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DECLARATION.

THE earnest endeavours of the Prince Regent to preserve the relations of peace and amity with the United States of America having unfortunately failed, His Royal Highness, Acting in the name and on the behalf of His Majesty, deems it proper publicly to declare the causes, and origin of the war, in which the Government of the United States has compelled Him to engage.

No desire of conquest, or other ordinary motive of aggression has been, or can be with any colour of reason, in this case, imputed to Great Britain: That her commercial interests were on the side of peace, if war could have been avoided, without the sacrifice of her maritime rights, or without an injurious submission to France, is a truth which the American Government will not deny.

His Royal Highness does not however mean to rest on the favourable presumption, to which He is entitled. He is prepared by an exposition of the circumstances which have led to the present war, to show that Great Britain has throughout acted towards the United States of America, with a spirit of amity, forbearance, and conciliation; and to demonstrate the inadmissible nature of those pretensions, which have at length unhappily involved the two countries in war.

It is well known to the world, that it has been the invariable Object of the Ruler of France, to destroy the power and independence of the British Empire, as the chief obstacle to the accomplishment of his ambitious designs.

He first contemplated the possibility of assembling

such a naval force in the Channel as, combined with a numerous flotilla, should enable him to disembark in England an army sufficient, in his conception, to subjugate this country; and through the conquest of Great Britain he hoped to realize his project of universal empire.

By the adoption of an enlarged and provident system of internal defence, and by the valour of His Majesty's fleets and armies, this design was entirely frustrated; and the naval force of France, after the most signal defeats, was compelled to retire from the ocean.

An attempt was then made to effectuate the same purpose by other means: a System was brought forward, by which the Ruler of France hoped to annihilate the commerce of Great Britain, to shake her public Credit, and to destroy her Revenue; to render useless her maritime Superiority, and so to avail himself of his continental ascendancy, as to constitute himself in a great measure the arbiter of the ocean, notwithstanding the destruction of his fleets.

With this view, by the Decree of Berlin, followed by that of Milan, he declared the British territories to be in a state of blockade; and that all Commerce or even correspondence with Great Britain was prohibited. He decreed that every vessel and cargo, which had entered, or was found proceeding to a British port, or which, under any circumstances, had been visited by a British ship of war, should be lawful prize: he declared all British goods and produce, wherever found, and however acquired, whether coming from the Me-

ther Country or from her colonies, subject to confiscation: he further declared to be denationalized, the flag of all neutral ships that should be found offending against these his Decrees: and he gave to this project of universal Tyranny, the name of the Continental System.

For these attempts to ruin the commerce of Great Britain, by means subversive of the clearest rights of neutral nations, France endeavoured in vain to rest her justification upon the previous conduct of His Majesty's Government.

Under circumstances of unparalleled provocation, His Majesty had abstained from any measure, which the ordinary rules of the Law of Nations did not fully warrant. Never was the maritime superiority of a Belligerent over his enemy, more complete and decided. Never was the opposite Belligerent so formidably dangerous in his power, and in his policy to the liberties of all other nations. France had already trampled so openly and systematically on the most sacred rights of Neutral Powers, as might well have justified the placing her out of the pale of civilized nations. Yet in this extreme case, Great Britain had so used her naval ascendancy, that her enemy could find no just cause of complaint: and in order to give to these lawless decrees the appearance of retaliation, the Ruler of France was obliged to advance principles of maritime law unsanctioned by any other authority, than his own arbitrary will.

The pretexts for these Decrees were, first, that Great Britain had exercised the rights of war against private persons, their ships and goods; as if the only object of legitimate hostility on the ocean were the public property of a State, or as if the Edicts, and the Courts of France itself had not at all times enforced this right with peculiar rigour; secondly, that the British orders of blockade, instead of being confined to fortified towns, had, as France asserted, been unlawfully extended to commercial towns and ports, and to the mouths of rivers; and thirdly that they had been applied to places, and to coasts, which neither were, nor could be actually blockaded. The last of these charges is not founded on fact; whilst the others, even by the admission of the American Government, are utterly groundless in point of law.

