

THE TREATY OF GHENT THE AMERICAN PERSPECTIVE

door

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The War of 1812 was an unmitigated disaster for the United States. The nation should never have declared war. To a large extent President James Madison was pressured into it by a horde of War Hawks, as they were called, led by the Speaker of the House of Representatives, Henry Clay of Kentucky.

There was no justifiable reason to risk the nation's newly acquired freedom in another war with Great Britain. Reasons were advanced, of course, such as the seizure of American ships, impressment of American seamen, British instigation of Indian attacks along the frontier, failure of Great Britain to withdraw from American territory as stipulated by the Peace Treaty of 1783 that ended the Revolution, and the Orders-in-Council which implicitly violated American rights as a sovereign nation. And there were those who hoped that a successful war might mean the acquisition of Florida and Canada.

These are potent reasons for a declaring war in the early nineteenth century, except for the fact that it endangered American freedom. Personally, I ascribe the fundamental cause of a declaration of war as psychological, that is a desperate need on the part of the American people to prove to itself and the rest of the world that it had a legitimate right to exist as a free and independent nation. Since winning its freedom from England the United States had been subjected to a series of humiliations by the major powers of Europe: England and France. It seemed as though the United States hardly mattered in the great continental struggle between the super powers. We constituted no real threat to them. We lacked military power. After all we hadn't won a major military victory in the Revolution. There was the suspicion that we could not defend our freedom, and Americans needed to prove they could. In a real sense it was a search for national identity¹.

So with much trepidation the nation went to war, and sustained one military disaster after another. General William Hull led an invasion into Canada, then rushed back to Detroit and promptly surrendered it to a decidedly inferior force of British soldiers and their Indian allies. Other attempts at invading Canada were equally calamitous and sometimes ludicrous. The loss of control of Lake Champlain, the destruction of the frigate Chesapeake and the successful establishment of a naval blockade of the entire eastern coast provided a series of jolts that shook American confi-

(1) This thesis is well developed by Roger H. Brown, *The Nation in Peril: 1812* (New York, 1964).

dence in their ability to wage a triumphant war under a Republican administration. The blockade encouraged smuggling, especially in New England, and the loss of revenue to the government further weakened its ability to pursue the war ².

When Napoleon retreated from Moscow shortly thereafter, with the Russians in hot pursuit, it appeared that Great Britain would soon find relief from its European conflict and could concentrate its considerable resources to subduing its former colonies. The likelihood of that happening further intensified the apprehensions of the American people.

President Madison frankly told the Congress that the Treasury was depleted; the country was living off loans; and additional taxes were necessary to prosecute the war. Recruiting came to a standstill. Although Oliver Hazard Perry and William Henry Harrison won victories in the west, the coastline was effectively blockaded and all but two American frigates were bottled up in harbors for repairs or did not dare to venture out to challenge a superior British fleet. More and more the need for an early end to the war was seen by the leaders of both the Republican and Federalist parties as essential for the preservation of American liberty.

An opportunity to disengage came early in 1813 when the Emperor of Russia offered to mediate between Great Britain and the United States. Madison could hardly contain himself. He rushed to accept the offer without first waiting to discern the reaction in Britain. He wanted so desperately to extricate the country from its agony that he risked another stinging insult from abroad similar to the one Napoleon had administered when he pretended to rescind his Berlin and Milan Decrees. To conduct the negotiations Madison appointed John Quincy Adams, son of the former President, John Adams, and currently the U.S. minister to Russia, James A. Bayard, a member of the Federalist party and recently resigned as Senator from Delaware, and Albert Gallatin, the secretary of the Treasury. They were to meet with the British delegates in St. Petersburg and they were instructed to press especially for a repudiation of England's policy of impressment. Gallatin and Bayard left the country on May 9—courtesy of a passport provided by the British fleet—to meet Adams in Russia. Then, in the summer of 1813 the country learned the awful news: the British government flatly refused to participate in the proposed negotiations. It was another embarrassing defeat for the Madison administration ³.

But Britain soon changed its mind as the dreary war in Europe and America dragged on month after month. Lord Castlereagh, the foreign minister, would have nothing to do with the Russian efforts at mediation, but he was willing to enter direct negotiations with the United States either in London or Gottenburg, Sweden. And he left the selection of the location to the Americans. He said he wanted to keep "the business unmixed" with the affairs of the continent. But the Madison administration rightly

(2) There are several excellent histories of the war. See Reginald Horsman, *The War of 1812* (New York, 1969); J.C. A. Stagg, *Mr. Madison's War* (New York, 1983); Harry L. Coles, *The War of 1812* (New York, 1965); and J.K. Mahon, *The War of 1812* (New York, 1975).

