained a heavy loss in killed and wounded. The fleet put to sea the next day after the explosion of the *Hermes*.

Early in November, the British returned to Pensacola, with a strong reinforcement; and, with the connivance of the Spanish governor, attempted to revive the enmity of the neighbouring Indians against the United States. Through the insidious influence of British agents, and by the distribution of arms, ammunition, and military equipments, the Indians were beginning to re-assemble at Pensacola. General Jackson, on his own responsibility, determined to break up the British connexion with the savages, and prevent a repetition of the bloody scenes of Talluschatches, Taledaga, Hil- libee, Autossee, and Emucfau. He despatched an officer to communicate his designs to the governor of Pensacola. The officer, though he displayed a flag, was fired on from Fort St.



Michael. The general, attended by a staff officer, reconnoitred the fort, and found it garrisoned in common by British and Spanish soldiers. This fact removed all delicacy towards the Spanish authority at Pensacola. The neutrality of the place was entirely taken away by the hostile conduct of the governor, in harbouring, aiding, and countenancing the British, and their red allies. With the prompt energy which forms the most brilliant trait in the military character of Gen. Jackson, he made his arrangements to enter the town sword in hand. On the morning of the 7th of November, at the head of 3000 men, he executed his design. The British blew up some of the Spanish forts; and their squadron, on board of which their troops embarked, retired without annoyance. The governor, with a flag, met the column advancing on the west of the town, and surrendered unconditionally. By the fire of a battery, on the east side, a few men of the centre column, composed of the 3d, 39th, and 44th United States' infantry, were killed. It was immediately stormed, and taken by captain Laval, at the head of his company.

On the 8th, general Jackson made arrangements to carry the Barancas by storm; but before his intended march, a tremendous explosion announced its destruction. A detachment of 200 men were ordered to explore its ruins; who reported that the fortifications were blown up; all the combustible matters burnt; and the cannon spiked and dismantled.

In the execution of the spirited operations, above detailed, the army under general Jackson scrupulously regarded the rights and property of private Spanish citizens. As soon as the British departed, and their allies were dispersed, the American forces retired within the territory of the United States. Thus was the enemy driven from Pensacola, whence he had hoped again to excite to hostility, the negroes, the Seminoles, and Creeks; some of whom had already been seduced to join his standard.

For the present, military operations in the vicinity of Mobile and Pensacola, were suspended. The distribution of the enemy's forces from Halifax to Bermuda, and their augmentation, by recent arrivals at the latter station, rendered

it highly probable that he contemplated the invasion of some section of the southern states. The point was at length designated by the appearance of a fleet, of sixty sail, in the gulf of Mexico; accompanied by a vast number of barges, suitably constructed for the navigation of the Mobile, St. Louis, Borgne, Pont-Chartrain, Mississippi, and the innumerable bayous communicating with them. It had been expected that New Orleans would be visited by the enemy, in force, at some period of the war. Its opulence, distance from the mass of the population of the country, and the local difficulties of providing for its permanent defence, invited thither the hostile fleet and army. However late it became the object of the enemy's arms, it is evident, from the arrangements of the British government, before it was assailed, that it was intended, in the event of its being captured, of which little doubt was entertained in London, to occupy it for other than mere military purposes. It was intended to hold New Orleans as the emporium, not only of the western states, but of the vast territories, intersected by the streams tributary to the Mississippi, spreading an immense distance beyond the jurisdiction of the United States: but the golden schemes of conquest and occupation were very soon and signally defeated by the gallantry of our south-western citizens, which we proceed to relate.

General Jackson, assured by his observation of the enemy's movements, that they were tending towards the Mississippi, left general Winchester in command of Mobile and its dependencies, and, on the 21st of November, proceeded to New Orleans; where he arrived on the 2d of December. He instantly entered upon the very great and critical duties, that devolved on him. The enemy was at the door; and the preparation necessary to receive him had been in a great measure omitted. General Jackson, on the day of his arrival at New Orleans, reviewed some of the military corps belonging to the city; and, on the next, set out to examine the defences of the Mississippi. In person, he explored every accessible point; ordered the works at Fort St. Philip to be put in a suitable state of defence; and gave directions for the erection of batteries, to exclude the

British vessels from the bayous leading out of the great lakes towards the city. The deplorable deficiency of preparation for defence, which he found even where most indispensable, induced him to require the services of the slaves of Louisiana, to be employed on such fortifications as were to be constructed by ditching and throwing up banks of earth.

A general description of the country and waters, in the vicinity of New Orleans, will favour an accurate comprehension of the operations described in the sequel. The city is situated on the upper end of a long and narrow peninsula, projecting into the gulf of Mexico; extending nearly thirty leagues; but not exceeding in breadth, on the line upon which the city stands, fourteen hundred yards. On the right, it is washed by the Mississippi; and on the left, by the waters of the bay of St. Louis, and Lake Borgne. Bordering on the latter, are deep swamps, covered with thick woods, intermingled with large branching cypress trees. These swamps, in the vicinity of the city, approach the higher grounds of the Mississippi; where the soil becomes firm, and extends along the river, four or five hundred yards wide; forming a narrow defile, and rendering a direct approach to New Orleans, on the south side, difficult to an army. The soil of this peninsula is alluvion, collected by the river in its long course through the continent, and deposited during its periodical inundations. The swamps bordering on the lakes are formed by the action of the tides, flowing in from the gulf of Mexico, and repelling the redundant waters of the Mississippi, at the seasons of its annual overflow.

From the lake, the swamps are penetrated by inlets, or bayous; many of which have been continued, by artificial canals, to the high and firm grounds. These bayous and canals are navigable by barges, such as the British conveyed into Lake Borgne.

On the 12th of December, the enemy's fleet appeared in the bay of St. Louis. The American flotilla, commanded by lieutenant Jones, then lying near Cat and Ship Islands, ascended the bay, and took a position, to which it could not be followed by the enemy's heavy ships.

The following day, an American schooner, which had been sent to assist in removing some public stores, was attacked by three of the enemy's barges. At first, they were beaten off; but, being immediately reinforced by four others, the schooner was deserted by her crew, and blown up; and the store-house which contained the public property, set on fire, and consumed. The next morning, the flotilla, consisting of only five gun-boats, the principal preliminary naval defence, that had been prepared for the defence of Lake Borgne and its waters, was attacked, while becalmed, by forty-two launches, and armed barges, manned with 1000 men; and, after a vigorous resistance of more than an hour, in which lieutenant Jones displayed all the talents of an excellent commander, was captured. Within two days after this event, general Jackson ordered martial law to be proclaimed in the city; and the whole of the militia were ordered out on duty. Appropriations were made by the legislature, then in session, for the erection of batteries, and for bounties to seamen. An embargo was laid for three days, to prevent those, who might be useful at this crisis, from leaving the city. A requisition was made by the general, of all who were found in the streets. The drays and wagons were impressed for the purposes of transportation. On the 21st, general Carroll, with a reinforcement of 4000 Tennessee militia, arrived; and all the Barratarians\* in confinement were released, and incorporated in the army.

The capture of the gun-boats had freed the lake from every naval obstruction to the debarkation of the enemy; and as his

\* The Barratarians were composed of a party of privateers, who, for several years, had been established on the island of Barrataria, west of the mouths of the Mississippi, and within Louisiana, for the purpose of conducting a smuggling trade. They had recently been broken up, and generally captured, by a mixed force under commodore Daniel T. Patterson, of the United States' navy. On their own voluntary application, they were incorporated among the forces, which manned the American intrenchments before New Orleans; and were conspicuous in the management of the heavy ordnance, which made such havoc upon the British columns on the memorable 8th of January, 1815. In consideration of their services on this occasion, they were pardoned by the president, for their former violation of the laws of the United States.

descent, whenever attempted, must necessarily take place through some of the numerous bayous, which penetrate the swamp to the firm land, it imposed upon the general the necessity of having them all vigilantly observed, or strongly defended. He gave orders, accordingly, that each bayou should be committed to the care of a watchful and active picquet guard, whose duty it was to give the earliest notice to the commander, of the approach of the enemy; as it was impossible to have all defended by separate corps. The execution of this order, in the present emergency, was committed to major-general Villeré of the militia. The picquet, however, which had been established at the entrance of the bayou Bienvenue, opposite to the general's plantation, was, by the address of the enemy, completely surprised; and, under the dark cover of the circumjacent wood, their advanced division of boats penetrated the swamp, with the utmost secrecy, and was followed by successive divisions, till 4500 men were safely landed. So secure were they in their situation, that they had given orders to prepare their evening meal. Between five and six o'clock, P. M. of the 23d, they arranged themselves along the canal, and were preparing to encamp on its margin.

General Jackson, in the afternoon, was apprised of the landing of the first division of the enemy, by major Villeré, who, on their arrival at his father's house, fortunately escaped capture, crossed the Mississippi, ascended the right bank, and recrossed to the city. A body of militia who, according to orders, were constantly equipped, instantly took up their line of march. Having from five to six miles to proceed, they did not arrive, within view of the enemy, until about seven o'clock in the evening, just as they were beginning to take their repast. A short conflict ensued, when the adventurous militia men were repulsed. But general Jackson, who followed close in their rear, reinforced them with general Coffee's brigade of Tennessee mounted riflemen; Hind's dragoons; a body of free coloured men, under major Planche, chiefly from St. Domingo; the artillery, under colonel M<sup>r</sup>Rea; the city militia; the marines under major Carmick; and part

of general Coffee's brigade of Tennessee volunteers. The whole amounted to fifteen hundred men. It was half after 7 o'clock in the evening, before Gen. Jackson arrived within view of the enemy's encampment. According to his usual course, he instantly resolved on a general attack. General Coffee was ordered to turn their right, while the commander in chief attacked their strongest position next to the Mississippi. Commodore Patterson, in the schooner Carolina, which had dropped down the stream, was ordered to open her fire upon their encampment. This was the preconcerted signal of attack. General Coffee's brigade, with the same impetuosity, which had given them so great advantage in all their contests with the savages, rushed upon the enemy, and, driving them back, entered their camp. Gen. Jackson pressed forward with equal ardour. The two armies were mingled together in eager conflict. The British early retreated: but a thick dark fog, an usual occurrence in that country, suddenly overspread them; so that friends could not be distinguished from enemies. Gen. Jackson, fearing some confusion among different corps, brought together for the first time in a night attack, drew off his forces, and contented himself with holding possession of the ground from which the enemy had been driven, till morning. At four, he retired to a more advantageous position about two miles nearer to the city. In this night action, the Americans lost twenty-four men killed, one hundred and fifteen wounded, and seventy-four missing. The loss of the British amounted to forty-six in killed, one hundred and sixty-seven wounded, and sixty-four missing.

On the west side of the Mississippi, fortifications were erected, intended to protect the right bank, and prevent the enemy from ascending the river. On the left, Gen. Jackson's main army lay between the river and the swamp, behind a line of entrenchments, extended about one thousand yards, strengthened on the flank by works, and in front by a wet ditch, having about four feet depth of water. The left was guarded towards the lake, by an almost impassable swamp, and a thick wood; and the right by heavy batteries, which enfiladed the entire front of the position. On the 26th, the British,

having erected batteries on the river during the preceding night, succeeded in blowing up the schooner *Carolina*, which had been becalmed at a short distance above their encampment. Emboldened by this success, the enemy marched their whole force, on the 28th, up the levee, raised along the river side, as a defence against its tides, and freshes; and at the distance of half a mile opened, with great warmth, their bombs, and rockets on the American line; with the hope of driving general Jackson from his position; or of breaking through it, and marching directly to the city. They were however gallantly repulsed. In this short conflict, the Americans lost seven men killed, and eight wounded.

The enemy made another attempt, on the 1st of January, to force the left of general Jackson's line of fortifications. In the night, they had erected a battery near the American works; and, early in the morning, opened upon them a brisk cannonade, making, at the same time, two bold attempts to turn the left wing. They were again repulsed with the loss of about seventy men.

General Jackson, on the 4th, was reinforced by 2500 militia from Kentucky, under generals Thomas and Adair; and, on the 6th, the British were reinforced by the arrival of general Lambert, with the second part of their expedition. Serious preparations were commenced, for storming the American works, now strengthened by several additional batteries, well mounted. On the night of the 7th, the British army succeeded, with infinite labour, by widening and deepening the bayou, at which they had landed, and extending the canal towards the Mississippi, to effect the passage of their boats into the river. These operations, though not unperceived by general Jackson, were, nevertheless, not resisted; because it would necessarily lead to a conflict, in the open plain, of troops, composed in part of raw, unformed militia, collected from remote and different states, unknown to one another, against veterans. The Kentucky forces, besides, had but recently arrived from a long fatiguing march; and few of them were yet provided with arms. The general, therefore, chose to wait the attack of the British on his entrenchments, where

his militia would not be embarrassed, by the variety of military movements, with which most of them were not familiar, and where he could more certainly depend upon their firmness. The fortifications were composed chiefly of bags of cotton, to diminish the efficacy of the balls of the enemy. The works, on the right bank of the river, were occupied by general Morgan, with New Orleans and Louisiana militia, and a detachment of the Kentuckians. The lines on the left bank were occupied by general Jackson himself, with the Tennessee forces, under generals Coffee and Carroll; and, besides these, with part of the Kentucky and New Orleans militia, the 7th, and 44th regiments of the United States' infantry, together with corps of Barratarians, sailors, and marines.

Early in the morning of the 8th of January, 1815, the British columns advanced, at the same time, against the right and the left of the American batteries. With a determined countenance, they approached, having their muskets shouldered, accompanied by detachments carrying fascines and ladders. The former were designed to fill up the ditches in front; and, with the latter, they intended to mount the ramparts. The American artillery opened a tremendous fire upon them, at the distance of nine hundred yards, and mowed them down with terrible slaughter. They still moved forward with a firm step; invariably supplying the place of the fallen with fresh troops. At length they came within reach of the American rifles and musketry. The whole of Jackson's line was enveloped in flames. The cannon thundered from every battery; and scattered grape, shot, and shells, thick as hail-stones, over the plain. The enemy's columns faltered; but were pressed forward by their officers, who staked every thing on the issue of this awful conflict. They put themselves at the head of their commands, and, endeavouring by their example to inspire their soldiers with courage, urged them to follow. Many of these brave officers fell sacrifices to their exertions. The well-poised rifle, wherever they approached within its reach, and were distinguished by their costume, dealt sure destruction among them. All their efforts succeeded, only to lead their veteran soldiers to slaughter. The aw-



ful carnage began to shake the resolution of the assailants. Appeals to their military pride, encouragements of reward, hopes of revelling in plunder, the menaces, and even the swords of their officers, lost all effect upon their spirits. They shrunk from a contest, in which they saw nothing but universal destruction. All hope was lost in the havoc which surrounded them. The columns broke, and retreated in confusion. Only a few platoons pushed boldly forward to the ditch, dropping half their men in the desperate movement. Some of the head platoons of the left column, led by colonel Reneé, leaped the ditch and clambered up the rampart: but hardly had they reached the parapet, and raised a shout, when every man, with a single exception, was brought down, and their dead bodies tumbled into the ditch. The repulse was now universal. The astonished Britons stood aghast for a few minutes; when, in a momentary phrenzy, collecting all their courage, and animated by rage and disappointment, they made another furious assault. It was with the same unfortunate result. All the efforts of their officers, to bring them to a third charge, were ineffectual.

Major-general Pakenham, the friend and brother-in-law of lord Wellington, seeing some of his long-tried officers faltering, put himself at the head of his disordered troops, and resolved to bring them forward at every risk. He fell early in this desperate attempt, pierced by two fatal rifle balls. Shortly after him, fell general Keane, and general Gibbs, dangerously wounded. The former survived only a few days. Both were officers of conspicuous merit, who had highly distinguished themselves in the late war in Spain. A multitude of other officers fell in this battle, destined to make an era in the military annals of the United States. The entire space between the two armies, bounded by the front lines of their respective works, a distance of four hundred yards, was literally covered with the dead, the wounded, and the dying. Nearly two thousand persons had fallen, and were lying, convulsed in agony, or, having passed that period, were stretched in their last repose.

Simultaneously with the struggle on the left bank, colonel

Thornton conducted across the river, in boats, a strong detachment, and attacked the batteries and entrenchments on the right bank. By some unaccountable misconduct of the troops in that quarter, who had, on other occasions, displayed great intrepidity, the enemy obtained possession of the batteries. As soon, however, as the fate of the commander in chief, and the army on the left bank, was ascertained, the conquest was abandoned, and the detachment returned.

The whole force of the enemy, before the American camp, with the exception of the detachment, which crossed the river, under colonel Thornton, had marched to the attack of the American forces, in their entrenchments.

After the fall of general Pakenham, and generals Keane and Gibbs were carried off the field, general Lambert took the command of the whole. Finding that the efforts of his predecessors had been entirely unsuccessful, and that the several divisions, which had already experienced the fatal effects of the fire from the American lines, could not be urged again to the charge, he ordered a general retreat. The order was obeyed with the greatest precipitation. The British lines broke into a hundred fragments: and the men literally ran from the field. In retreating, they had to pass over a plain, of six or eight hundred yards in extent, exposed to a direct and enfilading fire, from the guns of the American batteries; which were played with unabating spirit, until the enemy had fled beyond their reach. The loss of the British army, on this memorable day, was not less than 700 killed, 1400 wounded, and 500 captured. That of the Americans, on the east side of the Mississippi was six killed and nine wounded. On both banks, it was thirteen killed, thirty-nine wounded, and nineteen missing.

The enemy returned to his shipping, in the night of the 18th of January, leaving, under medical care, eighty wounded officers and privates, who could not be removed. Those unfortunate men, together with all the wounded of the enemy who fell into the hands of the Americans, were conveyed to

New Orleans, lodged in the barracks, and received every possible attention, which their situation demanded from humanity. They were supplied, at the expense of the citizens, with matrasses, pillows, lint, linen, nurses, medical attendance, and every accommodation to alleviate their sufferings. For their generosity, benevolence and humanity to the wounded, not only of the American, but also of the British army, the citizens of New Orleans received the acknowledgements of congress. The enemy abandoned, in their deserted lines, fourteen pieces of heavy ordnance, and a quantity of shot.

The previous arrangements of general Jackson at Fort St. Philip, on the Mississippi, enabled the commanding officer to beat back a detachment from the enemy's fleet, which attempted to pass that fort. On the 9th of January, two bomb-vessels, one sloop, one brig, and one schooner, anchored near, and commenced a fire upon the fort. The bombardment was continued nine days and nights, with little intermission. On the evening of the 17th, a large mortar was opened from the fort, which threw the enemy into great disorder. Before light on the morning of the 18th, after having thrown from the bomb-vessels, one thousand shells of the largest dimensions, and a vast number of small shells, grape, and round shot, from boats under cover of the night, the enemy weighed and stood down the river. The loss of the garrison of Fort St. Philip was only two killed and seven wounded.

Thus terminated the costly enterprise, projected by the British government, for the capture of New Orleans. In the attempt to execute it, the first military and naval talents, in the service of the British monarch were supported by a combined force, of twenty thousand infantry, seamen, marines, engineers, rocketeers, artilleryists, miners and sappers. Besides detachments, employed in various places, with a view to diversion, thirteen or fourteen thousand actually advanced, in one body, at one moment, and against one object. These were directed by four major-generals of great experience, renown, and military abilities, aided by

the counsel of three admirals, of equal claims on the esteem and confidence of their government. On the other hand, the object of all the preparation, and ultimately of all the sacrifices of the enemy, was defended by less than eight thousand citizens, commanded by a general, whose commission was not one year old, without the assistance of one general officer, of the military profession. General Jackson was supported by the militia generals Carroll, Coffee, Thomas, Adair, &c. These gentlemen left their homes, where they occupy the stations of planters, or agriculturists, on a level with the men whom they led to the defence of New Orleans. In the naval department the disparity, in years and experience, was equal. To admirals Cochrane, Codrington, and Malcolm, were opposed commodore Patterson, captain Henly, and other junior officers. By the blessing of Providence, the victory was not to the strong; as the race is not always to the swift. General Jackson and his virtuous, patriotic, and valorous comrades gathered laurels which shall never fade. Emphatical, indeed, were the words of the victor of New Orleans, to the reverend W. Dubourg, the patriotic apostolic administrator of the diocese of Louisiana, when he received from the pious minister's hands, a wreath of laurel, the emblem of victory, and the symbol of immortality: "that so few tears should cloud the smiles of our triumph, and not a cypress leaf be interwoven in the wreath, which you present, is the source of the most exquisite enjoyment." How different were the decorations of the enemy! His brows were enveloped with the leaves of the cypress, under the wide-spreading branches of which, he was sheltered, when preparing to desolate "the land of the free, and the home of the brave."

