

THE WEEKLY REGISTER.

Vol. I.]

BALTIMORE, SATURDAY, NOVEMBER 15, 1811.

[No. 11.]

"—I wish no other herald,
"No other speaker of my living actions,
"To keep mine honor from corruption
"But such an honest chronicler."

Shakespeare—HENRY VIII.

Printed and published by H. NILES, Water-street, near the Merchants' Coffee-House, at \$5. per annum.

Public Documents.

Continued from the *Additional Supplement* to No. 10.

with England, nothing appearing to be more natural than such an expectation, which seemed a necessary consequence of the disposition expressed by America to maintain her neutrality, and desirable in every other point of view. I cannot indeed bring myself to think, sir, that your candor would allow you, on a consideration, to put any other construction on the matter, and had my arguments had sufficient weight with you in shewing that the French decrees were still in force, I cannot doubt but you would have agreed with me in the conclusion I drew; it would seem therefore only owing to your not viewing the deceitful conduct of the French government in the same light that it appears to his majesty's government that a difference of opinion exists between us as to the proposal I made, which under the conviction entertained by them, was surely a very just and natural one.

From the earliest desire of vindicating myself and my government from the charge of making any degrading or unjust demands on that of America, I have taken the liberty to trouble you so far, and I will proceed to shew why I thought you had misunderstood the passage of my letter which related to the extent in which the repeal of the French decrees was required by Great Britain. In the explanation which you desired on this point, I gave you that which the marquis Wellesley gave to Mr. Pinkney in answer to his letter of August 25, 1810, and I beg to refer you to the message of the president of the United States on the opening of congress in December 1810, for a proof that the demand of Great Britain in the extent in which I have stated it was known to your government several months ago; how was I therefore to suppose in the term innovations, as applied to the explanation given by me, that you could mean otherwise than some really new pretension on the part of Great Britain, such as that France should suffer British property to be carried into her ports for the purposes of trade? If the warmth I was betrayed into in endeavoring to refute a supposed imputation of this sort gave any offence, I sincerely regret it, and I will beg permission here to say, sir, that if unconsciously I have by any of my remarks led you to suppose they conveyed any improper insinuations, as one paragraph of your letter would appear to imply, I am most unqualifiedly sorry for it, as I entertain the highest respect for you personally and for your government, and could only have meant what I wrote in the way of argument, or for the purpose of contrasting the proceedings of France in her conduct towards the United States with that of Great Britain.

In reverting to the extraordinary and unprecedented situation of things that has arisen out of the war in Europe it would seem needless to repeat the

evidence there is that the lawless and unbounded ambition of the ruler of France has been the origin of it, and it cannot be a secret to the United States' government that his plan has been, and avowedly continues to be, not to scruple at the violation of any law provided he can thereby overthrow the maritime power of England. Is it not therefore reasonable in Great Britain to distrust an ambiguous declaration of his having suddenly given up any part of a system which he thought calculated to produce such an effect? You say however that the decrees of Berlin and Milan are revoked.—America, as not being at war and therefore not seeing so nearly into the views of France, may be less scrupulous as to the evidence necessary to prove the fact; but, sir, it surely cannot be expected that Great Britain, who is contending for every thing that is dear to her, should not require more proof on a point so material to her. It is undoubtedly a very desirable thing for the United States to have a free and unrestricted trade with both belligerents, but the essential security and most important interests of America are not involved in the question as are those of Great Britain. France has levelled a blow which she hopes will prove deadly to the resources of Great Britain, and before the British government can with safety give up the measures of defence in consequence adopted by them, very strong proof must exist of the cessation by France of her novel and unprecedented measures.

I confess, sir, with the sincerest disposition to discover on the part of the ruler of France a return to the long established practice of warfare as exercised in civilized Europe, I have been unable to succeed; and if the French government had really meant to withdraw their obnoxious decrees, it is inconceivable why, instead of allowing their intention to be guessed at or inferred, they should not openly and in plain language have declared so—the decrees themselves having been clearly enough announced on their enactment, why should not their revocation be equally explicit.

While however numerous declarations have been made on the part of France of the continued existence of the decrees, and captures made under them of neutral ships have occurred, a few of the American vessels seized since November 1, have been restored, and the foregoing, a very small part of his plunder, is desired by Bonaparte to be considered as a proof of the sincerity of his revocation by America; but it must be recollected that besides the object of ruining the British resources by his own unauthorised regulations, he has also that of endeavouring to obtain the aid of the United States for the same purpose, and herein you will, as I had the honor to remark in a former letter, be able to observe the cause of the apparently contradictory language held both by himself and his ministers.

I shall be extremely happy, to receive from you

sir, the information that in a frank and unambiguous manner the chief of the French government had revoked his decrees. Why he should not do so is inexplicable if he means to revert to the ordinary rules of war, but while he exercises such despotic sway wherever his influence extends, to ruin the resources of England, it cannot be expected that Great Britain shall not use the means she possesses for the purpose of making him feel the pressure of his own system. There is every reason to believe that ere long the effects on the enemies of Great Britain will be such as irresistibly to produce a change which will place commerce on its former basis. In the mean time, sir, I hope you will not think it extraordinary if I should contend that the seizure of American ships by France, since November 1, and the positive and unqualified declarations of the French government are stronger proofs of the continued existence of the French decrees and the bad faith of the ruler of France, than the restoration of five or six vessels, too palpably given up for fallacious purposes or in testimony of his satisfaction at the attitude taken by America, is a proof of their revocation, or of his return to the principles of justice.

I will only repeat, sir, in answer to your observations on the late condemnation of the ships taken under his majesty's orders in council, what I have already had the honor to state to you, that the delay which took place in their condemnation was not in consequence of any doubt existing in his majesty's government, as to whether the French decrees were revoked, as you seem to imagine, but in consequence of its being thought that the American government, upon its appearing that they were deceived by France, would have ceased their injurious measures against the British commerce. A considerable time elapsed before the decision took place on those ships, and there is no doubt, but that had the United States' government not persisted in their unfriendly attitude towards Great Britain on discovering the ill faith of France, a spirit of conciliation in his majesty's government would have caused their release.

In reply to your observations on the pretensions of Great Britain relative to the revocation of the French decrees, I beg to repeat that the sum of the demand made by England is that France should follow the established laws of warfare as practised in former wars in Europe. Her ruler by his decrees of Berlin and Milan declared himself no longer bound by them, he has openly renounced them in his violent efforts to ruin the resources of Great Britain, and has trampled on the rights of independent nations to effect his purpose. If the French government make use of means of unprecedented violence to prevent the intercourse of England with unoffending neutrals, can it be expected that England should tamely suffer the establishment of such a novel system of war, without retaliation, and endeavoring in her turn to prevent the French from enjoying the advantages of which she is unlawfully deprived?

Having explained already the situation in which the question of the blockade of May 1806, rests according to the views of his majesty's government, and the desire of Great Britain to conduct her system of blockade according to the laws of nations, I will only advert to it on this occasion for the purpose of taking the liberty of acknowledging to you the very great pleasure I received from the highly honorable mark of respect which you have taken the occasion to express for the illustrious statesman from whose counsels that measure emanated.

I need not repeat to you, sir, what sincere satisfaction it would give me if without the sacrifice of the essential rights and interests of Great Britain all the points in discussion between our two countries could be finally adjusted.

I have the honor to be, with the highest consideration and respect, sir, your most obedient humble servant,

AUG. J. FOSTER.

To the honorable James Monroe, &c. &c. &c.

MR. MONROE TO MR. FOSTER.

Department of State, Oct. 29, 1811.

SIR—I have had the honor to receive your letter of the 22nd of this month, and to lay it before the president.

The assurances which you have given of your disposition to reciprocate, in our communications on the important subjects depending between our governments, the respectful attention which each has a right to claim, and that no departure from it was intended in your letter of the 26th July, has been received with the satisfaction due to the frank and conciliatory spirit in which it was made.

I learn, however, with much regret, that you have received no instructions from your government founded on the new proof of the revocation of the Berlin and Milan decrees, which was communicated to the marquis of Wellesley by the American charge des affaires at London, in a document of which I had the honor to transmit to you a copy. It might fairly have been presumed, as I have before observed, that the evidence afforded by that document, of the complete revocation of those decrees, so far as they interfered with the commerce of the United States with the British dominions, would have been followed by an immediate repeal of the orders in council. From the reply of the marquis of Wellesley, it was at least to have been expected that no time had been lost in transmitting that document to you, and that the instructions accompanying it would have manifested a change in the sentiments of your government on the subject. The regret therefore cannot but be increased in finding that the communication which I had the honor to make to you, has not even had the effect of suspending your efforts to vindicate the perseverance of your government in enforcing those orders.

I regret also to observe, that the light in which you have viewed this document, and the remarks which you have made on the subject generally, seem to preclude any other view of the conditions on which those orders are to be revoked, than those that were furnished by your former communications. You still adhere to the pretension that the productions and manufactures of Great Britain, when neutralized, must be admitted into the ports of your enemies. This pretension, however vague the language heretofore held by your government, particularly by the marquis of Wellesley, in his communications with Mr. Pinkney on the subject, was never understood to have been embraced. Nothing indeed short of the specific declarations which you have made would have induced a belief that such was the case.

I have the honor to be, &c. &c.

(Signed) JAS. MONROE.

Augustus J. Foster, Esq. &c. &c. &c.

MR. FOSTER TO MR. MONROE.

Washington, October 31, 1811.

SIR—I did not reply at great length to the observations contained in your letter of the first instant on the pretensions of Great Britain as relative to

the French system, because you seemed to me to have argued as if but a part of the system continued, and even that part had ceased to be considered as a measure of war against Great Britain. For me to have allowed this, would have been at once to allow in the face of facts that the decrees of France were repealed, and that her unprecedented measures, avowedly pursued in defiance of the laws of nations were become mere ordinary regulations of trade. I therefore thought fit to confine my answer to your remarks, to a general statement of the sum of the demands against Great Britain, which was, that France should by effectually revoking her decrees revert to the usual method of carrying on war as practised in civilized Europe.

The pretension of France to prohibit all commerce in articles of British origin in every part of the continent is one among the many violent innovations which are contained in the decrees, and which are preceded by a declaration of their being founded on a determination of the ruler of France, as he himself avowed, to revert to the principles which characterised the barbarism of the dark ages, and to forget all ideas of justice and even the common feelings of humanity in the new method of carrying on war adopted by him.

It is not however a question with Great Britain of mere commercial interest, as you seem to suppose, which is involved in the attempt by Bonaparte to blockade her both by sea and by land, but one of feeling and of national honor, contending as we do against the principles which he professes in his new system of warfare. It is impossible for us to submit to the doctrine that he has a right to compel the whole continent to break off all intercourse with us, and to seize upon vessels belonging to neutral nations upon the sole plea of their having visited an English port, or of their being laden with articles of British or colonial produce in whatsoever manner acquired.

This pretension, however, is but a part of that system the whole of which, under our construction of the letter of M. Champagny of August 5, 1810, corroborated by many subsequent declarations of the French government and not invalidated by any unequivocal declaration of a contrary tenor, must be considered as still in force.

In the communication which you lately transmitted to me, I am sorry to repeat that I was unable to discover any facts which satisfactorily proved that the decrees had been actually repealed, and I have already repeatedly stated the reasons which too probably led to the restoration of a few of the American ships taken in pursuance of the Berlin and Milan decrees after Nov. 1. Mr. Russell does not seem to deny that the decrees may still be kept in force, only he thinks they have assumed a municipal character; but in M. Champagny's declaration, ambiguous as it was, there is no such division of them into two different characters, for if the contingency required by the French minister took place the Berlin and Milan decrees were to cease according to his expression without any qualification. If, therefore, a part of them remain or be revived again, as seems to be allowed even here, why may not the whole be equally so? Where proof can be obtained of their existence, we have it, namely, in the ports of France, in which vessels have been avowedly seized under their operation since November 1. Of their maritime existence we cannot so easily obtain evidence, because of the few French ships of war which venture to leave their harbors. Who can doubt however but that had the ruler of

France a navy at his command equal to the enforcing of his violent decrees, he would soon show that part of them to be no dead letter. The principle is not the less obnoxious because it is from necessity almost dormant for the moment, nor ought it therefore to be less an object to be strenuously resisted.

Allow me, sir, here to express my sincere regret that I have not as yet been able to convince you, by what I cannot but consider the strongest evidence, of the continued existence of the French decrees, and consequently of the unfriendly policy of your government in enforcing the non-importation against us and opening the trade with our enemies. His royal highness will, I am convinced, learn with unfeigned sorrow, that such continues to be still the determination of America, and whatever restrictions on the commerce enjoyed by America in his majesty's dominions may ensue on the part of Great Britain, as retaliatory on the refusal by your government to admit the productions of Great Britain while they open their harbors to those of his majesty's enemies, they will, I am persuaded, be adopted with sincere pain, and with pleasure relinquished whenever this country shall resume her neutral position and impartial attitude between the two belligerents.

I have the honor to be, with the greatest consideration and respect, sir, your most obedient humble servant,

AUG. J. FOSTER.

To the hon. James Monroe, &c. &c. &c.

OCCUPATION OF FLORIDA.

MR. FOSTER TO MR. MONROE.

Washington, July 2d, 1811.

SIR—The attention of his majesty's government has of late been called to the measures pursued by the United States for the military occupation of West Florida. The language held by the president at the opening of the late session of congress, the hostile demonstrations made by the American forces under captain Gaines, the actual summoning of the fort of Mobile, and the bill submitted to the approbation of the American legislature for the interior administration of the province, are so many direct and positive proofs that the government of America is prepared to subject the province of West Florida to the authority of the United States.

The Spanish minister in London addressed a note in the month of March last to his majesty's secretary of state for foreign affairs; expressing in sufficient detail the feelings of the government of Spain respecting this unprovoked aggression on the integrity of that monarchy.

Mr. Morier in his note to Mr. Smith of December 15, 1810, has already reminded the American government of the intimate alliance subsisting between his majesty and Spain, and he has desired such explanations on the subject as might convince his majesty of the pacific disposition of the United States towards Spain. Mr. Smith in his reply has stated that it was evident that no hostile or unfriendly purpose was entertained by America towards Spain; and that the American minister at his majesty's court had been enabled to make whatever explanations might comport with the frank and conciliatory spirit which had been invariably manifested on the part of the United States.

Since the date of this correspondence Mr. Pinkney has offered no explanation whatever of the motives which have actuated the conduct of the United States in this transaction; a bill has been

introduced into congress for the establishment, government and protection of the territory of Mobile, and the fortress of that name has been summoned without effect.

His royal highness the prince regent in the name and on the behalf of his majesty, is still willing to hope that the American government has not been urged to this step by ambitious motives or by a desire of foreign conquest, and territorial aggrandizement. It would be satisfactory however to be enabled to ascertain that no consideration connected with the present state of Spain has induced America to despoil that monarchy of a valuable foreign colony.

The government of the United States contends that the right to the possession of a certain part of West Florida will not be less open to discussion in the occupation of America than under the government of Spain.