Against these Decrees, His Majesty protested and appealed; He called upon the United States to assert their own rights, and to vindicate their independence, thus menaced and attacked; and as France had declared, that she would confiscate every vessel, which should touch in Great Britain, or

be visited by British ships of war, His Majesty, having previously issued the Order of January 1807, as an act of mitigated retaliation, was at length compelled, by the persevering violence of the enemy, and the continued acquiescence of Neutral Powers, to revisit, upon France, in a more effectual manner, the measure of her own injustice; by declaring, in an Order in Council, bearing date the 11th of November 1807, that no neutral vessel should proceed to France or to any of the countries from which, in obedience to the dictates of France, British commerce was excluded, without first touching at a port in Great Britain, or her dependencies. At the same time His Majesty intimated His readiness to repeal the Orders in Council, whenever France should rescind her Decrees, and return to the accustomed principles of maritime warfare; and at a subsequent period, as a proof of His Majesty's sincere desire to accommodate, as far as possible, His defensive measures to the convenience of Neutral Powers, the operation of the Orders in Council was, by an order issued in April 1809, limited to a blockade of France, and of the countries subjected to her immediate dominion.

Systems of violence, oppression, and tyranny, can never be suppressed, or even checked, if the Power against which such injustice is exercised, be debarred from the right of full and adequate retaliation: or, if the measures of the retaliating Power, are to be considered as matters of just offence to neutral nations, whilst the measures of original aggression, and violence are to be tolerated with indifference, submission, or complacency.

The Government of the United States did not fail to remonstrate against the Orders in Council of Great Britain. Although they knew, that these Orders would be revoked, if the Decrees of France, which had occasioned them, were repealed, they resolved at the same moment to resist the conduct of both Belligerents, instead of requiring France in the first instance to rescind her Decrees. Applying most unjustly the same measure of resentment to the aggressor, and to the party aggrieved, they adopted measures of commercial resistance against both—a system of resistance, which, however varied in the successive Acts of Embargo, Non-Intercourse, or Non-Importation, was evidently unequal in its operation, and principally levelled against the superior commerce, and maritime power of Great Britain.

The same partiality towards France was observable, in their negotiations, as in their measures of alleged resistance.

Application was made to both Belligerents for a revocation of their respective edicts; but the terms in which they were made, were widely different.

Of France was required a revocation only of the Berlin and Milan Decrees, although many other edicts, grossly violating the neutral commerce of the United States had been promulgated by that Power. No security was demanded, that the Berlin and Milan Decrees, even if revoked, should not under some other form be reestablished: and a direct engagement was offered, that upon such revocation, the American Government would take part in the war against Great Britain, if Great Britain did not immediately rescind her Orders. —Whereas no corresponding engagement was offered to Great Britain, of whom it was required, not only that the Orders in Council should be repealed, but that no others of a similar nature should be issued, and that the blockade of May 1806, should be also abandoned. This blockade established and enforced according to accustomed practice, had not been objected to by the United States at the time it was issued. Its provisions were on the contrary represented by the American Minister resident in London at the time, to have been so framed, as to afford in his judgment, a proof of the friendly disposition of the British Cabinet towards the United States.

Great Britain was thus called upon to abandon one of her most important maritime rights; by acknowledging the Order of blockade in question, to be one of the edicts, which violated the commerce of the United States, although it had never been so considered in the previous negotiations; — and although the President of the United States had recently consented to abrogate the Non-Intercourse Act, on the sole condition of the Orders in Council being revoked; thereby distinctly admitting these orders to be the only edicts, which fell within the contemplation of the law, under which he acted.

A proposition so hostile to Great Britain could not but be proportionably encouraging to the pretensions of the enemy. As by thus alledging that the blockade of May 1806, was illegal, the American Government virtually justified, so far as depended on them, the French Decrees.

After this proposition had been made, the French Minister for Foreign Affairs, if not in concert with that Government, at least in conformity with its views, in a dispatch, dated the 5th of August 1810, and addressed to the American Minister re-

sident at Paris, stated that the Berlin and Milan Decrees were revoked, and that their operation would cease from the 1st day of November following, provided His Majesty would revoke his Orders in Council, and renounce the new principles of blockade; or that the United States would cause their rights to be respected; meaning thereby, that they would resist the retaliatory measures of Great Britain.

