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41

1807-British Treaty

THE

BRITISH TREATY.

(Illustration to be placed

to face page 1720)

THE BRITISH TREATY

1807

In 1807 ^{Brown} ~~finds our author~~ ²⁸ again entering the field of political pamphleteering with the anonymous British Treaty. ~~The work~~ ^{It} had no title-page, ¹ only a sort of ~~a~~ half-title, so there is nothing external to confirm Dunlap's statement that Brown was the author. ^{Dunlap has} Never ~~having~~ failed us in ~~the accuracy of~~ what he said Brown wrote, [^] ~~his statement~~ ^{we must} ~~should be received as authoritative.~~

^{though} ~~The publisher is~~ not known ^{probably} ~~but~~ the Conrads were Brown's publishers [^] in ^{instance as in} at this time ~~and~~ all his other political pamphlets ~~had title-pages~~ [^] ~~and were published by the Conrads.~~ The style of type, paper and "make up" are also the same. ~~From these facts it is reasonable to assume they were the publishers.~~

² The date is not certain. Dunlap mentions it as 1806, but he probably was referring to the composition rather than to the publication ~~as he did in the case of Alouin.~~ However, ~~as we shall show~~ even the composition could not have been so early. The memoir in Goodrich's Boston

³ 1827 edition of Wieland follows Dunlap and two copies of the pamphlet were ^{invest} 1 Cambridge History of American Literature, New York 1917, p. 527 ~~gives~~ a ~~feigned~~ title which was not even given by the English reprint. ^{done} 2 Vol. II, p. 69. 3 P. xvi.

dated by former owners as 1806, one of which appears to be contemporaneous. Another copy owned by Samuel Elam¹ is dated by him 1808. There is no watermark in the paper to aid ⁱⁿ ~~in~~ identification. Against any possibility of ~~its being~~ 1806 we know ~~that~~ the treaty was discussed by the negociators from August until the last of the year, (the date it bore) and it did not reach Jefferson until 15 March 1807. The Chesapeake-Leopard affair^a is also decisive evidence; ~~here~~ it happened 22 June 1807. Sabin² gives the date as 1807. ~~The pamphlet~~^{It} was reviewed by John Lowell at the Anthology Society's meeting 22 October, ^{the} ~~which~~ review was published in the Boston Anthology for October 1807 and announced among the Anthology's publications for October. The Balance and Columbian Repository³ 29 September 1807: announced it ~~thus~~.

^{Pointer} "The British Treaty.
(~~Director~~) A pamphlet has been recently received at Croswell's Book-Store, dedicated "to those members of Congress who have the sense to perceive and the spirit to pursue the true interests of their country"...It contains the substance of the new British treaty, (rejected and sent back by the president) accompanied with very able and candid remarks. It is recommended to general attention."

The London reprint was dated 1808. Allen's Dictionary⁴ gives it as

1 Elam was a trustee of Brown University from 1793 to 1813 when he died. He was a wealthy man, residing at Portsmouth, R.I., and received an honorary M.A. in 1800. He was not a politician.

2 Dictionary of Books relating to America. 4 1832, p.172.

3 Hudson, N.Y., Vol. IV, No. 39, p. 311. Edited by Harry Croswell.

1808. From the date of the note concerning Cobbett's Porcupine at the end (p.2 of the English reprint) we find ~~that~~ it was ready for publication ^{Therefore} by 6 December 1807. ~~So that~~ from a consideration of all the evidence the date of 1807 is ~~clearly~~ established. Because it was inspired by the Chespeake^a-Leopard affair, the [^]Balance notice of it would indicate ~~that~~ it was issued after the 22nd. of June and before the 29th. of September. Probably its issue was in August or early September.

it

Brown's motive for writing and publishing ~~this pamphlet~~ is interesting as a side light on his character and life. The body of the work confesses ~~of~~ ^{of} several possible motives only one ^{ob} which ~~may be the~~ ^{in all likelihood} ~~only one of which~~ he was conscious. [^] X

1

He says:

"We have learnt a few state secrets; and may, perhaps, in due time, bring them to light. For the present, however, curiosity must rest satisfied with the British Treaty."

~~Delighted with~~ ^{gave him so much} his discovery ~~and in a flush of~~ excitement he hurried to put it into form for the public. ^{but} When he was almost at the end ~~of~~ [^] the composition a cause for delaying publication occurred to him.