But the government of the United States, under this pretext, cannot expect to avoid the reproach, which must attend the ungenerous and unprovoked seizure of a foreign colony, while the parent state is engaged in a noble contest for independence, against a most unjustifiable and violent invasion of the rights both of the monarch and people of Spain.

While I wait, therefore, for an explanation from you, sir, as to the motives which led to this unjust aggression by the United States on the territories of his majesty's ally, I must consider it as my duty to lose no time in fulfilling the orders of his royal highness the prince regent by which I am commanded in the event of its appearing on my arrival in this city that the United States still persevere by menaces and active demonstration to claim the military occupation of West Florida, notwithstanding the remonstrances of his majesty's charge d'affaires and the manifest injustice of the act, to present to you the solemn protest of his royal highness in the name and on behalf of his majesty against an attempt so contrary to every principle of justice, good faith, and national honor, and so injurious to the alliance subsisting between his majesty and the Spanish nation.

I have the honor to be, with the highest consideration, sir, your most obedient humble servant,

AUG. J. FOSTER.

To the hon. James Monroe, &c. &c. &c.

MR. MONROE TO MR. FOSTER.

Department of State, July 3, 1811.

Sir—I have had the honor to receive the note which you have presented, by the order of his royal highness the prince regent, to protest, in behalf of the regency of Spain, against the possession lately taken by the United States of certain parts of West Florida.

Although the president cannot admit the right of Great Britain to interfere in any question relating to that province, he is willing to explain, in a friendly manner, the considerations which induced the United States to take the step against which you have been ordered to protest.

It is to be inferred from your view of the subject, that the British government has been taught to believe that the United States seized a moment of national embarrassment to wrest from Spain a province to which they had no right, and that they were prompted to it by their interest alone, and a knowledge that Spain could not defend it. Nothing, however, is more remote from the fact, than the presumption on which your government appears to have acted. Examples of so unworthy a conduct are unfortunately too frequent in the history of nations, but the United States have not followed

them. The president had persuaded himself that the unequivocal proofs which the United States have given in all their transactions with foreign powers, and particularly with Spain, of an upright and liberal policy, would have shielded them from such an unmerited suspicion. He is satisfied that nothing is wanting but a correct knowledge of facts completely to dissipate it.

I might bring to your view a long catalogue of injuries which the United States have received from Spain since the conclusion of their revolutionary war, any one of which would most probably have been considered cause of war, and resented as such by other powers. I will mention two of these only; the spoiliations that were committed on their commerce to a great amount in the last war, and the suppression of their deposit at New-Orleans just before the commencement of the present war, in violation of a solemn treaty; for neither of which injuries has any reparation or atonement been made. For injuries like those of the first class, it is known to you that Great Britain and France made indemnity. The United States, however, do not rely on these injuries for a justification of their conduct in this transaction, although their claims to reparation for them are by no means relinquished, and it is to be presumed, will not always be neglected.

When I inform you that the province of West Florida to the Perdido was a part of Louisiana, while the whole province formerly belonged to France, that although it was afterwards separated from the other part, yet that both parts were again reunited in the hands of Spain, and by her reconveyed to France in which state the entire province of Louisiana was ceded to the United States in 1803, that in accepting the cession and paying for the territory ceded, the United States understood and believed that they paid for the country as far as the Perdido, as part of Louisiana; and that on a conviction of their rights they included in their laws provisions adapted to the cession in that extent—it cannot fail to be a cause of surprise to the prince regent, that they did not proceed to take possession of the territory in question as soon as the treaty was ratified. There was nothing in the circumstances of Spain at that time, that could have forbidden the measure. In denying the right of the United States to this territory, her government invited negotiation on that and every other point in contestation between the parties. The United States accepted the invitation, in the hope that it would secure an adjustment and reparation for every injury which had been received, and lead to the restoration of perfect harmony between the two countries, but in that hope they were disappointed.

Since the year 1805, the period of the last negotiation with Spain, the province of West Florida has remained in a situation altogether incompatible with the welfare of these states. The government of Spain has scarcely been felt there; in consequence of which the affairs of that province had fallen into disorder. Of that circumstance, however, the United States took no advantage. It was not until the last year, when the inhabitants, perceiving that all authority over them had ceased, rose in a body with intention to take the country in their own hands, that the American government interposed. It was impossible for the United States to behold with indifference a movement in which they were so deeply interested. The president would have incurred the censure of the nation, if he suffered that province to be wrested from the United States, under a pretext of wresting it from Spain. In taking possession of it in their name, and under

their authority, except in the part which was occupied by the Spanish troops, who have not been disturbed, he defended the rights and secured the peace of the nation, and even consulted the honor of Spain herself. By this event the United States have acquired no new title to West Florida. They wanted none. In adjusting hereafter all the other points which remain to be adjusted with Spain, and which it is proposed to make the subject of amicable negotiation as soon as the government of Spain shall be settled, her claim to this territory may also be brought into view, and receive all the attention which is due to it.

Aware that this transaction might be misconceived and misrepresented, the President deemed it a proper subject of instruction to the ministers of the United States at foreign courts to place it in a true light before them. Such an instruction was forwarded to Mr. Pinkney, their late Minister Plenipotentiary at London, who would have executed it, had not the termination of his mission prevented it. The president cannot doubt that the frank and candid explanation which I have now given, by his order, of the considerations which induced the United States, to take possession of this country, will be perfectly satisfactory to his royal highness the Prince Regent.

With great respect and consideration, I have the honor to be, sir, your most obedient servant,

(Signed)

JAS. MONROE.

Augusta J. Foster, Esq. &c. &c. &c.

MR. FOSTER TO MR. MONROE.

Philadelphia, Sept. 5, 1811.

SIR—The Chevalier d'Onis, who has been appointed minister from his Catholic majesty to the United States, has written to inform me that he understands by letters from the governor of East Florida, under date of the 14th ult. that governor Matthews, of the state of Georgia, was at that time at Newtown, St. Mary's, on the frontiers of Florida, for the purpose of treating with the inhabitants of that province for its being delivered up to the United States' government, that he was with this view using every method of seduction to effect his purpose, offering to each white inhabitant who would side with him fifty acres of land and the guarantee of his religion and property; stipulating also that the American government would pay the debts of the Spanish government, whether due in pensions or otherwise, and that he would cause the officers and soldiers of the garrisons to be conveyed to such place as should be indicated, provided they did not rather choose to enter into the service of the United States.

M. d'Onis has done me the honor to communicate to me a note which he purposes transmitting to you, sir, in consequence of this detached and most extraordinary intelligence, and considering the intimate alliance subsisting between Spain and Great Britain, as well as the circumstances under which he is placed in this country, he has urgently requested that I would accompany his representation with a letter on my part in support of it.

After the solemn asseverations which you gave me in the month of July, that no intentions hostile to the Spanish interests in Florida existed on the part of your government, I am wholly unable to suppose that governor Matthews can have had orders from the President for the conduct which he is stated to be pursuing; but the measures he is stated to be taking in corresponding with traitors, and in endeavoring by bribery and every art of seduc-

tion to infuse a spirit of rebellion into the subjects of the king of Spain in those quarters, are such as to create the liveliest inquietude, and to call for the most early interference on the part of the government of the United States.

The government of the United States are well aware of the deep interest which his royal highness the prince regent takes in the security of Florida, for any attempt to occupy the eastern part of which by the United States not even the slightest pretext could be alleged, such as were brought forward in the endeavor to justify the aggression on West Florida.

I conceive it therefore to be my duty, sir, in consideration of the alliance subsisting between Spain and Great Britain, and the interests of his majesty's subjects in the West India islands, so deeply involved in the security of East Florida, as well as in pursuance of the orders of my government in case of any attempt against that country, to lose no time in calling upon you for an explanation of the alarming steps which governor Matthews is stated to be taking for subverting the Spanish authority in that country, requesting to be informed by you upon what authority he can be acting and what measures have been taken to put a stop to his proceedings. I have the honor to be, &c.

(Signed)

AUG. J. FOSTER.

To the hon. James Monroe, &c. &c. &c.

MR. MONROE TO MR. FOSTER.

November 2, 1811.

SIR—I have had the honor to receive your letter of September 5th, and to submit it to the view of the president.

The principles which have governed the United States in their measures relative to West Florida, have already been explained to you. With equal frankness I shall now communicate the part they have acted with respect to East Florida.

In the letter which I had the honor to address to you on the 8th of July, I stated the injuries which the United States had received from Spain, since their revolutionary war, and particularly by spoliation on their commerce in the last war, to a great amount, and of the suppression of their right of deposit at New-Orleans, just before the commencement of the present war, for neither of which had reparation been made. A claim to indemnity for these injuries, is altogether unconnected with the question relating to West Florida, which was acquired by cession from France in 1803.

The government of Spain has never denied the right of the United States to a just indemnity for spoliation on their commerce. In 1802, it explicitly admitted this right by entering into a convention, the object of which was to adjust the amount of the claim, with a view to indemnity. The subsequent injury by the suppression of the deposit at New-Orleans produced an important change in the relations between the parties, which has never been accommodated. The United States saw in that measure eminent cause of war, and that war did not immediately follow, cannot be considered in any other light than as a proof of their moderation and pacific policy. The executive could not believe that the government of Spain would refuse to the United States the justice due to these accumulated injuries, when the subject should be brought solemnly before it, by a special mission. It is known that an envoy extraordinary was sent to Madrid in 1805, on this subject, and that the mission did not accomplish the object intended by it.

It is proper to observe, that in the negotiation, with Spain in 1805, the injuries complained of by the United States of the first class were again substantially admitted to a certain extent, as was that also occasioned by the suppression of the deposit at New Orleans, although the Spanish government, by disclaiming the act, and imputing it to the intend, sought to avoid the responsibility due from it; that to make indemnity to the United States for injuries of every kind, a cession of the whole territory claimed by Spain, eastward of the Mississippi was made the subject of negotiation, and that the amount of the sum demanded for it was the sole cause that a treaty was not then formed, and the territory added.

The United States have considered the government of Spain indebted to them a greater sum for the injuries above stated, than the province of East Florida can by any fair standard between the parties be estimated at. They have looked to this province for their indemnity, and with the greater reason, because the government of Spain itself has countenanced it. That they have suffered their just claims so long unsatisfied, is a new and strong proof of their moderation, as it is of their respect for the disordered condition of that power. There is, however, a period beyond which those claims ought not to be neglected. It would be highly improper for the United States, in their respect for Spain, to forget what they owe to their own character, and to the rights of their injured citizens.

Under these circumstances it would be equally unjust and dishonorable in the United States to suffer East Florida to pass into the possession of any other power. Unjust, because they would thereby lose the only indemnity within their reach, for injuries which ought long since to have been redressed. Dishonorable, because in permitting another power to wrest from them that indemnity, their inactivity and acquiescence could only be imputed to unworthy motives. Situated as East Florida is, cut off from the other possessions of Spain, and surrounded in a great measure by the territory of the United States; and having also an important bearing on their commerce, no other power could think of taking possession of it, with other than hostile views to them. Nor could any other power take possession of it without endangering their prosperity and best interests.

The United States have not been ignorant or inattentive to what has been agitated in Europe, at different periods, since the commencement of the present war, in regard to the Spanish provinces in this hemisphere; nor have they been unmindful of the consequences into which the disorder of Spain might lead in regard to the province in question, without due care to prevent it. They have been persuaded that remissness on their part might invite the danger, if it had not already done it, which it is so much their interest and desire to prevent.—Deeply impressed with these considerations, and anxious, while they acquitted themselves to the just claims of their constituents, to preserve friendship with other powers, the subject was brought before the congress at its last session, when an act was passed authorising the executive to accept possession of East Florida from the local authorities or to take it against the attempt of a foreign power to occupy it, holding it in either case subject to future and friendly negotiation. This act, therefore, evinces the just and amicable views by which the United States have been governed, towards Spain, in the measure authorised by it. Our ministers at London and Paris were immediately apprised of the

act and instructed to communicate the purport of it, to both governments, and to explain at the same time, in the most friendly manner, the motives which led to it. The president could not doubt that such an explanation would give all the satisfaction that was intended by it. By a late letter from the American charge d'affaires at London, I observe that this explanation was made to your government in the month of last. That it was not sooner made was owing to the departure of the minister plenipotentiary of the United States before the instruction was received.

I am persuaded, sir, that you will see, in this view of the subject, very strong proof of the just and amicable disposition of the United States towards Spain, of which I treated, in the conference, to which you have alluded. The same disposition still exists; but it must be understood that it cannot be indulged longer than may comport with the safety, as well as the rights and honor of the nation.

I have the honor to be, &c. &c.

JAMES MONROE.

Augustus J. Foster, Esq. &c. &c. &c.

CORRESPONDENCE

BETWEEN MR. MONROE AND MR. FOSTER ON THE SUBJECT OF THE AFFAIR OF THE LITTLE BELT.

Baltimore, July 26, 1811.

SIR—I have the honor to enclose the copy of an official letter addressed to rear admiral Sawyer, by captain Bingham, commanding his majesty's sloop the Little Belt, which contains an account of the late engagement between that ship and the American frigate the President.

In thus communicating to you, without orders from his majesty's government, this document, which in the most essential fact differs so materially from that of commodore Rodgers, I trust that this government will receive it as a proof of the sincere desire which exists with me, to open the way to an amicable arrangement of the question which may arise out of this unfortunate affair, when it shall be known to his majesty's government.

I have the honor to be, with the highest respect, sir, your most obedient humble servant,

J. P. MORIER.

The hon. James Monroe, &c. &c. &c.

[Here follows the letter from captain Bingham to admiral Sawyer—see page 34.]

MR. MONROE, SECRETARY OF STATE, TO MR. MORIER, CHARGE D'AFFAIRES TO HIS BRITANNIC MAJESTY.

Department of State, June 28, 1811.

SIR—I had the honor to receive yesterday your letter of the 26th inst. communicating a statement from captain Bingham to admiral Sawyer, of the circumstances attending the late unfortunate encounter between the United States' frigate the President and his Britannic majesty's sloop the Little Belt.

It is to be regretted that the statement made by captain Bingham should have varied in any circumstance, from that made by the commander of the American frigate. I flatter myself, with the disposition of the president, which I am authorized to express, to make it the subject of mutual and friendly explanations, its disagreeable tendency will be obviated. I am induced to express this expectation, with the more confidence, from the conciliatory manner in which you have made this communication. I have the honor to be, &c.

(Signed)

JAS. MONROE.

Mr. Morier, charge d'affaires of his Britannic majesty.

MR. FOSTER TO MR. MONROE.

Washington, July 3, 1811.

SIR,—The assurances which you did me the honor to give me yesterday verbally, that no instructions whatever had been given to commodore Rodgers which could under any construction be meant to authorize his attempting to recover by force any person claimed as an impressed American citizen from on board any of his majesty's ships of war, were amply sufficient to convey to my mind every satisfaction upon that subject: the reports, however, current in the United States, and connected with commodore Rodgers' conduct and proceedings, as well as the inferences which will be drawn from the expressions which he used to the captain of his majesty's sloop *Little Belt*, being of a tendency to create doubts in Great Britain as to the nature of the authority under which he acted, I willingly accept your offer of making me the same statement in a more formal manner, in order that I may transmit it to my government to prevent all possible mistakes so important a point.

