

# MESSAGE

FROM THE

PRESIDENT OF THE UNITED STATES,

TRANSMITTING

INFORMATION TOUCHING THE FRENCH DECREE

PURPORTING TO BE

A REPEAL

OF THE

*BERLIN AND MILAN DECREES;*

IN PURSUANCE OF

THE RESOLUTIONS OF THE HOUSE

OF THE

TWENTY-FIRST OF JUNE LAST;

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JULY 12, 1813.

Referred to the Committee on Foreign Relations.

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WASHINGTON :

A. & C. WAY, PRINTERS.

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1813.





## MESSAGE.



*To the House of Representatives of the  
United States.*

I transmit to the house of representatives a report of the secretary of state, containing the information requested by their resolutions of the 21st of June last.

JAMES MADISON.

WASHINGTON, July 12, 1813.



## REPORT.

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*The Secretary of State, to whom was referred several resolutions of the House of Representatives of the 21st ultimo, requesting information on certain points relating to the French decree of the 28th April, 1811, has the honor to make to the President the following*

### REPORT :

IN furnishing the information required by the house of representatives, the secretary of state presumes that it might be deemed sufficient for him to state what is now demanded, what part thereof has been heretofore communicated, and to supply the deficiency. He considers it, however, more conformable to the views of the house, to meet, at this time, without regarding what has been already communicated, every inquiry, and to give a distinct answer to each, with the proper explanation relating to it.

The house of representatives has requested information, when, by whom, and in what manner, the first intelligence was given to this government of the decree of the government of France, bearing date on the 28th April, 1811, and purporting to be a definitive repeal of the decrees of Berlin and Milan; whether Mr. Russell, late charge d'affaires of the United States to the government of France, ever admitted or denied to his government the correctness of the declaration of the duke of Bassano to Mr. Barlow, as stated in Mr. Barlow's letter of the 12th May, 1812; to the secretary of state, that the said decree had been communicated to his, Mr. Barlow's, predecessor there, and to lay before the house any correspondence

with Mr. Russell on that subject, which it may not be improper to communicate, and also any correspondence between Mr. Barlow and Mr. Russell, in possession of the department of state ; whether the minister of France to the United States ever informed this government of the existence of the said decree, and to lay before the house any correspondence with the said minister relative thereto, not improper to be communicated, with any other information in possession of the executive, which he may not deem it injurious to the public interest to disclose, relative to the said decree, tending to shew at what time, by whom, and in what manner, it was first made known to this government, or to any of its representatives or agents ; and lastly, to inform the house whether the government of the United States hath ever received from that of France any explanation of the reasons of that decree being concealed from this government and its minister for so long a time after its date, and if such explanation has been asked by this government, and has been omitted to be given by that of France, whether this government has made any remonstrance or expressed any dissatisfaction to the government of France at such concealment ?

These inquiries embrace two distinct objects. The first relates to the conduct of the government of France, in regard to this decree. The second, to that of the government of the United States. In satisfying the call of the house on this latter point, it seems to be proper to meet it in a two-fold view ; first, as it relates to the conduct of this government in this transaction ; secondly, as it relates to its conduct towards both belligerents, in some important circumstances connected with it. The resolutions do not call specially for a report of such extent, but as the measures of the executive, and the acts of congress founded on communications from the executive, which relate to one of the belligerents, have, by necessary consequence, an immediate relation to the

other, such a report seems to be obviously comprised within their scope. On this principle the report is prepared, in the expectation that the more full the information given, on every branch of the subject, the more satisfactory will it be to the house.

The secretary of state has the honor to report, in reply to these inquiries, that the first intelligence which this government received of the French decree of the 28th April, 1811, was communicated by Mr. Barlow, in a letter bearing date on the 12th of May, 1812, which was received by this department on the 13th of July following: that the first intimation to Mr. Barlow of the existence of that decree, as appears by his communications, was given by the duke of Bassano in an informal conference on some day between the 1st and 10th of May, 1812, and that the official communication of it to Mr. Barlow was made on the 10th of that month, at his request: that Mr. Barlow transmitted a copy of that decree, and of the duke of Bassano's letter announcing it, to Mr. Russell, in a letter of May 11, in which he also informed Mr. Russell that the duke of Bassano had stated that the decree had been duly communicated to him: that Mr. Russell replied in a letter to Mr. Barlow of the 29th of May, that his first knowledge of the decree was derived from his letter; and, that he has repeatedly stated the same since to this government. The paper marked (A) is a copy of an extract of Mr. Barlow's letter to the department of state, of May 12, 1812; (B) of the duke of Bassano's letter to Mr. Barlow, of the 10th of the same month; (C) of an extract of Mr. Barlow's letter to Mr. Russell, of May 11th; (D) of an extract of Mr. Russell's answer of the 29th May, and (E) of Mr. Russell's letter to the department of state of the 30th.

The secretary of state reports also, that no communication of the decree of the 28th April, 1811, was ever made to this government by the minister of France, or other person, than as above stated, and



that no explanation of the cause of its not having been communicated to this government and published, at the time of its date, was ever made to this government, or, so far as it is informed, to the representatives or agents of the United States in Europe. The minister of France has been asked to explain the cause of a proceeding apparently so extraordinary and exceptionable, who replied, that his first intelligence of that decree was received by the Wasp, in a letter from the duke of Bassano of May 10th, 1812, in which he expressed his surprise that a prior letter of May, 1811, in which he had transmitted a copy of the decree, for the information of this government, had not been received. Further explanations were expected from Mr. Barlow, but none were given. The light in which this transaction was viewed by this government, was noticed by the president in his message to congress, and communicated also to Mr. Barlow, in the letter of the 14th July, 1812, with a view to the requisite explanation from the French government. On the 9th of May, 1812, the emperor left Paris for the north, and in two days thereafter the duke of Bassano followed him. A negotiation for the adjustment of injuries, and the arrangement of our commerce, with the government of France, long depending, and said to have been brought nearly to a conclusion, at the time of Mr. Barlow's death, was suspended by that event. His successor, lately appointed, is authorized to resume the negotiation, and to conclude it. He is instructed to demand redress of the French government for every injury, and an explanation of its motive for withholding from this government a knowledge of the decree, for so long a time after its adoption.