2

The preface opens:

"THE matter of the following sheets was long since prepared, but the publication was suspended from unwillingness to interfere in the measures of government; and from the apprehension that such interference, instead of doing good, might produce evil. A majority of our countrymen seems deter-

mined to approve whatever our rulers do; and even to give praise for what they leave undone. We believed, therefore, that, borne on a tide of popularity, they would disdain what we could say; and might pursue their course still more pertinaciously should we declare our opinion that it leads to ruin."

How long the sheets were prepared we are unable to say. It could not have been earlier than ^{Late} ~~the latter part of~~ March when the treaty first reached our country, ~~and "long" may be psychological rather than literal.~~

The ostensible motive for delay appears to be a proper and worthy one. ^x ~~We quote another part of the preface.~~ ¹

"Seeing all this, we could not but apprehend that it might be dangerous to publish the matter contained in the following pages. We feared that, from blind confidence on one side, and blind enmity on the other, false notions might prevail and be established respecting our exterior relations, of which foreigners would not fail to take advantage."

So far, so good. But ~~just~~ how he could feel justified in talking too plainly about the "secret" is not quite clear. It seems probable that if he had revised the work, he would have omitted such passages as we find on page 8; ~~where he says:~~

* We may be mistaken in our view of the course of events. Things may be brought to the alternative of submitting to insult or going to war. In that case, not pretending to conceal the misfortunes which must attend hostility, we think every thing is to be done and suffered to vindicate the national honour. These are the constant sentiments of our hearts, unmoved by irritations of the moment. These also are the deliberate conclusions of our judgment. If any gentlemen suppose the war will be feeble and harmless, they are deceived. It must be severe and bloody. But it must be sustained manfully. And we have so good an opinion of England, that we think she will not like us the worse for fighting her on the point of honour."

Such frankness may be all right for one's countrymen but when it is carried to England and reprinted its safety as a food for popular consumption is extremely doubtful. This passage alone is sufficient to warrant ~~one in~~ saying that Brown lacked diplomatic sense.

It should be remembered ~~that~~ the Brown family was interested in the merchan~~t~~ile and shipping business, so ~~that~~ any article that appeared unfavorable to exporters and importers, such as ~~that in-~~volving the India trade, is a possible motive and is ~~to be found~~ all through the work, ~~just as we found touches of it in the Louisiana purchase pamphlets.~~

One such passage we find on page 46. ~~It reads:~~

1725
"Rare consolation! Our merchants being ruined, and, in consequence, the dependent members of our country's commerce reduced to misery, these poor people, to obtain bread for their families, must work lower than men of the same description in Europe, so as thereby to compensate the higher price of materials: in which case a merchant may begin again, if he shall have been so prudent or fortunate as to save a little from the wreck of his affairs."

Later, in considering the one per cent tax according to article

¹
XI, he takes an ironical turn. ~~He says~~

"But this new contribution would come so completely out of the merchants, that it would be quite delightful."

The disadvantage of impressment appears to be to the disadvantage of merchants also.

"We gain much, during the war, on trade which usually flows in other channels. Hence an extra demand for seamen, which America cannot supply; so that this lucrative commerce will be less extensive than our merchants desire, if they cannot procure seamen from other countries. Other neutrals are actuated by similar motives. We, however, speaking the same language, can have no want of British seamen, if, besides high wages and security from capture, we can protect them against impressment by British ships of war." 2

Another possible motive is ~~merely~~ put forth here as a suggestion for further study. On page 85 we read:

" We put in no claim of merit. We solicit not their favour, much less their suffrage. Let them honour those whom it pleaseth them to honour. But let them not forego the use of their understanding. "

Perhaps we can find there the germ of a political ambition, and ~~if the idea is not entirely fanciful~~ what possibilities it may have had if Brown had lived to a ripe old age! Speculation of this sort can hardly be held within ~~the bounds of~~ reason. Of course there is no ~~other~~ evidence to indicate ~~that~~ he ever thought of or sought public office. Anyone who knew him personally did not need any ~~such denial of interest~~ but evidently he thought it wise to insert such a statement for strangers.