The question arising out of the rencontre between the United States frigate *President* and his majesty's sloop *Little Belt*, will then remain limited to the act itself. You are already, sir, in possession of the British commanders' statement of the circumstances which attended it; his account, and that of the American commodore's differ very materially with respect to some of the most important features of the transaction, but in this they agree, that the chase which brought on the action commenced on the part of commodore Rodgers; for it cannot be maintained that the advance made by captain Bingham for the purpose of ascertaining if the sail described by him was his majesty's ship *Guerrier*, which it appears he had orders to join, was for the purpose of chasing, even if that could be urged as a plea by the American commander. As soon as he found his signals unanswered, he bore away, until to his infinite surprise he found himself the object of the strange vessel's eager pursuit and hostile attitudes. What could be commodore Rodgers' intention is not apparent. That he could not discover at the distance of seventy or one hundred yards that the ship before him was a flush deck sloop, though it was but a little after eight o'clock on the 16th of May; that he could not make out her colors at half past six o'clock; that his guns were double shotted; and that with the security he possessed from the great force and superior sailing of the ship under his command, and the circumstance of belonging to a neutral nation, he did not rather hold off during the night if he wished to speak the sloop, than by running under her stern in a menacing attitude incur the risk of provoking a misunderstanding, must appear unaccountable to the comprehension of every unprejudiced person, and will I am sure, sir, seem to you a sufficient reason, if there were no other, to warrant my demanding that an examination be instituted into his conduct with a view to suitable satisfaction being afforded to his majesty for the loss of so many of his subjects so wantonly slaughtered, and for the insult offered to his flag. But should captain Bingham's charges be brought home to commodore Rodgers, for his having refused to state the name of the nation he belonged to, though asked to do so on their nearing each other in the dark, and of having fired a broad-side into the sloop without provocation, which might at once have sunk so small a vessel, I am convinced I need only appeal to the justice of the American government, for the government to see in its proper light the magnitude

of the outrage, and offer to his majesty every reparation that can appear due.

It is with great pleasure, sir, that I avail myself of this opportunity to acknowledge the promptness with which you came forward with the assurances alluded to in the first part of this letter, and the readiness which you shewed to receive any communications from me in regard to the unhappy occurrence which forms the subject of the remainder.

I have the honor to be, &c.

AUG. J. FOSTER.

Hon. James Monroe, &c.

MR. MONROE TO MR. FOSTER.

Department of State, July 16, 1811.

SIR,—I have had the honor to receive your note respecting the late rencontre between the American frigate *President*, and his Britannic majesty's sloop of war the *Little Belt*.

It is very satisfactory to find that you received the communication which I had the honor to make you, in our first interview, on the subject of your inquiry, relative to that unfortunate occurrence, in the amicable spirit in which it was intended. Although the excitement which had been produced by previous and recent aggressions, particularly by the impressment of American citizens from American vessels even on the coast of the United States, was great, yet, no order had been given by the government for the recovery, by force, of any citizens so impressed, from any British ship of war. The orders given to the commanders of frigates, and other armed vessels of the United States, were for the protection of their coasts and of their commerce, within the legitimate limits.

I need not repeat to you, sir, the sincere regret of this government that such an encounter took place and more especially that it should have produced the unfortunate consequences which attended it.

I have the honor to be, &c.

JAMES MONROE.

Augustus J. Foster, Esq. &c. &c.

MR. FOSTER TO MR. MONROE.

Washington, July 24, 1811.

SIR,—I have had the honor to receive your letter dated on the 16th inst. in answer to mine of the 3d, in which I expressed a desire to have stated, in a more formal manner, your denial to me, of orders having been given to commodore Rodgers which could under any construction, authorise that commander to attack any of his majesty's ships of war, in search of any person claimed as an American seaman, and in which I also demanded that an examination should be instituted into that officer's conduct, with a view to suitable reparation being afforded to his majesty, for what appears a wanton and unprovoked attack made by the frigate under his command upon his majesty's sloop of war, the *Little Belt*.

The denial I asked for, you have given me, and I beg to assure you, sir, that though I troubled you with the demand, because the extensiveness of the rumor which had attributed such orders to the American government, had made it my duty so to do; yet I never entertained an idea for one moment that the government of the United States could have issued such orders, because they must have been considered as manifestations of direct intentions of hostility, which would have been incompatible with the relations of amity subsisting between America and Great Britain.

On such a point, sir, a simple denial was all I

asked, and what I expected to receive. It was, therefore with pain that I found you had connected it with allusions to other topics calculated to produce irritation, on which, whatever complaints you may have to make to me, I shall be ever ready to receive and forward them for redress to the commander in chief of his majesty's naval forces at Halifax, or to his majesty's government; but the mentioning of which in your note in answer to mine on a distinct subject, of the most serious importance, you will pardon me if I must consider as matter of regret, especially as you wished me to receive the communication you made me as given in an amicable spirit.

Moreover from the tenor of the part of your letter in which you have connected the question of impressment with that of an attack on a British ship of war, an inference is forced upon me, which you surely never could have meant me to draw, but which, nevertheless, the passage conveys, namely, that, *although* the government of the United States had not given orders for the recovery by force of any American citizen claimed from a British national ship, they still maintain they might have been justified in so doing. The right of searching a ship of war has been so positively disavowed on the part of his majesty's government, and so disclaimed by that of America, that I could not have expected any doubts would ever again have been thrown on the matter, and yet the language of your letter, until it is explained, will certainly authorise such doubts, as far as relates to the American government.

I have no answer at all from you, sir, to my demand for an inquiry being instituted into the conduct of captain Rodgers. This omission has occasioned to me the more surprise, because in addition to there appearing to be no cause why the government of America should decline to listen to so just a demand on my part, there seemed to be every reason why they should even for their own satisfaction have desired to clear up the circumstances of his most extraordinary proceeding. I will indeed frankly own to you that I did think on reaching this city to have found that officer's conduct already, by the spontaneous act of the government of the United States, undergoing an examination, instead of hearing that he had been sent immediately to sea again, which seemed to denote an approbation of his behaviour; and I thought I could the more rely on this being the course the president would have pursued, from a consideration of that which his majesty's government had taken in the case of the Chesapeake when every reparation practicable at the instant the intelligence reached London of the unfortunate event, was made to you, sir, promptly and unasked for.

I feel the more regret, sir, at the course taken by your government in this affair, because I have been necessarily obliged in consequence to suspend carrying into execution that part of my instructions by which I was directed immediately on my arrival here to offer such further reparation for the attack on the Chesapeake frigate as would, I am convinced, have proved satisfactory. I had the honor to state to you, in our first interview, that I had such instructions, although I omitted to mention it in my note, because, as you may remember, I expressed to you at the time, it seemed to me the American government might feel more free to act as the justice of the case required, if the two subjects were kept unconnected; and in this opinion I thought you appeared to concur.

I have the honor to be, with the greatest consideration and respect, sir, your most obedient humble servant,

AUG. J. FOSTER.

The hon. James Monroe, secretary of state.

MR. FOSTER TO MR. MONROE.

Philadelphia, Sept. 4, 1811.

SIR—I have now by an express messenger from England received the commands of his royal highness the prince regent, acting in the name and on the behalf of his majesty, relative to the late violent aggression committed by the United States frigate, the President, on his majesty's ship Little Belt, and I have the honor of communicating to you the enclosed documents which have been transmitted to me by my government to be laid before that of the United States, comprehending a copy of a letter from lord James Townshend, commanding officer at Halifax dated May 30, 1811, enclosing a statement of the action by the officers of the Little Belt—the report of the commissioner of his majesty's navy board at Halifax, in respect to the damage done the Little Belt; a copy of rear admiral Sawyer's letter, enclosing his instructions to captain Bingham as well as a list of killed and wounded on board the sloop of war—and finally a copy of the correspondence on the subject which took place between the marquis Wellesley and Mr. Smith the American charge d'affaires in London; of that of captain Bingham's official letter you are already in possession.

In communicating to you, sir, these documents, I am particularly directed to call your attention to the instructions of admiral Sawyer which furnishes the strongest evidence of the pacific and friendly intentions of his majesty's government towards this country. The very pointed manner in which the commander in chief on the Halifax station had enjoined captain Bingham to avoid giving offence to the government or subjects of the United States, in* officers statement, even if there were not such strong evidence as appears from the deposition of the different officers on board his majesty's ship as to the action having been commenced by captain Rodgers.

His majesty's government were entitled to expect, as I have had already the honor to observe to you, sir, in my former letter that the American government would have manifested a prompt disposition to obviate, by an early disavowal and by just reparation, the necessary tendency of such an event to disturb the friendship subsisting between the two states, and this expectation was the more natural from the example afforded by his majesty's government in the case of the Chesapeake.

Such however not having been the case, I am commanded by his royal highness to lose no time in communicating to you the papers enclosed, which explain in the fullest manner the circumstances of the transaction and the very great extent of the outrage committed, by which so many valuable lives were sacrificed, and in demanding the immediate disavowal on the part of the United States of the act of aggression committed against his majesty's ship; as also in requiring a just reparation of the injury received.

I have the honor to be, &c.

AUG. J. FOSTER.

To the hon. James Monroe, &c.

* There appears to be an error in the printing of this paragraph in the *Intelligencer*, from which the documents are copied.

MR. MONROE TO MR. FOSTER.

Department of state, Sept. 14, 1811.

SIR—I have had the honor to receive your letter of the 4th instant respecting the encounter between the United States' frigate the President and his Britannic majesty's ship Little Belt, which I have laid before the president of the United States.

In the first interview which took place between us, after your arrival at Washington, I stated explicitly that no instructions had been given to take any seamen from on board a British ship of war, nor any order whatever of a hostile nature, I made the same declaration afterwards at your request, in a more formal manner; and it is with the same frankness that I now again repeat it.

Such a declaration was deemed proper in order to obviate misapprehensions which might obstruct any conciliatory and satisfactory propositions with which you might be charged. It was in conformity also with the candid and friendly policy which have been shown by this government in all its transactions with Great Britain.

If the answer to your former letter was limited to this disavowal of hostile intentions on the part of this government, it need scarcely be remarked, that no further view of the subject could then nor as yet can be entered into on the demand of the British government, without forgetting an essential preliminary to such a demand.

It might be added that with the circumstances of the transaction, as officially before this government, the true ground on which it claimed attention was that of a violent aggression by a British on an American ship, in a situation and manner authorising the strongest appeal to the British government for redress. If an instant representation and demand to that effect were not made, it was a proof only that this government permitted the event of the encounter to temper the feelings and retard the complaint, prompted by the origin and character of it.

It is not seen without surprise that the case of the Chesapeake is cited as an example supporting a demand of reparation in the present case. No other remark will be made than that the fifth year is now elapsing without reparation in that case, although so palpably and even confessedly due to the rights of the U. States and honor of their flag.

In the instruction to captain Bingham thus frankly communicated, the president sees a token of amity and conciliation which, if pursued in the extent corresponding with that in which these sentiments are entertained by the United States, must hasten a termination of every controversy which has so long subsisted between the two countries.

I have the honor to be, &c.

(Signed) JAS. MONROE.
Augustus J. Foster, Esq. Sec. Sec. Sec.

MR. MONROE TO MR. FOSTER.

Department of State, Oct. 11, 1811.

SIR—I have the honor to transmit to you a copy of the proceedings of the court of inquiry, held by order of the president on the conduct of commodore Rodgers, in the late encounter between a frigate of the United States the President, and his Britannic majesty's ship the Little Belt.

The result of this inquiry which was conducted in a manner the most fair and impartial, and established by the concurrent testimony of all the officers of the American ship, and of others whom it was proper to summon, cannot, it is presumed, leave a doubt in the mind of any one that

captain Bingham made the attack and without a justifiable cause.

That commodore Rodgers pursued a vessel which had at first pursued him, and hailed her as soon as he approached within a suitable distance, are circumstances which can be of no avail to captain Bingham. The United States have a right to know the national character of the armed ships which hover on their coast, and whether they visit it with friendly or illicit views. It is a right inseparable from the sovereignty of every independent state, and intimately connected with their tranquility and peace. All nations exercise it, and none with more rigor, or at a greater distance from the coast, than Great Britain herself, nor any on more justifiable grounds, than the United States. In addition to the considerations which have recommended these precautions to other powers, it is rendered of the more importance to the United States by the practice of armed vessels from the West-Indies, investing our coast for unauthorised and even piratical purposes. Instances have also occurred, in which the commanders of British ships of war, after impressing seamen from American vessels, have concealed their names, and the names of their ships, whereby an application to their government for the reparation due for such outrages, with the requisite certainty, is rendered impracticable. For these reasons the conduct of commodore Rodgers, in approaching the Little Belt to make the necessary inquiries, and exchange a friendly salute was strictly correct.

The president, therefore, can regard the act of captain Bingham no otherwise than as a hostile aggression on the flag of the United States, and he is persuaded that his Britannic majesty, viewing it in the same light, will bestow on it the attention which it merits. With great respect, &c.

JAMES MONROE.

Augustus J. Foster, Esq. Sec. Sec. Sec.

MR. FOSTER TO MR. MONROE.

Washington, October 26, 1811.

SIR,—I have had the honor to receive your letter of the 11th instant, inclosing a copy of the proceedings of a court of inquiry held by order of the president of the United States, on the conduct of commodore Rodgers in the late encounter between a frigate of the United States, the President, and his majesty's ship the Little Belt, fixing on captain Bingham the charge of having commenced the engagement, and claiming in consequence the attention of his majesty's government towards it, as to an act of hostility on the part of the British officer.

I may be permitted to remind you, sir, that after I had ascertained from you that no hostile intentions on the part of the government of the United States were connected with the proceedings of captain Rodgers, all I asked in the first instance was, that the president of the United States would be pleased to order an inquiry into his conduct, which had tended so seriously to interrupt the harmony subsisting between our two countries; and which having hitherto received no palliation whatever from any evidence in contradiction of captain Bingham's statement as officially transmitted to his majesty's government, must have continued to them to be utterly incapable of receiving any.

The document you have now done me the honor to communicate to me with a copy annexed, of captain Rodgers' letter, (for the first time officially before me) is however so far satisfactory as it shows that captain Rodgers has endeavored to exculpate

himself, exhibiting the ground on which he rests his defence, and I shall without delay transmit it to be laid before his royal highness the prince regent. It certainly proves a most unaccountable difference to exist between the statement of the commander and officers of the Little Belt and those of the President, as to the firing of the first gun; but I must remark that from the concurrent testimony of several of the officers of the United States' ship, as to the orders given by captain Rodgers on nearing the Little Belt, there appears to have been an impression on his mind that an encounter was to ensue, and as the Little Belt was evidently endeavoring to avoid him such an idea it would seem, could only have arisen from the opinion he entertained of his own proceedings as being likely to bring it on.

I take this occasion to acknowledge the receipt of your letter dated September 14, in answer to mine of the 2d, a copy of which I immediately forwarded to my government.

I have the honor to be, with the highest consideration and respect, sir, your most obedient humble servant,
AUG. J. FOSTER.
To the hon. James Monroe, &c. &c. &c.

