

DANIEL WEBSTER AGAINST NAPOLEON.

FROM WEBSTER'S UNPUBLISHED DRAFT FOR A SPEECH IN CONGRESS.

PREFATORY NOTE.

IN the fourth volume of that curious old publication, "Niles's Weekly Register," on page 257, is a brief abstract of Webster's first speech in Congress, delivered on June 10, 1813, at the beginning of the Thirteenth Congress, when Mr. Webster rose to offer and defend his resolutions on the French decrees. It would appear that no fuller text of that speech has ever seen the light. The subjoined text, printed from Mr. Webster's manuscript, is evidently either a draft of the speech actually delivered, or the "little speech" referred to in his letter to his brother Ezekiel of June 28, 1813 (quoted in Curtis's Webster, Vol. I, page 111), in which he says: "You have learned the fate of my resolutions. We had a warm time of it for four days, and then the other side declined further discussion. I had prepared myself for a little speech, but the necessity of speaking was prevented." The latter hypothesis would account for the omission of this text from his published speeches. In some unknown manner the manuscript, with other papers of Mr. Webster's, found its way to a junkshop, where it was discovered about 1875 by the father of the writer. Accompanying it was a short draft of its headings.

In order to make clear the state of affairs at the time, it is necessary to go back a little to the diplomatic relations leading to the War of 1812, in which preliminaries France rather than Great Britain was the chief offender against the United States.

In 1806, while Napoleon was in the full tide of the Continental wars, Great Britain had declared a blockade of the coast from Brest to the Elbe. As a pretended act of retaliation, Napoleon, on November 21, 1806, issued the "Berlin Decree," by which he declared that the British Isles were in a state of blockade, that all commerce and correspondence with them were prohibited, and that all merchandise belonging to England, or coming from its manufactories or colonies, was lawful prize. This drew out the famous "Orders in Council" of November 11, 1807, by which Great Britain totally prohibited neutral trade with any port in Europe from which the British flag was excluded. This, therefore, allowed the United States direct trade with Sweden only, although after duty was paid on goods in English ports they could be reexported. Napoleon retorted by the "Milan Decree" of 1807, which treated

as good prize any vessel which had submitted to search by Great Britain, which had paid any duty to the British Government, or which should come from or be sailing for that country or its colonies. The United States consequently found it most difficult to preserve her neutrality, and Mr. Jefferson's peace policy was forced to struggle for existence.

Therefore Congress, in 1807, passed the "Embargo Act," vainly hoping that the loss of our trade would compel the belligerents to withdraw the obnoxious decrees. This act Napoleon presumed to enforce by the "Bayonne Decree" of April 17, 1808, by which he ordered the seizure and sale of American vessels arriving in his ports in violation of it. The "Enforcement Act" passed by Congress in January, 1809, provided for the forfeiture of ship and cargo, and prescribed other severe penalties for an evasion of the act. The embargo proved disastrous. The "Non-Intercourse Act" of 1809 gave the President power, on the repeal of either French or English edicts, to suspend non-intercourse with the one so acting. In 1810 followed the "Rambouillet Decree," under the provision of which 132 American vessels, valued at \$8,000,000, were condemned and sold. Congress fell into its own innocently devised snare, for the American minister (Mr. Joel Barlow) was soon informed by Napoleon (on August 5, 1810) that his decrees were revoked. At the same time he instructed his admiralty officers to pay no attention to this. On April 28, 1811, the Berlin and Milan decrees were declared repealed. On May 10, 1812, Mr. Barlow was so informed by the Duke of Bassano. On May 12 he wrote home news of it, which the American government received on July 13. Mr. Barlow also wrote of it to Mr. Russell, chargé d'affaires of the United States in France. Mr. Monroe, then secretary of state, informed Congress that it was from Barlow and Russell that the United States got all its knowledge of the alleged repeal. The Duke of Bassano asserted that in May, 1811, he had sent a copy of the decree to the French minister for transmission to the United States government. This, however, was never heard from. Mr. Russell communicated the repeal to the British government in May, 1812, urging a corresponding repeal of the Orders in Council; but England delayed

more than a month, really and rightly suspecting the sincerity of France. President Madison, in his message to Congress, gave several reasons why the subsequent repeal of the orders was not grounded on the French repeal. Meanwhile, on June 18, 1812, war had been declared, and on June 23 the Orders in Council were repealed. Therefore affairs were on a war footing before either repeal was known.

Mr. Webster offered his five resolutions, not for the purpose of embarrassing the administration, but in order to draw from the President an expression of the proximate causes of the war. They were requests for information—

(1) Of the sources of the first information to the Government of the decree of April 28, 1811, purporting to be a repeal.

(2) On the Russell correspondence in the matter.

(3) On any correspondence of the United States government with the French minister.

(4) Of any further correspondence concerning the announcement of the alleged repeal.

(5) Whether any explanation of the delay in communicating the repeal had been given,

or asked, or whether remonstrance had been made. (Annals XIII Congress, page 150.)