It appears by the documents referred to, that Mr. Barlow lost no time, after having obtained a knowledge of the existence of the French decree of the 28th April, 1811, in demanding a copy of it, and transmitting it to Mr. Russell, who immediately laid it be-

fore the British government, urging, on the ground of this new proof of the repeal of the French decrees, that the British orders in council should be repealed. Mr. Russell's note to lord Castlereagh bears date on the 20th May; lord Castlereagh's reply on the 23d, in which he promised to submit the decree to the consideration of the prince regent. (See papers marked F.) It appears, however, that no encouragement was given at that time, to hope that the orders in council would be repealed, in consequence of that decree; and, that although it was afterwards made the ground of their repeal, the repeal was, nevertheless, to be ascribed to other causes. Their repeal did not take effect until the 23d June, more than a month after the French decree had been laid before the British government; a delay indicating in itself, at a period so momentous and critical, not merely neglect but disregard of the French decree. That the repeal of the British orders in council, was not produced by the French decree, other proofs might be adduced. I will state one, which, in addition to the evidence contained in the letters from Mr. Russell herewith communicated, (marked G.) is deemed conclusive. In the communication of Mr. Baker to Mr. Graham, on the 9th August, 1812, (marked H.) which was founded on instructions from his government, of as late date as the 17th June, in which he stated, that an official declaration would be sent to this country, proposing a conditional repeal of the orders in council, so far as they affected the United States, no notice whatever was taken of the French decree. One of the conditions then contemplated was, that the orders in council should be revived at the end of eight months, unless the conduct of the French government, and the result of the communications with the government of the United States, should be such, as, in the opinion of the British government, to render their revival unnecessary: a condition which proves incontestibly that the French decree was not considered by the British government,

a sufficient ground on which to repeal the orders in council; it proves also that on that day the British government had resolved not to repeal the orders on the basis of that decree; since the proposed repeal was to depend, not on what the French government had already done, but on what it might do, and on arrangements to be entered into with the United States, unconnected with the French repeal.

The French decree of the 28th April, 1811, was transmitted to the United States by the *Wasp*, a public vessel, which had been long awaiting, at the ports of Great Britain and France, despatches from our ministers relating to these very important concerns with both governments. It was received at the department of state on the 13th July, 1812, nearly a month after the declaration of war against Great Britain. Intelligence of the repeal of the orders in council was not received until about the middle of the following month. It was impossible therefore that either of these acts, in whatever light they might be viewed, should have been taken into consideration, or have had any influence in deciding on that important event.

Had the British government been disposed to repeal its orders in council, in conformity with the principle on which it professed to have issued them, and on the condition which it had itself prescribed, there was no reason to delay the repeal until such a decree as that of the 28th April, 1811, should be produced. The declaration of the French government of August 5, 1810, had fully satisfied every claim of the British government according to its own principles on that point. By it the decrees of Berlin and Milan were declared to be repealed, the repeal to take effect on the 1st November following, on which day it did take effect. The only condition attached to it was, either that Great Britain should follow the example, and repeal her orders in council, or that the United States should carry into effect against her, their non-impotiation act. This condition was in its nature subse-

quent, not precedent, reserving a right in France to revive her decrees in case neither alternative was performed. By this declaration it was put completely in the power of Great Britain to terminate this controversy in a manner the most honorable to herself. France had yielded to her the ground on a condition, with which she had declared her willingness to comply. Had she complied, the non importation act would not have been carried into effect, nor could the French decrees have been revived. By refusing to comply, she has made herself responsible for all that has since followed.

By the decree of the 28th April, 1811, the decrees of Berlin and Milan were said to be definitively repealed, and the execution of the non-importation act against Great Britain was declared to be the ground of that repeal. The repeal, announced by the declaration of the 5th August, 1810, was absolute and final, except as to the condition subsequent attached to it. This latter decree acknowledges that that condition had been performed, and disclaims the right to revive it in consequence of that performance, and, extending back to the 1st of November, confirms in every circumstance the preceding repeal. The latter act, therefore, as to the repeal, is nothing more than a confirmation of the former. It is in this sense that those two acts are to be understood in France. It is in the same sense that they are to be regarded by other powers.

In repealing the orders in council on the pretext of the French decree of the 28th of April, 1811, the British government has conceded that it ought to have repealed them on the declaration of the 5th August, 1810. It is impossible to discriminate between the two acts, or to separate them from each other, so as to justify, on sound and consistent principles, the repeal of the orders in council on the ground of one act, and the refusal to repeal them on that of the other. The second act makes the repeal definitive ;

but for what reason? Because the non-importation act had been put in force against G. Britain, in compliance with the condition subsequent attached to the former repeal, and her refusal to repeal her orders in council. That act being still in force, and the decree of the 28th April, 1811, being expressly founded on it, Great Britain repeals her orders in council on the basis of this latter decree. The conclusion is, therefore, irresistible, that by this repeal, under all the circumstances attending it, the British government has acknowledged the justice of the claim of the United States to a repeal on the former occasion. By accepting the latter repeal, it has sanctioned the preceding one; it has sanctioned also the conduct of this government in carrying into effect the non-importation act against Great Britain, founded on the preceding repeal.

Other important consequences result from this repeal of the British government. By fair and obvious construction, the acceptance of the decree of the 28th April, 1811, as the ground of the repeal of the orders in council, ought to be construed to extend back to the 1st November, 1810, the day on which the preceding repeal took effect. The secretary of state has full confidence that if this question could be submitted to the judgment of an impartial judicial tribunal, such would be its decision. He has equal confidence that such will be the judgment pronounced on it by the enlightened and impartial world. If, however, these two acts could be separated from each other, so as that the latter might be made the basis of the repeal of the orders in council, distinct from the former, it follows, that bearing date on the 28th April, 1811, the repeal ought to have relation to that date. In legal construction between nations as well as individuals, acts are to be respected from the time they begin to operate, and where they impose a moral or political obligation on another party, that obligation commences with the commencement of the act. But it has been urged, that the French decree

was not promulgated or made known to the British government until a year after its date. This objection has no force. By accepting an act bearing date a year before it was promulgated, it is admitted that in the interval nothing was done repugnant to it. It cannot be presumed, that any government would accept from another, as the basis on which it was to found an important measure, an act of anterior and remote date, pledging itself to a certain course of conduct which that government had in the interval departed from and violated. If any government had violated an act, the injunctions of which it was bound to observe, by an anterior one in relation to a third party, and which it professed to have observed before its acceptance by the other, it could not be presumed that it would cease to violate it after the acceptance. The conclusion is irresistible, that if the other government did accept such act with a knowledge of its antecedent violation, as the foundation of any measure on its own part, such act must have been the ostensible only, and not the real motive to such measure.