[The above concludes the correspondence between Mr. Monroe and Mr. Foster, and embraces the whole of it, with the exception of the three following notes, which appear to have been introductory to the opening of the written intercourse between the secretary of state and the British minister.]

FROM MR. FOSTER TO MR. MONROE.

Washington, July 2, 1811.

SIR—I have the honor to inform you that I have received the special commands of his royal highness the prince regent, acting in the name and on the behalf of his majesty, to make an early communication to you of the sentiments which his royal highness was pleased on the part of his majesty, to express to Mr. Pinkney, upon the occasion of his audience of leave.

His royal highness signified to Mr. Pinkney the deep regret with which he learnt that Mr. Pinkney conceived himself to be bound by the instructions of his government to take his departure from England.

His royal highness informed Mr. Pinkney, that one of the earliest acts of his government, in the name and on the behalf of his majesty, was to appoint an envoy extraordinary and minister plenipotentiary to the government of the United States; and added that this appointment had been made in the spirit of amity, and with a view of maintaining the subsisting relations of friendship between the two countries.

His royal highness further declared to Mr. Pinkney that he was most sincerely and anxiously desirous on the part of his majesty, to cultivate a good understanding with the United States by every means consistent with the preservation of the maritime rights and interests of the British empire.

His royal highness particularly desired that Mr. Pinkney would communicate these declarations to the United States in the manner which might appear best calculated to satisfy the president of his royal highness' solicitude to facilitate an amicable discussion with the government of the United States upon every point of difference which had arisen between the two governments.

I have the honor to be, with the greatest respect and consideration, sir, your most obedient humble servant,
AUG. J. FOSTER.

To the hon. James Monroe, &c. &c. &c.

MR. MONROE TO MR. FOSTER.

Department of State, July 6, 1811.

SIR—I have had the honor to receive your letter of the 2d inst. in which you express the regret of his royal highness the prince regent, at the departure of the American minister from Great Britain, and state that it was one of the first acts of his government to appoint an envoy extraordinary and minister plenipotentiary to the government of the United States, with a view of maintaining the subsisting relations of friendship between the two countries, and that he was solicitous to facilitate an amicable discussion with the government of the United States upon every point of difference which had arisen between the two governments.

I am instructed by the president to acknowledge to you the great satisfaction, which he has derived from the communication which you have made of the disposition of his royal highness, the prince regent, to cultivate friendship with the United States, and to assure you that the prompt and friendly measure, which he adopted, by the appointment of an envoy extraordinary and minister plenipotentiary to this country, to maintain the relations of friendship and facilitate an amicable discussion on every point of difference that had arisen between the two governments, is considered as a favorable and interesting proof of that disposition.

I am also instructed by the president to state his ready disposition to meet in a similar spirit these frank and friendly assurances of the prince regent, and that nothing will be wanting, on his part, consistent with the rights of the United States, that may be necessary to promote the re-establishment, in all respects, of that good understanding between the two countries, which he considers to be highly important to the interests of both.

Permit me to add, sir, that if, as the organ of my government, I can be, in any degree, instrumental, in concert with you, in promoting such a result, I shall derive from it a very great and sincere satisfaction.

I have the honor to be, &c.
(Signed) JAMES MONROE.

MR. FOSTER TO MR. MONROE.

Washington, July 7, 1811.

SIR—I beg leave to acknowledge the receipt of your letter dated yesterday, in answer to mine of the 2d inst. and to assure you that it gives me very sincere pleasure to have to transmit for the purpose of being laid before his royal highness the prince regent, acting in the name and on the behalf of his majesty, so satisfactory a testimony of the amicable manner in which the president of the United States has received the instances and assurances of a friendly disposition on the part of his royal highness, towards the United States, which, by command of his royal highness, I had the honor to communicate to the president, through you.

The assurances which you have added, sir, of the gratification that you would yourself derive if, as the organ of your government, you could be instrumental towards re-establishing a good understanding between both our countries, are too congenial with my own feelings on the subject, not to be received with very high satisfaction.

I have the honor to be, with the highest consideration and respect, sir, your most obedient humble servant,

AUG. J. FOSTER.

Letter of Mr. Pinkney, our late minister to Great Britain, to the secretary of state, and of Mr. Russell, our late charge d'affaires in France to Mr. Pinkney.

MR. PINKNEY TO MR. SMITH.

London, January 17, 1811.

SIR—I had the honor to receive on the 6th inst. while I was confined by a severe illness, your letter of the 15th of November, and as soon as I was able, prepared a note to lord Wellesley in conformity with it.

On the 3d instant, I had received a letter from lord Wellesley, bearing date on the 29th ultimo, on the subjects of the orders in council and the British blockades, to which I was anxious to reply, at the same time that I obeyed the orders of the president signified in your letter abovementioned. I prepared an answer accordingly, and sent it in with the other note, and a note on the 15th respecting two American schooners lately captured on their way to Bordeaux, for a breach of the orders in council. Copies of all these papers are enclosed.

My answer to lord Wellesley's letter was written under the pressure of indisposition and the influence of more indignation than could well be supposed. His letter proves, what scarcely required proof, that if the present government continues, we cannot be friends with England. I need not analyse it to you.

I am still so weak as to find it convenient to make this letter a short one, and will therefore only add, that I have derived great satisfaction from your instructions of the 15th of November, and have determined to return to the United States in the Essex. She will go to L'Orient for Mr. Grayson, and then come to Cows for me and my family. I calculate on sailing about the last of February. The choice of a *charge d'affaires* embarrasses me exceedingly, but I will do the best I can. The dispatches by the Essex were delivered to me by lieutenant Rodgers on Sunday. I have the honor to be, &c.

WM. PINKNEY.

Robert Smith, Esq. &c. &c. &c.

LORD WELLESLEY TO MR. PINKNEY.

Foreign Office, December 29, 1810.

SIR—In acknowledging the receipt of your letter of the 10th instant, I must express my regret that you should have thought it necessary to introduce into that letter any topics which might tend to interrupt the conciliatory spirit in which it is the sincere disposition of his majesty's government to conduct every negotiation with the government of the United States.

From an anxious desire to avoid all discussion of that tendency, I shall proceed without any further observation to communicate to you the view which his majesty's government has taken of the principal question, which formed the object of my enquiry during our conference of the 5th instant. The letter of the French minister for foreign affairs to the American minister at Paris, of the 7th August, 1810, did not appear to his majesty's government to contain such a notification of the repeal of the French decrees of Berlin and Milan as could justify his majesty's government in repealing the British orders in council. That letter states, "That the decrees of Berlin and Milan are revoked, and that from the first of November, 1810, they will cease to be in force, it being understood that in consequence of this declaration the English shall revoke their orders in council and renounce the new principles of blockade, which they have attempted to establish."

The purport of this declaration appeared to be that the repeal of the decrees of Berlin and Milan would take effect from the 1st of November, provided that Great Britain, antecedently to that day, and in consequence of this declaration, should revoke the orders in council, and should renounce those principles of blockade which the French government alleged to be new. A separate condition relating to America seemed also to be contained in this declaration, by which America might understand that the decrees of Berlin and Milan would be actually repealed on the 1st of November, 1810, provided that America should resent any refusal of the British government to renounce the new principles of blockade and to revoke the orders in council.

By your explanation it appears that the American government understands the letter of the French minister as announcing an absolute repeal on the 1st of November, 1810, of the French decrees of Berlin and Milan, which repeal, however, is not to continue in force, unless the British government within a reasonable time after the 1st of November, 1810, shall fulfil the two conditions stated distinctly in the letter of the French minister. Under this explanation, if nothing more had been required from Great Britain for the purpose of securing the continuance of the repeal of the French decrees than the repeal of our orders in council, I should not have hesitated to declare the perfect readiness of this government to fulfil that condition. On these terms the British government has always been sincerely disposed to repeal the orders in council. It appears, however, not only by the letter of the French minister but by your explanation, that the repeal of the orders in council will not satisfy either the French or the American government. The British government is further required by the letter of the French minister to renounce those principles of blockade which the French government alleges to be new. A reference to the terms of the Berlin decree will serve to explain the extent of this requisition. The Berlin decree states that Great Britain "extends the right of blockade to commercial unfortified towns, and to ports, harbors and mouths of rivers, which according to the principles and practice of all civilized nations is only applicable to fortified places." On the part of the American government, I understand you to require that Great Britain should revoke her order of blockade of May, 1806. Combining your requisition with that of the French minister, I must conclude, that America, demands the revocation of that order of blockade as a practical instance of our renunciation of those principles of blockade which are condemned by the French government. Those principles of blockade Great Britain has asserted to be ancient and established by the laws of maritime war, acknowledged by all civilized nations, and on which depend the most valuable rights and interests of this nation. If the Berlin and Milan decrees are to be considered as still in force, unless Great Britain shall renounce these established foundations of her maritime rights and interests, the period of time is not yet arrived, when the repeal of her orders in council can be claimed from her, either with reference to the promise of this government or to the safety and honor of the nation.—I trust that the justice of the American government will not consider, that France by the repeal of her obnoxious decrees under such a condition, has placed the question in that state which can warrant America in enforcing the non intercourse act against Great Britain and not against France.

In reviewing the actual state of this question America cannot fail to observe the situation in which the commerce of neutral nations has been placed by many recent acts of the French government.—Nor can America reasonably expect that the system of violence and injustice now pursued by France with unremitting activity, (while it serves to illustrate the true spirit of her intentions) should not require some precautions of defence on the part of Great Britain.

Having thus stated my view of the several considerations arising from the letter of the French minister, and from that with which you have honored me, it remains only to express my solicitude, that you should correct any interpretation of either which you may deem erroneous. If either by the terms of the original decree to which the French minister's letter refers, or by any other authentic document you can prove, that the decrees of Berlin and Milan are absolutely repealed, and that no further condition is required of Great Britain than the repeal of her orders in council, I shall receive any such information with most sincere satisfaction, desiring you to understand that the British government retains an anxious solicitude to revoke the orders in council, as soon as the Berlin and Milan decrees shall be effectually repealed without conditions injurious to the maritime rights and honor of the united kingdom.

I have the honor to be, with the greatest respect and consideration, sir, your most obedient humble servant,

(Signed)

WELLESLEY.

MR. FINKNEY TO LORD WELLESLEY.

Great Cumberland Place, 14th Jan. 1811

MY LORD,—I have received the letter which you did me the honor to address to me on the 29th of last month, and will not fail to transmit a copy of it to my government. In the mean time, I take the liberty to trouble you with the following reply, which a severe indisposition has prevented me from preparing sooner.

The first paragraph seems to make it proper for me to begin by saying, that the topics introduced into my letter of the 10th of Dec. were intimately connected with its principal subject, and fairly used to illustrate and explain it; and consequently that, if they had not the good fortune to be acceptable to your lordship, the fault was not mine.

It was scarcely possible to speak, with more moderation, than my paper exhibits, of that portion of a long list of invasions of the rights of the United States, which it necessarily reviewed, and of the apparent reluctance of the British government to forbear those invasions in future. I do not know that I could more carefully have abstained from whatever might tend to disturb the spirit which your lordship ascribes to his majesty's government, if, instead of being utterly barren and unproductive, it had occasionally been visible in some practical result, in some concession either to friendship or to justice. It would not have been very surprising, nor very culpable, perhaps, if I had wholly forgotten to address myself to a spirit of conciliation, which had met the most equitable claims with steady and unceasing repulsion: which had yielded nothing that could be denied; and had answered complaints of injury by multiplying their causes. With this forgetfulness, however, I am not chargeable; for, against all the discouragements suggested by the past, I have acted still upon a presumption, that the disposition to conciliate, so often professed, would finally be proved by some better evidence

than a perseverance in oppressive novelties, as obviously incompatible with such a disposition in those who enforce them, as in those whose patience they continue to exercise.

Upon the commencement of the second paragraph I must observe, that the forbearance, which it announces, might have afforded some satisfaction, if it had been followed by such admissions as my government is entitled to expect, instead of a further manifestation of that disregard of its demands by which it has so long been wearied. It has never been my practice to seek discussions of which the tendency is merely to irritate; but I beg your lordship to be assured that I feel no desire to avoid them, whatever may be their tendency, when the rights of my country require to be vindicated against pretensions that deny and conduct that infringe them.

If I comprehend the other parts of your lordship's letter they declare in effect that the British government will repeal nothing but the orders in council, and that it cannot at present repeal even them, because, in the first place, the French government has required, in the letter of the duke of Cadore to general Armstrong of the 5th of August, not only that Great Britain shall revoke those orders, but that she shall renounce certain principles of blockade (supposed to be explained in the preamble to the Berlin decree) which France alleges to be new; and, in the second place, because the American government has (as you conclude) demanded the revocation of the British order of blockade of May 1806, as a practical instance of that same renunciation, or in other words, has made itself a party, not openly indeed but indirectly and covertly, to the entire requisition of France, as you understand that requisition.

It is certainly true that the American government has required, as indispensable in the view of its acts of intercourse and non-intercourse, the annulment of the British blockade of May 1806, and further that it has through me declared its confident expectation that other blockades of a similar character (including that of the island of Zealand) will be discontinued. But by what process of reasoning your lordship has arrived at the conclusion, that the government of the United States, intended by this requisition, to become the champion of the edict of Berlin, to fashion its principles by those of France, while it affected to adhere to its own, and to act upon some partnership in doctrines, which it would fain induce you to acknowledge but could not prevail upon itself to avow, I am not able to conjecture. The frank and honorable character of the American government justifies me in saying that, if it had meant to demand of Great Britain an abjuration of all such principles as the French government may think fit to disapprove, it would not have put your lordship to the trouble of discovering that meaning by the aid of combinations and inferences discountenanced by the language of its minister, but would have told you so in explicit terms. What I have to request of your lordship, therefore, is, that you will take our views and principles from our own mouths, and that neither the Berlin decree nor any other act of any foreign state, may be made to speak for us what we have not spoken for ourselves.

The principles of blockade which the American government professes, and upon the foundation of which it has repeatedly protested against the order of May 1806, and the other kindred innovations of these extraordinary times, have already been so clearly explained to your lordship, in my letter of

the 21st of September, that it is hardly possible to read that letter and misunderstand them. Recommended by the plainest considerations of universal equity, you will find them supported by a strength of argument, and a weight of authority, of which they scarcely stand in need, in the papers, which will accompany this letter, or were transmitted in that of September. I will not recapitulate what I cannot improve; but I must avail myself of this opportunity to call your lordship's attention on a second time, in a particular manner, to one of the papers to which my letter of September refers. I allude to the copy of an official note, of the 12th of April 1804, from Mr. Merry to Mr. Madison, respecting a pretended blockade of Martinique and Guadeloupe. No comment can add to the value of that manly and perspicuous exposition of the law of blockade, as made by England herself, in maintenance of rules, which have been respected and upheld, in all seasons and on all occasions, by the government of the United States. I will leave it, therefore, to your lordship's consideration, with only this remark, that, while that paper exists, it will be superfluous to seek in any *French* document for the opinions of the American government on the matter of it.