(3) James Brant, *James Madison, Commander in Chief* (Indianapolis, 1956), p. 163.

surmised that Castlereagh feared that the United States and Russia might find a common interest against Great Britain (such as the impressment issue) and conduct themselves in "concert" to the detriment of British interests⁴.

Acting with a little less haste, Madison informed Congress on January 6, 1814, that he had accepted the British offer but advised that preparations would go forward for continuing the war until such time as an actual treaty had been signed. Madison appreciated the difficulty involved in the negotiations inasmuch as Castlereagh had declared that any solution to their mutual problems would have to be consistent "with the maritime rights of the British empire." All of which sounded as though the impressment of seamen would not be a negotiable issue⁵.

In selecting commissioners to negotiate with the British⁶ Madison wished to maintain a politically balanced group of men so he kept Adams, Bayard, and Gallatin, and then added the newly designated minister to Sweden—since the President chose Gottenburg over London as the site for the negotiations—Jonathan Russell. Russell had been charge d'affaires in London and had participated in some of the earliest efforts at arrangement the terms of a peace treaty. Because Bayard would probably support the British argument on impressment Madison needed another strong nationalist to serve on the mission. He immediately thought of Henry Clay. Not only was the Speaker a leading nationalist who could be expected to fight for American rights, but he was a outstanding and loyal supporter of the administration.

Despite some initial apprehension in the Senate all the commissioners won easy confirmation. The Secretary of State, James Monroe, issued their instructions on January 28, 1814, and was reminded of the President's inflexible position on impressment and that the "degrading practice" must cease. To assert American rights on this issue the President was prepared to exclude all British seamen from U. S. vessels, exempting only naturalized citizens, and surrender any British sailor deserting to an American port. As for Canada and British instigation of Indian attacks, a cession of land would be in order (outright annexation of Canada was also suggested) but if this was refused then treaty rights of British traders on American soil must be terminated. Also, there must be no limitation of American naval strength on the Great Lakes. For the rest Monroe gave the commissioners great flexibility and latitude in conducting the negotiations⁷.

(4) See Monroe's instructions to the commissioners, January 8, 28, 1814, in *American State Papers, Foreign Relations*, (hereafter cited as *ASPFR*), III, 701-702.

(5) Castlereagh to Monroe, November 4, 1813, in *ibid.*, p. 621. The offer was accepted on January 5, 1814. See Monroe to Castlereagh, January 5, 1814, in *ibid.*, pp. 622-623.

(6) The best secondary sources on the treaty are Frank A. Updyke, *The Diplomacy of the War of 1812* (Baltimore, 1915); Bradford Perkins, *Castlereagh and Adams: England and the United States, 1812-1823* (Berkeley, Calif., 1964). A good popular account is Fred L. Engelman, *The Peace of Christmas Eve* (New York, 1962).

(7) Monroe to commissioners, January 28, 1814, in *ASPFR*, III, 701-702; Passport dated February 4, 1814, in James F. Hopkins and Mary W.M. Hargreaves, eds., *The Papers of Henry Clay* (Lexington, Ky., 1959) I, 863, hereafter cited as *Clay, Papers*.

Clay and Russell, together with Christopher Hughes, Jr., or Maryland, secretary to the mission proceeded to New York. British Admiral Cochrane obligingly provided a passport for the twenty-eight gun corvette, *John Adams*--an ex-frigate which had been overhauled to provide greater seaworthiness and stability--in order to permit the ship's passage through the blockade without incident.

They sailed from New York on Friday, February 25, 1814. It was a miserable journey. The north Atlantic Ocean in winter can be a horror in any year. The crew proved less than competent and the captain, according to Hughes, was mad as a hatter. "A Miracle we weren't drown," he later wrote. For seven weeks they suffered, and arrived in Gottenburg on April 13, anchoring 12 miles from the city because of ice in the river. By mail they tried to get in touch with Gallatin and Bayard, who were supposed to be in Amsterdam, and John Quincy Adams, who was expected from Russia but did not leave St Petersburg until April 28. About a week following their arrival in Sweden, Clay and Russell heard from Gallatin and Bayard from London. Recent events had taken a "bad" turn and were likely to have an "unfavorable influence" on relations between the United States and Great Britain. Not only had Paris fallen to the allies but Napoleon had abdicated and was about to be sent to Elba. The Bourbon monarchy had been restored and a Congress would soon convene in Vienna to arrange the peace terms and restore legitimate sovereigns to their rightful thrones. Universal peace had descended upon the European world, "from which we are alone excluded."