The sixteen page preface is unusual and especially interesting because it contains other matters that have met with favorable criticism. One of the most striking parts of it deals with summaries of the characters of the principal government officials ~~who were~~ concerned in the treaty. The Boston Anthology critic speaks of them: ~~thus:~~

"We agree with him in the general outlines of the characters of the members of the administration. Indeed, we think there is a felicity in these portraits, which few, if any men in our country, would be able to imitate."

The so-called portraits are of Jefferson, Madison, Gallatin and Randolph. Mere mention is made of Monroe and John Armstrong ^{and} ~~but~~ all ~~the~~ others are passed over.

~~Brown~~ ^{He} says he gives these opinions to refute the possible charge that he was personally hostile ~~to them~~. Just [✓] what he meant by personally hostile is not ~~quite~~ clear but in the case of Jefferson he could not have done more, ~~if he had been a so-called sworn enemy~~. With rare exceptions he does not allow an opportunity to pass without some ironical or sarcastic slap at the President, and as a characteristic of these the best is probably the ~~ironical~~ one found on page 51: ~~It reads:~~

"They have laid our commerce and navigation at the feet of Britain; so that a stranger who, deaf to the clamour, should attend only to the conduct of our rulers, might suspect that some of that British gold, so much talked of, had found its way into their pockets. We take this occasion, however, to declare that we harbour no such unworthy idea."

1

In his introductory paragraph, ~~just~~ as he is about to consider the ~~respective~~ articles, he speaks of the duty of ratifying what the agents arrange in such a manner as to leave no doubt ~~in the~~ ~~readers mind~~ whom he is aspersing. As a rule he forms his sentences ~~so as~~ to lead ~~up~~ to a climax in which he makes a vicious and

1 P. 25.

timely slap at Jefferson. In fact he delights in rushing to the brink of libel. Fortunately he never falls over. He charges him with being undutiful, of no ability, no courtesy, a know-nothing, an acceptor of bribes, a vacillator, a neglecter of our security, an excuse maker and he doubts the lasting qualities of the Senate's confidence in him. When his fulminations are exhausted he says

"The twenty-fourth article presents to us a fair flower of philosophy." ~~The wonder is he did not give the pamphlet a secondary~~

~~title so as to read The British Treaty; or, A Fair Flower of Philosophy.~~

However, ~~the facts must be met~~, the treaty had failed, the time for argument against it had ^{passed} ~~gone~~ by, so the remaining real motive for publication probably was his desire to ^{hit} ~~aim his barbed shafts~~ at the administration.

In some instances Monroe and Pinckney, the ambassadors, the Secretary of State and Congress, especially the upper house, do not escape him. ~~In fact it seems as if~~

"The time is out of joint;—O cursed spite,
that ever I was born to set it right!"

~~It is interesting to compare these hits in the text and the~~

preface with Brown's letter of 25 December 1798. There Brown called Jefferson "the most illustrious of his fellow citizens" ^{when} and he ~~openly~~ ^{avows} his wish ^{of} to have the President recommend Wieland. Perhaps ^{must have} ~~Jefferson~~ ^{surprised him} ~~failed him in the recommendation; one thing certain he did~~ ^{thought} ~~do~~ he took an uncivil long time to answer Brown's letter. But that was in 1798 when party feeling against Jefferson was not strong. Though he could write a just and fair estimate for periodical readers, here he was on quite a different ground; in fact he was on the thin ice of party politics which we may see he ~~religiously~~ refused to test in the Literary Magazine.

It is ~~quite~~ ^{late} clear ~~that~~ the preface was written ~~after the body of~~ ^{late} the work. It is probable that part of the letter was revised at the same time and that the original intention was only to treat of the respective articles of the treaty, and not to lug in ~~by the heels~~ the Chesapeake-Leopard affair.

¹ Dunlap, ~~in noticing~~ ^{gives} this publication, ~~does~~ ^{gives} nothing more than ~~give~~ a condensed report of it, without a word of praise or censure, excusing himself ~~from any study of it~~ by saying that the treaty

and its fate is familiar to political readers. Unfortunately for Brown ~~his reputation so far as this treaty is concerned~~ those political readers may have read this pamphlet but they surely did nothing to call attention to its merits. It is also only too true that others ~~besides political readers~~ have taken up Dunlap's ~~(so-called)~~ ^{book} ~~work~~ and have never been encouraged or tempted to go any further. *Therefore*