The declaration of the prince regent of the 21st April, 1812, is in full confirmation of these remarks. By this act of the British government, it is formally announced, on the authority of a report of the secretary of foreign affairs to the conservative senate of France, that the French decrees were still in force, and that the orders in council should not be repealed. It cannot fail to excite considerable surprise that the British government should immediately afterwards, that is, on the 23d of June, repeal its orders in council, on the ground of the French decree of the 28th April, 1811. By this proceeding the British government has involved itself in manifest inconsistency. It has maintained by one act, that the French decrees were in full force, and by another that they were repealed during the same space of time. It admits also, that by no act of the French government,

or of its cruizers, had any violation of the repeal announced by the declaration of the French government of the 5th August, 1810, been committed, or at least, that such violation had not had sufficient weight to prevent the repeal of the orders in council.

It was objected that the declaration of the French government of the 5th August, 1810, was not such an act as the British government ought to have regarded. The secretary of state is thoroughly satisfied that this objection is altogether unfounded. It was communicated by the emperor through his highest official organ, the secretary of foreign affairs, to the minister plenipotentiary of the United States at Paris. It is impossible to conceive an act more formal, authentic or obligatory on the French government, than that alluded to. Does one government ever ask or expect from another to secure the performance of any duty, however important, more than its official pledge fairly and fully expressed? Can better security be given for its performance? Had there been any doubt on this subject, the conduct of Great Britain herself, in similar cases, would have completely removed it. The whole history of her diplomatic intercourse with other powers, on the subject of blockade, is in accord with this proceeding of the French government. We know that when her government institutes a blockade, the secretary of foreign affairs announces it to the ministers of other powers at London, and that the same form is observed when they are revoked. Nor was the authenticity of either act, thus announced, ever questioned.

Had a similar declaration been made by the minister of France in the United States to this government, by the order of his own, would it not have been entitled to respect, and been respected? By the usage of nations, such respect could not have been withheld. The arrangement made with Mr. Erskine, is

a full proof of the good faith of this government, and of its impartiality in its transactions with both the belligerents. It was made with that minister on the ground of his public character, and the confidence due to it: on which basis the non-intercourse was removed as to England, and left in full force against France. The failure of that arrangement was imputable to the British government alone, who, in rejecting it, took on itself a high responsibility, not simply in regard to the consequences attending it, but in disavowing and annulling the act of its minister, without shewing that he had exceeded his authority. In accepting the declaration of the French minister of foreign affairs, in proof of the French repeal, the United States gave no proof of improper credence to the government of France. On a comparison of both transactions, it will appear that if a marked confidence and respect was shewn to either government, it was to that of Great Britain. In accepting the declaration of the government of France in the presence of the emperor, the United States stood on more secure ground, than in accepting that of a British minister in this country.

To the demand made by the United States of the repeal of the British orders in council, founded on the basis of the French repeal of August 5th, 1810, the British government replied, by demanding a copy of the orders issued by the French government for carrying into effect that repeal; a demand without example in the intercourse between nations. By this demand it ceased to be a question whether the French repeal was of sufficient extent, or was founded on justifiable conditions. The pléde of the French government was doubted; a scrutiny was to be instituted as to the manner in which it was to be discharged, and its faith preserved, not by the subsequent conduct of its cruizers towards the vessels of the United States, but by a copy of the orders given to its cruizers. Where would this end? If the French govern-



ment intended a fraud by its declaration of repeal, announced to the minister of the United States, and afterwards to this government, might it not likewise commit a fraud in any other communication which it might make? If credit was refused by the British government to the act of the French government, thus formally announced, is it probable that it would have been given by it, to any document of inferior character, directed to its own people. Although it was the policy, and might be the interest of the British government to engage the United States in such a controversy with the French government, it was far from comporting with their interests to do it. They considered it their duty to accept the repeal already made by the French government, of its decrees, and to look to its conduct, and to that of its cruisers, sanctioned by the government, for the faithful performance or violation of it. The United States having been injured by both powers, were unwilling, in their exertions to obtain justice of either, to become the instrument of the other. They were the less inclined to it in the present instance, from the consideration, that the party making the pressure on them, maintained in full force its unlawful edicts against the American commerce, while it could not deny that a considerable advance, at least, had been made by the other towards a complete accommodation, it being manifest to the world, not only that the faith of the French government stood pledged for the repeal of its decrees, but that the repeal did take effect on the 1st of November, 1810, in regard to the United States; that several American vessels taken under them had been delivered up; and judicial decisions suspended on all, by its order, and that it also continued to give the most positive assurances that the repeal should be faithfully observed.

It has also been urged that the French repeal was conditional, and for that reason could not be accepted. This objection has already been fully answered.

It merits attention, however, that the acts of the British government relating to this subject, particularly the declaration of the 21st April, 1812, and the repeal of the 23d June, of the same year, are equally, and in like manner conditional. It is not a little surprising that the British government should have objected to a measure in another government, to which it has itself given a sanction by its own acts. It is proper, however, to remark that this objection has been completely waived and given up by the acceptance of the decree of the 28th April, 1811.

The British government has urged also, that it could not confide in the faithful performance by the French government of any engagement it might enter into relative to the repeal of its decrees. This objection would be equally applicable to any other compact to be entered into with France. While maintained, it would be a bar to any treaty, even to a treaty of peace, between them. But it also has been admitted to be unfounded by the acceptance of the decree of the 28th April, 1811.

The secretary of state presumes that these facts and explanations, supported as they are by authentic documents, prove....first, that the repeal of the British orders in council was not to be ascribed to the French decree bearing date on the 28th April, 1811; and, secondly, that in making that decree the basis of their repeal, the British government has conceded that it ought to have repealed them on the ground of the declaration of the French government of 5th August, 1810, so as to take effect on the 1st November following. To what cause the repeal of the British orders in council was justly attributable cannot now remain a doubt with any who have marked, with a just discernment, the course of events. It must afford great consolation to the good people of these states to know, that they have not submitted to privations in vain.

The discussion of other wrongs, particularly that relating to impressment, had been closed some time before the period alluded to. It was unworthy the character of the United States to pursue the discussion on that difference, when it was evident that no advantage could be derived from it. The right was reserved to be brought forward and urged again, when it might be done with effect. In the mean time the practice of impressment was persevered in with rigor.