Under the circumstances both Bayard and Gallatin felt that Gottenburg was not a good site for their negotiations. "I do believe that it would be utterly impossible to succeed in that corner," declared Gallatin, "removed from every friendly interference in our favour on the part of the European powers, and compelled to act with men clothed with limited authorities & who might at all times plead a want of instructions." As a substitute Gallatin suggested London in order to remain as close as possible to Castle-reagh, but Bayard thought a town in Holland preferable and felt they could rely on the "friendly dispositions" of William of Orange⁸.

Clay had no objections to a change of site but would not countenance a move to England. "I shall not consent to go to London," he flatly stated. The British were rejoicing over Napoleon's defeat and abdication and now demanded what they called "the chastisement of America." To attempt negotiations in such an atmosphere would be ridiculous. With all due deference to Gallatin, he wrote, it would be "further condescension" to gather at *their* "seat of Government...especially when we have yet to see the example in British history of that haughty people having been conciliated by the condescension of their enemy." Russell agreed, as he did to most things Clay proposed, and added that any change should be understood to have come at the instance of Great Britain in order to prevent any injury to the friendship between the United States and Sweden and Russia.

(8) Bayard to Clay and Russell, April 20, 1814, and Gallatin to Clay, April 22, 1814, in *Clay, Papers*, I, 881-884.

The British government finally suggested Ghent, Belgium, as a convenient and comfortable place to meet, to which Gallatin and Bayard readily agreed. It "may have the effect to facilitate & shorten the negotiations," they wrote ⁹. And once Castlereagh had the names of the complete list of the American commissioners he named their opposite numbers. They included: Admiral James Gambier, first Baron Gambier; Henry Goulburn, British Under-Secretary for War and the Colonies; and Dr. William Adams, a reputed expert on maritime law.

Not an impressive crew. The ablest among them—which is hardly saying much—was the young Goulburn who would later go on to become a member of the Privy Council and then Chancellor of the Exchequer. He knew a great deal about Canada, its affairs and problems, and stood ready to thwart any and all efforts by the Americans to annex any part of that territory. He was especially anxious to obtain complete British control of the Great Lakes, something Clay would oppose with every ounce of energy he possessed. At one point Clay remarked that Goulburn was "a man of much *irritation*," to which John Quincy Adams replied: "*Irritability*...is the word, Mr. Clay, irritability," and then, staring straight at the Kentuckian, added, "...like somebody else that I know." Clay laughed and retorted: "Aye, that we do; we all know him, and none better than yourself." ¹⁰

Dr. William Adams, the second British commissioner, possessed all the worst attributes of the British upper class. Educated at Oxford, "with pretensions to wit," like so many of his class, and a perfect "blunderbuss of the law," according to his American namesake, Dr. Adams disdained anything not properly British. Bayard said that he was "a man of no breeding...." All of which guaranteed some lively sessions once the commissioners gathered to begin their negotiations.

Admiral Gambier was another obnoxious sort, ever on the alert for any reason to explode but never getting any further than sustained testiness. He had served with valor and distinction in the navy and as a reward was elevated to the peerage ¹¹.

None of these men, I feel, were the equal of their American counterparts—with the possible exception of Russell. But then they were never meant to conduct the negotiations. Unlike the American commissioners who had wide latitude in conducting the negotiations, they were mere puppets, controlled and directed from London. By holding the meetings in Ghent, the British commissioners were close enough to London so that their discussions could always be referred to the home ministry for decision. Castlereagh and Lord Bathurst, Secretary of War and the Colonies, exercised tight control of the negotiations. The three British commissioners were little more than glorified messengers, carrying proposals and

(9) Bayard and Gallatin to Adams, Clay, and Russell, May 17, 1814, in Clay, *Papers*, I, 919.

(10) Adams to Louisa Catherine Adams, December 16, 1814, in Worthington Chauncey Ford, ed., *Writings of John Quincy Adams* (New York, 1915), V, 237, hereafter cited as Ford, ed., *Writings*.