Although the repeal of the French Decrees thus announced was evidently contingent, either on concessions to be made by Great Britain, (concessions to which it was obvious Great Britain could not submit,) or on measures to be adopted by the United States of America; the American President at once considered the repeal as absolute. Under that pretence the Non-Importation Act was strictly enforced against Great Britain, whilst the ships of war, and merchant ships of the enemy were received into the harbours of America.

The American Government, assuming the repeal of the French Decrees to be absolute, and effectual, most unjustly required Great Britain, in conformity to her declarations, to revoke her Orders in Council. The British Government denied that the repeal, which was announced in the letter of the French Minister for Foreign Affairs, was such as ought to satisfy Great Britain; and in order to ascertain the true character of the measure adopted by France, the Government of the United States was called upon to produce the Instrument, by which the alleged repeal of the French Decrees had been effected. If these Decrees were really revoked, such an instrument must exist, and no satisfactory reason could be given for withholding it.

At length, on the 21st of May 1812, and not before, the American Minister in London did produce a copy, or at least what purported to be a copy of such an instrument.

It professed to bear date the 28th of April 1811, long subsequent to the dispatch of the French Minister of Foreign Affairs of the 5th of August 1810, or even the day named therein viz. the 1st November following, when the operation of the French Decrees was to cease. This instrument expressly declared that these French Decrees were repealed in consequence of the American Legislature having, by their Act of the 1st March 1811, provided, that British ships and merchandise should be excluded from the ports and harbours of the United States.

By this instrument, the only document produced by America as a repeal of the French De-

erees; it appears beyond a possibility of doubt, or cavil, that the alleged repeal of the French Decrees was conditional, as Great Britain had asserted; and not absolute or final, as had been maintained by America: that they were not repealed at the time they were stated to be repealed by the American Government: that they were not repealed in conformity with a proposition, simultaneously made to both Belligerents, but in consequence of a previous Act on the part of the American Government, in favour of one Belligerent, to the prejudice of the other: that the American Government having adopted measures restrictive upon the commerce of both Belligerents, in consequence of Edicts issued by both, rescinded these measures, as they affected that Power, which was the aggressor, whilst they put them in full operation against the party aggrieved; although the Edicts of both powers continued in force; and lastly that they excluded the ships of war, belonging to one Belligerent, whilst they admitted into their ports and harbours the ships of war belonging to the other, in violation of one of the plainest, and most essential duties of a Neutral Nation.

Although the Instrument thus produced was by no means that general and unqualified revocation of the Berlin and Milan Decrees, which Great Britain had continually demanded; and had a full right to claim; and although this Instrument, under all the circumstances of its appearance at that moment, for the first time, was open to the strongest suspicions of its authenticity; yet as the Minister of the United States produced it, as purporting to be a copy of the Instrument of revocation, the Government of Great Britain, desirous of reverting, if possible, to the ancient and accustomed principles of Maritime War, determined upon revoking conditionally the Orders in Council. Accordingly in the month of June last, His Royal Highness the Prince Regent was pleased to declare in Council, in the name and on the behalf of His Majesty, that the Orders in Council should be revoked, as far as respected the ships and property of the United States from the 1st of August following. This revocation was to continue in force provided the Government of the United States should, within a time to be limited, repeal their Restrictive Laws against British commerce. His Majesty's Minister in America was expressly ordered to declare to the Government of the United States, that "this measure had been adopted by the Prince Regent in the earnest wish and hope, either that the Government of France, by further relaxations

"of its system, might render perseverance on the part of Great Britain in retaliatory measures, unnecessary, or if this hope should prove delusive, that His Majesty's Government might be enabled, in the absence of all irritating and restrictive regulations on either side, to enter with the Government of the United States into amicable explanations, for the purpose of ascertaining whether, if the necessity of retaliatory measures should unfortunately continue to operate, the particular measures to be acted upon by Great Britain, could be rendered more acceptable to the American Government, than those hitherto pursued."