At the time when war was declared against Great Britain, no satisfactory arrangement was offered, or likely to be, obtained, respecting impressment, and nothing was more remote from the expectation of this government, than the repeal of the orders in council. Every circumstance which had occurred tending to illustrate the policy and views of the British government, rendered such an event altogether improbable. From the commencement of that system of hostility which Great Britain had adopted against the United States, her pretensions had gradually increased, or at least become more fully unfolded, according to circumstances, until, at the moment when war was declared, they had assumed a character which dispelled all prospect of accommodation. The orders in council were said to have been adopted on a principle of retaliation on France, although at the time when the order of May 1806, was issued, no measure of France had occurred on which it could be retaliatory, and at the date of the next order, January, 1807, it was hardly possible that this government should have even heard of the decree of Berlin to which it related. It was stated at the time of their adoption, and for some time afterwards, that they should be revoked as soon as France revoked her decrees, and that the British government would proceed with the government of France *pari passu* in the revocation. After the declaration, however, of the French government of the 5th August, 1810, by which the Berlin and

Milan decrees were declared to be repealed, the British government changed its tone, and continued to rise in its demands, to the moment that war was declared. It objected, first, that the French repeal was conditional, and not absolute; although the only condition attached to it was, that Great Britain should follow the example, or the United States fulfil their pledge, by executing the non-importation act against her. It was then demanded that France should repeal her internal regulations, as a condition of the repeal of the British orders in council. Next, that the French repeal should be extended to all neutral nations, as well as to the United States; and lastly, that the ports of her enemies, and all ports from which the British flag was excluded, should be opened to British manufactures in American vessels: conditions so extravagant as to satisfy all dispassionate minds, that they were demanded not in the expectation that they would or could be complied with, but to terminate the discussion.

On full consideration of all circumstances, it appeared that the period had arrived, when it became the duty of the United States to take that attitude with Great Britain which was due to their violated rights, to the security of their most important interests, and to their character as an independent nation. To have shrunk from the crisis would have been to abandon every thing valuable to a free people. The surrender of our seamen to British impressment, with the destruction of our navigation and commerce, would not have been its only evils. The desolation of property, however great and widely spread, affects an interest which admits of repair. The wound is incurable only which fixes a stigma on the national honor. While the spirit of the people is unsubdued, there will always be found in their virtue a resource equal to the greatest dangers, and most trying emergencies. It is in the nature of free government to inspire in the body of the people generous and noble sentiments, and it is the duty of the constituted authorities to cher-

ish and to appeal to those sentiments, and to rely on the patriotic support of their constituents. Had they proved themselves unequal to the crisis, the most fatal consequences would have resulted from it. The proof of their weakness would have been recorded; but not on them alone would its baneful effects have been visited. It would have shaken the foundation of the government itself, and even of the sacred principles of the revolution, on which all our political institutions depend. Yielding to the pretensions of a foreign power, without making a manly effort in defence of our rights, without appealing to the virtue of the people, or to the strength of our Union, it would have been charged and believed, that in these sources lay the hidden defects. Where would the good people of these states have been able to make another stand? Where would have been their rallying point? The government of their choice, having been dishonored, its weakness and that of their institutions demonstrated, the triumph of the enemy would have been complete. It would also have been durable.

The constituted authorities of the United States neither dreaded nor anticipated these evils. They had full confidence in the strength of the Union, in the firmness and virtue of the people, and were satisfied when the appeal should be made, that ample proof would be afforded that their confidence had not been misplaced. Foreign pressure, it was not doubted, would soon dissipate foreign partialities and prejudices, if such existed, and unite us more closely together as one people.

In declaring war against Great Britain, the United States have placed themselves in a situation to retort the hostility which they had so long suffered from the British government. The maintenance of their rights was the object of the war. Of the desire of this government to terminate the war on honorable conditions, ample proof has been afforded by the proposition made to the British government, immediately after the declaration of war, through the chargé des

affaires of the United States at London, and by the promptitude and manner of the acceptance of the mediation of the emperor of Russia.

It was anticipated by some, that a declaration of war against Great Britain would force the United States into a close connection with her adversary, much to their disadvantage. The secretary of state thinks it proper to remark, that nothing is more remote from the fact. The discrimination in favor of France, according to law, in consequence of her acceptance of the proposition made equally to both powers, produced a difference between them in that special case, but in that only. The war with England was declared without any concert or communication with the French government; it has produced no connection between the United States and France, or any understanding as to its prosecution, continuance or termination. The ostensible relation between the two countries, is the true and only one. The United States have just claims on France for spoliations on their commerce on the high seas, and in the ports of France, and their late minister was, and their present minister is, instructed to demand reparation for these injuries, and to press it with the energy due to the justice of their claims, and to the character of the United States. The result of the negotiation will be communicated to congress in due time. The papers marked (I) contain copies of two letters, addressed from this department to Mr. Barlow, one of the 16th June, 1812, just before the declaration of war, the other of the 14th July following, which shew distinctly the relation existing between the United States and France at that interesting period. No change has since occurred in it.

All which is respectfully submitted

JAMES MONROE.

The President of the United States.

*Department of State, July 12, 1813.*

## DOCUMENTS.

(A.)

*Extract of a letter from Mr. Barlow to Mr. Monroe,  
dated Paris, May 12, 1812.*

“ After the date of my letter, of which I have the honor to enclose you a copy, I found from a pretty sharp conversation with the duke of Bassano, that there was a singular reluctance to answering my note of the 1st of May. Some traces of that reluctance you will perceive in the answer which finally came, of which a copy is here enclosed. This, though dated the 10th, did not come to me till last evening. I consider the communication to be so important in the present crisis of our affairs with England, that I despatch the Wasp immediately to carry it to Mr. Russell, with orders to return with his answer as soon as possible.

“ I am confident that the president will approve the motive of my solicitude in this affair, and the earnest manner in which I pressed the minister with it as soon as my knowledge of the declaration of the prince regent enabled me to use the argument that belonged to the subject. When, in the conversation above alluded to, the duke first produced to me the decree of the 28th of April, 1811, I made no comment on the strange manner in which it had been so long concealed from me, and probably from you. I only asked him if that decree had been published : He said no ; but declared it had been communicated to my predecessor here, and likewise sent to Mr. Serrurier with orders to communicate it to you. I assured him it was not among the archives of this

legation ; that I never before had heard of it, and since he had consented to answer my note, I desired him to send me, in that official manner, a copy of that decree, and of any other documents that might prove to the incredulous of my country (not to me) that the decrees of Berlin and Milan were in good faith and unconditionally repealed with regard to the United States. He then promised me he would do it, and he has performed his promise.