~~For that reason~~ it is necessary to ~~guide the reader by~~ making ^e clear two historical facts; ~~One is~~ the Chespeake^a-Leopard affair and ~~the other is~~ the fate of the treaty.

quite a number of documents relating to the ^{naval affair} ~~former~~ were afterwards published in Brown's American Register¹ and an interesting account of ~~the whole matter~~ ^{third} was given in the ~~next~~ volume of ~~the same magazine~~ in the section entitled Annals of America and American State Papers. The ~~former~~ account is the best one accessible to the general reader. It is thorough and well written and were it not for its length it would be used here, ~~instead of our own abstract.~~

On the 22nd. of June 1807, ~~with~~ Cape Henry ^{when} ~~only~~ nine miles away from the United States Frigate Chespeake^a under Commodore Barron, was

attacked by the British Ship of War Leopard under Admiral Berkley.

ho 9 As far back as ~~in~~ March communications had been exchanged in regard to the British claim that four men subject to duty on the British ship Melampus had deserted and enlisted in the United States navy and were then on the rolls of the Chespeake. ^a ~~Already~~ ^{Previously} an apprentice had been asked for and surrendered to the civil authorities. The American officer, however, denied to the English officer and to his own government at Washington that the four men desired were known to be on board. The log however stated ~~that~~ they had deserted Great Britain's service. Meanwhile Admiral Berkley had given an order to take all deserters by force if necessary and to allow search to be made for American deserters.

^a The Chespeake and Leopard were lying alongside, the former [^] waiting for an answer to their refusal, at the same time secret preparations were being tardily made to protect herself. Without warning, the Leopard opened a heavy fire and killed three and wounded eighteen of the ^a Chespeake's crew. The American ship fired one [^] shot and surrendered. The four men desired were then taken, the ship was refused as a prize, allowed its liberty and returned to

Hampton roads. The whole country was immediately in an uproar.

It is important to remember ~~that~~ this happened about three months after the action on the treaty.

The second historical guide is the fate of the treaty. Jefferson had pronounced the latest treaty—Jay's—"execrable"; an "infamous act which was really nothing more than a treaty of alliance between England and the Anglomaniacs of this country, against the legislature and people of the United States."¹ Jay he considered "a rogue of a pilot" and he hoped the House of Representatives would save the country from his "avarice and corruption".² Undoubtedly he hoped Monroe and Pinckney would make an advantageous treaty. They were instructed to have clauses put in providing (1) for compensation for recent captures of vessels which had gone to ports that had been closed to them in time of peace, and (2) an agreement in relation to Great Britain's claims for impressment.

When however, the treaty was signed and sent to Jefferson, and he found ~~that~~ it had eleven articles exactly like Jay's and five only slightly altered and neither of the two details in the instructions, he said it contained disadvantageous articles and

¹ Letter to Edmund Rutledge, 30 Nov., 1795.

² Letter to Mann Page, 30 Aug., 1795.

made no provision against the evils we suffered, and returned it to the ambassadors.

Both of these affairs had their respective bearing on the train of events that lead on through the Embargo and the Non-intercourse Act up to the War of 1812.

As ^{we} ~~was~~ noticed in ~~the attempt to date~~^{was} this work, the Boston
¹
Anthology contained a review by John Lowell a noted lawyer and regular contributor, ~~to the magazine~~. It is the only review of any of Brown's works by Lowell and the Anthology society records do not give any information of value except his selection. The point that should be emphasized is the appropriateness of the choice, ~~especially in the light of the following facts~~. On the whole it was able and just but it is far too brief to satisfy. Lowell thinks Brown overstepped himself in his search for the truth and in his use of irony and humor. He claims ² ~~that~~ Brown shows a "strong disposition to find fault with a political opponent or rival," a fact that can hardly fail ^{to} ~~of~~ being evident to every reader. But Lowell was too able a man only to find fault.

After noticing the frankness of his style and manner, he writes
 1 Vol. IV, pp. 563-70. 2 Ibid., p. 564.

of Brown thus:

"In examining this pamphlet, we disclaim all intention of criticising the style and manner of the work. It bears the stamp of a master, and we confess ourselves extremely diffident in opposing our opinions to those of a man, who evidently possesses so much genius and information. A keen, but chaste and delicate satire; a thorough knowledge of human nature; an intimate acquaintance with the past diplomatic intercourse of the United States, observable in every part of the work, entitle the writer to great respect."¹

Again:

"But is it wise in those, who so perfectly understand this question, as does this writer." ²

And

"But this writer, whose general notions on the subject of politics are undoubtedly correct" ³

And

"We shall conclude by observing, that we entertain the highest opinion of the talents of this writer and coincide with many of the sentiments, which he has displayed."⁴

Such praise from John Lowell is as we shall presently show an excellent tribute to Brown.