(11) James Gallatin, *The Diary of James Gallatin*, ed. by Count Gallatin (New York, 1926), p. 72; Adams to Louisa Catherine Adams, August 30, 1814, in Ford, ed., *Writings*, V, 108.

counter-proposals back and forth across the Channel. "If we propose the alteration of a word," John Quincy Adams later wrote, "they must refer it to their government." It reminded him of the old joke: "My Lord, I hope your Lordship is well this morning." To which his Lordship replied: "Indeed, Sir, I do not know, but I will send a courier to my Court and inquire."¹² Such a hobbled arrangement necessitated long and drawn out negotiations that wearied the Americans and drove them nearly mad. After a while they came to believe that the British government did not want to make peace, otherwise they would have sent more "powerful delegates."¹³

Clay was informed immediately by Gallatin and Bayard of the proposal to meet in Ghent and given the names of the British commissioners. He in turn contacted Russell and Adams, who had recently arrived in Stockholm, and told them that he had ordered their ship to stand ready to transport them to Ghent, via Antwerp or Ostend. He himself had decided to travel overland by way of Copenhagen and Hamburg and expected to reach Ghent in three weeks¹⁴.

Clay rather liked Holland and thought Belgium was inferior. But everywhere he went, he said, the climate was "exorable. No summer, no sun, eternal clouds, and damp weather."¹⁵

When Clay arrived in Ghent the other American commissioners were waiting—all save Gallatin who did not arrive until July 7. But where were their British counterparts? The Americans waited for weeks for them to appear. It seemed the enemy was demonstrating once again its "haughty" disdain for their former colonial subjects. On display was "the well known arrogance of the British character."¹⁶

Then the American commissioners made a dreadful mistake. They decided to live and work together in one location. They found quarters at the Hotel Lovendeghem on the Rue des Champs, possibly in the hope of improving communication among them in order to present a more unified and stronger front to the British. Perhaps, too, they hoped to save on expenses. But their plan did not work out as expected. Here were five highly individualistic, highly opinionated, highly dissimilar, and singularly egotistical public servants all congregated within a confined area and each following his own perceived notion of what constituted the best treaty for the United States. The titular leader was John Quincy Adams, a well educated, experienced diplomat who tended from the outset to be anti-social. He constantly found fault with nearly every person who came within visual range. He was in "a very bad temper" long before they began their negotiations with the British, noted James Gallatin, who served as his father's

(12) Adams to Mrs. Adams, December 13, 1814, in *ibid.*, 236.

(13) Gallatin, *Diary*, p. 29.

(14) Clay to Russell and Adams, May 31, Clay to Russell, May 31, and Clay to Bayard and Gallatin, June 1, 1814, in Clay, *Papers*, I, 928-930.

(15) Clay to ?, August 19, 1814, copy in Henry Clay Papers Project, University of Kentucky, Lexington.

(16) Clay to Monroe, August 18, 1814, in Clay, *Papers*, I, 963.

secretary¹⁷. His Puritan background, his dedication to duty and untiring work habits, his keen sense of his responsibilities and rights as head of the delegation, his intellectual zeal and gloomy outlook—all these and a lot more set a model that sharply contrasted and soon conflicted with attitudes, deportment and general ideas of some of the other commissioners, especially Henry Clay. Adams was frequently demanding, testy, irritable, critical, and fussy. He overworked himself because unlike the others he brought no secretary and spent hours and days copying documents¹⁸. He was also a man without humor who took offense at many of Clay's less fortunate efforts at wit. He was also shocked by Clay's more lackadaisical approach to their responsibilities and particularly by his hedonistic style of living¹⁹. At first Adams refused to sit at the same dining table with his colleagues because they offended his sense of what was seemly and appropriate. "They sit after dinner and drink bad wine and smoke cigars," he wrote in his diary, "which neither suits my habits nor my health, and absorbs time which I cannot spare. I find it impossible, even with the most rigorous economy of time, to do half the writing that I ought."²⁰ However, Clay finally spoke to him about his isolation and got him to change his mind and join the others in taking their meals²¹.

James A. Bayard was totally different in every conceivable way. Educated at Princeton, he trained as a lawyer, went into politics, and became an active member of the Federalist party. He and Gallatin had preceded the others to Europe when the Emperor Alexander offered his services in mediating a peace between the United States and Great Britain. Bayard went to Russia where Adams was serving as U.S. minister and apparently they got on each other's nerves. Happily, however, the two men warmed—if that is the word—to each other during their weeks and months together in Ghent. Adams decided that Bayard was now "another man" entirely, always reasonable and in good spirits. He invariably referred to him in his letters to his wife as the "Chevalier."²²

Henry Clay was the ablest and best known politician in the group. Sharp-tongued, pragmatic, a magnificent orator, he frequently challenged Adams' position as head of the delegation. Born in Virginia, he migrated to Kentucky and because of his extraordinary gifts as orator and politician enjoyed a meteoric rise to national fame.

Albert Gallatin, on the other hand, was the most urbane, cultivated, and knowledgeable of European manners and society of the group. Born and educated in Geneva, he migrated to America during the Revolution and tutored French at Harvard. He moved to Pennsylvania, helped cool tempers during the Whiskey Rebellion, and won election to Congress where he attracted Republican attention because of his knowledge of economics.

(17) Gallatin, *Diary*, p. 27.

(18) Clay to Henry Goulburn, September 5, 1814, in Clay, *Papers*, I, 973.

(19) Gallatin, *Diary*, p. 27.

(20) Charles Francis Adams, ed., *Memoirs of John Quincy Adams, Comprising Portions of His Diary from 1795 to 1848* (Philadelphia, 1874-1877), II, 656, hereafter cited as Adams, *Memoirs*.

(21) *Ibid.*, 657-658.

(22) Adams to Mrs. Adams, July 22, October 14, 1814, in Ford, ed., *Writings*, V, 66, 161.

He was appointed secretary of the Treasury by President Jefferson and achieved notable successes in running the nation's finances, particularly in reducing the debt despite the immense expenditure necessitated by the purchase of Louisiana in 1803. Like the "Chevalier," Gallatin had first gone to Russia when the Emperor made his offer, and like Bayard he grew in the estimation of the highly critical, John Q. Adams. "Of the five members of the American mission the Chevalier has the most perfect control of his temper, the most deliberate coolness," wrote Adams; "and it is the more meritorious because it is real self-command. ... I can scarcely express to you how much both he and Mr. Gallatin have risen in my esteem since we have been here, living together." Mr. Gallatin was good at blunting a nasty exchange with a "joke," something Adams greatly admired and envied²³. For his part, Gallatin had strong reservations about Adams because of his stubbornness and intellectual pretensions. In time he came to believe that Adams could do the mission irreparable harm and so he spent a great deal of time placating the irascible New Englander²⁴.

Gallatin also found himself mediating between Adams and Clay over personal matters, both small and large, that kept cropping up throughout the summer and fall. "Father pours oil on the troubled waters" as much as that could be done, said James Gallatin, but it was tiring and irksome²⁵. For one thing Adams was accustomed to rise early—four thirty in the morning was not uncommon—only to hear a card party breaking up in Clay's room. "I hear Mr. Clay's company retiring from his chamber," he noted in his diary. "I had left him with Mr. Russell, Mr. Bentzon, and Mr. Todd at cards. They parted as I was about to rise."

Of the five American commissioners, three (Adams, Clay and Gallatin) were the most important. Russell was a non-entity and simply followed Clay's lead, probably with an eye to enhancing his future political career.

When the British commissioners finally appeared in Ghent an introductory meeting was arranged at the Hotel des Pays Bas on August 8, 1814²⁶. By that time the allied victory in Europe was complete and the many disasters suffered by the Americans generally known. This twin misfortune somewhat dampened American enthusiasm for holding firm on all their demands. Clay felt that they ought not to insist on the abolition of impressment, at least not if it stood in the way of completing a treaty. Fortunately, the administration decided to drop impressment as a *sine qua non* and the commissioners were so notified²⁷.

(23) Adams to Mrs. Adams, December 16, 1814, in Ford, ed., *Writings*, V, 238.

(24) Gallatin, *Diary*, p. 27.

(25) *Ibid.*, p. 27.

(26) At first the British commissioners offered to meet the Americans at their lodgings but the Americans asked for a better location and suggested the Hotel Le Pays Bas with which they had some acquaintance. Clay to William H. Crawford, August 8, 1814, Crawford Papers, Library of Congress. Crawford was U.S. minister to France at the time.