“ I send you a copy of the April decree, as likewise of the letter of the grand judge and that of the minister of finances, though the two latter pieces have been before communicated to our government and published.”



(B.)

[Translation.]

*The duke of Bassano to Mr. Barlow.*

PARIS, May 10, 1812.

SIR,

In conversing with you about the note which you did me the honor to address to me on the 1st of May, I could not conceal from you my surprise at the doubt which you had expressed in that note, respecting the revocation of the decrees of Berlin and Milan. That revocation was proven by many official acts, by all my correspondence with your predecessors, and with you, by the decisions in favor of American vessels. You have done me the honor to ask a copy of the letters which the grand judge and the minister of the finances wrote on the 25th of December, 1810, to secure the first effects of that measure, and you have said, sir, that the decree of the 28th of April,



1811, which proves definitively the revocation of the decrees of Berlin and Milan, in regard to the Americans, was not known to you.

I have the honor to send you, as you have desired, a copy of these three acts; you will consider them, without doubt, sir, as the plainest answer which I could give to this part of your note. As to the two other questions to which that note relates, I will take care to lay them before the emperor. You know already, sir, the sentiments which his majesty has expressed in favor of American commerce, and the good dispositions which have induced him to appoint a plenipotentiary to treat with you on that important interest.

Accept, sir, &c. &c.

(Signed) THE DUKE OF BASSANO.

Joel Barlow, Esq. &c. &c. &c.

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*Copy of a letter from the Minister of Finance to the Count of Sussy, counsellor of state, director general of the customs, dated December 25, 1810.*

On the 5th of last August, the minister of foreign relations wrote to Mr. Armstrong, minister plenipotentiary of the United States of America, that the Berlin and Milan decrees were revoked, and that after the first of November they would cease to have effect, it being well understood, that in consequence of this declaration the English would revoke their orders in council and renounce the new principles of blockade which they wished to establish, or that the United States, in conformity to the act communicated, should cause their rights to be respected by the English.

On the communication of this note, the president of the United States issued, on the second of November, a proclamation, which announces the revocation of the Berlin and Milan decrees after the first of November; and which declares, that in consequence thereof, all the restrictions imposed by the act of the first of May, 1809, should cease with respect to France and her dependencies.

The same day the treasury department addressed to the collectors of the customs a circular, which directs them to admit into the ports and waters of the United States armed French vessels, and enjoins it on them to apply, after the second of February next, the law of the first of May, 1809, prohibiting all commercial relation to English vessels of every description, as well as to productions of the soil, industry, or commerce of England and her dependencies.

His majesty having seen, in these two pieces, the enunciation of the measures which the Americans propose taking, on the second of February next, to cause their rights to be respected, has ordered me to inform you, that the Berlin and Milan decrees must not be applied to any American vessels that have entered our ports since the first of November, or may enter in future, and that those which have been sequestered, as being in contravention of these decrees, must be the object of a special report.

On the second of February, I shall acquaint you with the intentions of the emperor with regard to the definitive measures to be taken for distinguishing and favoring the American navigation.

I have the honor to salute you,

The Minister of Finance,

(Signed)

THE DUKE OF GAËTE.

[Translation.]

## FRENCH EMPIRE.

PARIS, December 26th, 1810.

*Copy of a letter from his excellency the Grand Judge,  
Minister of Justice, to the Counsellor of State, Pre-  
sident of the Council of Prizes.*

MR. PRESIDENT,

THE minister of foreign relations, by order of his majesty the emperor and king, addressed on the 5th of August last, to the plenipotentiary of the United States of America, a note containing the following words :

“ I am authorized to declare to you that the decrees of Berlin and Milan are revoked, and that after the first of November they will cease to have effect, it being well understood, that in consequence of this declaration the English will revoke their orders in council, and renounce the new principles of blockade which they wished to establish, or that the United States, in conformity to the act you have just communicated, will cause their rights to be respected by the English.”

In consequence of the communication of this note, the president of the United States issued, on the 2d of November, a proclamation, to announce the revocation of the decrees of Berlin and Milan, and declared, that in consequence thereof, all the restrictions imposed by the act of the first of May, must cease with respect to France and her dependencies ; on the same day, the treasury department addressed a circular to all the collectors of the customs of the United States, which enjoins them to admit into the ports and waters of the United States, armed French vessels ; prescribes to them to apply, after the 2d of February next, to English vessels, of every descrip-

tion, and to productions arising from the soil and industry, or the commerce of England and her dependencies, the law which prohibits all commercial relations, if, at that period, the revocation of the English orders in council, and of all the acts violating the neutrality of the United States, should not be announced by the treasury department.

In consequence of this engagement, entered into by the government of the United States, to cause their rights to be respected, his majesty orders, that all the causes that may be pending in the council of prizes of captures of American vessels, made after the first of November, and those that may in future be brought before it, shall not be judged according to the principles of the decrees of Berlin and Milan, but that they shall remain suspended; the vessels captured or seized to remain only in a state of sequestration, and the rights of the proprietors being reserved for them until the 2d of February next, the period at which the United States having fulfilled the engagements to cause their rights to be respected, the said captures shall be declared null by the council, and the American vessels restored, together with their cargoes, to their proprietors.

Receive, Mr. President, the new assurances of my most distinguished consideration,

(Signed) THE DUKE OF MESSA,



[Translation.]

PALACE OF ST. CLOUD;

April 28, 1811.

*Napoleon, Emperor of the French, &c. &c.*

On the report of our minister of foreign relations :

Seeing by a law passed on the 2d of March, 1811, the congress of the United States has ordered the ex-

execution of the provisions of the act of non-intercourse, which prohibits the vessels and merchandise of Great Britain, her colonies and dependencies, from entering into the ports of the United States :

Considering that the said law is an act of resistance to the arbitrary pretensions consecrated by the British orders in council, and a formal refusal to adhere to a system invading the independence of neutral powers, and of their flag, we have decreed, and do decree as follows :

The decrees of Berlin and Milan are definitively, and to date from the 1st of November last, considered as not having existed (*non avenues*) in regard to American vessels.