The correspondence between the British commanders and general Jackson, which succeeded the sanguinary contest before New Orleans, sufficiently proves that his conduct commanded their highest respect for his military and personal qualities. Major-general Keane, in the battle of the 8th, lost his sword; which, afterwards, came into the possession

of general Jackson. On the former intimating a desire to regain it, it was promptly sent by the latter, with the best wishes for his speedy recovery. This act of generous liberality was handsomely acknowledged, by general Keane, with a suitable expression of gratitude.

Congress voted their thanks to general Jackson, and through him, to the officers and soldiers under his command, for their gallantry and good conduct, in the several conflicts with the enemy, near New Orleans; and requested the president to present the commander in chief with a gold medal, inscribed with suitable emblems and devices, as a testimony of the high sense entertained, by them, of his judicious and distinguished conduct on that occasion. At the same time they expressed the high sense they entertained of the valour and good conduct of commodore D. T. Patterson, major Daniel Carmick, and the officers, seamen, and marines, under their command, on the same memorable occasion.

The vast and interesting events before New Orleans closed with an exchange of grateful civilities between the legislature of Louisiana and the officers and citizen-soldiers, who so gallantly and successfully resisted an enemy of superior force; and a reciprocation of congratulations between the army and the citizens of New Orleans. A particular account of the heart-cheering compliments, which passed on the occasion, would fill a volume. The valedictory of the commander in chief to his army and the citizens of Louisiana and New Orleans, awakens the noblest feelings of human nature. Giving to every corps and to every description of citizens a generous and faithful meed of praise, he did not forget the services of the fair, whose patriotism throughout the trying season, demanded the admiration and acknowledgments of the hero. The females of the city, of every situation in life, forsook their ordinary occupations and indulgences, and employed themselves day and night to supply their protectors with clothing and comforts, of which they were in great want, through the suddenness of the call for their services. The Ursuline nuns received the sick and

wounded within the walls of their monastery ; and, in the true spirit of Christian charity, exercised the offices of tender sisters. A sympathetic devotion to the suffering and the needy, pervaded all circles, and opened every resource, which plenty and affluence could command. The wounded soldiers experienced the most consoling attentions. In the proudest mansions of the city, they had pillows for their heads, cordials to cheer their fainting hearts, and the daughters of opulence, education, and fashion, to administer to their wants, and beguile their pains. The developement of such virtues, as were displayed, among all ranks of citizens, in the capital of the youngest state of the union, richly compensated the trials and privations, which elicited them. The imagination, rioting in the glory of New Orleans, shrinks from a glance at its contrast, in the tame surrender, to the enemy, of Eastport, Castine, and Machias. While the Mississippi shall roll its torrent to the ocean, an illustrious monument will exist, in the victory on its banks, on the 8th of January, 1815, of the virtue and prowess of a nation, which justly claims to be the refuge of liberty, and an asylum of freemen. The citizen, who has a soul to enjoy the proud triumph of his country, in the splendid achievements of Jackson and his brave associates, will forever exult in their fame ; and invoke upon them and their posterity the blessings of heaven.

After the departure of the enemy, from the Mississippi and Lake Borgne, he appeared, on the 6th of February, 1815, off Dauphine Island, in the mouth of the bay of Mobile. On the next day, his fleet separated into two divisions. The lighter vessels, extending in a circular line across the bay, communicated with the peninsula, three miles east of Fort Bowyer. The heavy ships formed a line in the gulf of Mexico, south of the fort, and parallel with the southern coast of the peninsula. With this display of fifty or sixty sail, the enemy began to prepare for the siege of the fort. General Lambert, with five thousand troops, was landed three miles in its rear, having a powerful train of artillery, and every implement of the engineer department, necessary to trench and fortify his advances.

His operations were commenced and conducted with as much parade, and circumspection, as if the fort were a fortified town, garrisoned by an army.

On the 11th, having completed his batteries, within three hundred yards of the fort, and having mounted eight howitzers, two mortars, four eighteen-pounders, he displayed a signal for a suspension of hostilities; which was responded from the fort. General Lambert then summoned the garrison to a capitulation. The commander of the fort, lieutenant-colonel Lawrence, with the advice of a council of his officers, accepted the terms offered; which were highly honourable to the force he commanded. The fort was so situated, as to render the expectation of a reinforcement hopeless. It was completely invested by land and water. Besides, it was not constructed for defence, in the rear; being intended only to guard the channel into the Mobile bay. To hold out, under such circumstances, promised no other result than a useless waste of blood. On the 12th of February, 1815, the garrison marched out, with their drums beating, and colours flying; and the place was immediately afterwards occupied by the enemy.

Besides the naval force that attacked the fort, major-general Keane's division was encamped on Dauphine Island, to afford any succour which general Lambert might require in his operations. It is reasonable to suppose, that the enemy had greatly over-rated the number of the Americans; or he surely would not have spent so much time, and encountered the labour he performed, in approaching the fortifications. The repulse of commodore Percy at the same place, in September, 1814, had impressed the enemy with a high respect for the commander and his men. The garrison of Fort Bowyer, on the 12th of February, 1815, did not exceed three hundred and twenty rank and file. This mere handful, in a fortification, no part of which was bomb-proof, employed the veteran army of the enemy five or six days. During the siege, the loss of the garrison was one killed

and ten wounded. That of the besiegers was thirteen killed and eighteen wounded.

This and the capture of St. Mary's in February, by admiral Cockburn, were the only achievements of that force which, as has been stated, was sent from Great Britain expressly to take and hold the capital of Louisiana, subjugate that state, and lay under restraint the states and territories lying on the waters of the Mississippi. It must be admitted that the array of sixty sail, and the parade of 16,000 Britons, before Fort Bowyer, was a most extraordinary spectacle. It is a fact, nevertheless, that major-general Lambert entertained the earl Bathurst with a particular and solemn account of his success, as if he had captured a city, or conquered a state. To swell into importance, the last incident of the drama, the spoils of Fort Bowyer were enumerated down to "one triangle gin complete," "five hundred flints," "twenty women," "sixteen children," and "three servants," "*not soldiers.*"

On or before the 13th of February, the British sloop of war Brazen, captain Stirling, arrived from Jamaica, with intelligence to admiral Cochrane, that a treaty of peace had been signed, on the 24th of December, 1814, by the British and American commissioners, at the city of Ghent; ratified by the prince regent; and transmitted to the United States, to receive the ratification of the president and senate. Colonel Edward Livingston, the aid of general Jackson, being on board the Tonnant, the admiral's flag-ship, engaged in negotiations for the exchange of prisoners, was charged with a congratulatory note, from Admiral Cochrane to general Jackson, dated the 13th of February, 1815, inclosing a copy of a bulletin, received from Jamaica, announcing the treaty. The commanders on both sides were, thenceforward, entirely engaged in the duty of exchanging cartels, with every disposition to facilitate the return, from captivity, of all whom the chances of war had made prisoners.

About the 10th of March, official intelligence of the final ratification of the treaty of peace, by the president and senate,



accompanied by a certified copy of that instrument, was received by general Jackson, at New Orleans; which he lost no time in communicating to admiral Cochrane and general Lambert. It was received in the British fleet and at the head quarters of the British army on Dauphine Island, on the 17th; and on the 25th of the same month, Fort Bowyer was delivered up to an American officer, appointed to receive it, agreeably to the treaty of peace. Before the first day of April, the whole British force had departed from the coast.

## CHAPTER LVI.

*The loss of the frigate President; Capture of the Penguin, Cyane, and Levant; Negotiations at Ghent; Treaty of Peace.*

IN January, 1815, a cruise in the Indian Ocean was projected, at the navy department; which was committed to the direction of commodore Decatur. The frigate *President*, flag ship, the sloops *Peacock*, captain Warrington, and *Hornet*, captain Biddle, with the *Tom Bowline*, store ship, formed the squadron, destined for this service, all lying in the harbour of New York. At the time when the squadron was preparing for the expedition, the enemy was cruising off the Hook, with the *Majestic* razee, the frigates *Endymion*, *Tenedos*, and *Pomone*. Commodore Decatur determined, with the *President*, on the night of the 14th of January, to run by the British squadron. Having fixed on the island of *Tristan d'Acunha*, as the first rendezvous of the squadron, he ordered the *Peacock*, *Hornet*, and *Tom Bowline*, to follow thither as early as possible.

The *President*, in passing the bar, unfortunately struck, where she was detained two hours; and had her sailing trim considerably injured by the shock to her false keel, and the shifting of water casks, and heavy articles on board, to get off the ship. As soon as the tide enabled her to sail, she stood out with a good wind; but at day-light fell in with the enemy's squadron. A chase commenced. Commodore Decatur lightened the *President* as far as consistent with his ulterior object; but he soon discovered that the accident of the night had materially affected her sailing, for which she had been distinguished, and on which her commander had greatly relied, in the event of falling in with a superior force. The *Endymion*, leading the enemy's squadron, came under the quarter of the *President*, and commenced firing. The shot was evidently directed at the *President's* rigging, to arrest her speed; that she might be overtaken by

the whole squadron. Commodore Decatur finding he could not elude the *Endymion*, determined to engage, and throw her out of the chase; or to carry her by boarding, abandon the *President*, and escape with the prize. The *Endymion* studiously avoided an engagement at close quarters; and therefore commodore Decatur was unable to lay her on board. The conflict continued two hours; when the *Endymion* was completely beaten off. The *President* repaired damage with all dispatch, and made another effort to escape by sailing. In three hours afterwards, two fresh frigates, the *Pomone* and *Tenedos*, were along side; and the *Majestic* and *Endymion* also in the pursuit. The *President* was therefore compelled to surrender to the superior force of the enemy. In the engagement with the *Endymion*, she lost twenty-five men killed, and sixty wounded. Of the former were lieutenants Babbit, Hamilton, and Howell. Of the latter were commodore Decatur; and midshipman Dale, since dead.

In the loss of the *President*, commodore Decatur lost nothing of his high reputation; nor the United States of the naval glory they had gained in the war. As far as the contest was upon equal terms, the *President* rivalled the high renown of the more fortunate frigates, the *Constitution* and the *United States*. She fairly conquered the *Endymion*, in the face of an approaching squadron, when the crew could have little hope to inspire their exertions.

The *Peacock*, *Hornet*, and *Tom Bowline*, went to sea in a few days after the *President* sailed. The first, with the last, returned to the United States, long after the termination of hostilities; having met nothing in the cruise worthy to be recorded.

The *Hornet*, to the southward and eastward of the island of *Tristan d'Acunha*, fell in with, and, after an action of twenty-two minutes, on the 23d of March, 1815, captured his Britannic majesty's brig *Penguin*, captain Dickinson, mounting nineteen guns. The *Penguin*, out of one hundred and thirty-two men, lost fourteen killed, and twenty-eight wounded. Her commander was among the slain. The *Hornet* lost only one killed, and had eleven wounded. At the close of the action,

after the Penguin struck, a musket was fired at captain Biddle, by one of her men, which severely wounded him in the neck. Lieutenant Conner, first of the Hornet, was dangerously wounded in the action.

In the prosecution of his cruise, captain Biddle had a signal occasion to display his seamanship. He was chased three days by a British ship of the line, carrying an admiral's flag; and was frequently reached by her bow-chasers. He caused all the Hornet's guns, with the exception of one, to be thrown overboard, to expedite her sailing. The skilful management of the sloop, for which her commander and her crew, deserves great applause, effected her escape from a ship of very superior force. The Hornet, doubly dear to the nation, returned to the United States, and continues to grace the list of their navy.

The frigate Constitution, captain Stewart, sailed from Boston on the 17th of December, 1814; and returned to the United States several months after the close of the war. During her cruise, on the 20th of February, 1815, she was attacked by two heavy British sloops of war. In this action the enemy had the advantage of force, and the still greater advantage of having that force divided, so as to act from different points. The two sloops exerted themselves to take raking positions upon the Constitution; but her commander so adroitly manœuvred, as to protect her against their designs, and to rake them. Both were captured, and proved to be the ship Cyane, captain Gordon Falcon, of thirty-four 32lb. carronades, and the brig Levant, captain Douglass, of eighteen 32lb. carronades, and two long twelve pounders. On board the enemy, the loss was 120 in killed and wounded. The Constitution had four men killed, and eleven wounded.

After the action, captain Stewart with his twin-prizes, put into Port Praya; whence he was driven, on the 11th of March, 1815, by his Britannic majesty's ships, the Leander and Newcastle, each carrying sixty guns, and the frigate Acasta. The Constitution, with the Cyane, after a long and difficult

chase, escaped; and arrived safe in the United States. The Levant, lieutenant Ballard, ran into Port Praya again, to avail herself of the neutrality of the harbour. It was disregarded by the enemy, who re-captured the prize.

The scenes, just presented to view, concluded the events of the war. The contest could not have closed under circumstances more honourable, or more propitious to the arms of the United States. From the opening of the campaign of 1814, a tide of success, in their favour, set in, which continued to flow with few interruptions, until its termination. The government and the people, nevertheless, were ever ready to terminate the effusion of blood, when the dispositions of the enemy should incline him to treat on equitable terms. From the commencement of hostilities until their termination, peace was at the option of the government of Great Britain, without the smallest sacrifice of honour or interest. The United States never demanded of their enemy, any concession of principle; nor claimed any privilege or right, not compatible with the principles of honour.

It has been already stated, that, on the overture of the English, the American government commissioned John Quincy Adams, James A. Bayard, Albert Gallatin, Henry Clay, and Jonathan Russell, Esquires, to treat with commissioners on the part of Great Britain. It was expected, from the professions of the prince regent, at the time of inviting the government of the United States, to renew negotiations for peace, that the commissioners from the two governments would come together, with dispositions propitious to a speedy termination of the war. But the overthrow of Napoleon Bonaparte, and the complete subjection of France by the allied armies, had, in the spring of 1814, left an immense military force, at the disposition of Great Britain; the transfer of a great part of which, to Canada, and to the shores of the United States, early indicated, that the views of the British government had materially changed; and that its purpose was to awe the United States into such terms, as were congenial with the ambitious views of the British nation, recently elevated by

its diplomatic and military success on the continent. The British commissioners did not arrive in Ghent, until the 6th of August. On the 8th, credentials were exchanged, and a conversation took place, preliminarily to more formal discussions. The British commissioners gave notice, that their instructions extended to certain subjects, on which, it was supposed, the negotiations would turn. These were:

1st. The forcible seizure of mariners on board of merchant vessels, and, in connexion with it, the claim, of his Britannic majesty, to the allegiance of all the native subjects of Great Britain.

2dly. The Indian allies of Great Britain to be included in the pacification; and a definite boundary to be settled for their territory.

3d. A revision of the boundary line, between the United States, and the adjacent British colonies.

The British commissioners stated, that an arrangement, upon the second point, was a *sine qua non*; that they were unauthorised to conclude a treaty of peace, not embracing the Indian allies of his Britannic majesty; and that the establishment of a permanent boundary, for the Indian territory, was necessary not only to ensure peace to them, but to prolong the pacific relations between the United States and Great Britain, when they should be restored. At the same time, they intimated that the privileges, heretofore enjoyed by the United States, of fishing within the limits of the British jurisdiction, and landing and drying fish on British territories, would not be renewed, without an equivalent.

On the next day, the American commissioners informed those of Great Britain, that they were provided with instructions on the first and third subjects; and presented, on their part, as topics for discussion:

1st. A definition of blockade; and, as far as might be mutually agreed, of other neutral and belligerent rights.

2dly. Claims of indemnity in certain cases of capture and seizure.

Some of the subjects, presented by the British commissioners, having never been introduced, in any of the previous

correspondence, on the points in question between the two governments, were of course unexpected; and the American commissioners were not provided with instructions respecting them. As to that relating to Indian boundary, they needed no instructions, when the British commissioners disclosed the views of their government. They knew that their government would not, upon any terms, even for the restoration of peace, surrender a portion of the soil or sovereignty of the United States. After explanations, on the part of the American commissioners, of the views of their government towards the Indians, and which were truly alleged to be liberal and just, and requiring, in their behalf, no interposition of the British government; a suspension of the discussions took place, to allow the British commissioners an opportunity of correspondence with their government.

On the 19th, the American commissioners were invited to a conference, and were informed, that the British government had directed its commissioners, to require distinctly, as an indispensable preliminary, that the Indians should be included in the pacification; and incident thereto, the establishment of permanent boundaries for their territories. The subject of peace with the Indians was admitted to be of simple character, and required no comment: but as to boundary, it was explained, by the British commissioners, that the object of their government was, that the Indians should remain as a permanent barrier between the western settlements of the United States, and the adjacent British provinces, to prevent them from being conterminous with each other; and that neither the United States, nor Great Britain, should ever afterwards have the right to purchase, or acquire any part of the territory thus recognized, as belonging to the Indians. In order precisely to define the views of the British government, the commissioners proposed, subject to discussion and modification, the lines of the Greenville treaty. At the same time, they explained the views of their government, with respect to the proposed revision of the line between the dominions of the United States and Great Britain. These embraced a condition, that the United States should keep no naval force

on the western lakes, from Ontario to Superior inclusive, erect no fortifications on their shores, nor maintain those already established; that the boundary line, between the lakes and the Mississippi, should run from the Superior, instead of the Lake of the Woods; and the right of Great Britain, to the navigation of the Mississippi, be continued; and that a direct communication, from Halifax and the province of New Brunswick to Quebec, should be secured to Great Britain, by a cession of that portion of the district of Maine, which intervenes and prevents direct communication.

To induce the American commissioners to adopt the *sine qua non*, in relation to the Indian boundary, and agree to a provisional article on that subject, without waiting instructions from the United States; the British commissioners intimated, that, if the conferences were suspended, Great Britain would not consider herself bound to abide by the terms now offered; but would be at liberty to vary and regulate her demands according as events, and the state of the war, at the time of resuming the negotiations, might warrant.

These propositions left little room to hope for a favourable termination of the correspondence. They were unanimously and promptly rejected by the American commissioners.

At this stage of the correspondence at Ghent, the American government was advised of the progress and aspect of the negotiation. As soon as the despatches from the American commissioners, stating the above particulars, were received at Washington, they were communicated to both houses of congress, and published throughout the union. The pretensions of the British government excited universal indignation among the people of the United States, and a general determination to repel, to the last extremity, every proposition for peace, which contemplated the cession of any part of their soil, or tended in any degree to abridge their jurisdiction over all persons whatsoever within their established boundaries. This indignation and determination did not arise from any disposition in the United States, to avenge the unprovoked hostility of the Indians. In the north and south-west, they



had already subdued the hostile Indians; and treaties of peace with them had been ratified, in which their just claims were liberally allowed, and their rights guaranteed to the satisfaction of the proper parties. The security and interests of Indians, lately the allies of Great Britain, did not therefore require the interposition of any foreign government to ensure to them the perfect enjoyment of all their privileges. The conditions proposed by the British commissioners, including a people within our dominion in a foreign treaty, which was declared to be *sine qua non* in the negotiations for peace, was derogatory to the sovereignty of the United States, and evinced a disposition, on the part of Great Britain, inconsistent with peace upon honourable terms. It was evident, from the correspondence of the commissioners, up to the 19th of August, that the negotiation was commenced, on the part of Great Britain, with views exorbitant and inadmissible; and that she looked to the course of the campaign, for events to humiliate the United States, and elevate the tone of her pretensions.

The reply of the American, to the very unexpected propositions from the British commissioners, opened a long discussion, in which the former displayed a dignity, temper, and ability, honourable to themselves and the nation they represented. It is not, with the motive to disparage the abilities of their opponents, that it is affirmed they proved themselves superior in the argument; and succeeded in driving their antagonists from the high ground they had assumed.\*

\* This declaration will not be considered *ex parte*, or merely American, when the reader is informed, that lord Wellesley, in the discussion of the treaty of Ghent, before the British parliament, confessed the superiority of the American commissioners. In addition to the high testimony of this English nobleman and statesman, "the Colonial policy of Great Britain, by a British Traveller," a work of great acumen, and written in the spirit of a true Englishman, not only admits that the United States had completely the advantage of their enemy, both on the land and by water, but also distinctly affirms, that lord Gambier and his coadjutors were incompetent to negotiate "with such shrewd men" as the American commissioners; and that "the British delegates were foiled" by their antagonists.