The steady fidelity of the government of the United States to its opinions on that interesting subject is known to every body. The same principles, which are found in the letter of Mr. Madison to Mr. Thornton of the 27th of October 1803, already before you, were asserted in 1799, by the American minister at this court, in his correspondence with lord Grenville, respecting the blockade of some of the ports of Holland; were sanctioned, in a letter of the 20th of September 1800, from the Secretary of State of the United States to Mr. King, of which an extract is enclosed; were insisted upon in repeated instructions to Mr. Monroe, and the special mission of 1806; have been maintained by the United States against others, as well as against England, as will appear by the enclosed copy of instructions, dated the 21st of October 1801, from Mr. Secretary Madison to Mr. Charles Pinkney, the American minister at Madrid; and finally were adhered to by the United States when belligerent, in the case of the blockade of Tripoli.

A few words will give a summary of those principles; and when recalled to your remembrance, I am not without hopes that the strong grounds of law and right on which they stand will be as apparent to your lordship as they are to me.

It is by no means clear that it may not fairly be contended, on principle and early usage, that a maritime blockade is incomplete with regard to states at peace, unless the place which it would affect is invested by land as well as by sea. The United States, however, have called for the recognition of no such rule. They appear to have contented themselves with urging in substance, that ports not actually blockaded by a present, adequate, stationary force, employed by a power which attacks them shall not be considered as shut to neutral trade in articles not contraband of war; that, though it is usual for a belligerent to give notice to neutral nations when he intends to institute a blockade, it is possible that he may not act upon his intention at all, or that he may execute it insufficiently, or that he may discontinue his blockade, of which it is not customary to give any notice; that consequently, the presence of the blockading force is the natural criterion by which the neutral is enabled to ascertain the existence of the blockade at any given period, in like manner as the actual investment of a

besieged place is the evidence by which we decide whether the siege which may be commenced, raised, recommenced and raised again, is continued or not; that of course a mere notification to a neutral minister shall not be relied upon, as affecting, with knowledge of the actual existence of a blockade, either his government or its citizens, that a vessel, cleared or bound to a blockaded port, shall not be considered as violating in any manner the blockade, unless on her approach towards such port she shall have been previously warned not to enter it; that this view of the law, in itself perfectly correct, is peculiarly important to nations situated at a great distance from the belligerent parties, and therefore incapable of obtaining other than tardy information of the actual state of their ports, that whole coasts and countries shall not be declared (for they can never be more than declared) to be in a state of blockade, and thus the right of blockade be converted into the means of extinguishing the trade of neutral nations; and lastly that every blockade should be impartial in its operation, or in other words, shall not open and shut for the convenience of the party that institutes it, and at the same time repel the commerce of the rest of the world, so as to become the odious instrument of an unjust monopoly, instead of a measure of honorable war.

These principles are too moderate and just to furnish any motive to the British government for hesitating to revoke its orders in council and those analogous orders of blockade which the United States expect to be recalled. It can hardly be doubted that Great Britain will ultimately accede to them in their fullest extent; but if that be a sanguine calculation, (as I trust it is not) it is still incontrovertible, that a disinclination at this moment to acknowledge them, can suggest no rational inducement for declining to repeal, at once, what every principle disowns, and what must be repealed at last.

With regard to the rules of blockade which the French government expects you to abandon, I do not take upon me to decide whether they are such as your lordship supposes them to be or not. Your view of them may be correct; but it may also be erroneous; and it is wholly immaterial to the case between the United States and Great Britain whether it be the one or the other.

As to such British *blockades* as the United States desire you to relinquish, you will not, I am sure, allege that it is any reason for adhering to them that France expects you to relinquish others. If our demands are suited to the measure of our own rights, and of your obligations as they respect those rights, you cannot think of founding a rejection of them upon any imputed exorbitance in the theories of French government, for which we are not responsible, and with which we have no concern. If, when you have done justice to the United States, your enemy should call upon you to go farther, what shall prevent you from refusing? Your free agency will in no respect have been impaired. Your case will be better, in truth and in the opinion of mankind, and you will be therefore, stronger in maintaining it; provided that, in doing so you resort only to legitimate means and do not once more forget the rights of others while you seek to vindicate your own. Whether France will be satisfied with what you may do, is not to be known by anticipation, and ought not to be a subject of inquiry. So vague a speculation has nothing to do with your duties to nations at peace, and, if it had, would annihilate them. It cannot serve your interests; for it tends to lessen the number of your

friends, without adding to your security against your enemies. You are required, therefore, to do right and to leave the consequences to the future, when by doing right you have every thing to gain and nothing to lose.

As to the orders in council, which professed to be a reluctant departure from all ordinary rules, and to be justified only as a system of retaliation for a pre-existing measure of France, their foundation (such as it was) is gone the moment that measure is no longer in operation. But the Berlin decree is repealed; and even the *Alban* decree, the successor of your orders in council, is repealed also. Why is it, then, that your orders have out-lived those edicts, and that they are still to oppress and harass as before? Your lordship answers this question explicitly enough, but not satisfactorily. You do not allege that the French decrees are not repealed; but you imagine that the repeal is not to remain in force, unless the British government shall, in addition to the revocation of its orders in council, abandon its system of blockade. I am not conscious of having stated, as your lordship seems to think, that this is so; and I believe in fact that it is otherwise. Even if it were admitted however, the orders in council ought nevertheless to be revoked. Can "the safety and honor of the British nation" demand that these orders shall continue to outrage the public law of the world and sport with the undisputed rights of neutral commerce, after the pretext which was at first invented for them is gone? But you are menaced with a revival of the French system, and consequently may again be furnished with the same pretext! Be it so; yet still, as the system and the pretext are *at present* at an end, so of course should be your orders.

According to your mode of reasoning, the situation of neutral trade is hopeless indeed. Whether the Berlin decree exists or not, it is equally to justify your orders in council. You issued them before it was any thing but a shadow, and, by doing so, gave to it all the substance it could ever claim. It is at this moment nothing. It is revoked, and has passed away, according to your own admission.—You choose, however, to look for its re-appearance, and you make your own expectation equivalent to the decree itself. Compelled to concede that there is no anti-neutral French edict in operation upon the ocean, you think it sufficient to say that there *will* be such an edict you know not when, and in the mean time you do all you can to verify your own prediction, by giving to your enemy all the provocation in your power to resume the decrees which he has abandoned.

For my part, my lord, I know not what it is that the British government requires, with a view to what it calls its safety and its honor, as an inducement to rescind its orders in council. It does not, I presume, imagine that such a system will be suffered to ripen into law. It must intend to relinquish it sooner or later, as one of those violent experiments, for which time can do nothing, and to which submission will be hoped in vain. Yet, even after the professed foundation of this mischievous system is taken away, another and another is industriously procured for it; so that no man can tell at what time, or under what circumstances, it is likely to have an end. When realities cannot be found, possibilities supply their place, and that, which was originally said to be retaliation for actual injury, becomes at last (if such a solecism can be endured or imagined) retaliation for *apprehended* injuries, which the future may or may not produce but which it is certain have no existence now.

I do not mean to grant, for I do not think, that the edict of Berlin did at any time lend even a color of equity to the British orders in council with reference to the United States; but it might reasonably have been expected that they, who have so much relied upon it as a justification, would have suffered it and them to sink together. How this is forbidden by your *safety* or your *honor* remains to be explained; and I am not willing to believe that either the one or the other is inconsistent with the observance or substantial justice, and with the prosperity and rights of peaceful states.

Although your lordship has slightly remarked upon certain recent acts of the French government, and has spoken in general terms of "the system of violence and injustice now pursued by France," as requiring "some precautions of defence on the part of Great Britain," I do not perceive that you deduce any consequence from these observations, in favor of a perseverance in the orders in council. I am not myself aware of any edicts of France which, now that the Berlin and Milan decrees are repealed, affect the rights of neutral commerce on the seas. And you will yourselves admit that if any of the acts of the French government, resting on territorial sovereignty, have injured, or shall hereafter injure, the United States, it is for them, and for them only, to seek redress. In like manner it is for Great Britain to determine what precautions of defence those measures of France, which you denominate unjust and violent, may render it expedient for her to adopt. The United States have only to insist that a sacrifice of their rights shall not be among the number of those precautions.

In replying to that passage in your letter, which adverts to the American act of non-intercourse, it is only necessary to mention the proclamation of the president of the United States of the 2d of November last, and the act of congress, which my letter of the 21st of September communicated, and to add, that it is in the power of the British government to prevent the non intercourse from being enforced against Great Britain.

Upon the concluding paragraph of your letter I will barely observe, that I am not in possession of any document which you are likely to consider as *authentic*, shewing that the French decrees are "absolutely revoked upon the single condition of the revocation of the British orders in council," but that the information, which I have lately received from the American legation at Paris, confirms what I have already stated, and I think proved, to your lordship, that those decrees are repealed and have ceased to have any effect. I will now trespass on you no farther than to suggest, that it would have given me sincere pleasure to be enabled to say as much of the British orders in council, and of the blockades, from which it is impossible to distinguish them.

I have the honor to be, with great respect and consideration, my lord, your lordship's most obedient humble servant,

WM. PINKNEY.

The most noble the marquis Wellesley, &c. &c. &c.
(TO BE CONTINUED.)

Affair of the Chesapeake.

Message to the senate and house of representatives of the United States.

I communicate to congress copies of a correspondence between the envoy extraordinary and minister plenipotentiary of Great Britain and the secretary of state relative to the aggressions committed by a British ship of war on the United States frigate *Chesapeake*, by which it will be seen that that

subject of difference between the two countries, is terminated by an offer of reparation which has been acceded to.

JAMES MADISON.
Washington, Nov. 13, 1811.

MR. FOSTER TO MR. MONROE.

Washington, October 30, 1811.

SIR—I had already the honor to mention to you that I came to this country furnished with instructions from his royal highness the prince regent, in the name and on behalf of his majesty, for the purpose of proceeding to a final adjustment of the differences which have arisen between Great Britain and the United States of America in the affair of the Chesapeake frigate, and I had also that of acquainting you with the necessity under which I found myself of suspending the execution of those instructions in consequence of my not having perceived that any steps whatever were taken by the American government to clear up the circumstances of an event which threatened so materially to interrupt the harmony subsisting between our two countries, as that which occurred in the month of last May, between the United States ship President, and his majesty's ship Little Belt, when every evidence before his majesty's government seemed to show that a most evident and wanton outrage had been committed on a British sloop of war by an American commodore.

A court of inquiry however, as you informed me in your letter of the 11th instant has since been held by order of the President of the United States on the conduct of commodore Rodgers, and this preliminary to further discussion on the subject, being all that I asked in the first instance as due to the friendship subsisting between the two states, I have now the honor to acquaint you that I am ready to proceed in the truest spirit of conciliation to lay before you the terms of reparation which his royal highness has commanded me to propose to the United States' government, and only wait to know when it will suit your convenience to enter upon the discussion.

I have the honor to be, with the highest consideration and respect, sir, your most obedient humble servant,

AUG. J. FOSTER.
The hon. James Monroe, &c. &c. &c.

FROM MR. MONROE TO MR. FOSTER.

Department of state, Oct. 31, 1811.

SIR—I have just had the honor to receive your letter of the 30th of this month.

I am glad to find that the communication which I had the honor to make to you on the 11th inst. relative to the court of inquiry, which was the subject of it, is viewed by you in the favorable light which you have stated.

Although I regret that the proposition which you now make in consequence of that communication, has been delayed to the present moment, I am ready to receive the terms of it whenever you may think proper to communicate them. Permit me to add, that the pleasure of finding them satisfactory will be duly augmented, if they should be introductory to a removal of all the differences depending between our two countries, the hope of which is so little encouraged by our last correspondence. A prospect of such a result will be embraced, on my part, with a spirit of conciliation, equal to that which has been expressed by you.

I have the honor to be, &c.

Aug. J. Foster, esq. &c. &c.

JAS. MONROE.

MR. FOSTER TO MR. MONROE.

Washington, Nov. 11, 1811.

SIR—In pursuance of the orders which I have received from his royal highness the prince regent, in the name and on the behalf of his majesty, for the purpose of proceeding to a final adjustment of the differences which have arisen between Great Britain and the United States in the affair of the Chesapeake frigate, I have the honor to acquaint you —First, that I am instructed to repeat to the American government the prompt disavowal made by his majesty (and recited in Mr. Erskine's note of April 17, 1809, to Mr. Smith), on being apprised of the unauthorised act of the officer in command of his naval forces on the coast of America, whose recall from an highly important and honorable command immediately ensued as a mark of his majesty's disapprobation.

Secondly, that I am authorised to offer in addition to that disavowal, on the part of his royal highness, the immediate restoration, as far as circumstances will admit, of the men who in consequence of admiral Berkley's orders were forcibly taken out of the Chesapeake to the vessel from which they were taken; or if that ship should be no longer in commission to such sea port of the United States as the American government may name for the purpose.

Thirdly, that I am also authorised to offer to the American government a suitable pecuniary provision for the sufferers in consequence of the attack on the Chesapeake, including the families of those seamen who unfortunately fell in the action, and of the wounded survivors.

These honorable propositions, I can assure you, sir, are made with the sincere desire that they may prove satisfactory to the government of the United States, and I trust they will meet with that amicable reception which their conciliatory nature entitles them to. I need scarcely add how cordially I join with you in the wish that they might prove introductory to a removal of all the differences depending between our two countries.

I have the honor to be, with the greatest consideration and respect, sir, your most obedient humble servant,

AUG. J. FOSTER.

To the hon. James Monroe, &c. &c. &c.

MR. MONROE TO MR. FOSTER.

November 12, 1811.

SIR—I have had the honor to receive your letter of the 1st November and to lay it before the president.

It is much to be regretted that the reparation due for such an aggression as that committed on the United States frigate the Chesapeake, should have been so long delayed; nor could the translation of the offending officer from one command to another, be regarded as constituting a part of a reparation otherwise satisfactory; considering however the existing circumstances of the case and the early and amicable attention paid to it by his royal highness the prince regent, the president accedes to the proposition contained in your letter, and in so doing your government will, I am persuaded, see a proof of the conciliatory disposition by which the president has been actuated.

The officer commanding the Chesapeake now lying in the harbor of Boston, will be instructed to receive the men who are to be restored to that ship.

I have the honor, &c.

JAS. MONROE.

Augustus J. Foster, Esq. &c. &c. &c.

CONGRESS OF THE UNITED STATES.

Our sketch of the proceedings of congress for the week last past, must necessarily be short—but as yet nothing of great interest has been done.

HOUSE OF REPRESENTATIVES.

Friday, November 8.—On motion of Mr. Dawson Resolved, that a committee be appointed to bring in a bill for the apportionment of representatives among the several states, according to the third enumeration.

Some private petitions were received and referred—and also a message from the president, inclosing two letters from our present plenipotentiary in France, &c. which shall be duly noticed. The house adjourned till Monday.

Monday, November 11.—The following members form the several standing committees, viz.

Committee of ways and means.

Messrs. Bacon, Cheves, Smilie, Bibb, Burwell, Johnson and Pitkin.

Committee of commerce and manufactures.

Messrs. Newton, Lowndes, Mitchell, M'Kim, Tallmadge, Seybert and Tallman.

Committee of claims.—Messrs. Bassett, Butler, Shaw, Brown, Mosely, Stanford and Archer.

Committee of public lands.