(Signed)

NAPOLEON.

By the emperor.

The minister secretary of state,

(Signed)

THE COUNT DARA.

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(C.)

*Extract of a letter from Mr. Barlow to Mr. Russell.*

PARIS, May 11, 1812.

“I have concluded to despatch the *Wasp* to England, expressly to carry to you the documents herewith enclosed.

“I was not a little surprised to learn by the declaration of the prince regent in council, of the 21st of April, that it was still believed by the British government that the French decrees of Berlin and Milan yet remained in force, as applicable to the United States. On reading that declaration, I, therefore, addressed to

the duke of Bassano a note bearing date the 1st of May, of which I enclose you a copy.

“This drew from him the answer of which I likewise hand you a copy with the three documents that accompanied it. The most remarkable of these is the decree of the 28th April, 1811. This piece I had never before seen; it appears that it had not been published at the time of its date, and not finding it among the archives of this legation, I suspect, that by some omission or neglect, it was not communicated to you as it ought to have been. The duke, however, assures me that it was so communicated. Be this as it may, I am convinced it has not been made known to the British government.”



(D.)

*Extract of a letter from Mr. Russell to Mr. Barlow.*

“LONDON, May 29, 1812.

“Your letter of the 11th of this month, with its enclosures, was handed me on the 20th, and I immediately communicated copies of the letters from the French minister’s of the 21st of December, 1810, and also of the decree of the 28th of April, 1811, to this government. The letters were already known, but the decree, from the cause undoubtedly which you so justly assign, namely, “an omission or neglect in not having communicated it to me,” was entirely new.

“The duke of Bassano has unquestionably full faith in what he assures you, but the date of the decree is so very remote, that it is not surprising that our memories should not accord on the subject.”

(E.)

*Extract of a letter from Mr. Russell to Mr. Monroe.*

"LONDON, May 30, 1812.

With regard to the French decree of the 28th of April, 1811, Mr. Barlow, in a letter to me, makes the following remarks: 'This piece I had never before seen; it seems that *it had not been published* at the time of its date, and not finding it among the archives of this legation, I suspect, that by some omission or neglect, it was not communicated to you, as it ought to have been. The duke assures me that it was so communicated. Be this as it may, I am convinced it has not been made known to the British government.' I content myself with saying, that until communicated to me by Mr. Barlow, I had never heard of such a thing. I persuade myself that there is no necessity of my adding any further explanation or comment on this strange business.

With great respect, I am, sir, &amp;c.

(Signed) JONA. RUSSELL.

(F.)

*Mr. Russell to Mr. Monroe.*

LONDON, 25th May, 1812.

SIR,

I have the honor to hand you herein a copy of my note of the 20th of this month, communicating to lord Castlereagh, a decree of the French government dated the 28th of April, 1811, and two letters of the French minister's, of the 25th of December, 1810. I also send you copies of that decree and of a

note from his lordship, acknowledging the receipt of my communication, and engaging to submit the documents above mentioned to his royal highness, the prince regent.

I have the honor to be,

With profound respect,

Sir,

Your faithful servant,

(Signed)

JONA. RUSSELL.

The hon. James Monroe, &c.

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*Mr. Russell to Lord Castlereagh.*

18, BENTICK STREET, May 20, 1812.

The undersigned, chargé des affaires of the United States of America, has the honor to transmit to lord Castlereagh, authentic copies of a decree purporting to be passed by the emperor of the French, on the 28th day of April, 1811; of a letter addressed by the French minister of finances to the director general of the customs on the 25th day of December, 1810, and of another letter of the same date from the French minister of justice to the president of the council of prizes.

As these acts explicitly recognize the revocation of the Berlin and Milan decrees, in relation to the United States, and distinctly make this revocation to take effect from the 1st day of November, 1810; the undersigned cannot but persuade himself that they will, in the official and authentic form in which they are now presented to his Britannic majesty's government, remove all doubt with respect to the revocation in question, and, joined with all the powerful considerations of justice and expediency, so often suggested, lead to a like repeal of the British orders in council, and there-



by to a renewal of that perfect amity and unrestricted intercourse between this country and the United States, which the obvious interests of both nations require.

The undersigned avails himself of this occasion to assure his lordship of his highest consideration.

(Signed)

JONA. RUSSELL.

The right honorable

Lord Viscount Castlereagh, &c.

NOTE. For the enclosures, see correspondence between Mr. Barlow and the duke of Bassano, communicated herewith.

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*Lord Castlereagh to Mr. Russell.*

FOREIGN OFFICE, May 23, 1812.

Lord Castlereagh presents his compliments to Mr. Russell, and has the honor to acknowledge the receipt of his official note of the 21st instant, transmitting copies of two official letters of the French minister's, dated December 25th, 1810, and of a decree of the French government, bearing date the 28th of April, 1811.

Lord Castlereagh will immediately lay these documents before his royal highness, the prince regent, and avails himself of this opportunity to renew to Mr. Russell the assurances of his high consideration.  
Jonathan Russell, esq. &c. &c.

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(G.)

*Mr. Russell to Mr. Monroe.*

LONDON, May 25, 1812.

SIR,

THE assassination of Mr. Perceval has led to a dissolution of his ministry, and I hope may lead to an abandonment of his system as far as we are concerned.

The vote, on the motion of Mr. Stewart Wortley, on the 21st, for an address to the prince regent, to form a more efficient administration, has driven the old ministers to offer their resignation. The new arrangements are entrusted to lord Wellesley, but nothing is yet effected.

Mr. Canning appears to be associated with his lordship in this business, which I cannot consider as a circumstance very auspicious to us.

There will, undoubtedly, be much difficulty in forming the new cabinet; none of the old ministers will act under lord Wellesley, he having so recently refused to act under them. Besides there is considerable difference on essential points of policy. The members of opposition have a repugnance to act under any leader not taken from their own ranks, and they certainly will not constitute a part of any administration that does not adopt their system.

The probability therefore is, that either lord Wellesley and Mr. Canning will not succeed in performing the task imposed upon them, or that they will perform it so imperfectly as to expose their work to early destruction.

Whatever may be the ingredients of which the new cabinet may be composed, I am not altogether without hope that the orders in council will be modified if not removed. The effects of our embargo, the evidence before parliament of the distresses occasioned by those orders, and the change of ministers itself, afford both cause and colour for this proceeding.