⁵
In one place he takes exception to Brown's words. He criticises as "against common sense, public and municipal law" Brown's statement "that our grant extended only to things, which we possessed, and can by no fair construction embrace what we might afterwards

1 Boston Anthology, Vol. IV, p 564.

3 Ibid., p. 568.

4 Ibid., p. 569.

2 Ibid., p. 566.

5 Ibid., p.

acquire." Here he found Brown in error.

Later ^{he} ~~his criticism~~ demands from Brown ^{(articles, that should}
~~be substituted,~~ This is based on the common fallacy which Brown
himself applies to the critics of Jay's treaty, that one must be
able to do a thing in order to ~~make it possible to~~ see a fault
in what is done. Brown ~~of course~~ felt he was perfectly capable
of judging the treaty as a treaty, but to expect him to propose
articles of his own ^{does not follow.} ~~making gives him a character that he did not~~
~~have. To suggest substitute articles would have assumed him arrogant~~
~~instead of somewhat modest.~~ As we shall see Lowell himself did
not follow the advice he here gives—and he was an abler lawyer
than Brown.

Of course Lowell's objection to Brown's argument ^{Concerning} ~~as objectionable~~
~~to~~ the merchants of the country is a disadvantage he labors under
~~contrary to his expectation~~ when he rejoiced at taking up the
pamphlet and found it nameless. Had he known its author it is
^{likely} ~~probable that~~ he would have acknowledged that Brown was quite
able to look after the merchant's interest, in fact ~~one might say~~
~~that~~ if ^{he} Brown had any bias other than that of political party, it
was in this particular.

We have given several obscure hints that this Lowell matter is of more importance than appears on the surface, and it is now our intention to make clear what was meant. In 1810 Lowell published at Boston a pamphlet of 160 pages entitled The New England Patriot: being a candid comparison of the principles and conduct of the Washington and Jefferson administrations. The whole founded upon indisputable facts and public documents to which reference is made in the text and notes. The pamphlet is not very well named--it is not so much a comparison as an exposé^{ure} of Jefferson's hostility toward Great Britain and his subserviency to France.

Any one interested in the political side of Brown's British Treaty should read this work of Lowell's. It is interesting to compare the two and by doing so we may secure a fairer idea of the faults and good points, ~~of Brown's~~.

Where Brown is mildly censorious Lowell fairly shouts his damning evidence of the corruption of the Jeffersonian administration. While Brown hesitated when referring to war, and delayed in giving his work to the public, Lowell has nothing but faint fears that do not affect his action. ~~In fact~~ When one has read Lowell Brown's charges appear generous and considerate, they show a res-

traint that is admirable, and they display an unusual taste in the matter of selecting evidence and lightening the fulminatory effect by touches of irony. Of the two ~~pamphlets~~ ^{is} Brown's, unquestionably the superior.

The first paragraph of ~~Brown's pamphlet~~ contains a charge ~~that~~ ^{is} fundamental to a good deal of his argument; namely, that the note said to have been sent with the treaty was not delivered. Brown's statement probably means that at that time no note had been given to the public as being delivered, for the note was delivered and was afterward produced. There are plenty of instances to show ~~that~~ some sort of an understanding in regard to France was an implied condition, but ~~just~~ at that time it was not thought wise by Jefferson to give the exact note to the public.

This is followed by ^a ~~the~~ charge that there is no truth in the report "that our non-importation law drove the minister of his Britannic Majesty into the required concessions." Such a statement is ~~hardly~~ ^{no} of weight for it ~~usually~~ cannot be proved or disproved.

These two stories not true, as he calls them, are all he here states as sufficient to justify his publication, when we have

seen that his motive was not alone a desire to present the truth.

Lowell pointed out ~~in the Anthology review~~ Brown's objection to opening the Mississippi unless the St. Lawrence was opened to the United States ^{was} due entirely to his disregard of Great Britain's colonial system and charters.