Niles says that the six days' discussion seemed to be occupied with the past, present, and future of politics. The resolutions were passed on June 21, and on July 12 Mr. Madison sent a full answer to them, through Mr. Monroe, in an elaborate defense of the war.

Mr. Everett, in his edition of Webster's works (Vol. I, page xxxvii), says of the speech delivered: "It is known only from extremely imperfect sketches contained in the contemporaneous newspaper accounts of the proceedings of Congress, from the recollections of those who heard it, and from general tradition. . . . It was marked by all the characteristics of Mr. Webster's maturest parliamentary efforts—moderation of tone, precision of statement, force of reasoning, absence of ambitious rhetoric and high-flown language, occasional bursts of true eloquence, and, pervading the whole, a genuine and fervid patriotism."

The subjoined text is well worth study as showing the fondness of Mr. Webster for classical allusion, his strength and dignity of expression, and his supreme love of the national honor.

Abby Barstow Bates.

MR. WEBSTER'S SPEECH.

NOTES AND MEMORANDA FOR A SPEECH ON MY RESOLUTIONS. SPRING SESSION OF 1813.

ENOUGH is apparent on the face of the late correspondence between the French government and Mr. Barlow to mark at once the sovereign contempt of France for all rights of ours, and the peaceable and forbearing temper [with] which that contempt is received on our part.

Mr. Barlow arrived in France as the Representative of the American People, in September, 1811. His instructions told him that the United States had claims on France which it was expected her Government would satisfy to their full extent, and without delay. Among other causes of complaint he was instructed that our commerce had been subjected in France to the most oppressive restraints. Among these, were the vessels and cargoes seized under the Berlin and Milan Decrees; under the Bayonne Decree; under the Rambouillet Decree, which, to use the Secretary's own words, made a sweep of all American property within the reach of French power. (W. 7. 3 vol.) In all the countries to which the power of France has extended, says Mr. Monroe, her influence has been exerted to the injury of the United States. (W. 7.)

The wanton burning of merchant-ships, often without reason or apology, had been the settled practice of French cruisers. This was allowed to be the most distressing mode, etc. There was another class of grievances, not so much wrongs

against our property, as against our aspirations. They were injuries tending to degrade and disgrace us in the view of the world. As early as January, 1808, the French Emperor proclaimed a Declaration of War between us and England. War in fact exists between England and the United States (Same words as the War Act). He had told us that we were without honor, without energy, without just views, that we are as much a colony as Jamaica, that we should be compelled to fight for interest though we would not fight for honor, etc.

What would have been the language and the conduct of a representative of the Roman Republic under circumstances like these? No messenger from that Republic would have approached a Court under circumstances like these. Rome would have sent an Embassy of Arms. She never would have bent her stern Republican virtue, even to treat of matters of interest while such foul aspersions lay against her honor. Her right hand would have rested on the hilt of her half-drawn sword, while a moment—and but a moment—should be allowed to inflated arrogance [and] tyranny, to make its peace with offended independence and insulted dignity.

But we do not live in the days of the Romans. Not only had she not sent her Envoy to such a Court, in such a case, with olive-branches in

both his hands. She would have blocked the avenues to her capitol — her Senators had sat like so many blocks of marble, deaf alike to entreaty and dead to considerations of interest till such a blot had been effaced from the national escutcheon.

The minister was received in France with all imaginable respect and graciousness. The Emperor, unluckily, was not in his capital, but his faithful representative, the Duke of Bassano, hastened to tender him the homage of his high consideration. He was anxiously desirous of seeing the minister as soon as possible, and with as little ceremony. He said the most flattering things from the Emperor, relative to his appointment. The Emperor had expected his arrival with solicitude for several months, and such was his imperial disposition towards us, he was absolutely willing to do anything to maintain a good intelligence. Seizing the auspicious moment and availing himself of the present glorious opportunity, the Minister, on the tenth of November, communicated in form the claims of his country. Passing over the charge of colonial submission, taking no notice of the Emperor's declaration of war for us, and regarding only rights of property, the Envoy urged :

(1) Ships and cargoes under seizure to be delivered up.

(2) Property confiscated and sold to be paid for, in some manner least onerous to the French treasury.

(3) Project of a Commercial treaty.

Now no one surely doubts that propositions as reasonable as the two first should remain without instant compliance on their part. The claim is so just, the minister so accessible, the Emperor so ready to yield anything or do anything to secure a friend, that one can almost now see the American sailor unfurling that sail, that has been wrapped around his spars, by seizure, for so many months. The stars and stripes begin to open and display themselves in the ports of France; the treasury unlocks its coffers, and a just compensation [is made] to them whose ships and cargoes, having been sold, are not capable of being restored. This is delusion — it is unreal mockery. Not indeed that the Minister was rejected with asperity; not that anything less smooth than the general courtly unceremoniousness was indulged [in]. On the contrary, the Minister assures us, in his Despatch of the 19th of December, that the French minister always treats the subject with candor and solicitude; that the Emperor is under a weight of obligation to the Minister for the exposition he has given of our affairs; that he never understood American affairs in the light [in which] they now appear. The Emperor said he had read the claim repeatedly and with great atten-

tion. The reasoning he said was everywhere just, and the conclusions undeniable. Then of course we look for the compliance. — Nothing like it. There is one obstacle: Our claim cannot be reconciled with his Majesty's continental system. Yes, while your claim was acknowledged to be just, while the injury in all its extent is admitted, the French government meets you and dashes in your face the insolent avowal that she will sacrifice your rights to her convenience.