It may not be impertinent to make the following emphatical extract from this work: "Let it be repeated, even though the sound should prove ungrateful; let the voice of truth be heard, which proclaims, "that Britain never had an enemy so much to be dreaded as the United States."

The *sine qua non*, as to the boundary of Indian territory, was suddenly abandoned; and, in its stead, a provisional article tendered, providing reciprocally an Indian pacification. This article was harmless, and simple in its terms and tendency; and, having been actually anticipated, by treaties between the United States and the Indians, was accepted by the American commissioners.

While the negotiations were pending, accounts of the capture and possession, by the British forces, of the territory and towns between the Penobscot river and the bay of Passamaquoddy, were received in London. Immediately afterwards, the British commissioners substituted a new demand; which savoured more of plausibility, than the pretensions they had previously advanced, in relation to the boundary line, between the United States and the British provinces. They proposed the basis of *uti possidetis*, under an impression, that the retention of the forts at Michilimackinac, and Niagara, and the territory and towns east of the Penobscot, which, at different periods of the war, had fallen into the possession of the British forces, would compensate for the abandonment of the terms, which they had proposed, in relation to the western lakes, and the north-west boundary of the United States. In submitting the basis of *uti possidetis*, they declared, that they had no further demands to make; and no other stipulations, on which they were instructed to insist.

This proposition was received, as it deserved to be, by the American commissioners; who stated that they had no authority to cede any part of the territory of the United States, and would subscribe no stipulation to that effect.

The proposed basis of *uti possidetis* was very inconsistent with the professions of Great Britain, when the American government was invited to a negotiation for peace, and at war with the spirit, which the British, in their first interview with the American commissioners, declared had actuated the prince regent. Lord Castlereagh, in his letter of the 4th of November, 1813, to the American secretary of state, pledged the faith of the British government, that it was willing to enter into discussions with the government of the United States,

for a conciliatory termination of all controversies subsisting between the two states, with an earnest desire on its part to bring them to a favourable issue, upon principles of perfect reciprocity, "not inconsistent with the established maxims of public law, and the maritime rights of the British empire." In addition to this pledge of the British minister, the commissioners, at Ghent, declared, "that no events, which had occurred since the proposal for the negotiation, had altered the pacific disposition of their government, or varied its views, as to the terms upon which it was willing to conclude a peace;" and disclaimed any intention, on the part of their government, to acquire an increase of territory.

As the departure from these professions was produced by the partial successes of the British arms, in the vicinity of Passamaquoddy; so the events on the Niagara, in July, August, and September, the capture of the British squadron on Lake Champlain, and the repulse of sir George Prevost from Plattsburg, results on which the British government had not calculated, changed the whole aspect of affairs; and induced the government of Great Britain, to adopt a tone more consonant with the principles of respect for the United States.

From this stage of the negotiation, the department of the British commissioners promised a favourable issue. On the other hand, the American commissioners avoided every impediment to a successful result. From the new dispositions on the one side, and continued candour and justice on the other, the correspondence speedily terminated in a treaty, which was signed on the 24th of December, 1814, by the respective commissioners, and ratified by the prince regent, on the 28th, and by the president, with the advice and consent of the senate of the United States, on the 18th day of February, 1815. See Appendix No. VIII.

The termination of the war was a subject of sincere congratulation with all parties in this country. The spirit with which it had been conducted by the enemy, through the campaign of 1814, and the pretensions of the British government, as disclosed by its commissioners at Ghent, had taught the peo-

ple the necessity of exerting all their energies, to assert the rights of their country, and to protect its soil against invasion, conflagration, plunder, and outrage. In the animated determination to "assume an armour and attitude," demanded by the crisis, several of the state legislatures surpassed the national legislature, in preparations for the campaign of 1815. Early in the last session of the 13th congress, a productive system of internal taxation was enacted, to support the credit of the government, and provide the ways and means of equipping a force, adequate to repel every effort of the enemy, upon the frontiers of the United States, and carry a decisive and victorious war into his territories. Happily the treaty arrived in time to save much blood and treasure. The revenues, created to meet a continued war-expenditure, were diverted to an extinguishment of the debt already incurred.

In the result, the equitable demands, with which the United States embarked in the war, were not explicitly attained: but the enemy gained no admission of his extravagant pretensions, which he called his maritime rights. A renunciation of the right of impressment, by Great Britain, a definition of blockade, and the rights of neutrals, were not spread on paper, and ratified in form: but, it is believed, that the energy, valour, and skill of the American seamen, whether engaged in the public or private armed vessels of the United States, and of our army and militia, have made such impressions on the British and other nations, as will, hereafter, command respect for our rights, and prevent the repetition of the wrongs to which we were subjected. The termination of the European wars, actually suspended the practice of impressment; and removed, for the time being, the obnoxious orders and blockades, which had been the subjects of complaint, in the United States, against the British government. In this state of things, the American government and people may rely on the experience of the war, for security against their revival. It may be reasonably assumed, that Great Britain, for the future, will find it more her interest to respect the flag, and regard the rights of the United States, than to hazard a second contest with a people, who, in a war of two years and a half, injured her com-

merce\* more seriously, and depressed her naval renown more signally, than the powers combined against her, since the commencement of the French revolution. Great Britain has every motive to maintain peace with the United States, on liberal and just terms; and the United States will never preserve a peace with her upon any other terms.

\* The services of those citizens, who embarked in privateering adventures, during the war, and there were not a few, contributed greatly to annoy the enemy, and make him feel the consequences of a war with the United States. Not less than fifteen hundred prizes, many richly laden, were captured from the enemy, by American privateers. In most instances, their officers and crews exhibited those qualities which characterized the services of their brethren employed in the navy of the United States. An interesting volume might be formed of the various enterprises of the American seamen in private cruisers. Frequently they assailed fleets of merchantmen under strong convoy, and, in spite of their vigilance, carried off valuable prizes. They engaged British armed vessels, with the most desperate resolution. They spread over every sea; and even ran into the English and Irish channels. It is notorious that the British commerce, in those narrow seas, was so harassed, that the premium of insurance was higher than it had been, for many years during the war with France.

## APPENDIX No. I.

*Extract from the Instructions to Thomas Foster, their representative, by the Freeholders and inhabitants of the town of Plymouth, in opposition to the Stamp Act, in October, 1765.*

“YOU, sir, represent a people, who not only descended from the first settlers of this country, but inhabit the very spot they first possessed. Here was laid the foundation of the British empire, in this part of America, which, from a very small beginning, has increased and spread, in a manner very surprising, and almost incredible; especially when we consider, that all this has been effected, without the aid or assistance of any power on earth; and that we have defended, protected, and secured ourselves against the invasions and cruelty of savages, and the subtlety and inhumanity of our inveterate natural enemies, the French: and all this without the appropriation of any tax by stamps, or stamp acts, laid upon our fellow subjects, in any part of the king’s dominions, for defraying the expense thereof.

“This place, sir, was, at first, the asylum of liberty; and, we hope, will ever be preserved sacred to it, though it was then no more than a barren wilderness, inhabited only by savage men and beasts.

“To this place, our fathers, whose memories be revered, possessed of the principles of liberty in their purity, disdaining slavery, fled, to enjoy those privileges, to which they had an undoubted right, but of which they were deprived, by the hands of violence and oppression, in their native country.”

“We, sir, their posterity, the freeholders, and other inhabitants of this town, possessed of the same sentiments, and retaining the same ardour for liberty, think it our indispensable duty, on this occasion, to express, to you, these our sentiments of the stamp act, and its final consequences to this country; and to enjoin upon you, as you regard not only the welfare, but the very being of this people, that you exert all your power and influence, in opposition to the stamp act.”

## APPENDIX No. II.

*The proceedings of Congress, rejecting Lord North's proposition, of the 20th of February, 1775, designed, indirectly, to coerce an American revenue.*

“THE congress took the said resolution into consideration, and are thereupon of opinion:

“That the colonies of America are entitled to the sole and exclusive privilege, of giving and granting their own money; that this involves a right of deliberating, whether they will make any gift, for what purpose it shall be made, and what shall be its amount; that it is a high breach of this privilege, for any body of men, extraneous to their constitutions, to prescribe the purposes for which money shall be levied on them; to take to themselves the authority of judging of their conditions, circumstances, and situations, and of determining the amount of the contributions to be levied; and that, as the colonies possess a right of appropriating their gifts, so are they entitled, at all times, to inquire into their application, to see that they be not wasted among the venal and corrupt, for the purpose of undermining the civil rights of the givers, nor yet be diverted to the support of standing armies, inconsistent with freedom and subversive of their quiet.

“To propose, therefore, as this resolution does, that the monies, given by the colonies, shall be subject to the disposal of parliament alone, is to propose, that they shall relinquish this right of inquiry, and put it in the power of others, to render their gifts ruinous, in proportion as they are liberal.

“That this privilege, of giving, or of withholding our monies, is an important barrier against the undue exertion of prerogative, which, if left altogether without control, may be exercised to our great oppression; and all history shows how efficacious is its intercession for redress of grievances, and re-establishment of rights, and how improvident it would be, to part with so powerful a mediator.

“ We are of opinion, that the proposition, contained in this resolution, is unreasonable and insidious. Unreasonable; because, if we declare we accede to it, we declare, without reservation, we will purchase the favour of parliament, not knowing, at the same time, at what price they will please to estimate their favour. Insidious; because, individual colonies, having bid and bidden again, till they find the avidity of the seller too great, for all their powers to satisfy, are then to return into opposition, divided from their sister colonies, whom the minister will have previously detached, by a grant of easier terms, or by an artful procrastination of a definitive answer.

“ That the suspension of the exercise of their pretended power of taxation being, expressly, made commensurate with the continuance of our gifts, these must be perpetual to make that so. Whereas, no experience has shown, that a gift of perpetual revenue secures a perpetual return of duty, or of kind disposition. On the contrary, the parliament itself, wisely attentive to the observation, is in the established practice of granting its supplies from year to year only.

“ Desirous and determined as we are, to consider, in the most dispassionate view, every seeming advance, towards a reconciliation, made by the British parliament, let our brethren of Britain reflect, what would have been the sacrifice to men of free spirits, had even fair terms been proffered, as these insidious proposals were, with circumstances of insult or defiance. A proposition to give our money, accompanied with large fleets and armies, seems addressed to our fears, rather than to our freedom. With what patience, could Britons have received articles of a treaty, from any power on earth, when borne on the point of a bayonet, by military plenipotentiaries? We think the attempt unnecessary to raise upon us, by force or by threats, our proportional contributions to the common defence, when all know, and themselves acknowledge, we have fully contributed, whenever called upon to do so, in the character of freemen.

“ We are of opinion it is not just, that the colonies should be required to oblige themselves to other contributions, while



Great Britain possesses a monopoly of their trade. This of itself lays them under heavy contribution. To demand therefore additional aids, in the form of a tax, is to demand the double of their equal proportion. If we contribute equally, with other parts of the empire, let us, equally with them, enjoy free commerce with the whole world: but while the restrictions on our trade shut to us the resources of wealth, is it just, we should bear all other burdens, equally with those to whom every resource, is open?

“We conceive, that the British parliament has no right to intermeddle with our provisions, for the support of civil government, or administration of justice. The provisions we have made are such as please ourselves, and are agreeable to our own circumstances. They answer the substantial purposes of government, and of justice; and other purposes than these should not be answered. We do not mean, that our people shall be burdened, with oppressive taxes, to provide sinecures for the idle or the wicked, under colour of providing for a civil list. While parliament pursue their plan of civil government, within their own jurisdiction, we, also, hope to pursue ours, without molestation.

“We are of opinion, the proposition is altogether unsatisfactory; because it imports only a suspension of the mode, not a renunciation of the pretended right, to tax us: because, too, it does not propose to repeal the several acts of parliament, passed for the purposes of restraining the trade, and altering the form of government of one of our colonies; extending the boundaries, and changing the government of Quebec; enlarging the jurisdiction of the courts of admiralty and vice-admiralty; taking from us the right of a trial by jury of the vicinage, in cases affecting both life and property; transporting us into other countries, to be tried for criminal offences; exempting, by mock-trial, the murderers of colonists from punishment; and quartering soldiers on us, in times of profound peace. Nor do they renounce the power of suspending our own legislatures, and legislating for us themselves, in all cases whatsoever. On the contrary, to show they mean no discontinuance of injury, they pass acts, at the

very time of holding out this proposition, for restraining the commerce and fisheries of the provinces of New England; and for interdicting the trade of other colonies, with all foreign nations, and with each other. This proves unequivocally, they mean not to relinquish the exercise of indiscriminate legislation over us.

“ Upon the whole, this proposition seems to have been held up to the whole world, to deceive it into a belief, that there was nothing in dispute between us, but the mode of levying taxes; and that the parliament having been now so good as to give up this, the colonies are unreasonable, if not perfectly satisfied. Whereas, in truth, our adversaries still claim a right of demanding, *ad libitum*, and of taxing us themselves, to the full amount of their demand, if we do comply with it. This leaves us without any thing we can call property: but, what is of more importance, and what, in this proposal, they keep out of sight, as if no such point was now in contest between us, they claim a right to alter our charters, and establish laws, and leave us without any security for our lives or liberties.

“ The proposition seems, also, to have been calculated, more particularly, to lull, into fatal security, our well-affected fellow subjects, on the other side of the water, till time should be given, for the operation of those arms, which a British minister pronounced would, instantaneously, reduce the cowardly sons of America, to unreserved submission. But, when the world reflects, how inadequate to justice are these vaunted terms; when it attends to the rapid and bold succession of injuries, which, during a course of eleven years, have been aimed at the colonies; when it reviews the pacific and respectful expostulations, which, during that whole time, were the sole arms we opposed to them; when it observes, that our complaints were either not heard at all, or were answered with new and accumulated injuries; when it recollects, that the minister himself, on an early occasion, declared, “ that he would never treat with America, till he had brought her to his feet;” that an avowed partisan of ministry has, more lately, denounced against us the dreadful

sentence "*delenda est Carthago*;" and that this was done, in presence of a British senate, and being unreprieved by them, must be taken to be their own sentiments, especially as the purpose has already, in part, been carried into execution, by their treatment of Boston, and burning of Charlestown; when it considers the great armaments, with which they have invaded us, and the circumstances of cruelty, with which these have commenced and prosecuted hostilities; when these things, we say, are laid together, and attentively considered, can the world be deceived into an opinion, that we are unreasonable? Or can it hesitate to believe with us, that nothing, but our own exertions, may defeat the ministerial sentence of death, or abject submission?"



### APPENDIX No. III.

*Some special transactions of Dr. Franklin, in London, on behalf of America.*

WHILE the breach between Great Britain and the colonies was daily increasing, the enlightened and liberal, who loved peace, and the extension of human happiness, saw, with regret, the approaching horrors of a civil war, and wished to avert them. With these views, Dr. Fothergill, Mr. David Barclay, and Dr. Franklin, held sundry conferences, in London, on American affairs. The two former were English gentlemen of most amiable characters, and highly esteemed by the British ministry. The last was, by birth, an American; but a citizen of the world, who loved, and was beloved by all good men. He was also agent for several of the colonies. At one of their conferences held at the house of Dr. Fothergill, on the 4th of December, 1774, before the proceedings of congress had reached England, a paper drawn up by the last, at the request of the two first, was submitted to their

joint consideration; which, with a few additions, proposed and agreed to by common consent, was as follows:

“Hints for conversation upon the subject of terms, that might, probably, produce a durable union between Britain and the colonies.

“1st. The tea destroyed to be paid for.

“2d. The tea duty act to be repealed, and all the duties, that have been received upon it, to be repaid into the treasuries of the several provinces, from which they have been collected.

“3d. The acts of navigation to be all re-enacted in the colonies.

“4th. A naval officer, to be appointed by the crown, to see that these acts are observed.

“5th. All the acts restraining manufactories in the colonies to be reconsidered.

“6th. All duties, arising on the acts for regulating trade with the colonies, to be for the public use of the respective colonies, and paid into their treasuries.

“The collectors and custom house officers to be appointed by each governor, and not sent from England.

“7th. In consideration of the Americans maintaining their own peace establishment, and the monopoly Britain is to have of their commerce, no requisition is to be made from them in time of peace.

“8th. No troops to enter and quarter in any colony, but with the consent of its legislature.

“9th. In time of war, on requisition by the king with consent of parliament, every colony shall raise money by the following rules in proportion, viz: If Britain, on account of the war, raise three shillings in the pound to its land tax, then the colonies to add, to their last general provincial peace tax, a sum equal to one fourth part thereof; and, if Britain, on the same account, pay four shillings in the pound, then the colonies to add, to their last peace tax, a sum equal to the half thereof; which additional tax is to be granted to his majesty, and to be employed in raising and paying men for land or sea service, and furnishing provisions, transports, or for

such other purposes as the king shall require and direct; and, though no colony may contribute less, each may add as much, by voluntary grant, as it shall think proper.

“ 10th. Castle William to be restored to the province of Massachusetts Bay, and no fortress to be built by the crown in any province, but with the consent of its legislature.

“ 11th. The late Massachusetts and Quebec acts to be repealed, and a free government granted to Canada.

“ 12th. All judges to be appointed during good behaviour, with equally permanent salaries, to be paid out of the province revenues by appointment of the assemblies; or, if the judges are to be appointed during the pleasure of the crown, let the salaries be during the pleasure of the assemblies, as heretofore.

“ 13th. Governors to be supported by the assemblies of each province.

“ 14th. If Britain will give up her monopoly of the American commerce, then the above-mentioned to be given in time of peace, as well as in time of war.

“ 15th. The extension of the act of Henry the 8th, concerning treasons to the colonies, to be formally disowned by parliament.

“ 16th. The American admiralty courts to be reduced to the same powers they have in England, and the acts establishing them to be re-enacted in America.

“ 17th. All power of internal legislation, in the colonies, to be disclaimed by parliament.

On reading this paper a second time, Dr. Franklin gave his reasons, at length, for each article. Some of his reasons were as follow:

On the first article he observed, that, when the tea was destroyed at Boston, Great Britain had a right to reparation, and would certainly have had it on demand; as was the case, when injuries were done by mobs, in the time of the stamp act; or she might have a right to return an equal injury, if she rather chose to do that: but Great Britain could not have a right both to reparation, and to return an equal injury. Much

less had she a right to return the injury ten or twenty fold, as she had done, by blocking up the port of Boston: all which extra injury ought to be repaired by Great Britain. Therefore, if paying for the tea were agreed to, as an article fit to be proposed, it was merely from a desire of peace, and in compliance with the opinions of Dr. Fothergill and David Barclay, expressed at their first meeting, that this was indispensable; that the dignity of Great Britain required it; and that if this were agreed to, every thing else would be easy.

On the second, it was observed, that the tea duty act should be repealed, having never answered any good purpose, having been the cause of the present mischief, and never likely to be executed. That the act being considered as unconstitutional, by the Americans, and what parliament had no right to enact, they must consider all the money, extorted by it, as so much wrongfully taken, and of which therefore restitution ought to be made; and the rather, as it would furnish a fund, out of which the tea destroyed would be best defrayed.

On the third and fourth articles, it was observed, that the Americans were frequently charged with views of abolishing the navigation act; but that, in truth, those parts of it, which were of most importance to Britain, as tending to increase its naval strength, were as acceptable to the colonists as they could be to the inhabitants of the parent state; since they wished to employ their own ships, in preference to those of foreigners, and they had no desire to see foreign ships enter their ports; that it would prevent disputes, if they were re-enacted in the colonies; as that would demonstrate their consent to them; and then, if all the duties arising on them were to be collected by officers, appointed and paid in the respective governments, and the produce paid into their treasuries, the acts would be better and more faithfully executed, and at much less expense, and a great source of misunderstanding between the two countries removed; and that the extension of the admiralty jurisdiction, so much complained of, would then no longer be necessary.

In support of the 7th article, it was observed, that, if every distinct part of the king's dominions supported its own government, in time of peace, it was all that could justly be required of it; that all the old or confederated colonies had done so from their beginning; that their taxes for that purpose were very considerable; that new countries had many expenses, which old ones were free from, the work being done to their hand, by their ancestors; such as making roads and bridges, erecting churches, court-houses, forts, quays and other public buildings, founding schools and places of education, hospitals and alms-houses; that the voluntary subscriptions and legal taxes, for such purposes, taken together, amounted to more than was paid by equal estates in Great Britain; that it would be best not to take money from the Americans, as a contribution to its public expense in time of peace, first, for that just so much less would be got from them in commerce; and secondly, that, coming into the hands of British ministers, accustomed to prodigality of public money, it would be squandered and dissipated without answering any general good purposes; and that, on the whole, it would be best for both countries, that no aids should be asked from the colonies, in time of peace, as it would then be their interest to grant bountifully, and exert themselves, in time of war, the sooner to put an end to it.

In support of the 8th article, it was said, that, if the king could bring, into any one part of his dominions, troops raised in any other part of them, without the consent of the legislature of the part to which they were brought, he might bring armies, raised in America, to England, without the consent of parliament.

The 9th article was drawn in compliance with an idea of Dr. Fothergill, that the British government would probably not be satisfied with the promise of voluntary grants, in time of war, from the American assemblies, of which the quantity must be uncertain; and that, therefore, it would be best to proportion them, in some way, to the shilling in the pound raised in England.

In support of the 10th article, was urged the injustice of seizing that fortress, which had been built at an immense charge by the province, for the defence of their port against national enemies, and turning it into a citadel for awing the town, restraining their trade, blocking up their port, and depriving them of their privileges: that a great deal had been said of their injustice, in destroying the tea; but here was a much greater injustice uncompensated; that castle having cost the province 300,000*l*.

In support of the 11th article, it was said, that, as the Americans had assisted in the conquest of Canada, at a great expense of blood and treasure, they had some right to be considered in the settlement of it; that the establishing an arbitrary government, on the back of their settlements, would be dangerous to them all; that as to amending the Massachusetts government, though it might be shown, that every one of these pretended amendments were real mischiefs, yet, as charters were compacts between two parties, the king and the people, no alteration could be made in them even for the better, but by the consent of both parties; that the parliamentary claim and exercise of power, to alter American charters, had rendered all their constitutions uncertain, and set them quite afloat; that, by this claim of altering laws and charters at will, they deprived the colonists of all rights and privileges whatever, but what they should hold at their pleasure; and that this was a situation they could not be in, and must risk life and every thing rather than submit to it.

The 12th article was explained, by stating the former situation of the judges in most of the colonies, viz. that they were appointed by the crown, and paid by the assemblies; that, the appointment being during the pleasure of the crown, the salary had been during the pleasure of the assembly; that, when it was urged against the assemblies, that their making judges dependent on them for their salaries, was aiming at an undue influence over the courts of justice; the assemblies usually replied, that making them dependent on the crown, for continuance in their places, was also retaining an undue influence over those courts; and that one undue in-



fluence was a proper balance for another; that, whenever the crown would consent to the appointment of judges, only during good behaviour, the assemblies would, at the same time, grant their salaries to be permanent during their continuance in office; and that, instead of agreeing to this equitable offer, the crown now claimed to make the judges, in the colonies, dependent on its favour for place, as well as salary, and both to be continued at its pleasure. This the colonies must oppose as inequitable, and as putting both the weights into one of the scales of justice.

In favour of the 13th it was urged, that the governors sent to the colonies were often men of no estate or principle; who came merely to make fortunes, and had no natural regard for the country they were to govern; that to make them quite independent of the people, was to make them careless of their conduct, and give a loose to their rapacious and oppressive dispositions; that the dependence of the governors on the people for their salaries, could never operate to the prejudice of the king's service, or to the disadvantage of Britain; since each governor was bound by a particular set of instructions, which he had given surety to observe; and all the laws he assented to were subject to be repealed by the crown; that the payment of the salaries by the people, was more satisfactory to them, was productive of a good understanding between governors and governed; and that therefore the innovations lately made at Boston and New York, should be laid aside.

The 14th article was expunged, on the representation of Dr. Fothergill and David Barclay, that the monopoly of the American commerce would never be given up; and that the proposing of it would only give offence, without answering any good purpose.

The 15th article was readily agreed to.

The 16th was thought to be of little consequence, if the duties were given to the colony treasuries.

The 17th it was thought could hardly be obtained; but it was supported by Dr. Franklin, alleging that, without it, any compact made with the Americans might be evaded, by acts

of the British parliament, restraining the intermediate proceedings, which were necessary for carrying it into effect.

This paper of hints was communicated to lord Dartmouth by Dr. Fothergill, who also stated the arguments, which, in conversation, had been offered in support of them. When objections were made to them, as being humiliating to Great Britain, Dr. Fothergill replied, "that she had been unjust, and ought to bear the consequences, and alter her conduct; that the pill might be bitter, but it would be salutary, and must be swallowed; that sooner or later these or similar measures must be followed, or the empire would be divided and ruined."

These hints were handed about amongst ministers, and conferences were held on them. The result was, on the 4th of February, 1775, communicated to Dr. Franklin, in the presence of Dr. Fothergill and David Barclay, which, as far as concerned the leading articles, was as follows:

1. The first article was approved.
2. The second agreed to, so far as related to the tea act; but repayment of the duties, that had been collected, was refused.
3. The third not approved, as it implied a deficiency of power in the parliament that made the acts.
4. The fourth approved.
5. The fifth agreed to; but with a reserve, that no change prejudicial to Britain was to be expected.
6. The sixth agreed to, so far as related to the appropriation of the duties; but the appointment of the officers and of their salaries to remain as at present.
7. The seventh, relating to aids in time of war, agreed to.
8. The eighth, relating to troops, was inadmissible.
9. The ninth could be agreed to with this difference, that no proportion should be observed with regard to preceding taxes; but each colony should give at pleasure.
10. The tenth agreed to, as to the restitution of Castle William; but the restriction on the crown in building fortresses refused.

11. The eleventh refused absolutely, except as to the Boston port-bill, which would be repealed; and the Quebec act might be so far amended, as to reduce that province to its ancient limits. The other MASSACHUSETTS ACTS, BEING REAL AMENDMENTS OF THEIR CONSTITUTION, MUST, FOR THAT REASON, BE CONTINUED, AS WELL AS TO BE A STANDING EXAMPLE OF THE POWER OF PARLIAMENT.

12. The twelfth agreed to; that the judges should be appointed during good behaviour, on the assemblies providing permanent salaries, such as the crown shall approve of.

13. The thirteenth agreed to, provided the assemblies make provision, as in the preceding article.

15. The fifteenth agreed to.

16. The sixteenth agreed to; supposing the duties paid to the colony treasuries.

17. The seventeenth inadmissible.

At this interview, the conversation was shortened by Dr. Franklin's observing, that, while the parliament claimed and exercised a power of internal legislation for the colonies, and of altering American constitutions, at pleasure, there could be no agreement; as that would render the Americans unsafe in every privilege they enjoyed, and would leave them nothing, in which they could be secure. It being hinted how necessary an agreement was for America, since it was so easy for Britain to burn all her seaport towns, Dr. Franklin replied, "that the chief part of his little property consisted of houses in such towns; that they might make bonfires of them whenever they pleased; that the fear of losing them would never alter his resolution of resisting, to the last extremity, that claim of parliament; and that it behoved Great Britain to take care what mischief she did to America; for that sooner or later she would certainly be obliged to make good all damages with interest."

On the 16th of February, 1775, the three before-mentioned gentlemen met, when a paper was produced by David Barclay, entitled: "A plan which, it is believed, would produce

a permanent union between Great Britain and her colonies. This, in the first article, proposed a repeal of the tea act, on payment being made for the tea destroyed. Dr. Franklin agreed to the first part; but contended, that all the other Massachusetts acts should also be repealed; but this was deemed inadmissible. Dr. Franklin declared, that the people of Massachusetts would suffer all the hazards and mischiefs of war, rather than admit the alteration of their charters and laws, by parliament. He was for securing the unity of the empire, by recognizing the sanctity of charters, and by leaving the provinces to govern themselves, in their internal concerns; but the British ministry could not brook the idea of relinquishing their claim to internal legislation for the colonies, and especially to alter and amend their charters. The first was for communicating the vital principles of liberty to the provinces; but the latter, though disposed to redress a few of their existing grievances, would by no means consent to a repeal of the late act of parliament, for altering the chartered government of Massachusetts, and, least of all, to renounce all claim to future amendments of charters, or of internal legislation for the colonies.

Dr. Franklin laboured hard to prevent the breach from becoming irreparable; and candidly stated the outlines of a compact which, he supposed, would procure a durable union of the two countries; but his well-meant endeavours proved abortive: and, in the meantime, he was abused as the fomentor of those disturbances, which he was anxiously endeavouring to prevent. That the ministry might have some opening to proceed upon, and some salvo for their personal honour, he was disposed to engage, that pecuniary compensation should be made for the tea destroyed; but he would not give up essential liberty, for the purpose of procuring temporary safety. Finding the ministry bent on war, unless the colonists would consent to hold their rights, liberties, and charters at the discretion of a British parliament, and well knowing that his countrymen would hazard every thing, rather than consent to terms so degrading, as well as inconsistent with the spirit of the British constitution, he quitted Great Britain, in March,

1775, and returned to Philadelphia. Dr. Fothergill, his worthy coadjutor in the great business of peace, wrote to him on the evening before he left London, "that, whatever specious pretences were offered, they were all hollow, and that to get a larger field, on which to fatten a herd of worthless parasites, was all that was intended." With this conviction founded on personal observations, as well as the testimony of his esteemed friend, who, in the course of his daily visits among the great, in the practice of his profession, had an opportunity of knowing their undisguised sentiments, Dr. Franklin joined his countrymen; and exerted his great abilities, in conducting them through a war, he had in vain laboured to prevent.

*The preceding was extracted from a paper, written by Dr. Franklin at sea, in 1775, when on his passage from London to Philadelphia, which paper was put into the hands of the author by Dr. Franklin, in 1789.*

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## APPENDIX No. IV.

### *Of Continental Paper Currency.*

IN the modern mode of making war, money is not less essential, than valour in the field, or wisdom in the cabinet. The longest purse decides the fate of contending nations, as often as the longest sword. It early occurred to the founders of the American empire, that the established revenues of Great Britain must, eventually, overbalance the sudden and impetuous sallies of men, contending for freedom, on the spur of the occasion, and without the permanent means of defence; but how to remedy the evil puzzled their wisest politicians. Gold and silver, as far as was known, had not a physical existence in the country, in any quantity equal to the demands of war; nor could they be procured from abroad, as the chan-

nels of commerce had been previously shut, by the voluntary association of congress, to suspend foreign trade. America, having never been much taxed in any direct way, and being without established governments, and especially as she was contending against what was lately lawful authority, could not immediately proceed to taxation. Besides, as the contest was on the subject of taxation, the laying of taxes adequate to the exigencies of war, even though it had been practicable, would have been impolitic. The only plausible expedient, in their power to adopt, was the emission of bills of credit representing specie, under a public engagement to be ultimately sunk by equal taxes, or exchanged for gold or silver. This practice had been familiar from the first settlement of the colonies, and under proper restrictions had been found highly advantageous. Their resolution, to raise an army in June, 1775, was therefore followed by another to emit bills of credit, to the amount of two millions of dollars. To that sum, on the 25th of the next month, it was resolved to add another million. For their redemption they pledged the confederated colonies, and directed each colony to find ways and means, to sink its proportion and quota, in four annual payments; the first to be made on or before the last of November, 1779. That time was fixed upon from an expectation, that, previous to its arrival, the contest would be brought to a conclusion. On the 29th of November, 1772, an estimate having been made by congress of the public expenses already incurred, or likely to be incurred, in carrying on their defence, till the 10th of June, 1776, it was resolved to emit a further sum of three millions of dollars, to be redeemed, as the former, by four annual payments; the first, to be made on or before the last day of November, 1783. It was, at the same time, determined, that the quotas of bills to be redeemed, by each colony, should be in a relative proportion to their respective numbers of inhabitants. This estimate was calculated to defray expenses, to the 10th of June, 1776, on the idea, that an accommodation would take place before that time. Hitherto all arrangements, both for men and money, were temporary, and founded on the supposed probability of a reconciliation. Early in

1776, congress obtained information, that Great Britain had contracted for 16,000 foreign mercenaries, to be sent over for the purpose of subduing America. This enforced the necessity of extending their plan of defence, beyond the 10th of the next June. They, therefore, on the 17th of February, 1776, ordered four millions of dollars to be emitted, and on the 9th of May, and the 22d of July following, emitted ten millions more, on the same security. Such was the animation of the times, that these several emissions, amounting in the aggregate to twenty millions of dollars, circulated, for several months, without any depreciation, and commanded the resources of the country for public service, equally with the same sum of gold or silver. The United States derived, for a considerable time, as much benefit from this paper creation of their own, though without any established funds for its support or redemption, as would have resulted from a free gift of as many Mexican dollars. While the ministry of England were puzzling themselves for new taxes, and funds, on which to raise their supplies, congress raised theirs by resolutions, directing paper of no intrinsic value to be struck off, in form of promissory notes. But there was a point, both in time and quantity, beyond which this congressional alchymy ceased to operate. That time was about eighteen months from the date of their first emission, and that quantity about twenty millions of dollars.

Independence being declared, in the second year of the war, and the object for which arms were at first assumed being changed, it was obvious that more money must be procured, and equally so, that, if bills of credit were multiplied beyond a reasonable sum for circulation, they must necessarily depreciate. It was, therefore, on the 3d of October, 1776, resolved to borrow five millions of dollars; and, in the month following, a lottery was set on foot, for obtaining a further sum on loan. The expenses of the war were so great, that the money arising from both, though considerable, was far short of a sufficiency. The rulers of America thought it still premature to urge taxation. They, therefore, reiterated the expedient of further emissions. The ease, with which the

means of procuring supplies were furnished, by striking off bills of credit, and the readiness of the people to receive them, prompted congress to multiply them beyond the limits of prudence. A diminution of their value was the unavoidable consequence. This at first was scarcely perceivable; but it daily increased. The zeal of the people, nevertheless, so far overbalanced the nice mercantile calculations of interest, that the campaigns of 1776, and 1777, were not affected by the depreciation of the paper currency. Congress foresaw that this could not long be the case. It was, therefore, on the 22d of November, 1777, recommended to the several states, to raise by taxes the sum of five millions of dollars, for the service of the year 1778.

Previously to this, it had been resolved to borrow larger sums: and for the encouragement of lenders, it was agreed to pay the interest, which should accrue thereon, by bills of exchange, payable in France, out of monies borrowed there, for the use of the United States. This tax unfortunately failed in several of the states. From the impossibility of procuring a sufficiency of money, either from loans or taxes, the old expedient of further emissions was reiterated; but the value decreased as the quantity increased. Congress, anxious to put a stop to the increase of their bills of credit, and to provide a fund for reducing what were issued, called upon the states on the 1st of January, 1779, to pay, into the continental treasury, their respective quotas of fifteen millions of dollars, for the service of that year, and of six millions annually from and after the year 1779, as a fund for reducing their early emissions and loans. Such had been the mistaken ideas, which originally prevailed, of the duration of the contest, that, though the war was raging, and the demands for money unabated, yet the period had arrived, which had been originally fixed upon, for the redemption of the first emissions of congress.

In addition to these fifteen millions, called for on the 1st of January, 1779, the states were, on the 21st of May following, called upon to furnish, for public service, within the current year, their respective quotas of forty-five millions of



dollars. Congress wished to arrest the growing depreciation, and, therefore, called for taxes in large sums, proportioned to the demands of the public, and also to the diminished value of their bills. These requisitions, though nominally large, were by no means sufficient. From the fluctuating state of the money, it was impossible to make any certain calculations; for it was not two days of the same value. A sum, which when demanded, would have purchased a sufficiency of the commodities wanted for the public service, was very inadequate, when the collection was made, and the money lodged in the treasury. The depreciation began at different periods in different states; but in general about the middle of the year 1777, and progressively increased for three or four years. Towards the last of 1777, the depreciation was about two or three for one. In 1778, it advanced from two or three for one, to five or six for one. In 1779, from five or six for one, to twenty-seven or twenty-eight for one. In 1780, from twenty-seven or twenty-eight for one, to fifty or sixty for one, in the first four or five months of that year. Its circulation was afterwards partial; but where it passed, it soon depreciated to 150 for one. In some few parts, it continued in circulation for the first four or five months of 1781; but in this latter period, many would not take it at any rate, and they who did received it at a depreciation of several hundreds for one.

As there was a general clamour on account of the floods of money, which at successive periods had deluged the states, it was resolved, in October, 1779, that no further sum should be issued, on any account whatever, than what, when added to the present sum in circulation, would in the whole be equal to two hundred millions of dollars. It was at the same time resolved, that congress should emit only such a part of the sum wanting to make up two hundred millions, as should be absolutely necessary for the public exigencies, before adequate supplies could be otherwise obtained; relying, for such supplies, on the exertions of the several states. This was forcibly represented in a circular letter from congress to their constituents; and the states were earnestly intreated to pre-

vent that deluge of evils, which would flow from their neglecting to furnish adequate supplies, for the wants of the confederacy. The same circular letter stated the practicability of redeeming all the bills of congress, at par, with gold and silver, and rejected, with indignation, the supposition that the states would ever tarnish their credit, by violating public faith. These strong declarations, in favour of the paper currency, deceived many to repose confidence in it to their ruin. Subsequent events compelled congress to adopt the very measure in 1780, which, in the preceding year, they had sincerely reprobated.

From the non-compliance of the states, congress was obliged, in a short time after the date of their circular letter, to issue such a further quantity, as, when added to previous emissions, made the sum of 200 millions of dollars. Besides this immense sum, the paper emissions of the different states amounted to many millions; which mixed with the continental money, and added to its depreciation. What was of little value before, now became of less. The whole was soon expended; and yet, from its increased depreciation, the immediate wants of the army were not supplied. The source which for five years had enabled congress to keep an army in the field being exhausted, general Washington was reduced, for some time, to the alternative of disbanding his troops, or of supplying them by a military force. He preferred the latter; and the inhabitants of New York and New Jersey, though they felt the injury, saw the necessity, and patiently submitted.

The states were next called upon to furnish, in lieu of money, determinate quantities of beef, pork, flour, and other articles, for the use of the army. This was called a requisition for specific supplies, or a tax in kind; and was found, on experiment, to be so difficult of execution, so inconvenient, partial, and expensive, that it was speedily abandoned. About this time, congress resolved upon another expedient. This was to issue a new species of paper-money, under the guarantee of the several states. The old money was to be called in by taxes; and, as soon as brought in, to be burnt; and, in lieu

thereof, one dollar of the new was to be emitted for every twenty of the old: so that, when the whole two hundred millions were drawn in and cancelled, only ten millions of the new should be issued in their place; four-tenths of which were to be subject to the order of congress, and the remaining six-tenths to the order of the several states. These new bills were to be redeemable in specie, within six years, and to bear an interest at the rate of five per cent. to be paid also in specie, at the redemption of the bills, or, at the election of the owner, annually in bills of exchange on the American commissioners in Europe, at four shillings and six pence for each dollar.

From the execution of these resolutions it was expected, that the old money would be cancelled; that the currency would be reduced to a fixed standard; that the states would be supplied with the means of purchasing the specific supplies required of them; and that congress would be furnished with efficient money, to provide for the exigencies of the war. That these good effects would have followed, even though the resolutions of congress had been carried into execution, is very questionable: but, from the partial compliances of the states, the experiment was never fairly made, and the new paper answered very little purpose. It was hoped by varying the ground of credit, that congress would gain a repetition of the advantages, which resulted from their first paper expedient; but these hopes were of short duration. By this time, much of the popular enthusiasm had spent itself, and confidence in public engagements was at a low ebb. The event proved, that credit is of too delicate a nature to be sported with, and can only be maintained by honesty and punctuality. The several expedients proposed by congress for raising supplies, having failed, a crisis followed very interesting to the success of the revolution. The particulars of this are related among the public events of the year 1781, in which it took place. Some observations on that primary instrument of American independence, the old continental bills of credit, shall for the present close this subject.

It would have been impossible to have carried on the war,

without something in the form of money. There was spirit enough, in America, to bring to the field of battle as many of her sons, as would have out-numbered the armies of Britain, and to have risked their fate on a general engagement; but this was the very thing they ought to avoid. Their principal hope lay in evacuating, retreating, and protracting, to its utmost length, a war of posts. The continued exertions, necessary for this species of defence, could not be expected from the impetuous sallies of militia. A regular, permanent army became necessary. Though the enthusiasm of the times might have dispensed with present pay, yet, without at least as much money as would support them in the field, the most patriotic army must have dispersed.

The impossibility of the Americans procuring gold and silver, even for that purpose, doubtless weighed with the British as an encouragement, to bring the controversy to the decision of the sword. What they knew could not be done by ordinary means, was accomplished by those which were extraordinary. Paper of no intrinsic value was made to answer all the purposes of gold and silver, and to support the expenses of five campaigns. This was, in some degree, owing to a previous confidence, which had been begotten by honesty and fidelity, in discharging the engagements of government. From New York to Georgia, there never had been, in matters relating to money, an instance of a breach of public faith. In the scarcity of gold and silver, many emergencies had imposed a necessity of emitting bills of credit. These had been uniformly and honestly redeemed. The bills of congress being thrown into circulation, on this favourable foundation of public confidence, were readily received. The enthusiasm of the people contributed to the same effect. That the endangered liberties of America ought to be defended, and that the credit of their paper was essentially necessary to a proper defence, were opinions engraven on the hearts of a great majority of the citizens. It was, therefore, a point of honour, and considered as a part of duty, to take the bills freely at their full value. Private gain was then so little regarded, that the whig citizens were willing to run all the hazards in-

cidental to bills of credit, rather than injure the cause of their country by undervaluing its money. Every thing human has its limits. While the credit of the money was well supported by public confidence and patriotism, its value diminished from the increase of its quantity. Repeated emissions begat that natural depreciation, which results from an excess of quantity. This was helped on by various causes, which affected the *credit* of the money. The enemy very ingeniously counterfeited their bills, and industriously circulated their forgeries through the United States. Congress allowed, to their public agents, a commission on the amount of their purchases. Instead of exerting themselves to purchase low, they had, therefore, an interest in buying at high prices. So strong was the force of prejudice, that the British mode of supplying armies by contract could not for a long time, obtain the approbation of congress. While these causes operated, confidence in the public was abating, and, at the same time, that fervour of patriotism, which disregarded interest, was daily declining. To prevent or retard the depreciation of their paper money, congress attempted to prop its credit by means, which wrecked private property, and injured the morals of the people, without answering the end proposed. They recommended to the states, to pass laws for regulating the prices of labour, and of all sorts of commodities; and for confiscating and selling the estates of tories, and investing the money, arising from the sales thereof, in loan-office certificates. As many of those, who were disaffected to the revolution, absolutely refused to take the bills of congress, even in the first stage of the war, when the real and nominal value was the same, with the view of counteracting their machinations, congress early recommended to the states, to pass laws for making the paper money a legal tender, at its nominal value, in the discharge of *bona fide* debts, though contracted to be paid in gold or silver. With the same views, they further recommended, that laws should be passed by each of the states, ordaining that, "whosoever should ask or receive more, in their bills of credit for gold or silver, or any species of money whatsoever, than the nominal sum thereof in Span-

ish dollars, or more in the said bills for any commodities whatsoever, than the same could be purchased, from the same person, in gold and silver, or offer to sell any commodities for gold or silver, and refuse to sell the same for the said bills, shall be deemed an enemy to the liberties of the United States, and forfeit the property so sold or offered for sale." The laws which were passed by the states, for regulating the prices of labour and commodities, were found on experiment to be visionary and impracticable. They only operated on the patriotic few, who were disposed to sacrifice every thing in the cause of their country, and who implicitly obeyed every mandate of their rulers. Others disregarded them, and either refused to part with their commodities, or demanded and obtained their own prices.

These laws, in the first instance, made an artificial scarcity, and, had they not been repealed, would soon have made a real one; for men never exert themselves, unless they have the fruit of their exertions secured to them, and at their own disposal.

The confiscation and sale of the property of tories, for the most part, brought but very little into the public treasury. The sales were generally made on credit, and, by the progressive depreciation, what was dear, at the time of the purchase, was very cheap at the time of payment. The most extensive mischief resulted in the progress, and towards the close of the war, from the operation of the laws, which made the paper bills a tender, in the discharge of debts, contracted payable in gold or silver. When this measure was first adopted, little or no injustice resulted from it; for, at that time, the paper bills were equal, or nearly equal to gold or silver, of the same nominal sum. In the progress of the war, when depreciation took place, the case was materially altered. Laws, which were originally innocent, became eventually the occasion of much injustice.

The aged, who had retired from the scenes of active business, to enjoy the fruits of their industry, found their substance melting away to a mere pittance, insufficient for their support. The widow, who lived comfortably on the bequests

of a deceased husband, experienced a frustration of all his well-meant tenderness. The laws of the country interposed, and compelled her to receive a shilling, where a pound was her due. The blooming virgin, who had grown up with an unquestionable title to a liberal patrimony, was legally stripped of every thing, but her personal charms and virtues. The hapless orphan, instead of receiving from the hands of an executor, a competency to set out in business, was obliged to give a final discharge on the payment of six pence in the pound. In many instances, the earnings of a long life of care and diligence were, in the space of a few years, reduced to a trifling sum. A few persons escaped these affecting calamities, by secretly transferring their bonds, or by flying from the presence or neighbourhood of their debtors. The evils which resulted from the legal tender of these paper bills, were foreign from the intentions of congress, and of the state legislatures. It is but justice to add further, that a great proportion of them flowed from ignorance. Till the year 1780, when the bills fell to forty for one, it was designed by most of the rulers of America, and believed by a great majority of the people, that the whole sum in circulation would be appreciated by a reduction of its quantity, so as finally to be equal to gold or silver. In every department of government, the Americans erred from ignorance; but in none so much, as in that which related to money.

Such were the evils which resulted from paper money. On the other hand, it was the occasion of good to many. It was at all times the poor man's friend. While it was current, all kinds of labour very readily found their reward. In the first years of the war, none were idle from want of employment; and none were employed, without having it in their power to obtain ready payment for their services. To that class of people, whose daily labour was their support, the depreciation was no disadvantage. Expending their money as fast as they received it, they always procured its full value. The reverse was the case with the rich, or those who were disposed to hoarding. No agrarian law ever had a more extensive operation, than continental money. That, for which the Gracchi lost

their lives in Rome, was peaceably effected in the United States, by the legal tender of these depreciating bills. The poor became rich, and the rich became poor. Money lenders, and they whose circumstances enabled them to give credit, were essentially injured. All that the money lost in its value was so much taken from their capital; but the active and industrious indemnified themselves, by conforming the price of their services to the present state of the depreciation. The experience of this time inculcated on youth two salutary lessons; the impolicy of depending on paternal acquisitions, and the necessity of their own exertions. They who were in debt, and possessed property of any kind, could easily make the latter extinguish the former. Every thing that was useful, when brought to market, readily found a purchaser. A few cattle would pay for a comfortable house; and a good horse for an improved plantation. A small part of the productions of a farm would discharge the long outstanding accounts, due from its owner. The dreams of the golden age were realised to the poor man and the debtor; but unfortunately what these gained, was just so much taken from others.

The evils of depreciation did not terminate with the war. That the helpless part of the community were legislatively deprived of their property, was among the lesser evils, which resulted from the legal tender of the depreciated bills of credit. The iniquity of the laws estranged the minds of many of the citizens, from the habits and love of justice.

The nature of obligations was so far changed, that he was reckoned the honest man, who, from principle, delayed to pay his debts. The mounds which government had erected, to secure the observance of honesty, in the commercial intercourse of man with man, were broken down. Time and industry soon repaired the losses of property, which the citizens sustained during the war; but both, for a long time, failed in effacing the taint which was then communicated to their principles.\*

\* This was written in 1778, since when a new constitution, good laws, and a vigorous administration of justice, have effected a considerable amelioration in the morals of the inhabitants.



## APPENDIX No. V.

### *Of the treatment of Prisoners, and of the Distresses of the Inhabitants.*

**MANY** circumstances concurred to make the American war particularly calamitous. It was originally a civil war, in the estimation of both parties, and a rebellion to its termination, in the opinion of one of them. Unfortunately for mankind, doubts have been entertained of the obligatory force of the law of nations in such cases. The refinement of modern ages has stripped war of half its horrors; but the systems of some illiberal men have tended to re-produce the barbarism of gothic times, by withholding the benefits of that refinement from those who engage in revolutions. An enlightened philanthropist embraces the whole human race, and inquires not whether an object of distress is or is not an unit of an acknowledged nation. It is sufficient that he is a child of the same common parent, and capable of happiness or misery. The prevalence of such a temper would have greatly lessened the calamities of the American war; but while, from contracted policy, unfortunate captives were considered as not entitled to the treatment of prisoners, they were often doomed, without being guilty, to suffer the punishment due to criminals.

The first American prisoners were taken on the 17th of June, 1775. These were thrown, indiscriminately, into the jail at Boston, without any consideration of their rank. Washington wrote to general Gage on this subject. The latter answered, by asserting that the prisoners had been treated with care and kindness, though indiscriminately, "as he acknowledged no rank that was not derived from the king." Washington replied: "you affect, sir, to despise all rank not derived from the same source with your own. I cannot conceive one more honourable, than that which flows from the uncorrupted choice of a brave and free people, the purest source and original fountain of all power."

General Carleton, during his command, conducted towards the American prisoners, with a degree of humanity, that reflected great honour on his character. Before he com-

menced his operations on the lakes, in 1776, he shipped off those who were officers, for New England; but previously supplied them with every thing requisite to make their voyage comfortable. The other prisoners, amounting to 800, were sent home by a flag, after exacting an oath from them, not to serve during the war unless exchanged. Many of them, being almost naked, were comfortably clothed by his orders, previously to their being sent off.

The capture of general Lee proved calamitous to several individuals. Six Hessian field officers were offered in exchange for him; but this was refused. It was said by the British, that Lee was a deserter from their service, and as such could not expect the indulgences usually given to prisoners of war. The Americans replied, that, as he had resigned his British commission, previously to his accepting one from the Americans, he could not be considered as a deserter. He was nevertheless confined, watched, and guarded. Congress thereupon resolved, "that general Washington be directed to inform general Howe, that, should the proffered exchange of general Lee for six field officers not be accepted, and the treatment of him as above-mentioned be continued, the principles of retaliation should occasion five of the said Hessian field officers, together with lieutenant colonel Archibald Campbell, to be detained, in order that the said treatment, which general Lee received, should be exactly inflicted on their persons." The Campbell, thus designated as the subject of retaliation, was a humane man, and a meritorious officer, who had been captured by some of the Massachusetts privateers near Boston, whither, from the want of information, he was proceeding, soon after the British had evacuated it. The above act of congress was forwarded to Massachusetts, with a request, that they would detain lieutenant colonel Campbell, and keep him in safe custody, till the further order of congress. The council of Massachusetts exceeded this request, and sent him to Concord jail, where he was lodged in a filthy, cold, and gloomy dungeon, of twelve or thirteen feet square. The attendance of a single servant on his person was denied him, and every visit from a friend refused.

The prisoners, captured by sir William Howe, in 1776, amounted to many hundreds. The officers were admitted to parole, and had some waste houses assigned to them as quarters; but the privates were shut up, in the coldest season of the year, in churches, sugar-houses, and such large open buildings. The severity of the weather, and the rigour of their treatment, occasioned the death of some hundreds of these unfortunate men. The filth of the places of their confinement, in consequence of fluxes which prevailed among them, was both offensive and dangerous. Seven dead bodies have been seen in one building, at one time, and all lying in a situation shocking to humanity. The provisions served out to them were deficient in quantity, and of an unwholesome quality. These suffering prisoners were generally pressed to enter into the British service; but hundreds submitted to death, rather than procure an amelioration of their circumstances, by enlisting with the enemies of their country. After Washington's successes at Trenton and Princeton, the American prisoners fared somewhat better. Those who survived were ordered to be sent out for exchange; but some of them fell down dead in the streets, while attempting to walk to the vessels. Others were so emaciated, that their appearance was horrible. A speedy death closed the scene with many.

The American board of war, in 1777, after conferring with Mr. Boudinot, their commissary-general of prisoners, and examining evidences produced by him, reported among other things, "that there were 900 privates and 300 officers of the American army, prisoners in the city of New York, and about 500 privates and 50 officers prisoners in Philadelphia; that since the beginning of October all these prisoners, both officers and privates, had been confined in prison ships or the provost; that, from the best evidence the subject could admit of, the general allowance of prisoners, at most did not exceed four ounces of meat per day, often so damaged as not to be catable; that it had been a common practice with the British, on a prisoner's being first captured, to keep him three, four, or five days without a morsel of meat, and then to tempt him to enlist, to save his life; and that there were

numerous instances of prisoners of war perishing, in all the agonies of hunger."

About this time, there was a meeting of merchants in London, for the purpose of raising a sum of money to relieve the distresses of the American prisoners, then in England. The sum subscribed for that purpose amounted, in two months, to 4647*l.* 15*s.* Thus while human nature was dishonoured by the cruelties of some of the British in America, there was a laudable display of the benevolence of others, of the same nation, in Europe. The American sailors, when captured by the British, suffered more than even the soldiers, who fell into their hands. The former were confined on board prison ships. They were there crowded together in such numbers, and their accommodations were so wretched, that diseases broke out and swept them off, under circumstances sufficient to excite compassion in breasts of the least sensibility. It has been asserted, on as good evidence as the case will admit, that, in the last six years of the war, upwards of eleven thousand persons died on board the Jersey, one of these prison ships, which was stationed in East River, near New York. On many of these, the rights of sepulture were never, or but very imperfectly conferred. Long after the war ended, their bones lay whitening in the sun, on the shores of Long-Island. Some few years since, a benevolent society, of the city of New York, assembled, went in procession to the Wallabout, in the vicinity of which the bones were scattered, collected them into one pile, and directed a handsome ossary to be erected over them. This neat edifice now stands on the hill, in sight of the wreck of the Jersey, yet visible at low tide, a monument to the memory of thousands, who perished in the defence of American independence. At the same time, it commemorates their sufferings, the cruelty of Britons, and the gratitude of Americans.

The operation of treason laws added to the calamities of the war. Individuals on both sides, while they were doing no more than they supposed to be their duty, were involved in the penal consequences of capital crimes. The Americans, in conformity to the usual policy of nations, demanded the

allegiance of all who resided among them : but many preferred the late royal government, and were disposed, when opportunity offered, to support it. While they acted in conformity to these sentiments, the laws, enacted for the security of the new government, condemned them to death. Hard is the lot of a people involved in a civil war: for, in such circumstances, the lives of individuals may not only be legally forfeited, but justly taken from those, who have acted solely from a sense of duty. Of all wars, civil are most to be dreaded. They are attended with the bitterest resentments, and produce the greatest quantity of human woes. In the American war, the distresses of the country were aggravated, from the circumstance, that every man was obliged, some way or other, to be in the public service. In Europe, where military operations are carried on by armies, hired and paid for the purpose, the common people partake but little of the calamities of war: but, in America, where the whole people were enrolled as a militia, and where both sides endeavoured to strengthen themselves by oaths and by laws, denouncing the penalties of treason on those who aided or abetted the opposite party, the sufferings of individuals were renewed, as often as fortune varied her standard. Each side claimed the co-operation of the inhabitants, and was ready to punish when it was withheld. Where either party had a decided superiority, the common people were comparatively undisturbed; but the intermediate space between the contending armies, was subject to the alternate ravages of both, and to successive vibrations of power from one to the other.

In the first institution of the American governments, the boundaries of authority were not properly fixed. Committees exercised legislative, executive, and judicial powers. It is not to be doubted, that, in many instances, these were improperly used, and that private resentments were often covered under the specious veil of patriotism. The sufferers, in passing over to the royalists, carried with them a keen remembrance of the vengeance of committees, and, when opportunity presented, were tempted to retaliate. From the nature of the case, the original offenders were less frequently the objects of

retaliation, than those who were entirely innocent. One instance of severity begat another, and they continued to increase, in a proportion that doubled the evils of common war. From one unadvised step, individuals were often involved in the loss of all their property. Some, from present appearances, apprehending that the British would finally conquer, repaired to their standard. Their return, after the partial storm, which intimidated them to submission, had blown over, was always difficult, and often impossible. From a single error in judgment, such were often obliged to seek safety, by continuing to support the interest of those to whom in an hour of temptation, they had without due consideration attached themselves. The embarrassments on both sides were often so great, that many, in the humbler walks of life, could not tell what course was best to pursue. It was happy for those who, having made up their minds on the nature of the contest, invariably followed the dictates of their consciences; for, in every instance, they enjoyed self-approbation. Though they could not be deprived of this reward, they were not always successful in saving their property. They who varied with the times, in like manner, often missed their object; for to such it frequently happened, that they were plundered by both, and lost the esteem of all. A few saved their credit and their property; but of these, there was not one for every hundred of those, who were materially injured either in the one or the other.

The American whigs were exasperated against those of their fellow citizens, who joined their enemies, with a resentment which was far more bitter, than that which they harboured against their European adversaries. Feeling that the whole strength of the states was scarcely sufficient to protect them against the British, they could not brook the desertion of their countrymen to invading foreigners. They seldom would give them credit for acting from principle; but generally supposed them to be influenced, either by cowardice or interest, and were, therefore, inclined to proceed against them with rigour. They were filled with indignation at the idea of fighting for the property of such, as

had deserted their country, and were therefore clamorous, that it should be seized for public service. The royalists raised the cry of persecution, and loudly complained that, merely for supporting the government, under which they were born, and to which they owed a natural allegiance, they were doomed to suffer all the penalties due to capital offenders. Those of them who acted from principle, felt no consciousness of guilt, and could not look but with abhorrence upon a government, which inflicted such severe punishments for what they deemed a laudable line of conduct.

Humanity would shudder at a particular recital of the calamities, which the whigs inflicted on the tories, and the tories on the whigs. It is particularly remarkable, that many on both sides, consoled themselves with the belief, that they were acting or suffering in a good cause. Though the rules of moral right and wrong never vary, political innocence and guilt change so much with circumstances, that the innocence of the sufferer, and of the party that punishes, are often compatible.

The distresses of the American prisoners, in the southern states, prevailed particularly towards the close of the war. Colonel Campbell, who reduced Savannah, though he had personally suffered from the Americans, treated all who fell into his hands with humanity. Those who were taken at Savannah, and at Ashe's defeat, suffered very much from his successors. In South Carolina, the American prisoners, with a few exceptions, had but little to complain of, till after Gates's defeat. Soon after that event, sundry of them, though entitled to the benefits of the capitulation of Charleston, were separated from their families, and sent into exile. Others, in violation of the same solemn agreement, were crowded into prison ships, and deprived of the use of their property. When a general exchange of prisoners was effected, the wives and children of those inhabitants, who adhered to the Americans, were exiled from their homes to Virginia and Philadelphia. Upwards of one thousand persons were thrown upon the charity of their fellow citizens, in the more northern states. This severe treatment was the occasion of

retaliating on the families of those, who had taken part with the British. In the first months of the year 1781, the British were in force, in the remotest settlements of South Carolina; but as their limits were contracted, in the course of the year, the male inhabitants, who joined them, thought proper to retire with the royal army towards the capital. In retaliation for the expulsion of the wives and children of the whig Americans from the state, governor Rutledge ordered the brigadiers of militia, to send within the British lines, the families of such of the inhabitants as adhered to their interest. In consequence of this order, and, more especially, in consequence of the one which occasioned it, several hundreds of helpless women and children were reduced to great distress.

The refugees, who had fled to New York, were formed into an association under sir Henry Clinton, for the purposes of retaliating on the Americans, and for reimbursing the losses they had sustained from their countrymen. The depredations they committed, in their several excursions, would fill a volume, and would answer little purpose but to excite compassion and horror. Towards the close of the war, they began to retaliate on a bolder scale. Captain Joshua Huddy, who commanded a small party of Americans at a block-house, in Monmouth county, New Jersey, was, after a gallant resistance, taken prisoner by a party of these refugees. He was carried to New York, and there kept in close custody fifteen days; and then told, "that he was ordered to be hanged." Four days afterwards, he was sent out with a party of refugees, and hanged. The following label was affixed to his breast. "We the refugees, having long with grief beheld the cruel murders of our brethren, and finding nothing but such measures daily carrying into execution, therefore determine not to suffer without taking vengeance for the numerous cruelties; and thus begin, and have made use of captain Huddy, as the first object to present to your view; and further determine to hang man for man, while there is a refugee existing. Up goes Huddy for Philip White." The Philip White, in retaliation for whom Huddy was hanged, had been



taken by a party of the Jersey militia, and was killed in attempting to make his escape.