(27) Clay to Crawford, July 2, 1814, in Clay, *Papers*, I, 937-939. The original instructions to the American commissioners insisted that the abolition of impressment was a *sine qua non* to any peace treaty. But as the likelihood of gaining British acceptance of this demand steadily diminished, the administration decided to abandon it in hope of winning a speedy and acceptable treaty. On August 8 the commissioners received this information from Secretary Monroe.

When all the commissioners, on their first meeting together, completed the exchange of their respective instruments of authority, Lord Gambier, the head of the British delegation, expressed a pious hope for the success of their efforts. Adams, the head of the American delegation, replied with a promise of civility and candor in their discussions. Then Goulburn spoke next and he offered an agenda: impressment; territorial boundaries for Indians to serve as a kind of buffer between Canada and the United States which was termed a *sine qua non*; revision of the boundary between the U.S. and Canada; and reciprocal fishing rights. Adams responded by stating that the American commission had instructions on impressment and boundaries but none on Indian territorial claims nor fishing rights. Then he asked that neutral rights and a definition of a blockade be included on the agenda. He expressed surprise that Indian boundaries would be such an important point to the British, and Clay, Gallatin and Bayard immediately chimed in and insisted on the American right to exercise complete sovereignty over the Indians and their lands within the limits of the United States. In return for the United States yielding on the Indian question, the British commissioners offered to yield on navigation of the Great Lakes, that is they would not dispute commercial navigation on the lakes provided no American armed vessels patrolled them and no forts were erected along the shoreline. They also demanded free access to the Mississippi River and a reordering of the boundary around Maine and between Lake Superior and the Mississippi²⁸.

The demands were clearly preposterous. They were the demands of a nation that had conquered and subdued its adversary. The commissioners began wondering almost immediately whether the British were serious. Their demands were so extreme as to cause the Americans to suspect that they had no intention of writing a treaty.

Not much later—that is the early fall of 1814—the U.S. commissioners began receiving frightening news of the progress of the war in America. Washington had been captured and burned by British troops, and towns were also captured in Passamaquoddy Bay. What "wounds me to the very soul," wrote Clay, "is that a set of pirates and incendiaries should have been permitted to pollute our soil, conflagrate our Capital, and return unpunished to their ships!"²⁹ These dreadful reports greatly disturbed the entire delegation, but Clay more "than any other of us," said Adams. "He rails at commerce and the people of Massachusetts, and tells what wonders the people of Kentucky would do if they should be attacked." Clay was indeed deeply offended by these disasters, especially the burning of the Capitol and "President's house," and he said that he "could not help reflecting on the contrast" between Brussels—which "has been the continual seat of War, and been occupied at various times by all the great powers"—and

(28) Clay, *Journal of Ghent Negotiations*, in Clay, *Papers*, I, 952-955; Adams, *Memoirs*, III, 8ff. For Monroe's instructions to the plenipotentiaries see his letters of February 10, 14, March 21, June 25, 27, August 4, 1814, in *ASPER*, III, 702-705.

(29) Clay to Crawford, October 17, 1814, in Clay, *Papers*, I, 988-989.

Washington. In Brussels "the public edifices have escaped for ages the Barbarians torch." Not so Washington³⁰.

As the discussions proceeded, the fisheries and Mississippi questions recurred over and over again. John Quincy Adams took a strong stand in favor of the fisheries, while Clay, equally adamant, stoutly defended American rights to the Mississippi. The British claimed that the right of Americans to fish and dry their catch within British jurisdiction acquired in the peace treaty ending the American Revolution in 1783, had been abrogated by the declaration of war in 1812³¹. If they granted the fisheries claim, the British felt they should be granted an equivalent right, such as the right to navigate the Mississippi which they held at the conclusion of the Revolutionary War when the United States extended no further west than the Mississippi³². The right to fish in British waters was extremely important to New Englanders and John Quincy Adams was unwilling to surrender it. Besides, it was something his father had negotiated in the 1783 peace treaty and that made it sacrosanct. At the same time Adams did not feel that the navigation of the Mississippi was terribly important and could be granted in return for a continuation of the fisheries right. Thus Clay, the westerner, was willing to yield an important eastern concern, while Adams, the easterner, was prepared to surrender an important western matter.

