

not known, and that the newspaper rumors concerning them never entered into the views of the president and congress, as a motive for laying the embargo. And here the well known maxim applies, *de non apparentibus et non existentibus eadem est lex*. Although the British orders *were in existence*, yet as they were *not known to exist*, they were, as to the embargo, non-entities.

The conclusions resulting from the facts and circumstances which I have collected and compared, are serious and alarming. They demonstrate, that the representation, in the president's message recommending the embargo, was delusive, calculated to lead congress into the belief that the situation of the United States, in relation to France and England, was extremely perilous, requiring the instant adoption of the measure recommended. And as congress did adopt it, enacting the law recommended, it must be presumed that they believed an embargo was necessary to preserve our vessels, our seamen and merchandise, from *great and increasing dangers*, with which the message stated that they were threatened.

It also follows, as no subsequent disclosure has been made of other dangers known at the time the message was communicated, *that the real cause or motive for the embargo has been, and yet is, veiled from the eye of congress and the nation*.

M. Champagny's letter of October 7, (one of the papers communicated with the president's message) requires examination. But I should first remark, that during the years 1806, and 1807, in order to reduce England, *by destroying her commerce*, the French emperor, in execution of, and in the spirit of his Berlin decree, ordered all English merchandise to be seized and confiscated, in every place on the European continent, enemy or neutral, occupied or which should be occupied by the French armies. For this purpose, and as one instance among many, his troops took possession of the city of Hamburg (a city with which American merchants carried on a large and valuable commerce, and which as *neutral* was entitled to the same exemption from hostile violence as the territory of the United States) and by the emperor's orders, Bourrienne, his accredited minister to that free city, addressed a note to its senate, in which, having stated that every person who traded on the continent in English merchandise, seconded the views of England, and ought to be considered as her accomplice; and that a great portion of the inhabitants of Hamburg were in that predicament, and notoriously attached to England; the emperor caused possession to be taken of their city, and his Berlin decree to be carried into rigorous execution. Accordingly, that minister, in obedience to the emperor's orders, among other outrages, declared, "All English merchandises that may be found in the city, in the harbour, or on the territory of Hamburg, *no matter to whom they belong*, shall be confiscated." This was done so early as the 24th of November, 1806, only three days after the Berlin decree was issued.

With equal atrocity the emperor caused to be seized and sequestered the vessels and cargoes of neutrals which were brought into, or voluntarily resorted to the ports of France for purposes of lawful trade. And *we know* from a source which will not be questioned,