I demand to know in what tone your Government has replied to this, to know whether this insufferable contempt of us is received as if it were the salutary chastisement of a parent's hand. As one of the People of the Country, and as the Representative of others, I desire to be informed if we are now lying under the scorching shame of this avowal. Neither in the subsequent correspondence, nor in any diplomatic communication do I find the emission of one feeble breath of dissatisfaction at the language of the Government of France in this particular.

But we should not have been so passive in all cases. Would such an answer have been endured from any other Court of Europe? Suppose that in answer to our demand for a revocation of the Orders in Council, England had replied in the spirit of the French Government, "True, these Orders in Council are unjust and injurious. We do not attempt to palliate or justify them. Your reasoning in relation to them is everywhere just, and your conclusions undeniable. But what then? That which you ask is inconvenient to us. It is inconsistent with our maritime pretensions. We claim to be sovereign of the seas — this is our system — we must expel you from them." I need not say that no party in this country would have endured this language for a moment — yet it is the precise language we have borne and are bearing from France.

Nor is this all. A Bill was before this House for admitting English goods contracted for before the non-importation law went into operation. The Minister assures us that the Emperor did not like the Bill. "I was questioned on the bill," says the Minister, "with a good deal of point. I gave such explanations," etc.

Of what, Sir, was his Imperial and Royal Majesty suspicious? Suspicion implies an expected violation of some obligation, or omission of some duty. Had we a treaty with France? Had we entered into any compact to which she was a party, that we would shut our ports against all English productions, and bear our part in the great and glorious continental system? And was his Imperial Majesty suspicious that we should violate his [*sic*] plighted faith?

We have departed from our character of neutrality. We have extinguished the benefits and blessings of that character, and have become parties to the War that has so long afflicted Europe. It is of the highest importance to know whether this change in our condition has necessarily resulted from a due regard to our own interest and an enlightened and impartial regard to our foreign relations, and whether it has been produced by the management and intrigue of one belligerent seeking to bring aid to itself in the cooperation of another power against its adversary. It never can be either too early or too late to make this inquiry. It may indeed be too late — it is now too late — to prevent the calamity by a seasonable exposure of the true cause. But still it is an inquiry at all times fit to be made, on account of the essential importance which at

all times belongs to it. The People expect this at our hands. They expect an investigation into a matter which bears so heavily on [their] interests. I may venture to say that nothing would be more acceptable to the People of this Country than a plain and undisguised view of our relations with France. I do not speak of an occasional publication of scraps and "extracts" of diplomatic correspondence. I do not speak of patent "preparations" and essences of any sort; but the full, ample exhibition of the wrongs we have suffered and the claims for redress which we have made and the contempt and scorn with which those claims have been repelled. This I hold to be necessary, if it is expected to give to this War the character of an American War, or to engage in its prosecution the real American feeling of the country.

Daniel Webster.

"WHEN IN THE NIGHT WE WAKE AND HEAR THE RAIN."

WHEN in the night we wake and hear the rain
 Like myriad merry footfalls on the grass,
 And, on the roof, the friendly, threatening crash
 Of sweeping, cloud-spiced messengers, that pass
 Far through the clamoring night; or loudly dash
 Against the rattling windows; storming, still
 In swift recurrence, each dim-streaming pane,
 Insistent that the dreamer wake, within,
 And dancing in the darkness on the sill:
 How is it, then, with us — amidst the din,
 Recalled from Sleep's dim, vision-swept domain —
 When in the night we wake and hear the rain?

When in the night we wake and hear the rain,
 Like mellow music, comforting the earth;
 A muffled, half-elusive serenade,
 Too softly sung for grief, too grave for mirth;
 Such as night-wandering fairy minstrels made
 In fabled, happier days; while far in space
 The serious thunder rolls a deep refrain,
 Jarring the forest, wherein Silence makes
 Amidst the stillness her lone dwelling-place:
 Then in the soul's sad consciousness awakes
 Some nameless chord, touched by that haunting strain,
 When in the night we wake and hear the rain.

When in the night we wake and hear the rain,
 And from blown casements see the lightning sweep
 The ocean's breadth with instantaneous fire,
 Dimpling the lingering curve of waves that creep
 In steady tumult — waves that never tire
 For vexing, night and day, the glistening rocks,
 Firm-fixed in their immovable disdain
 Against the sea's alternate rage and play: