

last, wrote to general Armstrong) than that it violated as well the positive stipulations of our treaty with France, as the incontestable principles of public law.

In the European ports, under the emperor's controul, and even in neutral ports, the decree was rigorously executed. And although it is said there was no formal decision in the French council of prizes, condemning American property, under the decree, till the 16th of October, 1807; yet Mr. Madison states, as early as the 22d of May, 1807, [in his letter of that date to general Armstrong] that "there were proofs that the French West India privateers had, *under colour of the edict* [the Berlin decree,] committed depredations" on our commerce. And moreover, that Spain "avowedly pursuing the example and the views of the French emperor," had issued a similar decree, and even in broader terms, which, "if not speedily recalled or corrected, would doubtless extend the scene of spoliations *already begun in that quarter.*"

Such were the French papers in this case. And now let us see the amount of "the GREAT and INCREASING dangers which threatened our vessels, our seamen and merchandise."

In the letter of February 8, 1808, from Mr. Madison to general Armstrong, speaking of the Berlin decree, and the emperor's decision thereon, Mr. Madison says, "The conduct of the French government, in giving this extended operation to its decree, and indeed in issuing one with such an apparent or doubtful import, against the rights of the sea, is the more extraordinary, inasmuch as the *inability* to enforce it on that element, exhibited the measure in the light of an "*empty menace!*" And in his letter of the 25th of March, 1808, to Mr. Erskine, Mr. Madison, speaking of the same decree, says, that France was *without the means to carry it into effect against the rights and obligations of a neutral nation.*

Thus then we see the president's "*great and increasing dangers with which our vessels, our seamen and merchandise were threatened on the high seas and elsewhere,*" from the French decree and its extended operation, rested on what he, through his secretary Mr. Madison, has since pronounced "an empty menace," a project "which France had not the means to carry into effect!"

Shall I be told, Mr. president, of the British orders of council? and that *they* were comprehended in the president's view of the great and increasing dangers to which our commerce was exposed? If that were the fact, was it not his duty to give such information of them as he possessed, to the senate? He gave none. I know that those orders were *afterwards* pressed into his service to justify the measure: and still later it has been confidently said "that those orders stood in front of the real causes of the embargo:" And yet they were invisible to the senate. What! the *great, the operative* cause of the embargo, "before which all other motives sunk into insignificance," not seen, not known to the senate? Not glanced at by the president in his message, nor intimated to any of the members who were honored with his confidence, and by them to the senate? -