Messrs. Morrow, M'Kee, Gold, Breckenridge, Blackledge, Boyd, Smith, of Pen.

Committee for the district of Columbia.

Messrs. Lewis, Ringgold, Piper, Peatson, Baker, Stow and Ormsby.

Committee of revival and unfinished business.

Messrs. Seybert, Jackson and Ely.

Committee of accounts.

Messrs. Turner, Blount and Little.

Committee of the apportionment of the representatives.

Messrs. Dawson, Williams, Grundy, Hall, (of New-Hampshire,) Quincy, Potter, Mosely, Strong, Porter, Condit, Milnor, Wright, Ridgeley, Alston, Bibb, Morrow and M'Kee.

Committee of post-offices and post-roads.

Messrs. Rhea, Porter, Lysle, Dinsmoor, Taggart, Potter, Law, Chittenden, Huffy, Ridgeley, Kent, Sheffield, King, Earle, Hall, (of Georgia,) Desha and Morrow.

November 12.—The house was chiefly occupied in a committee of the whole in a desultory debate arising from certain resolutions offered by Mr. Smilie, for referring different sections of the president's message to different committees, which were agreed to.

Sundry petitions were received and a good deal of minor business done.

November 13.—A message was received from the president covering the correspondence between Mr. Monroe and Mr. Foster respecting the attack on the Chesapeake—(see preceding page,) and also a return of the late census of the United States.

The following gentlemen have been named upon the select committees appointed yesterday:

Committee of foreign relations.—Messrs. Porter, Calhoun, Grundy, Smilie, Randolph, Harper, Key, Desha and Seaver.

On the Army, &c.—Messrs. Williams, Wright, Macon, Nelson, Stow, Maxwell and Tallmadge.

On the naval force, &c.—Messrs. Cheeves, Newton, Milnor, Quincy, Cook, M'Kim and Fisk.

On the Spanish American colonies.—Messrs. Mitchell, Bibb, Blackledge, Taggart, Champion, Butler and Shaw.

On the manufacturing of cannon, small arms, &c. Messrs. Seybert, Little, Goodwin, Tracy and Sturges.

On Indian affairs.—Messrs. M'Kee, Seaver, Morrow, Sheffield and Brown.

A resolution was agreed to instructing the committee of commerce and manufactures to inquire into the expediency of encouraging the manufacture of iron, either by imposing additional duties, or prohibiting the importation of certain kinds of iron.

THE SENATE have also referred the message to several distinct committees. On the 12th inst. general Smith brought in a bill to make further provision for the corps of engineers; which, on the 13th was read a second time and referred—same day he offered a resolution to request information of the president, whether tobacco of the United States "may be purchased by the Regie, to the full consumption of France," and, also to obtain a tariff of the duties imposed by France on sundry articles the produce or manufacture of the United States, &c.

ERRATA.

The *National Intelligencer*, from which we have copied the documents, has noticed the following errors; which the reader will please to correct:

ERRATA.—In our paper of Wednesday, owing to great haste, two or three slight errors occurred: In Mr. Monroe's letter to Mr. Foster, dated Oct. 1, the following words occur at the end of a paragraph near the conclusion of the letter, viz. "*They were liable to it by the law of nations.*" It should be, "*they were liable to it according to the law of nations as asserted by Great Britain.*"

An error in punctuation in another part of the same letter materially changes the sense of the sentence. The following is the sentence as it was printed:—"An explanation of the cause of that supposed silence is not less due to myself, than to the true character of the transaction with the minister with whom I had the honor to treat. I may add, that an official formal complaint was not likely to be resorted to, because friendly communications were invited and preferred."

The first sentence should have ended at the word "*transaction.*" The other sentence would then read—"With the minister with whom I had the honor to treat, I may add that an official complaint was not likely to be resorted to, &c."

The general interest excited by the documents accompanying the president's message, and an earnest desire to lay them before our readers in a compact and regular form as soon as possible, has induced us to issue an additional supplement to No. 10, and compelled us to exclude almost every thing else. They will repay the reader for the labor of perusing them,—among the documents is to be found an account of the "adjustment of the affair of the *Chesapeake.*"

We had several things to mention this week of some concern to the public and ourselves, but must postpone them. It is probable we may issue another supplement next week, by which we shall get through the press of documents, and afford room for a considerable portion of miscellaneous matter.

§7.—The exertion made to lay the documents before the readers of the Register has prevented the editor from completing the *second edition* of his *four first numbers*; but they will soon be ready for delivery, and carefully transmitted to all the new subscribers who have not received them.

On hand—"Celes," No. 2.—and a valuable "account of the manners and customs of the ancient inhabitants of Louisiana—government—history, &c. &c. from *Breckenridge's* sketches, corrected and amended by the author, and politely transmitted by him from St. Louis.

THE WEEKLY REGISTER.

Vol. 1.]

SUPPLEMENTARY TO No. 11.

"——— I wish no other herald,
"No other speaker of my living actions,
"To keep mine honor from corruption
"But such an honest chronicler."

Shakspeare—HENRY VIII.

Printed and published by H. NILES, Water-street, near the Merchants' Coffee-House, at \$5. per annum.

Public Documents.

Letters of Mr. Pinkney, our late minister to Great Britain, to the secretary of state, and of Mr. Russell, our late charge d'affaires in France to Mr. Pinkney.—CONTINUED FROM PAGE 199.

MR. PINKNEY TO LORD WELLESLEY.

Great Cumberland Place, 15th Jan. 1811.

MY LORD—After a lapse of many months since I had the honor to receive and convey to my government your lordship's repeated assurances, written as well as verbal, (which you declined, however, to put into an official form) "that it was your intention immediately to recommend the appointment of a minister Plenipotentiary from the King to the United States," the British government continues to be represented at Washington by a *charge d'affaires*, and no steps whatever appear to have been taken to fulfil the expectation which the above-mentioned assurances produced and justified.

In this state of things it has become my duty to inform your lordship, in compliance with my instructions, that the government of the United States cannot continue to be represented here by a minister plenipotentiary.

As soon, therefore, as the situation of the king's government will permit, I shall wish to take my leave and return to America in the United States frigate *Essex*, now lying at Plymouth; having first named, as I am specially authorised to do, a fit person to take charge of the affairs of the American legation in this country.

I have the honor to be, &c.

(Signed) W. M. PINKNEY.

The most noble the Marquis Wellesley.

MR. PINKNEY TO LORD WELLESLEY.

Great Cumberland Place, 15th Jan. 1811.

MY LORD—I have the honor to inform you, that it has been represented to me that two American vessels (the schooner *Polly* and the schooner *Mary*), laden with codfish, and bound from Mathehead to Bordeaux, in France, have since the 1st inst. been captured and brought into Plymouth as prizes, for an imputed breach of the British orders in council.

It is my duty to demand the restoration of these vessels and their cargoes to the American owners, together with compensation for their unjust detention, and liberty to resume the voyages which that detention has interrupted. I have the honor to be, &c.

(Signed) W. M. PINKNEY.

The most noble the Marquis Wellesley, &c. &c.

Extract of a letter from Mr. Pinkney to the secretary of state of the United States.

"LONDON, February 12, 1811.

"I received a few hours since a letter from Lord Wellesley (a copy of which is enclosed,) in answer to mine of the 14th ult. respecting the British orders in council and blockades."

THE MARQUIS WELLESLEY TO MR. PINKNEY.

Foreign Office, February 11, 1811.

SIR—The letter which I had the honor to receive from you, under date the 14th of January, 1811, has been submitted to his royal highness the prince regent.

In communicating to you the orders which I have received from his royal highness on the subject of your letter, I am commanded to abstain from any course of argument, and from any expression, which (however justified by the general tenor of your observations) might tend to interrupt the good understanding which it is the wish of his royal highness on behalf of his majesty to maintain with the government of the United States.

No statement contained in your letter appears to affect the general principles which I had the honor to communicate to you in my letter of the 29th of December, 1810.

Great Britain has always insisted upon her right of self-defence against the system of commercial warfare pursued by France; and the British orders of council were founded upon a just principle of retaliation against the French decrees. The incidental operation of the orders of council upon the commerce of the United States (although deeply to be lamented,) must be ascribed exclusively to the violence and injustice of the enemy, which compelled this country to resort to adequate means of defence. It cannot now be admitted that the foundation of the original question should be changed, and that the measure of retaliation adopted against France should now be relinquished at the desire of the government of the United States, without any reference to the actual conduct of the enemy.

The intention has been repeatedly declared of repealing the orders of council, whenever France shall actually have revoked the decrees of Berlin and Milan, and shall have restored the trade of neutral nations to the condition in which it stood previously to the promulgation of those decrees. Even admitting that France has suspended the operation of those decrees, or has repealed them with reference to the United States, it is evident that she has not relinquished the conditions expressly declared in the letter of the French minister, under date the 5th of August, 1810. France therefore requires that Great Britain shall not only repeal the orders of council, but renounce those principles of blockade which are alleged in the same letters to be new, an allegation which must be understood to refer to the introductory part of the Berlin decree. If Great Britain shall not submit to these terms, it is plainly intimated in the same letter that France requires America to enforce them.

To these conditions his royal highness on behalf of his majesty, cannot accede. No principles of blockade have been promulgated or acted upon by Great Britain previously to the Berlin decree, which are not strictly conformable to the rights of

civilized war and to the approved usages and law of nations. The blockades established by the orders of council rest upon separate grounds, and are justified by the principles of necessary retaliation, in which they originated.

The conditions exacted by France would require Great Britain to surrender to the enemy the most important maritime rights and interests of the united Kingdom.

I am commanded to inform you that his royal highness cannot consent to blend the question which has arisen upon the orders of council with any discussion of the general principles of blockade.

This declaration does not preclude any amicable discussion upon the subject of any particular blockade, of which the circumstances may appear to the government of the United States to be exceptional, or to require explanation.

I have the honor to be, with great respect and consideration, sir, your most faithful and humble servant,

(Signed) WELLESLEY.

MR. PINKNEY TO LORD WELLESLEY.

London, February 13, 1811.

MY LORD—I have had the honor to receive your letter of the 11th instant, and will transmit a copy of it to my government. I can have no inducement to trouble your lordship any farther upon the subjects to which it relates.

I have the honor, &c. &c.

(Signed) WM. PINKNEY.

LORD WELLESLEY TO MR. PINKNEY.

Foreign office, Feb. 12, 1811.

The marquis Wellesley has the honor to inform Mr. Pinkney that his royal highness the prince regent will receive the foreign ministers at his levee at Carlton house on Tuesday next, the 19th inst. at two o'clock.

MR. PINKNEY TO LORD WELLESLEY.

Great Cumberland Place, 13th Feb. 1811.

MY LORD—Referring to my letter of the 14th of last month, I beg to be informed by your lordship at what time his royal highness the prince regent will do me the honor to give me audience of leave.

I have the honor to be, with great respect and consideration, my lord, your lordship's most obedient humble servant,

(Signed) WM. PINKNEY.

MR. PINKNEY TO THE SECRETARY OF STATE.

London, February 16, 1811.

SIR—I received at a very late hour last night two notes from lord Wellesley (bearing date "February 15th, 1811"), of which copies, marked No. 1, and No. 2, are enclosed.—Taken together (as of course they must be), they announce the appointment of Mr. Foster as envoy extraordinary and minister plenipotentiary to the United States, and set forth the reasons why an appointment has been so long delayed.

You will perceive in the second and third paragraphs of the unofficial paper, a distinct disavowal of the offensive views which the appointment of a mere *charge d'affaires*, and other circumstances, appeared originally to indicate.

We are now told, in writing, that the delay in appointing a minister plenipotentiary was occasioned in the first instance, not by any such considerations as have been supposed, but, "by an earnest desire of rendering the appointment satisfactory to the United States, and conducive to the effectual establishment of harmony between the two go-

vernments;" that more recently "the state of his majesty's government rendered it impossible to make the intended appointment;" and that lord Wellesley was therefore "concerned to find by my letter of the 14th of January, that the government of the United States should be induced to suppose, that any indisposition could exist on the part of his majesty's government, to place the British mission in America on the footing most acceptable to the United States, as soon as might be practicable consistently with the convenience of affairs in this country."

The two papers are evidently calculated to prevent me from acting upon my late request of an audience of leave, and they certainly seem to put it in my power, if they do not make it my duty, to forbear to act upon it.

I have it under consideration (looking to the instructions contained in your letter of the 15th of November) what course I ought to pursue. It is at any rate my intention to return to America in the Essex, as I shall doubtless have the president's permission to do in consequence of my letter to you of the 24th of November.

I have the honor to be, with great respect, &c.
WM. PINKNEY.

The secretary of state of the United States.

LORD WELLESLEY TO MR. PINKNEY.

(Marked "Private.")

Foreign office, Feb. 15, 1811.

SIR—In the various unofficial communications which I have had the honor to make to you, respecting the appointment of a minister plenipotentiary from the king to the United States, I have endeavoured to explain to you in the most distinct manner, the circumstances which had delayed that appointment; and I have expressed my intention to recommend that it should be carried into effect as soon as the situation of his majesty's government might permit.

The delay was occasioned in the first instance (as I stated to you repeatedly) by an earnest desire of rendering the appointment satisfactory to the United States and conducive to the effectual establishment of harmony between the two governments. Since that period of time the state of his majesty's government rendered it impossible to make the intended appointment.

I was therefore concerned to find by your letter of the 14th of January, that the government of the United States should be induced to suppose that any indisposition could exist on the part of his majesty's government, to place the British mission in America on the footing most acceptable to the United States, as soon as might be practicable, consistently with the convenience of affairs in this country.

In pursuance of the intention so often declared to you, his royal highness the prince regent has been pleased, in the name and on behalf of his majesty, to appoint Mr. Foster, (lately charged with his majesty's affairs in Sweden) to be his majesty's envoy extraordinary and minister plenipotentiary to the United States; and that appointment will be notified in the next gazette.

You will of course exercise your own judgment under these circumstances, respecting the propriety of requiring an audience of leave, on the grounds which you have stated.

I have the honor to be, with great respect and consideration, sir, your most obedient and humble servant,

(Signed)

WELLESLEY.

LORD WELLESLEY TO MR. PINKNEY.

Foreign office, February 15, 1811.

SIR—Having submitted to his royal highness the prince regent, your desire to have an audience of leave, with a view to your return to America, I am commanded by his royal highness to inform you that he will be prepared to receive you at Carlton house on Tuesday the 19th instant. I am also commanded to inform you that his royal highness, in the name and on behalf of his majesty, has been pleased to appoint Augustus J. Foster, Esq. (late) charged with his majesty's affairs in Sweden) to be his majesty's envoy extraordinary and minister plenipotentiary, to the United States.

I have the honor to be, sir, with great respect and consideration, your most faithful and humble servant.

(Signed)

WELLESLEY.

MR. PINKNEY TO THE SECRETARY OF STATE.

London, Feb. 18, 1811.

MY LORD—The result of my reflections on lord Wellesley's two communications of the 15th inst. will be found in my letter to him of yesterday's date, of which I now transmit a copy.