Though criticising Jefferson with a great deal of justice as well as rancor ^{he} the ~~work~~ displays the reasons for ^{the} his refusal to present the treaty to the Senate and its return to Pinckney and Monroe at London. Although the idea that he was thereby provoking a breach with England is said to be peculiarly a Federalist ~~idea~~ it does not necessarily thereby become untrue, but when Brown considers it Jefferson's duty to ratify he is wrong. The presence of the word "hereafter" in the eighth article would be sufficient justification for Jefferson's action. But Brown did not notice ^{the} ~~that~~ word ~~in this~~ instance, though he was acute when it appeared in another ~~article~~.

^{Actually,}
~~But~~ Jefferson did not refuse to ratify--he refused to ~~even~~ present it to the Senate for their action so that he ^{might} ~~could~~ ratify, and in so doing he did all ~~that~~ his duty demanded.

So far as the ambassadors were concerned there is no reason to expect or demand their recall. Brown did not have all the documents at hand when he wrote of the neglect of their mission.

Brown's defence of Jay's treaty was right in principle but can hardly be justified by what he discusses of it. He seems to wish to respect it on account of Washington but he has to admit in regard to the Mississippi and impressment that it had important shortcomings. Why he did not object to the permanent clauses of it on the broad ground of international practise that no permanent treaty can be made, is not clear. So far as opinions of Jay's character and ability are concerned it is only too probable that Jefferson's censure was based on more truth than Brown's defence.

In considering the eleventh article Brown makes a good objection to the clause regarding antecedent rights but he neglects his opportunity and goes off the point to playing dramatics over a simile to the Inquisition.

In considering the eighth article our author objected to the word "hereafter", but when he came to take up the 23rd. he did not notice the same word inserted. If he had it would have saved him a great deal of false argument about the "most favored nation".
1 P. 39 ff.

As we have ~~already~~ noticed it should appear as a strong argument to justify Jefferson's action. But ^{he} ~~Brown~~ was not looking for Jefferson's justification.

At times he reads into articles and words a meaning ~~that~~ we do not believe was intended and could never have been so interpreted. Likewise he takes on a semblance of fairness ¹ when in reality he is not. For example he says:

"That we may not, on this occasion, offend any particular sect of politicians, we shall seek an example in the farthest regions of Asia."

The example selected is an instance ~~of the fact~~ that all through ~~this work~~ ^{he} ~~Brown~~ is a wary logician, and it is dangerous to admit the first proposition in ^{his} ~~Brown's~~ syllogism, for if ^{we} ~~one~~ does the conclusion is foregone.

At times he shows too ^{much ignorance} ~~great a lack of knowledge~~ of international law and does not allow for a change of possibilities, as when considering the direct sailing clause; ² or his conclusion is false though his premises are true. ³

After noticing ~~in detail so~~ many faults that may appear trivial to the reader it is necessary to call attention to details in

1 P. 34.

2 P. 43. Cf. Smith's International Law, London, 1911, p. 229.

3 P. 28.

which Brown does excellent work.

¹
When noticing the "sweeping clause which confirms without modification the first ten articles",--Brown sees clearly. There is no doubt ~~that~~ it would be better to modify the old clauses. In another place he tries to impress on the reader his impartiality by slurs on the "banners of faction" but he conducts himself so that we are at times doubtful of his impartiality.

²
However we soon come to an expression of political independence that not only rings true but is most admirable. It reads:

"It is not our object to please a party, but to establish truth. We anxiously wish that our country may take a firm stand on principle: and that her honour, dearer to us than the blood which warms our heart, may not be compromised in a contest of doubtful complexion."

Besides his cleverness at trapping the unwary by faulty logic ~~he~~ Brown shows himself ~~to be~~ a master of irony, in ~~fact~~ ^{fact} it ~~might be~~ ^{is} taken ~~that it~~ is a spiteful humor he shows, for it invariably provokes a smile.

When he objected to the eighth article because of the insertion of the word "hereafter" he made one of the best strokes, ~~of the~~ ^{work}. No one can read the clause and not grasp the purport of it

and while it is not to be laid at the door of the ambassadors, for it could not have escaped them, it is undoubtedly what ^{he} ~~Brown~~ says it is: the important part of the whole matter. The inclusion of that word when read by Jefferson ~~undoubtedly~~ did not escape him here any more than it did when it occurred later.