Washington resolved on a retaliation for this deliberate murder; but, instead of immediately executing a British officer, he wrote to sir Henry Clinton, that, unless the murderers of Huddy were given up, he should be under the necessity of retaliating. The former being refused, captain Asgill was designated by lot for that purpose. In the meantime, the British instituted a court martial for the trial of captain Lippencutt, who was supposed to be the principal agent, in executing captain Huddy. It appeared in the course of this trial, that governor Franklin, the president of the board of associated loyalists, gave Lippencutt verbal orders for what he did; and that Huddy had been designated as a proper subject for retaliation, having been, as the refugees stated, a persecutor of the loyalists, and, particularly, as having been instrumental in hanging Stephen Edwards, who had been one of that description. The court, having considered the whole matter, gave their opinion: "that, as what Lippencutt did was not the effect of malice or ill-will, but proceeded from a conviction, that it was his duty to obey the orders of the board of directors of associated loyalists, and as he did not doubt their having full authority to give such orders, he was not guilty of the murder laid to his charge; and therefore they acquitted him." Sir Guy Carleton, who, a little before, had been appointed commander in chief of the British army, in a letter to Washington, accompanying the trial of Lippencutt, declared, "that, notwithstanding the acquittal of Lippencutt, he reprobated the measure, and gave assurances of prosecuting a further inquiry." Sir Guy Carleton, about the same time, broke up the board of associated loyalists, which prevented a repetition of similar excesses. The war also drawing near to a close, the motives for retaliation, as tending to prevent other murders, in a great measure ceased. In the meantime, Washington received a letter, from the count de Vergennes, interceding for captain Asgill, which was also accompanied by a very pathetic one, from his mother, Mrs. Asgill, to the count. Copies of these several

letters were forwarded to congress, and soon afterwards they resolved, "that the commander in chief be directed to set captain Asgill at liberty." The lovers of humanity rejoiced, that the necessity for retaliation was superseded, by the known humanity of the new commander in chief, and, still more, by the well-founded prospect of a speedy peace. Asgill, who had received every indulgence, and who had been treated with all possible politeness, was released and permitted to go into New York.

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## APPENDIX No. VI.

*An Act to interdict the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes.*

*BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That from and after the passage of this act, the entrance of the harbours and waters of the United States and of the territories thereof, be, and the same is hereby interdicted to all public ships and vessels belonging to Great Britain or France, excepting vessels only which may be forced in by distress, or which are charged with despatches or business from the government to which they belong, and also packets having no cargo nor merchandise on board. And if any public ship or vessel as aforesaid, not being included in the exception above-mentioned, shall enter any harbour or waters within the jurisdiction of the United States, or of the territories thereof, it shall be lawful for the President of the United States, or such other person as he shall have empowered for that purpose, to employ such part of the land and naval forces, or of the militia of the United States, or the territories thereof, as he shall deem necessary, to compel such ship or vessel to depart.*

**SEC. 2.** *And be it further enacted,* That it shall not be lawful for any citizen or citizens of the United States or the territories thereof, nor for any person or persons residing or being in the same, to have any intercourse with, or to afford any aid or supplies to any public ship or vessel as aforesaid, which shall, contrary to the provisions of this act, have entered any harbour or waters within the jurisdiction of the United States or the territories thereof; and if any person shall, contrary to the provisions of this act, have any intercourse with such ship or vessel, or shall afford any aid to such ship or vessel, either in repairing the said vessel, or in furnishing her, her officers and crew with supplies of any kind, or in any manner whatever, or if any pilot or other person shall assist in navigating or piloting such ship or vessel, unless it be for the purpose of carrying her beyond the limits and jurisdiction of the United States, every person, so offending, shall forfeit and pay a sum not less than one hundred dollars, nor exceeding ten thousand dollars; and shall also be imprisoned for a term not less than one month, nor more than one year.

**SEC. 3.** *And be it further enacted,* That from after the twentieth day of May next, the entrance of the harbours and waters of the United States, and the territories thereof, be, and the same is hereby interdicted to all ships or vessels sailing under the flag of Great Britain or France, or owned in whole or in part by any citizen or subject of either; vessels hired, chartered or employed by the government of either country for the sole purpose of carrying letters or despatches, and also vessels forced in by distress, or by the dangers of the sea, only excepted. And if any ship or vessel sailing under the flag of Great Britain or France, or owned in whole or in part by any citizen or subject of either, and not excepted as aforesaid, shall, after the said twentieth day of May next, arrive either with or without a cargo, within the limits of the United States or of the territories thereof, such ship or vessel, together with the cargo, if any, which may be found on board, shall be forfeited, and may be seized and condemned in any court of the United States or the territories thereof, having competent jurisdiction; and all and every act

and acts heretofore passed, which shall be within the purview of this act, shall be, and the same are hereby repealed.

**SEC. 4.** *And be it further enacted,* That from and after the twentieth day of May next, it shall not be lawful to import into the United States or the territories thereof, any goods, wares or merchandise whatever, from any port or place situated in Great Britain or Ireland, or in any of the colonies or dependencies of Great Britain, nor from any port or place situated in France, or in any of her colonies or dependencies, nor from any port or place in the actual possession of either Great Britain or France. Nor shall it be lawful to import into the United States, or the territories thereof, from any foreign port or place whatever, any goods, wares, or merchandise whatever, being of the growth, produce, or manufacture of France, or of any of her colonies or dependencies, or being of the growth, produce or manufacture of Great Britain or Ireland, or of any of the colonies or dependencies of Great Britain, or being of the growth, produce or manufacture of any place or country in the actual possession of either France or Great Britain: *Provided,* That nothing herein contained shall be construed to affect the cargoes of ships or vessels wholly owned by a citizen or citizens of the United States, which had cleared for any port beyond the Cape of Good Hope, prior to the twenty-second day of December, one thousand eight hundred and seven, or which had departed for such port by permission of the President, under the acts supplementary to the act laying an embargo on all ships and vessels in the ports and harbours of the United States.

**SEC. 5.** *And be it further enacted,* That whenever any article or articles, the importation of which is prohibited by this act, shall, after the twentieth of May, be imported into the United States or the territories thereof, contrary to the true intent and meaning of this act, or shall, after the said twentieth of May, be put on board of any ship or vessel, boat, raft or carriage, with intention of importing the same into the United States, or the territories thereof, all such articles, as well as all other articles on board the same ship or vessel, boat, raft or carriage, belonging to the owner of such prohi-

bited articles, shall be forfeited; and the owner thereof shall moreover forfeit and pay treble the value of such articles.

SEC. 6. *And be it further enacted,* That if any article or articles, the importation of which is prohibited by this act, shall, after the twentieth of May, be put on board of any ship or vessel, boat, raft or carriage, with intention to import the same into the United States, or the territories thereof, contrary to the true intent and meaning of this act, and with the knowledge of the owner or master of such ship or vessel, boat, raft or carriage, such ship or vessel, boat, raft or carriage, shall be forfeited, and the owner and master thereof shall moreover each forfeit and pay treble the value of such articles.

SEC. 7. *And be it further enacted,* That if any article or articles, the importation of which is prohibited by this act, and which shall nevertheless be on board of any ship or vessel, boat, raft or carriage, arriving after the said twentieth of May next, in the United States, or the territories thereof, shall be omitted in the manifest, report or entry of the master, or the person having the charge or command of such ship or vessel, boat, raft or carriage, or shall be omitted in the entry of the goods owned by the owner or consigned to the consignee of such articles, or shall be imported, or landed, or attempted to be imported or landed without a permit, the same penalties, fines, and forfeitures, shall be incurred, and may be recovered, as in the case of similar omission or omissions, landing, importation, or attempt to land or import in relation to articles liable to duties on their importation into the United States.

SEC. 8. *And be it further enacted,* That every collector, naval officer, surveyor, or other officer of the customs, shall have the like power and authority to seize goods, wares and merchandise imported contrary to the intent and meaning of this act, to keep the same in custody until it shall have been ascertained whether the same have been forfeited or not, and to enter any ship or vessel, dwelling-house, store, building or other place, for the purpose of searching for and seizing any such goods, wares and merchandise which he or they now

have by law in relation to goods, wares and merchandise, subject to duty; and if any person or persons shall conceal or buy any goods, wares or merchandise, knowing them to be liable to seizure by this act, such person or persons shall, on conviction thereof, forfeit and pay a sum double the amount or value of the goods, wares and merchandise, so concealed or purchased.

SEC. 9. *And be it further enacted*, That the following additions shall be made to the oath or affirmation taken by the masters or persons having the charge or command of any ship or vessel arriving at any port of the United States, or the territories thereof, after the twentieth of May, viz. “I further swear (or affirm) that there are not, to the best of my knowledge and belief, on board, (*insert the denomination and name of the vessel*) any goods, wares, or merchandise, the importation of which into the United States, or the territories thereof, is prohibited by law: And I do further swear (or affirm) that if I shall hereafter discover or know of any such goods, wares, or merchandise, on board the said vessel, or which shall have been imported in the same, I will immediately, and without delay, make due report thereof to the collector of the port of this district.”

SEC. 10. *And be it further enacted*, That the following addition be made, after the twentieth of May, to the oath or affirmation taken by importers, consignees, or agents, at the time of entering goods imported into the United States, or the territories thereof, viz. “I also swear, (or affirm) that there are not, to the best of my knowledge and belief, amongst the said goods, wares, and merchandise, imported or consigned as aforesaid, any goods, wares or merchandise, the importation of which into the United States, or the territories thereof, is prohibited by law; and I do further swear (or affirm) that if I shall hereafter discover or know of any such goods, wares or merchandise, amongst the said goods, wares and merchandise, imported or consigned as aforesaid, I will immediately and without delay report the same to the collector of this district.”

**SEC. 11.** *And be it further enacted,* That the President of the United States be, and he hereby is authorised, in case either France or Great Britain shall so revoke or modify her edicts, as that they shall cease to violate the neutral commerce of the United States, to declare the same by proclamation; after which the trade of the United States, suspended by this act, and by the act laying an embargo on all ships and vessels in the ports and harbours of the United States, and the several acts supplementary thereto, may be renewed with the nation so doing: *Provided,* That all penalties and forfeitures which shall have been previously incurred, by virtue of this or of any other act, the operation of which shall so cease and determine, shall be recovered and distributed, in like manner as if the same had continued in full force and virtue: and vessels bound thereafter to any foreign port or place, with which commercial intercourse shall, by virtue of this section, be again permitted, shall give bond to the United States, with approved security, in double the value of the vessel and cargo, that they shall not proceed to any foreign port, nor trade with any country other than those with which commercial intercourse shall have been, or may be permitted by this act.

**SEC. 12.** *And be it further enacted,* That so much of the act laying an embargo on all ships and vessels in the ports and harbours of the United States, and of the several acts supplementary thereto, as forbids the departure of vessels owned by citizens of the United States, and the exportation of domestic and foreign merchandise to any foreign port or place, be and the same is hereby repealed, after the fifteenth day of March, one thousand eight hundred and nine, except so far as they relate to Great Britain or France, or their colonies or dependencies, or places in the actual possession of either: *Provided,* That all penalties and forfeitures which shall have been previously incurred by virtue of so much of the said acts as is repealed by this act, or which have been or may hereafter be incurred by virtue of the said acts, on account of any infraction of so much of the said acts as is not

repealed by this act, shall be recovered and distributed in like manner as if the said acts had continued in full force and virtue.

SEC. 13. *And be it further enacted,* That during the continuance of so much of the act laying an embargo on all ships and vessels in the ports and harbours of the United States, and of the several acts supplementary thereto, as is not repealed by this act, no ship or vessel bound to a foreign port, with which commercial intercourse shall, by virtue of this act, be again permitted, shall be allowed to depart for such port, unless the owner or owners, consignee or factor of such ship or vessel, shall, with the master, have given bond with one or more sureties to the United States, in a sum double the value of the vessel and cargo, if the vessel is wholly owned by a citizen or citizens of the United States; and in a sum four times the value, if the vessel is owned in part or in whole by any foreigner or foreigners, that the vessel shall not leave the port without a clearance, nor shall, when leaving the port, proceed to any port or place in Great Britain or France, or in the colonies or dependencies of either, or in the actual possession of either, nor be directly or indirectly engaged during the voyage in any trade with such port, nor shall put any article on board of any other vessel; nor unless every other requisite and provision of the second section of the act, entitled "An act to enforce and make more effectual an act, entitled 'An act laying an embargo on all ships and vessels in the ports and harbours of the United States,' and the several acts supplementary thereto," shall have been complied with. And the party or parties to the above-mentioned bond, shall, within a reasonable time after the date of the same, to be expressed in the said bond, produce to the collector of the district, from which the vessel shall have been cleared, a certificate of the landing of the same, in the same manner as is provided by law for the landing of goods exported with the privilege of drawback; on failure whereof, the bond shall be put in suit; and in every such suit, judgment shall be given against the defendant or defendants, unless proof shall be produced of such re-landing, or of loss at sea.



**SEC. 14.** *And be it further enacted,* That so much of the act laying an embargo on all ships and vessels in the ports and harbours of the United States, and of the several acts supplementary thereto, as compels vessels owned by citizens of the United States, bound to another port of the said states, or vessels licensed for the coasting trade, or boats, either not masted or not decked, to give bond, and to load under the inspection of a revenue officer, or renders them liable to detention, merely on account of the nature of their cargo, (such provisions excepted as relate to collection districts adjacent to the territories, colonies or provinces of a foreign nation, or to vessels belonging or bound to such districts) be, and the same is hereby repealed, from and after the fifteenth day of March, one thousand eight hundred and nine: *Provided, however,* That all penalties and forfeitures which shall have been previously incurred by any of the said acts, or which may hereafter be incurred by virtue of the said acts, on account of any infraction of so much of the said acts, as is not repealed by this act, shall be recovered and distributed in like manner as if the same had continued in full force and virtue.

**SEC. 15.** *And be it further enacted,* That during the continuance of so much of the act laying an embargo on all ships and vessels in the ports and harbours of the United States, and of the several acts supplementary thereto, as is not repealed by this act, no vessel owned by citizens of the United States, bound to another port of the said states, or licensed for the coasting trade, shall be allowed to depart from any port of the United States, or shall receive a clearance; nor shall it be lawful to put on board any such vessel any specie, or goods, wares, or merchandise, unless a permit shall have been previously obtained from the proper collector, or from a revenue officer, authorised by the collector to grant such permits; nor unless the owner, consignee, agent, or factor shall with the master, give bond with one or more sureties, to the United States, in a sum double the value of the vessel and cargo, that the vessel shall not proceed to any foreign port or place, and that the cargo shall be re-landed in some port of the United States: *Provided,* That it shall be lawful and

sufficient in the case of any such vessel, whose employment has been uniformly confined to rivers, bays and sounds within the jurisdiction of the United States, to give bond in an amount equal to one hundred and fifty dollars, for each ton of said vessel, with condition that such vessel shall not, during the time limited in the condition of the bond, proceed to any foreign port or place, or put any article on board of any other vessel, or be employed in any foreign trade.

SEC. 16. *And be it further enacted*, That if any ship or vessel shall, during the continuance of so much of the act laying an embargo on all ships and vessels in the ports and harbours of the United States, and of the several acts supplementary thereto, as is not repealed by this act, depart from any port of the United States without a clearance or permit, or having given bond in the manner provided by law, such ship or vessel, together with her cargo, shall be wholly forfeited; and the owner or owners, agent, freighter or factors, master or commander of such ship or vessel, shall, moreover, severally forfeit and pay a sum equal to the value of the ship or vessel, and of the cargo put on board the same.

SEC. 17. *And be it further enacted*, That the act to prohibit the importation of certain goods, wares and merchandise, passed the eighteenth of April, one thousand eight hundred and six, and the act supplementary thereto, be, and the same are hereby repealed, from and after the said twentieth day of May next: *Provided*, That all penalties and forfeitures which shall have been previously incurred by virtue of the said acts shall be recovered and distributed in like manner as if the said acts had continued in full force and virtue.

SEC. 18. *And be it further enacted*, That all penalties and forfeitures arising under, or incurred by virtue of this act, may be sued for, prosecuted and recovered, with costs of suit, by action of debt, in the name of the United States of America, or by indictment or information, in any court having competent jurisdiction to try the same; and shall be distributed and accounted for in the manner prescribed by the act, entitled "An act to regulate the collection of duties on imports and tonnage," passed the second day of March, one

thousand seven hundred and ninety-nine; and such penalties and forfeitures may be examined, mitigated or remitted, in like manner, and under the like conditions, regulations and restrictions, as are prescribed, authorised, and directed by the act, entitled "An act to provide for mitigating or remitting the forfeitures, penalties and disabilities, accruing in certain cases therein mentioned," passed the third day of March, one thousand seven hundred and ninety-seven, and made perpetual by an act passed the eleventh day of February, one thousand eight hundred.

SEC. 19. *And be it further enacted*, That this act shall continue and be in force until the end of the next session of congress, and no longer; and that the act laying an embargo on all ships and vessels in the ports and harbours of the United States, and the several acts supplementary thereto, shall be, and the same are hereby repealed from and after the end of the next session of Congress.

J. B. VARNUM,

*Speaker of the House of Representatives.*

JNO: MILLEDGE,

*President of the Senate, pro tempore.*

March 1, 1809.

APPROVED,

THOMAS JEFFERSON.

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*An Act concerning the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes.*

*BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled*, That from and after the passage of this act, no British or French armed vessel shall be permitted to enter the harbours or waters under the jurisdiction of the United States; but every British and French armed vessel is hereby interdicted, except when they shall be forced in by distress, by the dangers of

the sea, or when charged with despatches or business from their government, or coming as a public packet for the conveyance of letters; in which cases, as well as in all others, when they shall be permitted to enter, the commanding officer shall immediately report his vessel to the collector of the district, stating the object or causes of his entering the harbours or waters of the United States; and shall take such position therein as shall be assigned him by such collector, and shall conform himself, his vessel and crew, to such regulations respecting health, repairs, supplies, stay, intercourse and departure, as shall be signified to him by the said collector, under the authority and directions of the President of the United States, and, not conforming thereto, shall be required to depart from the United States.

**SEC. 2.** *And be it further enacted,* That all pacific intercourse with any interdicted foreign armed vessels, the officers or crew thereof, is hereby forbidden; and if any person shall afford any aid to such armed vessel, either in repairing her, or in furnishing her, her officers or crew with supplies of any kind or in any manner whatsoever; or if any pilot shall assist in navigating the said armed vessel, contrary to this prohibition, unless for the purpose of carrying her beyond the limits and jurisdiction of the United States, the person or persons so offending, shall be liable to be bound to their good behaviour, and shall moreover forfeit and pay a sum not exceeding two thousand dollars, to be recovered upon indictment or information, in any court of competent jurisdiction; one moiety thereof to the treasury of the United States, and the other moiety to the person who shall give information and prosecute the same to effect: *Provided,* That if the prosecution shall be by a public officer, the whole forfeiture shall accrue to the treasury of the United States.

**SEC. 3.** *And be it further enacted,* That all the penalties and forfeitures which may have been incurred under the act, entitled "An act to interdict the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes," and also all the penalties and forfeitures which may have been incurred under the

act laying an embargo on all ships and vessels in the ports and harbours of the United States, or under any of the several acts supplementary thereto, or to enforce the same, or under the acts to interdict the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes, shall be recovered and distributed, and may be remitted in the manner provided by the said acts respectively, and in like manner as if the said acts had continued in full force and effect.

SEC. 4. *And be it further enacted,* 'That in case either Great Britain or France shall, before the third day of March next, so revoke or modify her edicts as that they shall cease to violate the neutral commerce of the United States, which fact the President of the United States shall declare by proclamation; and if the other nation shall not within three months thereafter so revoke or modify her edicts in like manner, then the third, fourth, fifth, sixth, seventh, eighth, ninth, tenth and eighteenth sections of the act, entitled "An act to interdict the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes," shall, from and after the expiration of three months from the date of the proclamation aforesaid, be revived and have full force and effect, so far as relates to the dominions, colonies and dependencies, and to the articles the growth, produce or manufacture of the dominions, colonies and dependencies of the nation thus refusing or neglecting to revoke or modify her edicts in the manner aforesaid. And the restrictions imposed by this act shall, from the date of such proclamation, cease and be discontinued in relation to the nation revoking or modifying her decrees in the manner aforesaid.