I say nothing of the French decree, of which I this day send you a copy, as without the circumstances just mentioned, it would, I am persuaded, have been disregarded.

I shall dismiss the Wasp as soon as the new ministry is formed, or before, unless that event happens in a few days. She will return to Cherburg.

With great respect, I am, &c.

(Signed)

JONA. RUSSELL.

*Extract of a letter from Mr. Russell to Mr. Monroe.*

LONDON, June 13, 1812.

“The difficulty which has been encountered in forming a new cabinet, has appeared to render it necessary to support the old one ; and upon this ground the house of commons appear to have acted last evening, in giving to ministers, on the second motion of Mr. Wortley, a majority of 125.

“Notwithstanding these inauspicious circumstances and all the prejudice of the men now in place, respecting the United States, yet I know not how the orders in council can be maintained without the most serious consequences both to this government and country. It is impossible, in the face of the evidence now before parliament, to deny the vital importance of our intercourse to this nation, and obstinate as the ministry is, I do not entirely despair that it will be forced from its system, or from power. I have some slender hope that this evidence may, even on the motion of Mr. Broughan on Tuesday next, produce some change, although it hardly seems probable that the ministers will allow the question to come on without the certainty of a triumph.”

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*Mr. Russell to Mr. Monroe.*

LONDON, June 18, 1812.

SIR,

I HAND you herein the *Times* of yesterday, containing the debate in the house of commons on the preceding evening, relative to the orders in council. From this debate it appears that these measures are to be abandoned, but as yet no official extinction of them has been announced. The time already elapsed since

the declaration of lord Castlereagh, excites a suspicion that either the promised revocation will not take place, or what is more probable, some other measure, equally unjust, is now under consideration, to replace those which are to be revoked.

I hope, until the doings here are ascertained with certainty and precision, there will be no relaxation on our part.

With great respect,  
Your very obedient servant,

(Signed)

JONA. RUSSELL.

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*Extracts of a letter from Mr. Russell to Mr. Mouræ.*

LONDON, June 30, 1812.

“ I HAVE, at length, had the satisfaction to announce to you, in my letters of the 26th instant, the revocation of the orders in council.

“ You will, without doubt, be somewhat surprised that this revocation is founded on the French decree of the 28th of April, 1811.

“ The real cause of the revocation is the measures of our government. These measures have produced a degree of distress among the manufacturers of this country that was becoming intolerable; and an apprehension of still greater misery, from the calamities of war, drove them to speak a language which could not be misunderstood or disregarded.

“ Many members of the house of commons, who had been the advocates of the orders in council, particularly Mr. Wilberforce, and others from the northern counties, were forced now to make a stand against them, or to meet the indignation of their constituents at the approaching election. It is, therefore, the

country, and not the opposition, which has driven the ministers to yield on this occasion, and the eloquence of Mr. Broughan would have been in vain had it been destitute of this support.

“What has now been done, has been most reluctantly done, and yielded to coercion instead of being dictated by a spirit of justice and conciliation. The ministers were resolved to concede nothing until the last extremity. Lord Castlereagh undoubtedly went down to the house of commons on the 16th instant, determined to preserve the orders in council in their full force, and when he perceived that he should be in the minority, he endeavored to compromise by giving up as little as possible.

“It was decided by the cabinet, in consequence of the vague declarations of his lordship on that night, to *suspend* the orders in council, and to make this suspension to depend upon conditions to be previously proposed to the U. States. Driven from this ground by the motion of Mr. Broughan for the call of the house, for Thursday the 25th of this month, the ministers at length issued the order of the 23d, and even this order was carried in the cabinet by a small majority only, five members voting against it. With these facts before me, I feel myself constrained to chasten my exultation on what has taken place, with some fear of a return of the old injustice in a new form.”

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(H.)

*Mr. Graham to Mr. Russell.*

DEPARTMENT OF STATE, August 9th, 1812.

SIR,

The secretary left this city about ten days ago, on a short visit to Virginia. Since that period, Mr.

Baker has, in consequence of some despatches from his government, addressed to Mr. Foster, made to me a communication respecting the intentions of his government as regards the orders in council. It was of a character, however, so entirely informal and confidential, that Mr. Baker did not feel himself at liberty to make it in the form of a note verbal or pro memoria, or even permit me to take a memorandum of it at the time he made it. As it authorizes an expectation that something more precise and definite, in an official form, may soon be received by this government, it is the less necessary that I should go into an explanation of the views of the president in relation to it, more particularly as the secretary of state is daily expected, and will be able to do it in a more satisfactory manner.

I refer you to the enclosed papers for information as to the maritime and military movements incident to the war, and will add, that the president is anxious to know as soon as possible the result of the proposals you were authorized to make to the British government respecting an armistice. He considers them so fair and reasonable, that he cannot but hope that they will be acceded to, and thus be the means of hastening an honorable and permanent peace.

I have the honor, &c. &c.

(Signed)

JOHN GRAHAM.

Jonathan Russell, Esq. &c. &c. &c.

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*Mr. Graham to Mr. Russell.*

DEPARTMENT OF STATE, August 10th, 1812.

SIR,

Thinking that it may possibly be useful to you, I do myself the honor to enclose a memorandum of

the conversation between Mr. Baker and myself, alluded to in my letter of this date. From a conversation with Mr. Baker since this memorandum was made, I find that I was correct in representing to the president, that the intimation from Mr. Foster and the British authorities at Halifax was to be understood as connected with a suspension of hostilities on the frontiers of Canada.

I have the honor, &c. &c.

(Signed)

JOHN GRAHAM.

Jonathan Russell, Esq. &c. &c. &c.

*Memorandum referred to in the above letter.*

Mr. Baker verbally communicated to me for the information of the president, that he had received despatches from his government, addressed to Mr. Foster (dated, I believe, about the 17th June) from which he was authorized to say, that an official declaration would be sent to this country, that the orders in council, so far as they affected the United States, would be repealed on the 1st August, to be revived on the 1st May, 1813, unless the conduct of the French government and the result of the communications with the American government, should be such, as in the opinion of his majesty, to render their revival unnecessary. Mr. Baker moreover stated, that the orders would be revived, provided the American government did not, within 14 days after they received the official declaration of their repeal, admit British armed vessels into their ports, and put an end to the restrictive measures which had grown out of the orders in council.