The best part of the work is the discussion of the right of a country to the services of its citizens and the right of flag protection. Though it appears ~~too~~ long, its logic and force are excellent. In it we can see the mature man who when a boy delivered ex-cathedra arguments as ~~a~~ leader in a law club.

His ignoring the inconsequential articles is good and characteristic, but he probably reaches more hearts of his countrymen when he extends the idea of encouraging the merchant marine. We must not forget that the nation that has a proper merchant marine, that controls the Gulf of Mexico, the United States and a Panama Canal, has it in its power ~~peaceably~~ to become the greatest commercial nation of the world.

Brown undoubtedly realized this dream of the olden days and this is not the only instance of his prophetic patriotism. Though we have seen many instances of his belief in our country, different

expressions of it are ~~surely~~ always welcome, especially one on page 68 where it takes the form of an entirely practical idea.

"That our power and wealth must increase, if our union be preserved, can admit of no doubt."

If we have in mind ^{his} ~~Brown's~~ idea of action in the Louisiana purchase pamphlets certain parts of this work will appear as inconsistent in that he urged war like measures where he now urges peace. Undoubtedly his opinions had changed in the last three years. ~~A wife and family almost always tend to sober them.~~

In his novels we have found several negro characters and in one instance we found him taking the attitude of an abolitionist. Here we have a more matured judgment on the whole matter of negro slavery, a judgment in which we see his realization of the possible dangers of emancipation, of the fact that all nations are ready to abolish slavery when the economic basis breaks down, and are then easily lead into exaggerating the ethical side of the matter.

In some quarters there has been a suspicion if not an actual statement that Brown was captured by the ideas prevalent at the time of the French Revolution. Any such chimera is soon put to flight by several references to the French and the constitution

as found in this pamphlet.¹

¹ P. 10 et passim.

^{whole}

In relation to Brown's work, this pamphlet is of more than passing interest. ^{Previously} ~~In both the Louisiana purchase pamphlets of 1803~~ we found he was a Federalist: here, we find him ^{leaning} ~~tending~~ toward the same party. The rankest partisan that ever lived would undoubtedly claim he had an impartial mind but his partisanship ^{bent} ~~would bend~~ his opinion in spite of him. Lowell was such a partisan, but Brown was not. Lowell would favor the treaty. Jefferson refuses it. Brown would modify it. Of course we must remember that in those times besides republicans and Federalists there were ~~probably~~ not a few ostensibly neither one or the other but occasionally a good deal of both.

It is usual to claim ~~that~~ ² the Chespeake-Leopard affair obliterated party feeling. It may have in other cases but in Brown's it certainly did not. Finally, it is not as a modified Federalist or an anti-Jeffersonian pamphlet that this work should be prominent, but rather for its ~~wonderful~~ display of argumentative power, its masterly irony, and its strikingly conspicuous command of facts. That the international practise of interpreting treaties, as other documents are, on broad principles of common sense was indeed Brown's, is clear.

Being

The success of this work is uncertain. ~~its being~~ a discussion of a treaty that had died a violent death was undoubtedly against its going into a second edition. The fact that there was an English reprint which included "an appendix" the contents of which is noticed in the "advertisement to this edition" is of interest. The advertisement ~~to that reprint~~ is interesting in itself, especially so in its critical mention of Brown's pamphlet. ~~It reads:~~

^a
"The affairs of the United States become every day more interesting to Great Britain. The men, and the manners of the United States, their principles, and proceedings, have acquired an importance, during the present crisis, which they had not obtained, till they became the rivals in commerce, and the challengers in war, of the British people. Such were the considerations which induced the present publisher of the following tract to give it to the Public. It is written with so much acuteness, and ability; and displays in so many new lights the leaders of the United States, with their modes of reasoning and acting, that the Publisher presumed to think it would be a welcome present to all those who wish to see the great questions now at issue between the two countries fairly discussed, and perfectly understood. This tract was transmitted by a friend at Philadelphia to the present Publisher. It appears not from the title page, or otherwise, where, or when it was printed, published, or distributed. From that circumstance, we may infer the importance that was annexed to it, within the United States: and from that circumstance, the English reader may determine, whether the American or British press be the most free. If any one should entertain the least doubt of the genuineness of this pamphlet, he may satisfy himself, by inspecting the original work, in the hands of the present Publisher. He presumed to think, he only did justice to the subject, and a service to the reader, by annexing to this republication, an Appendix of State Papers; consisting of-- first, The Commercial Treaty with the United States, in 1794; secondly, a specification of the various changes which the recent treaty has made of the old, so as to give a perfect view of both; thirdly, His Majesty's

Explanatory Notes which forms an essential explanation of the new Treaty; fourthly, Mr. Merry's Letter to a Friend at New York is now subjoined; as it throws a light upon the whole."

