

## NOTES.

### NOTE 1.

It may be asked, why so much time is devoted to the argument upon the orders in Council?

We answer. Because the old complaints of impressment, and of hovering on our coasts, and the general principles of blockade adopted by Great Britain, are only the light and shade, the mere colouring of the principal ostensible cause of the war. Any man who will review the course of negotiation between us and Great Britain will perceive, that since the settlement of the affair of the Chesapeake, the orders in Council of April, 1809, are the only ostensible causes of hostility which have been urged against Great Britain. Mr. Erskine's arrangement extended *only* to the satisfaction for the attack on the Chesapeake and to the repeal of the orders in Council. All the *minor points* in dispute were left untouched, and yet Mr. Madison undertook, on the *unauthorized* promise of Mr. Erskine to restore Great Britain to the situation of the most favored nation, upon the settlement of the Chesapeake affair, and the repeal of the orders in *Council only*, leaving the other pretended causes of war wholly unadjusted.

We are now however *at war*, and in order to know for what we engage in this dreadful calamity, we are to seek the answer in the terms of Erskine's arrangement, Mr. Madison having restored Great Britain to her trade with us by that negotiation, and he was not authorized to do this until Great Britain ceased to violate our neutral rights.

We have a *right* then to say, on this authority of Mr. Madison, that the orders in Council are the sole cause of the war, and those *who wish for peace* must either believe that those orders are *not justifiable* causes of war, or must contend, that their repeal must be made a *sine qua non*, an indispensable condition of any treaty of peace.

Now, believing as I do, that their repeal will not be granted by Great Britain until the united arms of France and America reduce her to the lowest degree of humiliation and weakness, or until the Berlin and Milan decrees are repealed; and believing, that it is neither just, nor for our *interest*, to compel her to rescind them while those of her enemy anterior in point of time are in full force, I have thought it expedient to endeavour to satisfy the citizens of our country, that the repeal of the orders in Council ought not to be an ultimatum in our demands in a negotiation for peace. If we are not persuaded of this, *it is vain and hopeless* to clamour for peace. Peace we probably never shall have, if we contend for the repeal of the orders in Council, unless France should revoke bona fide her decrees.

It will become now a point of honor with our enemy to maintain them. Yet if, as Mr. Madison and his friends contend, the orders in Council are a signal act of injustice, wholly unprovoked and unwarranted by the laws and usages of nations, no *honorable man* could ask the government to *make peace* while *those orders remain in force*.

It is because I believe, that those orders were so far as respected *France*, the aggressor, *justifiable*. It is because I believe that a moderate share of spirit and honorable impartiality on our part would have procured the repeal of the French decrees, or at least have induced Great Britain to rescind her orders in Council, that I have entered so much at large into this argument.

I now advance an opinion, which I fully believe will appear hereafter to be correct, that until we can bring ourselves to view this question *cautiously* as between two powerful belligerents, the one fighting for existence and the other for conquest, until we can perceive that Great Britain was constrained by the paramount law of self preservation to retaliate on her enemy her own unexampled injustice, we must content ourselves with a perpetual war, (unless France should recede from her system) or else hail as a blessing, the greatest possible of all calamities to us, the subjugation of Great Britain by the common enemy of the human race. Those who can derive consolation from such a prospect, may not heed our arguments, or give credit to our motives, but sober men will reflect and weigh the dreadful consequences before they decide to contend for so questionable and so unimportant a point.

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