J. B. VARNUM,

*Speaker of the House of Representatives.*

JOHN GAILLARD,

*President of the Senate, pro tempore.*

May 1, 1810.

APPROVED,

JAMES MADISON.

*An Act supplementary to the act, entitled "An act concerning the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes."*

*BE it enacted by the Senate and House of Representatives of the United States of America, in Congress assembled, That no vessel owned wholly by a citizen, or citizens of the United States, which shall have departed from a British port prior to the second day of February one thousand eight hundred and eleven, and no merchandise owned wholly by a citizen or citizens of the United States, imported in such vessel, shall be liable to seizure or forfeiture, on account of any infraction or presumed infraction of the provisions of the act to which this act is a supplement.*

*SEC. 2. And be it further enacted, That in case Great Britain shall so revoke or modify her edicts, as that they shall cease to violate the neutral commerce of the United States, the President of the United States shall declare the fact by proclamation; and such proclamation shall be admitted as evidence, and no other evidence shall be admitted, of such revocation or modification, in any suit or prosecution which may be instituted under the fourth section of the act to which this act is a supplement. And the restrictions imposed or which may be imposed by virtue of the said act, shall, from the date of such proclamation, cease and be discontinued.*

*SEC. 3. And be it further enacted, That until the proclamation aforesaid shall have been issued, the several provisions of the third, fourth, fifth, sixth, seventh, eighth, ninth, tenth and eighteenth sections of the act, entitled "An act to interdict the commercial intercourse between the United States and Great Britain and France, and their dependencies, and for other purposes," shall have full force and be immediately carried into effect against Great Britain, her colonies and dependencies: *Provided however,* That any vessel or merchandise which may in pursuance thereof, be seized, prior to the fact being ascertained, whether Great Britain shall, on or before the second day of February, one thousand eight*

hundred and eleven, have revoked or modified her edicts in the manner above-mentioned, shall nevertheless be restored on application of the parties, on their giving bond with approved sureties to the United States, in a sum equal to the value thereof, to abide the decision of the proper court of the United States thereon; and any such bond shall be considered as satisfied if Great Britain shall, on or before the second day of February, one thousand eight hundred and eleven, have revoked or modified her edicts in the manner above-mentioned: *Provided also*, That nothing herein contained shall be construed to affect any ships or vessels, or the cargoes of ships or vessels, wholly owned by a citizen or citizens of the United States, which had cleared out for the Cape of Good Hope, or for any port beyond the same, prior to the tenth day of November, one thousand eight hundred and ten.

J. B. VARNUM,

*Speaker of the House of Representatives.*

JOHN POPE,

*President of the Senate, pro tempore.*

March 2, 1811.

APPROVED,

JAMES MADISON.

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## APPENDIX No. VII.

### BERLIN IMPERIAL DECREE.

*Imperial Decree declaring the British Isles in a state of blockade.*

“Imperial Camp, Berlin, November 21, 1806.

“Napoleon, emperor of the French, and king of Italy, considering:

“1. That England does not admit the right of nations, as universally acknowledged by all civilized people;

“2. That she declares as an enemy every individual belong-

ing to an enemy state; and in consequence makes prisoners of war, not only of the crews of *armed* vessels, but those also of *merchant* vessels, and even the supercargoes of the same;

“ 3. That she extends or applies to merchant vessels, to articles of commerce, and to the property of individuals, the right of conquest, which can only be applied or extended to what belongs to an enemy state;

“ 4. That she extends to ports not fortified, to harbours and mouths of rivers, the *right of blockade*, which, according to reason and the usages of civilized nations, is applicable only to strong or fortified ports;

“ 5. That she declares places blockaded before which she has not a single vessel of war; although a place ought not to be considered blockaded but when it is so invested as that no approach to it can be made without imminent hazard; that she declares even places blockaded which her united forces would be incapable of doing, such as entire coasts, and a whole empire;

“ 6. That this unequalled abuse of the right of blockade has no other object than to interrupt the communication of different nations, and to extend the commerce and industry of England upon the ruin of those of the continent;

“ 7. That this being the evident design of England, whoever deals on the continent in English merchandise, favours that design, and becomes an accomplice;

“ 8. That this conduct in England (worthy only of the first ages of barbarism) has benefited her to the detriment of other nations;

“ 9. That it being right to oppose to an enemy the same arms she makes use of; to combat as she does; when all ideas of justice, and every liberal sentiment (the result of civilization among men) are disregarded:

“ We have resolved to enforce against England the usages which she has consecrated in her maritime code.

“ The present decree shall be considered as the fundamental law of the empire, until England has acknowledged that the *rights of war* are the same on land as at sea; that they cannot be extended to any private property whatever, nor to persons



who are not military, and until the right of blockading be restrained to fortified places actually invested by competent forces.

“ Article 1. The British islands are in a state of blockade.

“ 2. All commerce and correspondence with them is prohibited. Consequently, all letters or packets written in England, or to an Englishman, *written in the English language*, shall not be despatched from the post-offices; and shall be seized.

“ 3. Every individual, a subject of Great Britain, of whatever rank or condition, who is found in countries occupied by our troops or those of our allies, shall be made prisoner of war.

“ 4. Every warehouse, all merchandise or property whatever, belonging to an Englishman, are declared good prize.

“ 5. One half of the proceeds of merchandise declared to be good prize, and forfeited as in the preceding articles, shall go to indemnify merchants who have suffered losses by the English cruisers.

“ 6. No vessel coming directly from England or her colonies, or having been there since the publication of this decree, shall be admitted into any port.

“ 7. Every vessel that, by a false declaration, contravenes the foregoing disposition, shall be seized, and the ship and cargo confiscated as English property.

“ 8. [This article states, that the councils of prizes at Paris and at Milan shall have recognizance of what may arise in the empire and in Italy under the present article.]

“ 9. Communications of this decree shall be made to the kings of Spain, Naples, Holland, Etruria, and to our other allies, whose subjects, as well as ours, are victims of the injuries and barbarity of the English maritime code.

“ 10. Our ministers of foreign relations, &c. are charged with the execution of the present decree.

“ NAPOLEON.”

## BRITISH ORDERS IN COUNCIL.

*At a Court at the Queen's Palace the 7th of January, 1807, present, the King's most excellent Majesty, in Council.*

“WHEREAS the French government has issued certain orders, which, in violation of the usages of war, purport to prohibit the commerce of all neutral nations with his majesty's dominions, and also to prevent such nations from trading with any other country in any articles, the growth, produce or manufacture of his majesty's dominions; and whereas the said government has also taken upon itself to declare all his majesty's dominions to be in a state of blockade, at a time when the fleets of France and her allies are themselves confined within their own ports by the superior valour and discipline of the British navy; and whereas such attempts, on the part of the enemy, would give to his majesty an unquestionable right of retaliation, and would warrant his majesty in enforcing the same prohibition of all commerce with France, which that power vainly hopes to effect against the commerce of his majesty's subjects; a prohibition which the superiority of his majesty's naval forces might enable him to support, by actually investing the ports and coasts of the enemy with numerous squadrons and cruizers, so as to make the entrance or approach thereto manifestly dangerous; and whereas his majesty, though unwilling to follow the example of his enemies, by proceeding to an extremity so distressing to all nations not engaged in the war, and carrying on their accustomed trade, yet feels himself bound by a due regard to the just defence of the rights and interests of his people, not to suffer such measures to be taken by the enemy, without taking some steps on his part to restrain this violence, and to retort upon them the evils of their own injustice; his majesty is thereupon pleased, by and with the advice of his privy council, to order, and it is hereby ordered, that no vessel shall be permitted to trade from one port to another, both which ports shall belong to, or be in the possession of France or her allies, or shall be so far under their control as that

British vessels may not trade freely thereat; and the commanders of his majesty's ships of war and privateers shall be, and are hereby instructed to warn every neutral vessel coming from any such port, and destined to another such port, to discontinue her voyage, and not to proceed to any such port; and any vessel, after being so warned, or any vessel coming from any such port, after a reasonable time shall have been afforded for receiving information of this his majesty's order, which shall be found proceeding to another such port, shall be captured and brought in, and, together with her cargo, shall be condemned as lawful prize, and his majesty's principal secretaries of state, the lords commissioners of the admiralty, and the judges of the high court of admiralty and courts of vice-admiralty, are to take the necessary measures herein as to them shall respectively appertain.

“(Signed)

W. FAWKENER.”



*At the Court of the Queen's Palace, the 11th of November, 1807, present, the King's most excellent Majesty, in Council.*

“Whereas certain orders, establishing an unprecedented system of warfare against this kingdom, and aimed especially at the destruction of its commerce and resources, were some time since issued by the government of France, by which the British Islands were declared to be in a state of blockade; thereby subjecting to capture and condemnation all vessels with their cargoes, which should continue to trade with his majesty's dominions:

“And whereas by the same orders, all trading in English merchandise is prohibited: and every article of merchandise belonging to England, or coming from her colonies, or of her manufacture, is declared lawful prize.

“And whereas the nations in alliance with France, and under her control, were required to give, and have given, and do give, effect to such orders:

“ And whereas his majesty’s order, of the seventh of January last, has not answered the desired purpose, either of compelling the enemy to recall those orders, or of inducing neutral nations to interpose, with effect, to obtain their revocation; but, on the contrary, the same have been recently enforced with increased rigour:

“ And whereas his majesty, under these circumstances, finds himself compelled to take further measures for asserting and vindicating his just rights, and for supporting that maritime power which the exertions and valour of his people have, under the blessing of Providence, enabled him to establish and maintain; and the maintenance of which is not more essential to the safety and prosperity of his majesty’s dominions, than it is to the protection of such states as still retain their independence, and to the general intercourse and happiness of mankind.

“ His majesty is therefore pleased, by and with the advice of his privy council, to order, and it is hereby ordered, that all the ports and places of France and her allies, or of any other country at war with his majesty, and all other ports or places in Europe, from which, although not at war with his majesty, the British flag is excluded, and all ports or places in the colonies belonging to his majesty’s enemies, shall from henceforth, be subject to the same restrictions in point of trade and navigation, with the exceptions hereinafter mentioned, as if the same were actually blockaded by his majesty’s naval forces, in the most strict and rigorous manner. And it is hereby further ordered and declared, that all trade in articles which are of the produce or manufacture of the said countries or colonies, shall be deemed and considered to be unlawful; and that every vessel trading from or to the said countries or colonies, together with goods and merchandise on board, and all articles of the produce or manufacture of the said countries or colonies, shall be captured and condemned as prize to the captors.

“ But although his majesty would be fully justified, by the circumstances and considerations above recited, in establishing such a system of restrictions with respect to all the coun-

tries and colonies of his enemies without exception or qualification; yet his majesty, being nevertheless desirous not to subject neutrals to any greater inconvenience than is absolutely inseparable from the carrying into effect his majesty's just determination to counteract the designs of his enemies, and to retort upon themselves the consequences of their own violence and injustice; and being yet willing to hope that it may be possible (consistently with that object) still to allow to neutrals the opportunity of furnishing themselves with colonial produce for their own consumption and supply; *and even to leave open, for the present, SUCH TRADE WITH HIS MAJESTY'S ENEMIES AS SHALL BE CARRIED ON DIRECTLY WITH THE PORTS OF HIS MAJESTY'S DOMINIONS, OR OF HIS ALLIES, in the manner hereinafter mentioned.*

“ His majesty is therefore pleased further to order, and it is hereby ordered, that nothing herein contained shall extend to subject to capture or condemnation any vessel, or the cargo of any vessel, belonging to any country not declared by this order to be subjected to the restrictions incident to a state of blockade, which shall have cleared out with such cargo from some port or place of the country to which she belongs, either in Europe or America, or from some free port in his majesty's colonies, under circumstances in which such trade from such free port is permitted, direct to some port or place in the colonies of his majesty's enemies, or from those colonies direct to the country to which such vessel belongs, or to some free port in his majesty's colonies, in such cases, and with such articles, as it may be lawful to import into such free port; nor to any vessel, or cargo of any vessel, belonging to any country not at war with his majesty which shall have cleared out from some port or place in this kingdom, or from Gibraltar or Malta, under such regulations as his majesty may think fit to prescribe, or from any port belonging to his majesty's allies, and shall be proceeding direct to the port specified in her clearance; nor to any vessel, or the cargo of any vessel, belonging to any country not at war with his majesty, which shall be coming from any port or place in

Europe, which is declared by this order to be subject to the restrictions incident to a state of blockade, **DESTINED TO SOME PORT OR PLACE IN EUROPE BELONGING TO HIS MAJESTY**, and which shall be on her voyage direct thereto; but these exceptions are not to be understood as excepting from capture or confiscation any vessel or goods which may be liable thereto in respect of having entered or departed from any port or place actually blockaded by his majesty's squadrons or ships of war, or for being enemies' property, or for any other cause than the contravention of this present order.

“ And the commanders of his majesty's ships of war and privateers, and other vessels acting under his majesty's commission, shall be, and are hereby instructed, to warn any vessel, which shall have commenced her voyage prior to any notice of this order, and shall be destined to any port of France, or of her allies, or of any other country at war with his majesty, or to any port or place from which the British flag, as aforesaid, is excluded, or to any colony belonging to his majesty's enemies, and which shall not have cleared out as is herein before allowed, to discontinue her voyage, and to proceed to some port or place in this kingdom, or to Gibraltar or Malta. And any vessel which, after having been so warned, or after a reasonable time shall have been afforded for the arrival of information of this his majesty's order to any port or place from which she sailed, or which, after having notice of this order, shall be found in the prosecution of any voyage contrary to the restrictions contained in this order, shall be captured, and, together with her cargo, condemned as lawful prize to the captors.

“ And whereas countries not engaged in the war have acquiesced in the orders of France, prohibiting all trade in any articles the produce or manufacture of his majesty's dominions; and the merchants of those countries have given countenance and effect to those prohibitions, by accepting from persons styling themselves commercial agents of the enemy, resident at neutral ports, certain documents termed

*“certificates of origin,”* being certificates obtained at the ports of shipment, *declaring that the articles of the cargo are not of the produce or manufacture of his majesty’s dominions, or to that effect.*

“And whereas this expedient has been directed by France, and submitted to by such merchants, as part of the new system of warfare directed against the trade of this kingdom, and as the most effectual instrument of accomplishing the same; and it is therefore essentially necessary to resist it.

“His majesty is therefore pleased, by and with the advice of his privy council, to order, and it is hereby ordered, that if any vessel, after a reasonable time shall have been afforded for receiving notice of this his majesty’s order, at the port or place from which such vessel shall have cleared out, *shall be found carrying any such certificate or document as aforesaid, or any document referring to or authenticating the same,* such vessel shall be adjudged lawful prize to the captors, together with the goods laden therein, belonging to the person or persons by whom, or on whose behalf, any such document was put on board.

“And the right honourable the lords commissioners of his majesty’s treasury, his majesty’s principal secretaries of state, the lords commissioners of the admiralty, and the judges of the high court of admiralty, and courts of vice-admiralty, are to take the necessary measures herein, as to them shall respectively appertain.

“W. FAWKENER.”

## MILAN IMPERIAL DECREE.

*Rejoinder to his Britannic majesty's Order in Council, of the 11th November, 1807. At our Royal Palace at Milan, December, 17, 1807.*

“ Napoleon, emperor of the French, king of Italy, and protector of the Rhenish confederation :

“ Observing the measures adopted by the British government on the 11th November last, by which vessels belonging to neutral, friendly, or even powers the allies of England, are made liable, not only to be searched by English cruisers, but to be compulsorily detained in England, and to have a tax laid on them of so much per cent. on the cargo, to be regulated by the British legislature :

“ Observing that by these acts the British government *denationalises* ships of every nation in Europe: that it is not competent for any government to detract from its own independence and rights; all the sovereigns of Europe having in trust the sovereignties and independence of the flag; and that if by an unpardonable weakness, and which in the eyes of posterity would be an indelible stain, such a tyranny were allowed to be established into principles, and consecrated by usages, the English would avail themselves of it to assert it as a right, as they have availed themselves of the tolerance of governments to establish the infamous principle, that the flag of a nation does not cover goods, and to give to their right of blockade an arbitrary extension, which infringes on the sovereignty of every state; we have decreed and do decree as follows :

“ I. Every ship, to whatever nation it may belong, that shall have submitted to be searched by an English ship, or on a voyage to England, or shall have paid any tax whatsoever to the English government, is thereby, and for that alone, declared to be *denationalised*; to have forfeited the protection of its king; and to have become English property.

“ II. Whether the ships, thus *denationalised* 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 prize.

“ III. 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 present decree; and may be captured by our ships of war, or our privateers, and adjudged to the captor.

“ IV. These measures, which are resorted to only in just retaliation of the barbarous system adopted by England, which assimilates its legislation to that of Algiers, shall cease to have any effect with respect to all nations who shall have the firmness to compel the English government to respect their flag. They shall continue to be rigorously in force as long as that government does not return to the principle of the law of nations which regulates the relations of civilized states in a state of war. The provisions of the present decree shall be abrogated and null in fact, as soon as the English abide again by the principles of the law of nations, which are also the principles of justice and honour.

“ All our ministers are charged with the execution of the present decree, which shall be inserted in the bulletin of the laws.

“NAPOLEON.”

## ORDER IN COUNCIL.

*At a Court at the Queen's Palace, the 26th of April, 1809 ; present, the King's most excellent Majesty, in Council.*

“ WHEREAS, his majesty, by his order in council, of the 11th of Nov. 1807, was pleased, for reasons assigned therein, to order, that “ all the ports and places of France, and her allies, and any other country at war with his majesty, and all other ports or places in Europe, from which, although not at war with his majesty, the British flag is excluded, and all ports and places, in the colonies belonging to his majesty's enemies, should from thenceforth be subject to the same restrictions, in point of trade and navigation, as if the same were actually blockaded, in the most strict and rigorous manner,” and, also, to prohibit “ all trade in articles, which are the produce or manufacture of the said countries or colonies ;

“ And, whereas, his majesty, having been, nevertheless, desirous not to subject those countries, which were in alliance or amity with his majesty, to any greater inconvenience, than was absolutely inseparable from carrying into effect his majesty's just determination to counteract the designs of his enemies, did make certain exceptions and modifications expressed in the said order of the 11th November, and the 18th of December, 1807, and the 30th of March, 1808.

“ And, whereas, in consequence of divers events, which have taken place, since the date of the first mentioned order, affecting the stations between Great Britain and the territories of other powers, it is expedient, that sundry parts and provisions of the said orders should be altered or revoked.

“ His majesty is, therefore pleased, by and with the advice of his privy council, to revoke and annul the said several orders, except as herein after expressed, and so much of the said several orders, except as aforesaid, is revoked accordingly.

“ And his majesty is pleased, by and with the advice of his privy council, to order, and it is hereby ordered, that all the

ports and places, as far north as the river Ems, inclusively, under the government, styling itself the kingdom of Holland, and all posts and places under the government of France, together with the colonies, plantations, and settlements, in possession of those governments, respectively, and all ports and places in the northern part of Italy, to be reckoned from the ports of Orbitello and Pesaro inclusively, shall continue to be subject to the same restrictions, in point of trade and navigation, without any exception, as if the same were actually blockaded, by his majesty's naval force, in the most strict and rigorous manner; and that every vessel, trading from and to the said countries, or colonies, plantations or settlements, together with all goods and merchandise on board, shall be condemned, as prize, to the captors.

“ And his majesty is further pleased to order, and it is hereby ordered, that this order shall have effect, from the day of the date thereof, with respect to any ship, together with its cargo, which may be captured, subsequent to such day, on any voyage, which is and shall be rendered legal by this order, although such voyage, at the time of the commencement of the same, was unlawful and prohibited under the same former orders; and such ships, when brought in, shall be released accordingly, and with respect to all ships, together with their cargoes, which may be captured in any voyage, which was permitted under the exceptions of the orders above-mentioned, but which is not permitted according to the provisions of this order, his majesty is pleased to order, and it is hereby ordered, that such ships and their cargoes shall not be liable to condemnation, unless they shall have received actual notice of the present order, before such capture; or in default of such notice, until after the expiration of the like intervals, from the date of this order, as were allowed, for constructive notice, in the orders of the 25th of November, 1807, and the 18th of May, 1808, at the several places and latitudes therein mentioned.

“ And the right honorable, the lords commissioners of his majesty's treasury, his majesty's principal secretaries of state, the lords commissioners of the admiralty, and the

judges of the high court of admiralty, and judges of the courts of vice-admiralty, are to give the necessary directions, as to them may respectively appertain.