In order to provide for the contingency of a Declaration of War on the part of the United States, previous to the arrival in America of the said Order of Revocation, Instructions were sent to His Majesty's Minister Plenipotentiary accredited to the United States (the execution of which instructions, in consequence of the discontinuance of Mr. Foster's functions, were at a subsequent period entrusted to Admiral Sir John Borlase Warren), directing him to propose a cessation of hostilities, should they have commenced; and further to offer a simultaneous repeal of the Orders in Council on the one side, and of the Restrictive Laws on British ships and commerce on the other.

They were also respectively empowered to acquaint the American Government, in reply to any inquiries with respect to the blockade of May 1806, whilst the British Government must continue to maintain its legality, "that in point of fact this particular Blockade had been discontinued for a length of time, having been merged in the general retaliatory blockade of the enemy's ports under the Orders in Council, and that His Majesty's Government had no intention of recurring to this, or to any other of the blockades of the enemy's ports, founded upon the ordinary and accustomed principles of Maritime Law, which were in force previous to the Orders in Council, without a new notice to Neutral Powers in the usual form."

The American Government, before they received intimation of the course adopted by the British Government, had in fact proceeded to the extreme measure of declaring war, and issuing "Letters of Marque," notwithstanding they were previously in possession of the Report of the French Minister for Foreign Affairs, of the 12th of March, 1812, promulgating anew the Berlin and Milan Decrees, as fundamental laws of the French Empire,

under the false and extravagant pretext, that the monstrous principles therein contained were to be found in the treaty of Utrecht, and were therefore binding upon all States. From the penalties of this Code no nation was to be exempt, which did not accept it, not only as the rule of its own conduct, but as a law, the observance of which, it was also required to enforce upon Great Britain.

In a Manifesto, accompanying their Declaration of Hostilities, in addition to the former complaints against the Orders in Council, a long list of grievances was brought forward; some trivial in themselves, others which had been mutually adjusted, but none of them such, as were ever before alleged by the American Government to be grounds for war.

As if to throw additional obstacles in the way of peace, the American Congress at the same time passed a law, prohibiting all intercourse with Great Britain, of such a tenor, as deprived the Executive Government, according to the President's own construction of that Act, of all power of restoring the relations of friendly intercourse between the two States, so far at least as concerned their commercial Interchange, until Congress should re-assemble.

The President of the United States has, it is true, since proposed to Great Britain an Armistice; not, however, on the admission, that the cause of war hitherto relied on was removed; but on condition, that Great Britain, as a preliminary step, should do away a cause of war, now brought forward as such for the first time; namely, that she should abandon the exercise of her undoubted right of search, to take from American merchant vessels British seamen, the natural-born subjects of His Majesty; and this concession was required upon a mere assurance that laws would be enacted by the Legislature of the United States, to prevent such seamen from entering into their service; but independent of the objection to an exclusive reliance on a Foreign State, for the conservation of so vital an interest, no explanation was, or could be afforded by the Agent who was charged with this Overture, either as to the main principles, upon which such laws were to be founded, or as to the provisions which it was proposed they should contain.

This proposition having been objected to, a second proposal was made, again offering an Armistice, provided the British Government would secretly stipulate to renounce the exercise of this right in a Treaty of Peace. An immediate and

formal abandonment of its exercise, as preliminary to a cessation of hostilities, was not demanded; but His Royal Highness the Prince Regent was required, in the name and on the behalf of His Majesty, secretly to abandon, what the former overture had proposed to him publicly to concede.

This most offensive proposition was also rejected, being accompanied as the former had been by other demands of the most exceptionable nature, and especially of indemnity for all American vessels detained and condemned under the Orders in Council, or under what were termed illegal blockades—a compliance with which demands, exclusive of all other objections, would have amounted to an absolute surrender of the rights, on which those Orders and Blockades were founded.

Had the American Government been sincere in representing the Orders in Council, as the only subject of difference between Great Britain and the United States, calculated to lead to hostilities; it might have been expected, so soon as the revocation of those Orders had been officially made known to them, that they would have spontaneously recalled their "letters of marque," and manifested a disposition immediately to restore the relations of peace and amity between the Two Powers.