These discussions among the Americans, often heated (especially between Clay and Adams) and sometimes stiffly formal, took place on a fairly regular basis. The American commissioners usually met together each day at 2:00 P.M. and talked for two hours, after which they had dinner. Most times they sat at the table until six or seven, conversing informally. Later they frequented the "coffee houses, the Reading Rooms, and the billiard tables"—all except Adams, of course, who used the time to take long walks³³. Formal meetings with their British counterparts were less regular because every item and proposal raised by the Americans had to be referred back to London, and this necessitated weeks of waiting for a response. Because of these interruptions Clay and the others had time to travel around the countryside, usually to Antwerp and Brussels. Their social life was quite active, of course, and all of them attended many dinner parties and card parties which could run as late as 3:00 A.M.

One break through in the negotiations occurred when the British agreed not to demand the establishment of boundaries to designate the extent of Indian territory. It was obvious the Americans would never agree to such a demand and the British decided instead to request the full restoration of

(30) Clay to Captain Lloyd Jones, October 25, 1814, Columbia University Library, copy in Henry Clay Papers Project.

(31) "I think all of us (except Mr. Adams)," Clay recalled eight years later, "concurred in believing that the provisions respecting the Fishing Grants, *within the British exclusive jurisdiction*, and the navigation of the Mississippi, expired on the breaking out of the war." Clay to Russell, July 9, 1822, in Clay, *Papers*, III, 254.

(32) See Draft of the original protocol, and the protocol of the conference, August 8, 1814, in *ASPFER*, III, 706, 707-708.

(33) Adams to Mrs. Adams, August 19, 1814, in Ford, ed., *Writings*, V, 89.

Indian land held prior to the war ³⁴. At that point Adams prepared a note defending the American Indian policy and he couched it with all the moral justification he could muster. Clay said he agreed to everything in the note but thought that calling on Heaven, God and Providence was just so much "cant." And Russell could not help laughing out loud ³⁵.

Clay was not only encouraged by the British retreat from their original *sine qua non* regarding Indian territory but by the more recent news of General Andrew Jackson's victory over the Creek Indians in the Battle of Horseshoe Bend, and by the failure of the British attack upon Baltimore and their defeat on Lake Champlain at Plattsburg ³⁶. Now, if the British invasion from the Gulf of Mexico expected at New Orleans could be thrown back, and if no new disaster occurred in the north, "I think we should make peace," Clay told James Monroe ³⁷.

It was generally felt by the Americans at Ghent that the British ministry would wait upon the results of the invasion of New Orleans before deciding on the final terms of a peace treaty ³⁸. In the meantime the British suggested the principle of *uti possidetis*, on which to reach a final territorial settlement, that is, both sides retain what they possessed at the close of the war ³⁹. Here Clay was once again adamant. He would not yield a foot of American soil, he ranted, and insisted on a mutual restoration of territory taken during the war.

In the American response to the British suggestion, written by Gallatin, the commissioners said they would most assuredly not negotiate "on the basis of *uti possidetis* but only on the basis of *status quo ante bellum*, with regard to territory." ⁴⁰ This rejection of *uti possidetis* brought a curt rejoinder from the British that since the Americans quibbled over or criticized every suggestion put forward to them that they should submit their own "projet" for a treaty ⁴¹. The Americans readily accepted the challenge and over the next two weeks argued and debated what should be presented. Gallatin and Adams prepared drafts, with Clay, Bayard and Russell suggesting amendments and alterations. What they finally proposed, even though they had doubts about getting them all, went as follows: the abolition of impressment, the definition of a blockade, indemnity for spoliations, a northwest boundary line at 49° parallel from the Lake of the Woods to the Rocky Mountains, and a mutual agreement not to engage the Indi-

(34) Clay to Crawford, September 20, 1814, the British to the American Commissioners, October 8, 1814, in Clay, *Papers*, I, 979, 982. The notes that passed between the American and British commissioners running from August 19 to October 31, 1814, can be found in *ASPF*, III, 710-726.

(35) Adams, *Memoirs*, III, 42, 43.

(36) Clay to Crawford, July 2, 1814, in Clay, *Papers*, I, 938.

(37) Clay to Monroe, October 26, 1814, in Clay, *Papers*, I, 995-997.

(38) Samuel Flagg Bemis, *John Quincy Adams and the Foundations of American Foreign Policy* (New York, 1949), 210-211.

(39) British to American Commissioners, October 21, 1814, in Clay, *Papers*, I, 991.

(40) American to British Commissioners, October 24, 1814, in Clay, *Papers*, I, 992; Gallatin, *Diary*, p. 32.