STEPH. COTTRELL.

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### ORDERS IN COUNCIL REVOKED.

*At the court at Carlton house, the 23d day of June, 1812, present, his royal highness the Prince Regent in council.*

“ WHEREAS, his royal highness the prince regent was pleased to declare, in the name and on behalf of his majesty, on the 21st of April, 1812, “ That if, at any time hereafter, the Berlin and Milan decrees shall by some authentic act of the French government, publicly promulgated, be absolutely and unconditionally repealed, then, and from thence, the order in council of the 7th of January, 1807, and the order in council of the 26th of April, 1809, shall, without any further order, be, and the same are hereby declared, from thenceforth, to be wholly and absolutely revoked.”

“ And whereas the charge des affaires of the United States of America, resident at this court, did, on the 21st of May last, transmit to lord viscount Castlereagh, one of his majesty’s principal secretaries, a copy of a certain instrument, then for the first time communicated to this court, purporting to be a decree passed by the government of France, on the 28th day of April, 1811, by which the decrees of Berlin and Milan are declared to be definitely no longer in force in regard to American vessels:

“ And whereas his royal highness the prince regent, although he cannot consider the tenor of said instrument as satisfying the conditions set forth in the said order of the 21st of April last, upon which the said orders were to cease and to determine, is nevertheless disposed, on his part to take

such measures as may tend to re-establish the intercourse between neutral and belligerent nations, upon its accustomed principles; his royal highness the prince regent, in the name and on the behalf of his majesty, is therefore pleased by and with the advice of his majesty's privy council, to order and declare, and it is hereby ordered and declared, that the order in council bearing date the 7th day of January, 1807, and the order in council bearing date the 26th of April, 1809, be revoked, so far as may regard American vessels and their cargoes, being American property, from the first day of August next.

“But whereas, by certain acts of the government of the United States of America, all British armed vessels are excluded from the harbours and waters of the said United States, the armed vessels of France being permitted to enter therein, and the commercial intercourse between Great Britain and the said United States is interdicted, the commercial intercourse between France and the said United States having been restored; his royal highness the prince regent is pleased hereby further to declare, in the name and on the behalf of his majesty, that if the government of the said United States shall not, as soon as may be, after this order shall have been duly notified by his majesty's minister in America to the said government, revoke or cause to be revoked the said acts, this present order shall, in that case, after clear notice signified by his majesty's minister in America, to the said government, be thenceforth null and of no effect.

“It is further ordered and declared, that all American vessels and their cargoes, being American property, that shall have been captured subsequently to the 28th of May last, for a breach of the aforesaid orders in council alone, and which shall not have been actually condemned before the date of this order, and that all ships and cargoes as aforesaid, that shall henceforth be captured under the said orders, prior to the 1st day of August next, shall not be proceeded against to condemnation, until further orders; but shall, in the event of this order not becoming null and of no effect, in the case

aforesaid, be forthwith liberated and restored, subject to such reasonable expenses on the part of the captors, as shall have been justly incurred.

“ Provided that nothing in the order contained, respecting the revocation of the orders herein mentioned, shall be taken to revive wholly, or in part, the orders in council of the 11th of November, 1807, or any other order not herein mentioned, or to deprive parties of any legal remedy to which they may be entitled, under the order in council, of the 21st of April, 1812.

“ His royal highness the prince regent is hereby pleased further to declare, in the name, and on the behalf of his majesty, that nothing in the present order contained shall be understood to preclude his royal highness the prince regent, if circumstances shall so require, from restoring after reasonable notice, the orders of the 7th of January, 1807, and the 26th of April, 1809, or any part thereof, to their full effect, or from taking such other measures of retaliation against the enemy, as may appear to his royal highness to be just and necessary.

“ And the right honourable the lords commissioners of his majesty's treasury, his majesty's principal secretaries of state, the lords commissioners of the admiralty, and the judge of the high court of admiralty, and the judge of the court of vice-admiralty, are to take the necessary measures herein, as to them may respectively appertain.”

## APPENDIX, No. VIII.

JAMES MADISON,

PRESIDENT OF THE UNITED STATES OF AMERICA.

*To all and singular to whom these presents shall come, greeting.*

WHEREAS a treaty of peace and amity between the United States of America, and his Britannic majesty was signed at Ghent, on the twenty-fourth day of December, one thousand eight hundred and fourteen, by plenipotentiaries respectively appointed for that purpose; and the said treaty having been, by and with the advice and consent of the senate of the United States, duly accepted, ratified and confirmed, on the seventeenth day of February, one thousand eight hundred and fifteen; and ratified copies thereof having been exchanged, agreeably to the tenor of the said treaty, which is in the words following, to wit:

## 'TREATY OF PEACE AND AMITY

BETWEEN

HIS BRITANNIC MAJESTY AND THE UNITED STATES OF  
AMERICA.

His Britannic majesty and the United States of America, desirous of terminating the war which has unhappily subsisted between the two countries, and of restoring, upon principles of perfect reciprocity, peace, friendship, and good understanding between them, have, for that purpose, appointed their respective plenipotentiaries, that is to say: his Britannic majesty, on his part, has appointed the right honourable James Lord Gambier, late admiral of the white, now admiral of the red squadron of his majesty's fleet, Henry Goulburn, Esquire, a member of the imperial parliament, and under secretary of state, and William Adams, Esquire, doctor of civil laws:

and the president of the United States, by and with the advice and consent of the senate thereof, has appointed John Quincy Adams, James A. Bayard, Henry Clay, Jonathan Russell and Albert Gallatin, citizens of the United States, who, after a reciprocal communication of their respective full powers, have agreed upon the following articles :

### ARTICLE THE FIRST.

There shall be a firm and universal peace between his Britannic majesty and the United States, and between their respective countries, territories, cities, towns, and people, of every degree, without exception of places or persons. All hostilities, both by sea and land, shall cease as soon as this treaty shall have been ratified by both parties, as hereinafter mentioned. All territory, places, and possessions whatsoever, taken by either party from the other, during the war, or which may be taken after the signing of this treaty, excepting only the islands hereinafter mentioned, shall be restored without delay, and without causing any destruction, or carrying away any of the artillery or other public property, originally captured in the said forts or places, and which shall remain therein upon the exchange of the ratifications of this treaty, or any slaves or other private property. And all archives, records, deeds, and papers, either of a public nature, or belonging to private persons, which, in the course of the war, may have fallen into the hands of the officers of either party, shall be, as far as may be practicable, forthwith restored and delivered to the proper authorities and persons to whom they respectively belong. Such of the islands in the bay of Passamaquoddy as are claimed by both parties, shall remain in the possession of the party in whose occupation they may be, at the time of the exchange of the ratifications of this treaty, until the decision, respecting the title to the said islands, shall have been made in conformity with the fourth article of this treaty. No disposition made by this treaty, as to such possession of the islands and territories claimed by



both parties, shall, in any manner whatever, be construed to affect the right of either.

### ARTICLE THE SECOND.

Immediately after the ratifications of this treaty by both parties, as hereinafter mentioned, orders shall be sent to the armies, squadrons, officers, subjects and citizens, of the two powers, to cease from all hostilities. And to prevent all causes of complaint which might arise on account of the prizes which may be taken at sea, after the said ratifications of this treaty, it is reciprocally agreed, that all vessels and effects which may be taken after the space of twelve days from the said ratifications, upon all parts of the coast of North America, from the latitude of twenty-three degrees north, to the latitude of fifty degrees north, and as far eastward in the Atlantic Ocean, as the thirty-sixth degree of west longitude from the meridian of Greenwich, shall be restored on each side; that the time shall be thirty days in all other parts of the Atlantic Ocean, north of the equinoctial line or equator; and the same time for the British and Irish channels, for the Gulf of Mexico and all parts of the West Indies; forty days for the North Seas, for the Baltic, and for all parts of the Mediterranean; sixty days for the Atlantic Ocean south of the equator, as far as the latitude of the Cape of Good Hope; ninety days for every other part of the world south of the equator: and one hundred and twenty days for all other parts of the world, without exception.

### ARTICLE THE THIRD.

All prisoners of war taken on either side, as well by land as by sea, shall be restored as soon as practicable, after the ratifications of this treaty, as hereinafter mentioned, on their paying the debts which they may have contracted during their captivity. The two contracting parties respectively engage to discharge, in specie, the advances which may have been made by the other for the sustenance and maintenance of such prisoners.

## ARTICLE THE FOURTH.

Whereas it was stipulated by the second article in the treaty of peace, of one thousand seven hundred and eighty-three, between his Britannic majesty and the United States of America, that the boundary of the United States should comprehend all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries, between Nova Scotia, on the one part, and East Florida on the other, shall respectively touch the bay of Fundy, and the Atlantic Ocean, excepting such islands as now are, or heretofore have been, within the limits of Nova Scotia; and whereas the several islands in the bay of Passamaquoddy, which is part of the bay of Fundy, and the island of Grand Menan in the said bay of Fundy, are claimed by the United States as being comprehended within their aforesaid boundaries, which said islands are claimed as belonging to his Britannic majesty, as having been at the time of, and previous to, the aforesaid treaty of one thousand seven hundred and eighty-three, within the limits of the province of Nova Scotia. In order, therefore, finally to decide upon these claims, it is agreed that they shall be referred to two commissioners, to be appointed in the following manner, viz. : one commissioner shall be appointed by his Britannic majesty, and one by the president of the United States, by and with the advice and consent of the senate thereof, and the said two commissioners, so appointed, shall be sworn impartially to examine and decide upon the said claims, according to such evidence as shall be laid before them, on the part of his Britannic majesty and of the United States respectively. The said commissioners shall meet at Saint Andrews, in the province of New Brunswick, and shall have power to adjourn to such other place or places as they shall think fit. The said commissioners shall, by a declaration or report under their hands and seals, decide to which of the two contracting parties the several islands aforesaid do respectively

belong, in conformity with the true intent of the said treaty of peace, of one thousand seven hundred and eighty-three. And if the said commissioners shall agree in their decision, both parties shall consider such decision as final and conclusive. It is further agreed, that in the event of the two commissioners differing upon all or any of the matters so referred to them, or in the event of both or either of the said commissioners refusing, or declining, or wilfully omitting, to act as such, they shall make, jointly or separately, a report or reports, as well to the government of his Britannic majesty as to that of the United States, stating in detail the points on which they differ, and the grounds upon which their respective opinions have been formed, or the grounds upon which they, or either of them, have so refused, declined, or omitted to act. And his Britannic majesty, and the government of the United States, hereby agree to refer the report or reports of the said commissioners, to some friendly sovereign or state, to be then named for that purpose, and who shall be requested to decide on the differences which may be stated in the said report or reports, or upon the report of one commissioner, together with the grounds upon which the other commissioner shall have refused, declined, or omitted to act, as the case may be. And if the commissioner so refusing, declining, or omitting to act, shall also wilfully omit to state the grounds upon which he has so done, in such manner that the said statement may be referred to such friendly sovereign or state, together with the report of such other commissioner, then such sovereign or state shall decide, *ex parte*, upon the said report alone. And his Britannic majesty and the government of the United States engage to consider the decision of such friendly sovereign or state, to be final and conclusive, on all the matters so referred.

#### ARTICLE THE FIFTH.

Whereas neither that point of the highlands lying due north from the source of the river St. Croix, and designated in the former treaty of peace, between the two powers as the

north-west angle of Nova Scotia, nor the north-westernmost head of Connecticut river, has yet been ascertained; and whereas that part of the boundary line between the dominions of the two powers which extends from the source of the river St. Croix directly north, to the above-mentioned north-west angle of Nova Scotia, thence 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, thence down along the middle of that river to the forty-fifth degree of north latitude; thence by a line due west on said latitude, until it strikes the river Iroquois or Cataraguy, has not yet been surveyed: it is agreed, that, for these several purposes, two commissioners shall be appointed, sworn, and authorised to act exactly in the manner directed, with respect to those mentioned in the next preceding article, unless otherwise specified in the present article. The said commissioners shall meet at St. Andrews, in the province of New Brunswick, and shall have power to adjourn to such other place or places as they shall think fit. The said commissioners shall have power to ascertain and determine the points above-mentioned, in conformity with the provisions of the said treaty of peace of one thousand seven hundred and eighty-three, and shall cause the boundary aforesaid, from the source of the river St. Croix to the river Iroquois or Cataraguy, to be surveyed and marked according to the said provisions. The said commissioners shall make a map of the said boundary, and annex to it a declaration under their hands and seals, certifying it to be the true map of the said boundary, and particularizing the latitude and longitude of the north-west angle of Nova Scotia, of the north-westernmost head of Connecticut river, and of such other points of the said boundary as they may deem proper. And both parties agree to consider such map and declaration as finally and conclusively fixing the said boundary. And, in the event of the said two commissioners differing, or both, or either of them, refusing, declining, or wilfully omitting to act, such reports, declarations, or statements, shall be made by them,

or either of them, and such reference to a friendly sovereign or state, shall be made, in all respects, as in the latter part of the fourth article is contained, and in as full a manner as if the same was herein repeated.

### ARTICLE THE SIXTH.

Whereas, by the former treaty of peace, that portion of the boundary of the United States, from the point where the forty-fifth degree of north latitude strikes the river Iroquois or Cataraguy to the lake Superior, was declared to be "along the middle of said river into Lake Ontario, through the middle of said lake until it strikes the communication, by water, between that lake and Lake Erie, thence along the middle of said communication into Lake Erie, through the middle of said lake until it arrives at the water communication into the lake Huron, thence through the middle of said lake to the water communication between that lake and Lake Superior." And whereas doubts have arisen what was the middle of the said river, lakes and water communications, and whether certain islands, lying in the same, were within the dominions of his Britannic majesty, or of the United States: In order, therefore, finally to decide these doubts, they shall be referred to two commissioners, to be appointed, sworn, and authorised to act exactly in the manner directed with respect to those mentioned in the next preceding article, unless otherwise specified in this present article. The said commissioners shall meet, in the first instance, at Albany, in the state of New York, and shall have power to adjourn to such other place or places as they shall think fit. The said commissioners shall, by a report or declaration, under their hands and seals, designate the boundary through the said river, lakes, and water communications, and decide to which of the two contracting parties the several islands, lying within the said rivers, lakes, and water communications, do respectively belong, in conformity with the true intent of the said treaty of one thousand seven hundred and eighty-three. And both parties agree to consider such de-

signation and decision as final and conclusive. And in the event of the said two commissioners differing, or both, or either of them, refusing, declining, or wilfully omitting to act, such reports, declarations or statements, shall be made by them, or either of them, and such reference to a friendly sovereign or state shall be made in all respects as in the latter part of the fourth article is contained, and in as full a manner as if the same was herein repeated.

### ARTICLE THE SEVENTH.

It is further agreed that the said two last mentioned commissioners, after they shall have executed the duties assigned to them in the preceding article, shall be, and they are hereby authorised, upon their oaths, impartially to fix and determine, according to the true intent of the said treaty of peace, of one thousand seven hundred and eighty-three, that part of the boundary between the dominions of the two powers, which extends from the water communication between Lake Huron and Lake Superior, to the most north-western point of the Lake of the Woods; to decide to which of the two parties the several islands lying in the lakes, water communications, and rivers, forming the said boundary, do respectively belong, in conformity with the true intent of the said treaty of peace, of one thousand seven hundred and eighty-three; and to cause such parts of the said boundary, as require it, to be surveyed and marked. The said commissioners shall, by a report or declaration under their hands and seals, designate the boundary aforesaid, state their decision on the points thus referred to them, and particularize the latitude and longitude of the most north-western point of the Lake of the Woods, and of such other parts of the said boundary as they may deem proper. And both parties agree to consider such designation and decision as final and conclusive. And, in the event of the said two commissioners differing, or both, or either of them refusing, declining, or wilfully omitting to act, such reports, declarations, or statements, shall be made by them, or either of them, and such

reference to a friendly sovereign or state, shall be made in all respects, as in the latter part of the fourth article is contained, and in as full a manner as if the same was herein repeated.

### ARTICLE THE EIGHTH.

The several boards of two commissioners mentioned in the four preceding articles, shall respectively have power to appoint a secretary, and to employ such surveyors or other persons as they shall judge necessary. Duplicates of all their respective reports, declarations, statements and decisions, and of their accounts, and of the journal of their proceedings, shall be delivered by them to the agents of his Britannic majesty, and to the agents of the United States, who may be respectively appointed and authorised to manage the business on behalf of their respective governments. The said commissioners shall be respectively paid in such manner as shall be agreed between the two contracting parties, such agreement being to be settled at the time of the exchange of the ratifications of this treaty. And all other expenses attending the said commissions shall be defrayed equally by the two parties. And in the case of death, sickness, resignation, or necessary absence, the place of every such commissioner, respectively, shall be supplied in the same manner as such commissioner was first appointed; and the new commissioner shall take the same oath or affirmation, and do the same duties. It is further agreed between the two contracting parties, that in case any of the islands mentioned in any of the preceding articles, which were in the possession of one of the parties prior to the commencement of the present war between the two countries, should, by the decision of any of the boards of commissioners aforesaid, or of the sovereign or state so referred to, as in the four next preceding articles contained, fall within the dominions of the other party, all grants of land made previous to the commencement of the war, by the party having had such possession, shall be as valid as if such island or islands had, by such decision or decisions,

been adjudged to be within the dominions of the party having had such possession.

### ARTICLE THE NINTH.

The United States of America engage to put an end, immediately after the ratification of the present treaty, to hostilities with all the tribes or nations of Indians with whom they may be at war at the time of such ratification; and forthwith to restore to such tribes or nations, respectively, all the possessions, rights, and privileges, which they may have enjoyed or been entitled to in one thousand eight hundred and eleven, previous to such hostilities: *Provided always*, That such tribes or nations shall agree to desist from all hostilities, against the United States of America, their citizens and subjects, upon the ratification of the present treaty being notified to such tribes or nations, and shall so desist accordingly. And his Britannic majesty engages, on his part, to put an end, immediately after the ratification of the present treaty, to hostilities with all the tribes or nations of Indians with whom he may be at war at the time of such ratification, and forthwith to restore to such tribes or nations, respectively, all the possessions, rights, and privileges, which they may have enjoyed or been entitled to, in one thousand eight hundred and eleven, previous to such hostilities: *Provided always*, That such tribes or nations shall agree to desist from all hostilities against his Britannic majesty, and his subjects, upon the ratification of the present treaty being notified to such tribes or nations, and shall so desist accordingly.

### ARTICLE THE TENTH.

Whereas the traffic in slaves is irreconcilable with the principles of humanity and justice; and whereas both his majesty and the United States are desirous of continuing their efforts to promote its entire abolition; it is hereby agreed that both the contracting parties shall use their best endeavours to accomplish so desirable an object.



## ARTICLE THE ELEVENTH.

This treaty, when the same shall have been ratified on both sides, without alteration by either of the contracting parties, and the ratifications mutually exchanged, shall be binding on both parties, and the ratifications shall be exchanged at Washington, in the space of four months from this day, or sooner, if practicable.

IN FAITH WHEREOF, we, the respective plenipotentiaries, have signed this treaty, and have thereunto affixed our seals.

Done, in triplicate, at Ghent, the twenty-fourth day of December, one thousand eight hundred and fourteen.

(L. s.)	GAMBIER,
(L. s.)	HENRY GOULBURN,
(L. s.)	WILLIAM ADAMS,
(L. s.)	JOHN QUINCY ADAMS,
(L. s.)	J. A. BAYARD,
(L. s.)	H. CLAY,
(L. s.)	JONA. RUSSELL,
(L. s.)	ALBERT GALLATIN.

Now, therefore, to the end that the said treaty of peace and amity may be observed with good faith, on the part of the United States, I, James Madison, president as aforesaid, have caused the premises to be made public; and I do hereby enjoin all persons bearing office, civil or military, within the United States, and all others, citizens or inhabitants thereof, or being within the same, faithfully to observe and fulfil the said treaty, and every clause and article thereof.

**IN TESTIMONY WHEREOF, I have caused the seal of the  
(SEAL.) United States to be affixed to these presents, and  
signed the same with my hand.**

**Done at the city of Washington, this eighteenth day  
of February, in the year of our Lord one thousand  
eight hundred and fifteen, and of the sovereignty and  
independence of the United States, the thirty-ninth.**

**JAMES MADISON.**

**By the President,**  
**JAMES MONROE,**  
*Acting Secretary of State.*



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END OF VOLUME III.