But the conduct of the Government of the United States by no means corresponded with such reasonable expectations.

The Order in Council of the 23d of June being officially communicated in America, the Government of the United States, saw nothing in the Repeal of the Orders in Council, which should of itself restore Peace, unless Great Britain were prepared, in the first instance, substantially to relinquish the right of impressing her own seamen, when found on board American Merchant Ships.

The proposal of an Armistice, and of a simultaneous Repeal of the restrictive measures on both sides, subsequently made by the commanding officer of His Majesty's naval forces on the American coast, were received in the same hostile spirit by the Government of the United States. The suspension of the practice of impressment was insisted upon, in the correspondence which passed on that occasion, as a necessary preliminary to a cessation of hostilities: Negotiation, it was stated, might take place without any suspension of the exercise of this Right, and also without any Armistice being concluded; but Great Britain was required previously

to agree, without any knowledge of the adequacy of the system which could be substituted, to negotiate upon the basis of accepting the legislative Regulations of a foreign State, as the sole equivalent for the exercise of a right, which she has felt to be essential to the support of her maritime power.

If America, by demanding this preliminary concession, intends to deny the validity of that Right, in that denial Great Britain cannot acquiesce; nor will she give countenance to such a pretension, by acceding to its suspension, much less to its abandonment, as a basis on which to treat. If the American Government has devised, or conceives it can devise, Regulations, which may safely be accepted by Great Britain, as a substitute for the exercise of the right in question, it is for them to bring forward such a plan for consideration. The British Government has never attempted to exclude this question from amongst those, on which the two States might have to negotiate: It has, on the contrary, uniformly professed its readiness to receive and discuss any proposition on this subject, coming from the American Government: It has never asserted any exclusive right, as to the impressment of British seamen from American vessels, which it was not prepared to acknowledge, as appertaining equally to the Government of the United States, with respect to American seamen when found on board British merchant ships:—But it cannot, by acceding to such a basis in the first instance, either assume, or admit that to be practicable, which, when attempted on former occasions, has always been found, to be attended with great difficulties; such difficulties, as the British Commissioners in 1806, expressly declared, after an attentive consideration of the suggestions brought forward by the Commissioners on the part of America, they were unable to surmount.

Whilst this proposition, transmitted through the British Admiral, was pending in America, another communication on the subject of an armistice was unofficially made to the British Government in this country. The Agent, from whom this proposition was received, acknowledged that he did not consider, that he had any authority himself, to sign an agreement on the part of his Government. It was obvious that any stipulations entered into, in consequence of this overture, would have been binding on the British Government, whilst the Government of the United States would have been free to refuse or accept them; according to

the circumstances of the moment: This proposition was therefore necessarily declined.

After this exposition of the circumstances which preceded, and which have followed the declaration of war by the United States, His Royal Highness the Prince Regent, acting in the name and on the behalf of His Majesty, feels himself called upon to declare the leading principles, by which the conduct of Great Britain has been regulated in the transactions connected with these discussions.

His Royal Highness can never acknowledge any blockade whatsoever to be illegal, which has been duly notified, and is supported by an adequate force, merely upon the ground of its extent, or because the ports, or coasts blockaded are not at the same time invested by land.

His Royal Highness can never admit, that neutral trade with Great Britain can be constituted a public crime, the commission of which can expose the ships of any power whatever to be denationalized.

His Royal Highness can never admit that Great Britain can be debarred of its right of just and necessary retaliation, through the fear of eventually affecting the interest of a neutral.

His Royal Highness can never admit, that in the exercise of the undoubted and hitherto undisputed right of searching neutral merchant vessels in time of war, the impressment of British seamen, when found therein, can be deemed any violation of a neutral flag. Neither can he admit, that the taking such seamen from on board such vessels, can be considered by any Neutral State as a hostile measure, or a justifiable cause of war.

There is no right more clearly established, than the right which a Sovereign has to the allegiance of his subjects, more especially in time of war. Their allegiance is no optional duty, which they can decline, and resume at pleasure. It is a call which they are bound to obey: it began with their birth, and can only terminate with their existence.