What is probably one of the best recommendations of the repute of a work of this character may be found in an English pamphlet which we ~~have also found of use~~¹ in our study of Brown's Address on the Louisiana purchase. Probably Brown never saw it or knew of it but Nathaniel Acheson in his American Encroachments on British Rights, London 1808,¹ gratefully uses it for reference² in his argument, quoting errors and all from it somewhat after the manner ~~already~~ suggested by us in speaking of the possible danger of publishing ~~such a work~~^{it}. ~~Added to this, the fact~~ That he thought it was written by Gouverneur Morris is no mean praise for Brown.

1 Reprinted in the Pamphleteer, Vol. VI, Nos. XI and XII, 1815.
2 Pp. 38 to 40, 43, 52 to 54, 57 to 59, of the reprint.

As a literary effort Brown undoubtedly was contented with the reception of his pamphlet. Though he could not point to a second edition in his own country, as he could in the case of his first political pamphlet, still he now tasted a different sort of sweet in the appearance of the reprint in London. Not the least part of that pleasure was undoubtedly the fact that it left his identity in hiding.

His statement in the preface¹ about his "unwillingness to interfere in the measures of government" must be either a case of bombast, which we doubt, or an indication that he had a respectable audience among the nation's legislators, which is only too probable. The failure to find any mention of his work means nothing more than the common practise of politicians not to disclose the source of their opinions. At least he could comfort himself with the rousing of the lion John Lowell.

Structurally the pamphlet is of merit. It is for the most part formal, taking up the subject in a logical sequence and following his preconceived plan until he arrives in the midst of the argument. There his feeling momentarily interferes with the perfection

1 P.5.

of his scheme, but presently he returns to it and follows to the end. The closing appeal is characteristic and powerful.

As is true in all argumentative essays formality has its defects as well as advantages and Brown's pamphlet is no exception. On the whole it here has more advantages; for any treatment of the subject that did not use the formal method would not only be absolutely formless but chaotic. The subject being so peculiarly related to the formal, in that it has each article numbered, the reader is not at all conscious of its artificial structure, in fact the structure is in effect natural. It is only near the end when he says the question is two fold and then proceeds to take up one and two, that we may become conscious of its architectonic, and even then the matter by its interest tends to hide it.

For a political pamphlet the diction is unusual. At times it inclines toward the conventionally poetic, especially so in the case of several similies, such as follows.

" He labours also under such defect of mental vision, that he seldom sees objects in their natural state and true position: just as when we look through a fog, many things near us are not perceived, and those we see appear larger and nearer than they really are. " 1

Notice the rythm in the following.

"It was natural to believe the fountain pure when its waters were so refreshing." 1

" Like a sly animal in the fable who likes roast chesnuts, but will not put his paws in the fire, he crept behind the curtain, and persuaded a friendly cat to undertake that part of the business; content, provided he gets the nuts, to leave with others all the honour of raking them out of the embers." 2

" The state of our affairs with foreign nations, and the conduct pursued towards them, are concealed with sedulous attention. But notwithstanding the care of our rulers, a corner of their curtain is sometimes lifted up." 3

"But the bell-wethers of the flock are, generally speaking, as poor and simple cattle as the rest." 4

As in the case of the Louisiana pamphlets the Latinisms are not so conspicuous a fault of this work as in many of Brown's early literary efforts. The most striking is the occasional aphoristic character of the sentences.

Although separated by three or four years, this pamphlet should be intimately related to the two Louisiana purchase pamphlets, in that it is the logical step. This is especially of interest in that the last political pamphlet, which Brown wrote and which we shall consider when we come to the year of its publication 1809, is the final step in the same general scheme. Evidently Brown's interest at this time had, ^{turned} completely from fiction to fact, from a

world of dreams to national publicism.

1 P. 11 2 P. 11. 3 P. 17. 4 P. 50.