(41) British to the American Commissioners, October 31, 1814, in Clay, *Papers*, I, 998.

ans in any future wars. One paragraph specifically mentioned "the state before the war as the general basis of the treaty," that is, *status quo ante bellum*.

When the British finally responded to these proposals- after referring them back home-it was an almost total rejection of every article. Impressment, blockade, indemnities, the Indians-all were struck down. But at least it had become obvious from their response that the British themselves had abandoned the Indian boundary question, the principle of *uti possidetis*, and the exclusive military control of the Great Lakes. They were more and more drawn to the idea of the *status quo ante bellum*, something that had developed in their thinking long before the Americans spoke of it ⁴².

Apparently the British wanted to have done with the American war, and the reason had to do with the situation in Europe. The Congress of Vienna was well underway but a number of disputes had arisen among the allies that worried the British because they threatened the alliance. Talleyrand was clever enough to turn these dissensions to the advantage of France. The British were also anxious to avoid any discussion of neutral rights, and they constantly feared the moral intrusion of the Russians on the side of the Americans. The state of British finances was another concern. Finally, the Duke of Wellington, commanding the occupation of Paris, expressed no real objection to leading the army against the Americans but warned what it would now involve control of the Great Lakes because Lake Champlain had been lost. He felt the wiser course was the immediate conclusion of a peace treaty ⁴³. Since it was clear that the British position at home, in Europe, and around the world would be immeasurably strengthened once the annoyance with the United States had been eliminated, the decision was reached to finish the business at Ghent on the basis of the *status quo ante bellum*.

So the British and American commissioners met the following day, and for three hours hammered out the final terms of the treaty. It ended with an agreement to meet the next day, Christmas eve, and sign six copies of the treaty ending the war on the basis of *status quo ante bellum*. ⁴⁴

The commissioners convened at 4:00 P.M. at the Chartreux, the residence of the British envoys, and compared the six copies of the document, after which the eight men affixed their signatures. The document required the ratification of both nations before taking effect, but short of a catastrophe, such as the successful invasion of the United States via New Orleans and the Mississippi Valley, the commissioners expected the document to win speedy approval by both the United States and Great Britain.

The Treaty of Ghent settled none of the original issues that had precipitated the war. Nothing was said about impressment. Other issues such as claims and boundaries were relegated to future commissions. But it did call for the cessation of all hostilities and the return of territories taken by ei-

(42) British to American Commissioners, November 26, 1814, in Clay, *Papers*, I, 1001. See also the exchange of notes from November 10 to December 22, 1814, in *ASPF*, III, 733-744.

(43) Bemis, *Adams*, 216-217.

(44) For the Treaty itself, see *ASPF*, III, 745-748.

ther belligerent. Indian lands would be restored to those held in 1811--which could cause a problem in view of General Jackson's treaty of August 9, 1814 with the Creeks wherein he obtained 23 million acres of land as the price of ending the war. As it turned out the United States simply ignored this provision.

After the signing Lord Gambier expressed the hope that their efforts would provide a permanent peace. John Quincy Adams responded prophetically and handsomely: "I hope," he said, "it will be the last treaty of peace between Great Britain and the United States."⁴⁵

Although the greatest victory of American arms was yet to occur when General Sir Edward Michael Pakenham led his troops to total disaster at New Orleans on January 8, 1815 at the hands of General Andrew Jackson and his Tennessee and Kentucky sharpshooters and saved the United States from possible military destruction, the Treaty of Ghent, as Clay told Monroe, "certainly reflect no dishonor on us."⁴⁶ True, the terms of the instrument were not what the nation expected when it declared war. Still, the pretensions of the British at the start of the negotiations had been decisively resisted. More important, the nation had been preserved whole, an Indian buffer state denied, and the way prepared for the continued expansion of the United States across the plains and mountains to the Pacific Ocean. The creation of a transcontinental nation was not too many years away. And in turning back British efforts to thwart that destiny, the Treaty of Ghent constituted a notable diplomatic achievement, one the nation would receive with delight and gratitude. Indeed, prior to the Battle of New Orleans--fought after the war had ended--the only significant victory won by the Americans occurred here in Ghent on Christmas eve, 1814, one hundred and seventy-five years ago.

(45) Adams, *Memoirs*, III, 126.

(46) Clay to Monroe, December 25, 1814, in Clay, *Papers*, I, 1007.