If a similarity of language and manners may make the exercise of this Right more liable to partial mistakes, and occasional abuse, when practiced towards vessels of the United States, the same circumstances make it also a right, with the exercise of which, in regard to such vessels, it is more difficult to dispense.

But if, to the practice of the United States, to harbour British seamen, be added their assumed right, to transfer the allegiance of British subjects, and thus to cancel the jurisdiction of their legiti-

mate Sovereign, by acts of naturalization and certificates of citizenship, which they pretend to be as valid out of their own territory, as within it, it is obvious that to abandon this ancient right of Great Britain, and to admit these novel pretensions of the United States, would be to expose to danger the very foundation of our maritime strength.

Without entering minutely into the other topics, which have been brought forward by the Government of the United States, it may be proper to remark, that whatever the Declaration of the United States may have asserted, Great Britain never did demand, that they should force British manufactures into France; and she formally declared her willingness entirely to forego, or modify, in concert with the United States, the System, by which a commercial Intercourse with the enemy had been allowed under the protection of Licences; provided the United States would act towards her, and towards France with real impartiality.

The Government of America, if the differences between States are not interminable, has as little right to notice the affair of the Chesapeake. The aggression, in this instance, on the part of a British officer was acknowledged, his conduct was disapproved, and a reparation was regularly tendered by Mr. Foster on the part of His Majesty, and accepted by the Government of the United States.

It is not less unwarranted in its allusion to the mission of Mr. Henry; a mission undertaken without the authority, or even knowledge of His Majesty's Government, and which Mr. Foster was authorized formally and officially to disavow.

The charge of exciting the Indians to offensive measures against the United States, is equally void of foundation. Before the war began, a policy the most opposite had been uniformly pursued, and proof of this was tendered by Mr. Foster to the American Government.

Such are the causes of war which have been put forward by the Government of the United States. But the real origin of the present contest will be found in that spirit, which has long unhappily actuated the Councils of the United States: their marked partiality in palliating and assisting the aggressive tyranny of France; their systematic endeavours to inflame their people against the defensive measures of Great Britain; their ungenerous conduct towards Spain, the intimate ally of Great Britain; and their unworthy desertion of the cause of other neutral nations. It is through the prevalence of such councils, that America has been

associated in policy with France, and committed in war against Great Britain.

And under what conduct on the part of France has the Government of the United States thus lent itself to the enemy? The contemptuous violation of the Commercial Treaty of the year 1800 between France and the United States; the treacherous seizure of all American vessels and cargoes in every harbour subject to the controul of the French arms; the tyrannical principles of the Berlin and Milan Decrees, and the confiscations under them; the subsequent condemnations under the Rambouillet Decree, antedated or concealed to render it the more effectual; the French commercial regulations which render the traffic of the United States with France almost illusory; the burning of their merchant ships at sea, long after the alledged repeal of the French Decrees—all these acts of violence on the part of France produce from the Government of the United States, only such complaints as end in acquiescence, and submission, or are accompanied by suggestions for enabling France, to give the semblance of a legal form to her usurpations, by converting them into municipal regulations.

This disposition of the Government of the United States—this complete subserviency to the Ruler of France—this hostile temper towards Great Britain—are evident in almost every page of the official correspondence of the American with the French Government.

Against this course of conduct, the real cause of the present war, the Prince Regent solemnly protests. Whilst contending against France, in defence not only of the liberties of Great Britain, but of the world, His Royal Highness was entitled to look for a far different result. From their common origin—from their common interest—from their professed principles of freedom and independence, the United States were the last Power, in which Great Britain could have expected to find a willing instrument, and abettor of French Tyranny.

Disappointed in this His just expectation, the Prince Regent will still pursue the policy, which the British Government has so long, and invariably maintained, in repelling injustice, and in supporting the general rights of nations; and, under the favour of Providence, relying on the justice of his cause, and the tried loyalty and firmness of the British nation, His Royal Highness confidently looks forward to a successful issue to the contest, in which He has thus been compelled most reluctantly to engage.

Westminster, January 9, 1813.