It appeared to me that the appointment of a minister plenipotentiary to the United States was nothing or rather worse than nothing, if the orders in council were to remain in force, the blockade of May 1806, to be unrepealed, the affair of the Chesapeake to continue at large, and the other urgent questions between us to remain unsettled.

The "posture of our relations," as you have expressed it in your letter of 15th November, would not be "satisfactorily changed" merely by such an appointment; and of course my functions could not be resumed upon the sole foundation of it.

I have put it to lord Wellesley to say explicitly, whether full and satisfactory arrangement is intended, before I answer his official letter concerning my audience of leave. If he is prepared to do at once what we require, or to instruct the new minister to do at Washington what does not demand immediate interference here, I shall think it my duty to forbear to take my leave on the 26th inst. If he declines a frank reply, or refuses our demands, I shall press for my audience and put an end to my mission.

I have the honor to be, &c.

WM. PINKNEY.

To the secretary of state of the U. States.

MR. PINKNEY TO LORD WELLESLEY.

Great Cumberland Place, Feb. 17, 1811.

MY LORD—Before I reply to your official communication of the 15th instant, you will perhaps allow me, in acknowledging the receipt of the unofficial paper which accompanied it, to trouble you with a few words.

From the appointment which you have done me the honor to announce to me, of a minister plenipotentiary to the United States, as well as from the language of your private letter, I conclude that it is the intention of the British government to seek immediately those adjustments with America, without which that appointment can produce no beneficial effect. I presume that, for the restoration of harmony between the two countries, the orders in council will be relinquished without delay, that the blockade of May 1806, will be annulled, that the case of the Chesapeake will be arranged in the manner heretofore intended, and, in general, that all such just and reasonable acts will be done as are necessary to make us friends.

My motives will not, I am sure, be misinterpreted, if, anxious to be enabled so to regulate my conduct in the execution of my instructions as the best results may be accomplished, I take the liberty to request such explanations on these heads as your lordship may think fit to give me.

I ought to add that, as the levee of his royal highness the prince regent has been postponed until Tuesday the 26th inst. I have supposed that my audience of leave is postponed to the same day, and that I have on that ground undertaken to delay my reply to your official communication until I receive an answer to this letter.

I have the honor to be, with great respect and consideration, my lord, your lordship's most obedient humble servant,

(Signed)

WM. PINKNEY.

The most noble marquis Wellesley, &c. &c. &c.

MR. PINKNEY TO MR. SMITH.

London, 24th Feb. 1811.

SIR—I received last night lord Wellesley's answer (of which a copy is inclosed) to my letter of the 17th inst. He has marked it *private*, and speaks of my letter to him as being *private* also. My letter, however, was not so marked or intended; and his answer, however marked, is essentially an official communication of great importance.

His letter amounts to an explicit declaration that the orders in council are to be persisted in; and it furnishes no evidence of a disposition to give us any thing but vague and general professions on any subject. I did not therefore hesitate to send him a reply, declaring my intention to take leave on the 28th in pursuance of my request of the 13th, and declining to attend the prince's levee on Tuesday the 26th—of this reply a copy is now transmitted.

To mistake the views of this government is now impossible. They are such as I always believed them to be, and will, I hope, be resisted with spirit and firmness.

In shaping my course on this occasion, I have endeavored to conform to the orders of the president, signified to me in your letter of the 15th of November. With those orders, as I understand them, my own wishes certainly concurred; but I trust I have not suffered inclination to influence my interpretation of them.

According to your letter, my functions were to be considered as suspended on the receipt of it if the British government had not then appointed a minister plenipotentiary to the United States. Such an appointment had not at that time been made, and consequently the suspension took place.

Upon a careful consideration of your letter, it appeared to me to look to a *revival* of my functions, in the event of "a satisfactory change in the posture of our relations" with this country. I could not, indeed, find it in any precise provision to that effect; but there was apparently room for such a construction, and I have already informed you that, however anxious to close my mission and retire from the public service, I was disposed to act, for a few weeks, upon that implication, in case such a change occurred in our relations as I deemed a *satisfactory* one.

It could not be imagined that the appointment of Mr. Foster produced that change; and, supposing it to be left in some degree at least, to my discretion to determine in what it should consist, I had no difficulty in deciding that the immediate repeal of the orders in council and the blockade of May 1806, a distinct pledge on the affair of the Chesapeake, and a manifestation of a disposition to

accommodate with us, on principles of justice, on all other concerns, were indispensable ingredients. It followed, that upon receiving lord Wellesley's letter of yesterday's date, I had no choice but to press for my audience of leave.

It may perhaps be thought that I ought not to have refused to appear at Carlton house on the 26th for the purpose of being presented, with the other foreign ministers, to the regent. I have not myself, any doubt at all upon that point. My appearance at the levee for such a purpose would import that I consider my capacity, as the minister of the United States, to be entire; and would, moreover, encourage the delusion which now prevails concerning the views of the British government towards America.

I have the honor to be, with great respect and consideration, sir, your most obedient humble servant,
WM. PINKNEY.

LORD WELLESLEY TO MR. PINKNEY.

[Marked "private,"]

Apsley House, Feb. 23d. 1811.

SIR—I have the honor to acknowledge the receipt of your private* letter, under date the 17th inst.

I take the liberty of referring you to my former unofficial letters and communications for an explanation of the motives which have induced this government, in pursuance of those amicable views, which I have uniformly declared, to appoint a minister plenipotentiary to the U. States.

I have already assured you, that the delay of that appointment was occasioned in the first instance by an anxious desire to make it in the manner which was likely to prove most acceptable to the United States. The appointment was recently delayed by the state of his majesty's government: and it has ultimately taken place in pursuance of the principles, which I have repeatedly stated to you, and not in consequence of any change of system.

It is, perhaps, unnecessary to repeat the desire of this government to relinquish the orders in council, whenever that measure can be adopted, without involving the necessity of surrendering the most important and valuable maritime rights and interests of the united kingdom.

No objection has ever been stated on the part of this government, to an amicable discussion of the principles of any blockade, which may be deemed exceptionable by the U. States.

I have expressed to you, without reserve, a desire to arrange the case of the Chesapeake on just and equitable principles; and I trust that no apprehension can be entertained of the general disposition of this government to adopt every reasonable measure which may be necessary to conciliate the friendship of the United States. But it would be neither candid towards you nor just towards this government, to countenance any interpretation of the motives of the late appointment, which might favor a supposition that it was intended by this government to relinquish any of the principles which I have so often endeavored to explain to you.

His royal highness' levee will take place on Tuesday the 26th instant; but I have received his commands to signify to such of the foreign ministers as may desire to have private audience, that his royal highness will receive them on Thursday the 28th instant. The foreign ministers, however, will all be presented to his royal highness on Tuesday the

26th instant, on which day I shall attend for that purpose.

I have the honor to be, with great respect and consideration, sir, your most obedient and humble servant,

[Signed] WELLESLEY.

MR. PINKNEY TO LORD WELLESLEY.

Great Cumberland Place, Feb. 23, 1811.

MY LORD—I have had the honor to receive your private letter of this day's date.

It only remains for me to inform your lordship, that I have transmitted to the secretary of state of the United States, a copy of your official communication of the 15th instant, and of the unofficial paper which accompanied it; and that I will avail myself of the disposition of his royal highness the prince regent, to give me an audience of leave on Thursday next, the 28th of February, in pursuance of the request contained in my letter of the 13th instant, which referred to my letter of the 14th of January.

I take the liberty to add, that until the time appointed for my audience, I will not trespass on his royal highness for the purpose of being presented to him.

I have the honor to be, with great respect and consideration, my lord, your lordship's most obedient humble servant,

[Signed] WM. PINKNEY.

Extract of a letter from Mr. Pinkney to Mr. Smith, secretary of state of the United States, dated London, March 1, 1811.

"I had my audience of leave at Carlton house yesterday. In the course of the short address which the occasion required, I stated to the prince regent the grounds upon which it had become my duty to take my leave and to commit the business of the legation to a *charge d'affaires*; and I concluded by expressing my regret, that my humble efforts, in the execution of the instructions of my government, to set to rights the embarrassed and disjointed relations of the two countries, had wholly failed, and that I saw no reason to expect that the great work of their reconciliation was likely to be accomplished through any other agency.

The prince's reply was of course general; but I ought to say that (exclusively of phrases of courtesy) it contained explicit declarations of the most amicable views and feelings towards the United States. Lord Wellesley was the only person present at this audience.

While I was in the outer room, waiting until the prince regent was ready to receive me, lord Wellesley told me that they intended to send out Mr. Foster immediately."

Extract of a letter from Mr. Pinkney, to the secretary of state of the United States.

Cowes, May 7, 1811.

I encloseduplicate copies (more legible than those transmitted in my letter of the 13th of March) of Mr. Russel's communications to me of the 1st, 11th, 13th and 30th of December last. They are necessary to account for, not the general character or substance of my late correspondence with lord Wellesley, but that particular part of the last paragraph of my letter to that nobleman of the 14th of January, 1811, which is contained in the following words: "The information which I have lately received from the American legation at Paris, confirms what I have already stated, and I think proved

N. B. This is a mistake. Mr. Pinkney's letter was not marked private, nor intended to be so.

to your lordship that those decrees are repealed, and have ceased to have any effect."

I have the honor to be, &c. &c.

WM. PINKNEY.

MR. RUSSEL TO MR. PINKNEY.

Paris, 1st December, 1810.

SIR—As nothing has transpired here of sufficient importance to be communicated by a special messenger—and as no safe private conveyance has hitherto presented itself I have delayed till now to acknowledge the receipt of your letters under dates of the 7th and 28th of October.

No event within my knowledge has occurred, either before or since the first of November, to vary the construction given by us, to the very positive and precise assurances of the duke of Cadore, on the 5th of August, relative to the revocation of the Berlin and Milan decrees. That these decrees have not been executed for an entire month, on any vessel arriving during that time in any of the ports of France, may, when connected with the terms in which their revocation was announced, fortify the presumption that they have ceased to operate. I know of no better evidence than this which the negative character of the case admits, or how the non-existence of an edict can be proved, except by the promulgation of its repeal, and its subsequent non-execution.

Our attention here is now turned towards England and the United States. The performance of one of the conditions on which the revocation of the decrees was predicated, and which is essential to render it permanent, is anxiously expected, and it is devoutly to be wished that England, by evincing the sincerity of her former professions, may save the United States from the necessity of resorting to the measure which exclusively depends on them.

I need not suggest to you the importance of transmitting hither as early as possible any information of a decided character, which you may possess relative to this subject, as an impatience is already betrayed here, to learn that one or the other of the conditions has been performed.

I am, sir, with great respect, your faithful humble servant,
JONA. RUSSEL.
His excellency William Pinkney.

MR. RUSSEL TO MR. PINKNEY.

Paris, 11th December, 1810.

SIR—I have had the pleasure to receive your letter of the 22nd ult. by Mr. Page, and I thank you most sincerely for the paper which accompanied it.

It is no where more necessary than at Paris, to hear both sides of a question in order to give a near guess at the truth. The way in which the story is told on your side of the channel will enable me to correct many errors which it contains as told here. The obligations you confer on me this day I shall endeavor to discharge in kind.

I wrote you a few days since by the way of Dieppe, and gave you the best statement of affairs here that the truth would warrant, in hopes that you might derive some advantage from it. I assure you I have felt disappointed and grieved at the conduct of the British ministry. If they distrusted the sincerity of their enemies with regard to the revocation of the decrees here, still it would have been good policy to have appeared to believe them and to have acted accordingly. By pursuing a different course they have missed a golden opportunity of honorably repealing their offending orders and in so doing to have proved at once their own sincerity and con-

ciliated the good opinion of the United States. If the frigate *Essex*, which arrived on the 4th instant, at L'Orient in twenty eight days from Norfolk, has brought the president's proclamation in pursuance of the law of the first of May, the British ministry will be placed in an awkward situation. They will have to persevere in their orders at the expense of their veracity and at the hazard of war with the United States, or to withdraw them under very equivocal circumstances, which will give to their conduct the appearance of being rather the result of necessity than the dictate of principle. That the frigate has brought this proclamation there is good cause to suppose from the time when she left the United States, being a few days subsequent to the period when the Berlin and Milan decrees were to cease to operate. If she has brought this proclamation, it will without doubt, render absolute the revocation of those decrees, whatever uncertainty might have before attended it. There are probably then but a few days left in which the repeal of the British orders can appear to be the spontaneous act of the ministry, and I sincerely hope that by properly improving this short period, they may do with a good grace what cannot be done afterwards in a way either to save their pride or deserve our friendship.

Agreeably to your request, I shall change the file of the *Journal de L'Empire* which I intended for you for that of the *Moniteur*.

I am, sir, very truly and respectfully, your obedient humble servant.
JONA. RUSSEL.
His excellency William Pinkney.

COPY OF A LETTRE FROM MR. RUSSEL TO MR. PINKNEY, DATED

Paris, December 27th, 1811.

SIR—I have received your letters of the 5th and 6th of this month by Mr. Bowdoin and Mr. Wells.

The vessel you mention (the *Charles*) having on board a large quantity of turpentine, which is considered here as naval stores, will probably be condemned for carrying contraband of war to an enemy without any reference to the Berlin and Milan decrees.

On the other hand the American vessels which have been permitted to land their outward cargoes in the ports of France, and to take in return cargoes to the United States, are, as far as I can learn, but two in number, and, in fact, arrived before the first of November, and to them the decrees were not applicable. The other vessels which have taken away cargoes arrived here in ballast, and were recommended by special circumstances to the consideration of this government.

Nothing can therefore be inferred either for or against the revocation of the French edicts from the facts referred to in your letter of the 6th inst.

Since I last wrote however, I have learnt the seizure and capture of two or three American vessels, but the course which this government will pursue in relation to them being marked out by the letters of the minister of justice to the president of the council of prizes, and from the minister of finance to the director general of the customs, which you will find in the *Moniteurs* which I herewith send to you, it is unnecessary to enter into a particular detail of the circumstances which attended these cases.

I am willing to believe that what this government has done, although it may not be entirely satisfactory to the United States, will at least be sufficient to procure from the British government a repeal of the orders in council, and the restoration of all American property taken under them since the first of November.

It is possible that the French cruisers may hereafter continue their depredations, but abuses of this kind are very distinct from the operation of the Berlin and Milan decrees, and cannot by the most extravagant construction of the law of retortion, afford a pretext for the continuance of the British orders.

I am, sir, &c. &c.

[Signed]

JONA. RUSSEL.

MR. RUSSEL TO MR. PINKNEY.

Paris, 30th December, 1810.

SIR—A gentleman called on me last evening from the duke of Cadore, to inform me that the American schooner the Grace Ann Green had been released. This vessel arrived at Marseilles since the first of November and was last from Gibraltar, where she had remained some time. As she came clearly within the Berlin and Milan decrees, her release may be considered as conclusive evidence of their revocation.

I am, sir, with great respect, your very humble servant,

[Signed]

JONA. RUSSEL.

His excellency William Pinkney.

Correspondence of John Spear Smith, Esq. our present charge des affaires in Great Britain.

EXTRACT OF A LETTER FROM JOHN S. SMITH,

ESQ. TO THE SECRETARY OF STATE, DATED

London, 25th May, 1811.

"I had yesterday for the first time an interview with lord Wellesley. I presented to him the letters of introduction that Mr. Pinkney had given me, and he received me in the most polite manner."

MR. SMITH CHARGE DES AFFAIRES AT LONDON, TO THE MARQUIS WELLESLEY, DATED

May 27, 1811.

MY LORD—I have the honor to inform your lordship (from official information, this day received by me from Paris) that all the American vessels which have voluntarily arrived in France, since the first of November, have been admitted. This (if any additional evidence of the repeal of the Berlin and Milan decrees were wanting) will sufficiently establish the fact of their revocation, as most of the vessels now admitted, would otherwise have been subject to their operation.

I have the honor to be, with the greatest respect, your lordship's most obedient and humble servant,

[Signed]

J. S. SMITH.

The most noble the marquis Wellesley, &c. &c. &c.

EXTRACT OF A LETTER FROM MR. JOHN S. SMITH TO THE SECRETARY OF STATE, DATED

London, 8th June, 1811.

"Enclosed is the copy of a letter which I addressed to lord Wellesley on the 5th instant. I had delayed making this communication, in the hope that I should do it at the interview which he had promised me, and which I again requested on the third instant. I did not consider it necessary to enter at length into a subject which has been so often and so ably discussed, and on which nothing has been left to add. I shall, however, enter into any explanations that may be necessary when I again see his lordship."

MR. JOHN SPEAR SMITH TO LORD WELLESLEY.

18, Bentick-street, 5th June, 1811.

MY LORD—I have the honor to communicate to your lordship the copy of an act passed during the last session of Congress, which, though it renews

certain parts of the non-intercourse law against this country, yet it carefully gives to the president the authority to repeal it "when Great Britain shall so revoke or modify her edicts as that they shall cease to violate the neutral commerce of the United States." In this, as well as in the other provisions of the act, his majesty's government cannot fail to observe the invariable disposition of the United States, to preserve harmony with great Britain, and to re-establish that happy intercourse between the two nations, which it is so much the interest of both to cultivate, and the president confidently expects that his majesty will not hesitate to abandon a system, always urged to be merely retaliatory, now that its causes have ceased to exist.

I have the honor to inform your lordship that the gentleman who will be the bearer of my dispatches to the United States in the John Adams, will leave town on Friday evening, and that I shall be happy to forward by the same conveyance any dispatches that your lordship may wish to send to the United States. I have the honor to be, &c.

[Signed]

J. S. SMITH.

The most noble the marquis Wellesley.

Mr. Smith, charge d'affaires at London, to the secretary of state of the United States.

LONDON, 6th June, 1811.

SIR—I have the honor to enclose a report of the trial of the Fox and others.

The John Adams will leave Cowes this week.—The messenger goes down to morrow evening.

I have the honor to be, &c. &c.

[Signed]

J. S. SMITH.

The honorable the secretary of state, &c. &c.

Extract of a letter from Mr. J. S. Smith, to the secretary of state, dated

LONDON, 16th June, 1811.

"On the 9th instant, the day after Mr. Hamilton left town with my dispatches, I received the enclosed note from lord Wellesley, appointing Tuesday, the 11th, to see me at his house. I immediately wrote to captain Dent to detain the frigate until he heard from me again; but he had gone to sea before my letter reached Cowes, and I am now compelled to send this by another opportunity.

"I waited on lord Wellesley according to his appointment. He commenced the conversation by observing, that whenever there was any thing of importance to be communicated, it was better to do it in writing, as when merely verbal, it was liable to be misunderstood; that he did not mean any thing personally to me; that the same rule was observed with other foreign agents here, and was customary. I replied, that I was ready to pursue this system; that in the note which I had written him, enclosing the non-importation act, I had not gone into a lengthy discussion, as that whatever I might say would be only a recapitulation of what had so often been written. I however proceeded to explain the new act, and to remark to him the particular amicable nature of the second section of it; that I conceived this to be a most favorable opportunity for Great Britain to abandon her system of restrictions, and particularly at this moment, when I had communicated practical instances of the repeal of the obnoxious measures of France. He said that he did not think they would do any thing before they heard from Mr. Foster, who had full instructions upon this and the other points of dispute.

I turned the conversation to the subject of your letter of the 22d of January, and asked him if Mr. Pinkney had given any explanations about the tak-

ing possession of West Florida. He replied, that he first he had heard of it was through Mr. Foster, though he had reason to expect something from Mr. Pinkney; that Mr. Foster however was instructed on this point. I asked if East Florida was included in these instructions? He replied that it was. I then communicated to him the substance of your letter, and explained with frankness the intentions of the United States. He expressed his wish that this, as well as the other subjects, should lay over until they heard from America.

I shewed him the letter of the President to his majesty, containing Mr. Pinkney's permission to return. He said that it would be proper that I should write him a note, inclosing this letter, and requesting him to present it to the prince regent.

The vessels detained here under the orders in council have not yet been finally condemned, and I represented to lord Wellesley how important it was that they should be released, or that they should be still suspended. He said that he desired it also, but that private rights being concerned, it was difficult for government to interfere for their longer suspension. I am induced to believe that they will wait until they hear from Mr. Foster.

Extract of a letter from John Spear Smith, Esq. to the secretary of state of the U. States, dated
LONDON, 27th June, 1811.

"I have the honor to enclose a copy of the final decision of sir William Scott in the case of the Fox and others."

"The court on Tuesday last, the 25th inst. condemned the remaining American vessels captured under the orders in council. As soon as I can procure a correct list of them, I will have the honor to forward it. The seamen who are left destitute by these condemnations will be taken care of by general Lyman. They are of course numerous."

Extract of a letter from Mr. J. S. Smith to the secretary of state, dated

LONDON, July 10, 1811.

"Enclosed is a list of the American vessels that have been condemned at the late sittings of the court of admiralty. Two only of them have not yet been decided upon. They will, however, share the fate of the others. Vessels and cargoes will be sold, and the money deposited in the court to await (for twelve months) the appeal of the captured, from which, very little is, I fear to be expected."

* Brig Fox, captain Porter, from Boston, cargo colonial, &c. value of vessel \$10,000, cargo \$29,500.

* Schr. Betsey, Lindsey, Marblehead, fish, oil, indigo and cotton, vessel 3,500, cargo 21,500.

* Mary, Vickery, do. fish, green, vessel 2,000 cargo 1,800.

* Polly, Derereux, do. do. do. vessel 2,000 cargo 1,800.

* Ann, Dolliber, do. do. do. vessel 2,000, cargo 1,800.

* Woodbridge, Kimman, Boston, fish, oil, &c. vessel 3,500, cargo 7,000.

* Ship Danube, Pearce, New-York, cotton, rice, indigo, &c. vessel 20,000, cargo 35,000.

* Brig Matilda, Lee, Boston, cotton, fish, teas, nan keens, vessel 12,000, cargo 25,000.

* Eliza, Corgi, Philadelphia, cotton, peltry, &c. vessel 8,000, cargo 38,000.

* Ship Adolphus, Brevont, New-York, tobacco, peltry, &c. vessel 20,000, cargo 45,000.

* Rebecca, Toby, ditto, sugar, coffee, &c. vessel 15,000, cargo 30,000.

* Schr. Two Sisters, Bridges, Marblehead, fish, (green) vessel 2,000, cargo 1,800.

* Brig Garland, Haff, New-York, cotton, indigo and cod, vessel 8,000, cargo 30,000.

* Ship Betsey, Milwood, Norfolk, tobacco, vessel 8,000, cargo 20,000.

* Brig Ida, Stacy, Boston, fish, &c. dry, vessel 13,000, cargo 7,000.

* Beauty, Morris, Philadelphia, cotton, colonial, &c. vessel 17,000, cargo 20,000.

* Ship Chas. Wicket, Weakes, do. cotton, and peltry, vessel 10,000, cargo 25,000.

† Andrew, Coggins, Bayonne, brandy, wine, silks, vessel 12,000, cargo 25,000.

† Rose in Bloom, Aliot, do. do. do. vessel 12,000 cargo 25,000.

† Projector, Brown, New-York, cotton, ivory &c. vessel 8,000, cargo 30,000.

‡ Schr. Lydia, Kelham, Bordeaux, brandy, wine, silks, vessel 3,500, cargo 14,000.

† Ship Eleanor, Kempton, Savannah, cotton, rice, tobacco, vessel 8,000, cargo 20,000.

† Schr. Helen, Elkins, Marblehead, fish and oil, 3,500, cargo 4,000.

† Brig Telemachus, Berry, Bordeaux, brandy, wine, silks, vessel 4,000, cargo 6,000.

† Schr. Lark, Cloutman, Marblehead, fish, (green) vessel 2,000, cargo 1,800.

† Ship Golden Fleece, Silkman, Charleston, cotton, rice, wax, &c. vessel 25,000, cargo 45,000.

§ Louisiana, Richards, New-York, cotton, &c. vessel 7,500, cargo 15,000.

§ Brig Fox, Gooday, do. cotton, indigo, vessel 15,000, cargo 50,000.

Total amount of vessels \$256,500
do. do. cargoes 576,000

Copy of a letter from John Spear Smith, Esq. charge d'affaires of the United States at London to the secretary of state, dated

LONDON, 22d July, 1811.

SIR—I have the honor to enclose a copy of Mr. Russel's letter to me of the 14th inst. which contains the agreeable intelligence of the release of three of the captured American vessels. I shall communicate its substance to this government without the formality of an official note, supposing that Mr. Foster is fully instructed on the subject of the orders in council; and that any thing I might under these circumstances offer would be attended with no advantage. I inclose a letter from Mr. Russel of the 5th instant.

I have the honor to be, &c.

[Signed]

J. S. SMITH.

The honorable the secretary of state.

Extract of a letter from John S. Smith, esq. to the secretary of state of the United States, dated.

LONDON, August 5, 1811.

"I have now the honor to transmit to you, lord Wellesley's answer to my note covering Mr. Russel's letter of the 14th July, and also another note from his lordship on the subject, which I received last evening."

NOTE—The papers that came in those letters made part of the inclosures in Mr. Munroe's letter of the 7th October, to Mr. Foster, and are printed with it.

* Condemned June 18.—† ditto June 21 —‡ ditto July 5.—§ Not yet decided, but must be like the others.

Correspondence of Jonathan Russell, Esq. charge des affaires in France.

MR. RUSSEL TO MR. SMITH, SECRETARY OF STATE.

Paris, January 16, 1811.

SIR—Your letter of the 8th of November, relative to the powers given by this government to its consuls in the United States under its decree concerning licences, were received by me on the 11th instant, and the next day I communicated its contents to the duke of Cadore in a note, a copy of which you will find enclosed. I remain, &c. &c.

(Signed)

JONATHAN RUSSEL.

The honorable Robert Smith, &c. &c.

MR. RUSSEL TO THE DUKE OF CADORE.

Paris, 12th January, 1811.

SIR—The public journals and letters from general Armstrong have announced to the American government an imperial decree, by which permission is to be granted to a stated number of American vessels to import into France from certain ports of the United States the articles therein specified, and to export in return such productions of the French empire, as are also enumerated in said decree. This trade, it would appear, is to be carried on under the authority of imperial licences, and can only be perfected by the act of the French consul residing within the jurisdiction of the United States at the specified ports.

The United States have no pretension of right to object to the operation of commercial regulations, strictly municipal authorised by the French government to take effect within the limits of its own dominions; but I am instructed to state to you the inadmissibility on the part of the United States, of such a consular superintendence as that which is contemplated by this decree respecting a trade to be carried on under licences.

France cannot claim for her consuls, either by treaty or custom, such a superintendence. They can be permitted to enjoy such legitimate functions only as are sanctioned by public law, or by the usage of nations growing out of the courtesy of independent states.

Besides the decree in question professes to invest certain consuls with a power which cannot be regularly exercised in the United States without the tacit permission of the American government; a permission that cannot be presumed, not only because it is contrary to usage, but because consuls thus acting would be exercising functions in the United States, in virtue of French authority only, which the American government itself is not competent to authorise in any agents whatever.

If the construction given by the government of the United States to this decree be correct, the government of France should not for a moment mislead itself by a belief that its commercial agents will be permitted to exercise the extraordinary power thus intended to be given to them.

I pray your excellency, &c. &c.

(Signed)

JONATHAN RUSSEL.

His excellency the duke of Cadore.

MR. RUSSEL TO MR. SMITH, SECRETARY OF STATE.

Paris, 21st January, 1811.

SIR—On the 18th instant, I received a note dated that day from the duke of Cadore in answer to the representation which I had made to him on the 12th of this month, relative to the exceptionable powers intended to be exercised by the French consuls in the United States in perfecting the contemplated trade under licences,

You will perceive with satisfaction that not only these powers but the system itself under which they were to have been exercised have been abandoned.

I have the honor, &c. &c.

Honorable Robert Smith, secretary of state.

THE DUKE OF CADORE TO MR. RUSSEL.

Paris, 18th January, 1811.

SIR—I have read with much attention your note of the 12th January, relative to the licences intended to favor the commerce of the Americans in France, this system had been conceived before the revocation of the decrees of Berlin and Milan had been resolved upon. Now circumstances are changed by the resolution taken by the United States, to cause their independence to be respected. That which has been done before this last epoch can no longer serve as a rule under actual circumstances.

Accept the assurances of my high consideration.
CHAMPAGNY, DUKE OF CADORE.
The honorable Mr. Russel.

MR. RUSSEL TO THE DUKE OF BASSANO.

Paris, 29th April, 1811.

Encouraged by the assurances which your excellency was pleased to give in the conversation which I had the honor to hold with you yesterday, that the French government was disposed to promote, as far as it might be in its power, the success of the mission of the special minister of the U. States to the court of Denmark, I dare persuade myself that your excellency will feel no hesitation in returning such an answer to the following enquiries, as shall place the facts to which they relate beyond the possibility of doubt or controversy:

1st. Did not the minister of foreign relations by a dispatch, dated the 20th of April, 1808, authorise the consuls of France in the United States to deliver certificates of origin to vessels destined for neutral or allied ports and prescribe the formalities required for such certificates?

2d. Was not the dispatch of the duke of Cadore, of the 30th of August last, the first that was received in the United States, either by the French minister or consul general there, prohibiting the further delivery by French consuls of certificates of origin except to vessels destined to French ports?

3d. Was not this last mentioned dispatch first received by general Turreau on the 13th of November last, and for the first time communicated by him on that day to the French consuls. And were not these consuls in the official and authorised practice until the said 13th of November, of furnishing certificates of origin to American vessels bound to neutral ports or to ports belonging to the allies of France, and might not some of these consuls, by reason of their distance from the place of residence of general Turreau have lawfully executed and delivered such certificates several days subsequent to that time.

These facts are directly established by the letter of general Turreau to Mr. Smith, of the 12th of November last, or necessarily inferred from the declaration contained in that letter, and I cannot permit myself to doubt that your excellency will readily repeat them in a form that shall claim the attention of the Danish government and induce it to correct any errors which an ignorance or misapprehension of them may have occasioned in its proceedings against American property.

I rely with the more confidence on the frankness of your excellency in according the request now presented to you as a refusal might operate the con-

[See No. 12, for continuation.]