The despatches authorizing the communication to the American government, expressly directed that it should be made verbally, and Mr. Baker did not consider himself at liberty to reduce it to writing, even

in the form of a note verbal or pro memoria, or to suffer me to take a memorandum of his communication at the time he made it. I understood from him that the despatches had been opened by Mr. Foster at Halifax, who, in consequence of a conversation he had had with vice-admiral Sawyer and sir John Sherbrooke, had authorized Mr. Baker to say, that these gentlemen would agree, as a measure leading to a suspension of hostilities, that all captures made after a day to be fixed, should not be proceeded against immediately, but be detained to await the future decision of the two governments. Mr. Foster had not seen sir George Prevost, but had written to him by express, and did not doubt but that he would agree to an arrangement for the temporary suspension of hostilities. Mr. Baker also stated, that he had received an authority from Mr. Foster to act as chargé des affaires, provided the American government would receive him in that character, for the purpose of enabling him officially to communicate the declaration which was to be expected from the British government, his functions to be understood, of course, as ceasing on the renewal of hostilities. I replied, that although so general and informal a communication no answer might be necessary, and certainly no particular answer expected, yet I was authorized to say, that the communication is received with sincere satisfaction, as it is hoped, that the spirit in which it was authorized by his government may lead to such further communications as will open the way, not only for an early and satisfactory termination of existing hostilities, but to that entire adjustment of all the differences which produced them, and to that permanent peace and solid friendship which ought to be mutually desired by both countries, and which is sincerely desired by this.

With this desire, an authority was given to Mr. Russell on the subject of an armistice, as introductory to a final pacification, as has been made known



to Mr. Foster, and the same desire will be felt on the receipt of the further and more particular communications which are shortly to be expected.

With respect to the joint intimation from Mr. Foster and the British authorities at Halifax, on the subject of suspending judicial proceedings in the case of maritime captures, to be accompanied by a suspension of military operations, the authority given to Mr. Russell, just alluded to, and of which Mr. Foster was the bearer, is full proof of the solicitude of the government of the United States to bring about a general suspension of hostilities on admissible terms, with as little delay as possible. It was not to be doubted, therefore, that any other practicable expedient for attaining a similar result would readily be concurred in. Upon the most favorable consideration, however, which could be given to the expedient suggested through him, it did not appear to be reducible to any practical shape to which the executive would be authorized to give it the necessary sanction. Nor indeed is it probable, that if it was less liable to insuperable difficulties, that it could have any material effect previous to the result of the pacific advance made by this government, and which must, if favorably received, become operative as soon as any other arrangement that could now be made. It was stated to Mr. Baker, that the president did not, under existing circumstances, consider Mr. Foster as vested with the power of appointing a *chargé des affaires*, but that no difficulty, in point of form, would be made, as any authentic communication through him or any other channel, would be received with attention and respect.

(I.)

*Mr. Monroe to Mr. Barlow.*

## DEPARTMENT OF STATE,

June 16, 1812.

SIR,

An act declaring war against Great Britain will probably pass both houses of congress on this day or to-morrow. It has already passed the house of representatives, and, from what is known of the disposition of the senate, its assent is expected without delay.

This result has grown out of the continued aggressions of that power on our commerce. Propositions were made in both houses of congress to comprise France in the same declaration, and in the senate the vote was 15 for, to 17 against it. In the other house the majority against it was proportionably greater. Its defeat in both houses has been doubtless, in a great measure, owing to a passage in your last letter, which intimated the intention of the French government to make some proposition in favor of indemnities, to be comprised in the treaty you were negotiating, whereby an expectation was excited that that interest would be provided for, and satisfaction given on the other grounds of complaint against France. The sentiment in both Houses, as it is with the nation generally, produced by so many acts of injustice, for which reparation has not been made, is strong against France. The arrival of the *Wasp*, which you promised to despatch in two or three weeks from the date of your last letter, with the result of your labors, and which may be now daily expected, was another motive for delaying ulterior measures with respect to her. In advising the war against England, as was distinctly implied by the late message, which brought that subject under consideration, the presi-

dent stated to congress his strong dissatisfaction with the conduct of the French government on every former ground of complaint, and to which others of more recent date have been added, with the single exception of the repeal of the decrees. He promised also to bring our affairs with that power fully before congress, as soon as he should receive the communications which you had promised to forward by the Wasp. I communicate these facts, which are of a character too marked to require any comment, that you may be enabled to turn them to the best account in promoting an amicable accommodation with the French government of every wrong received from it, which is sincerely desired.

You were informed by my letter of the 6th of May, of such outrages committed by a squadron which was reported to have sailed from Nantz in January last, as were at that time known here. It appears that several vessels sailing from American ports to Lisbon and Cadiz, laden with the productions of the United States, were seized and burnt at sea. The crews of these vessels were taken on board one of the French vessels, and afterwards transferred to another of our vessels engaged in the same trade, which was also seized, in which they made their way home. These men forwarded here the evidence of these acts, copies of which have already been transmitted to you. I forward to you by this conveyance, the evidence of other aggressions, which will claim, in like manner, your particular attention. Most of these documents have been laid before congress, and referred by it to this department.

You will analyze all these cases of recent spoliations, and place them in the class of aggressions to which they severally belong, on principle. In demanding of Great Britain the repeal of her orders in council, on the ground of the repeal of the French decrees, this government has, from a regard to justice, given to France all the credit to which she had

any claim, believing that the notification alone of the French minister of foreign affairs, to the minister plenipotentiary of the United States at Paris, of their repeal, was sufficient to justify the demand of the repeal of the orders in council of Great Britain, on her own principles. But it was never the intention of this government to concede to France any thing on that subject, to which she was not fairly entitled. On the contrary, it has been its intention, as is sufficiently evident by your first instructions, to exact from her a most strict and rigorous compliance with her pledge, in regard to the repeal. If any act in violation of that pledge has been committed, you will not fail to point it out, in the most distinct manner, to the French government, and to communicate to this department, without delay, any answer which you may receive from it. I have to add, admitting that the repeal of the decrees is observed with perfect good faith, that if the French government has given other orders, or permits acts of another character, which violate our rights, the wrong will not be less sensibly felt or less resented by this government.

Your despatches by the *Hornet* were received on the 22d May. They are the last which have come to hand.

I have the honor, &c. &c.

(Signed)

JAMES MONROE.

Joel Barlow, Esq. &c. &c.

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*Mr. Monroe to Mr. Barlow.*

DEPARTMENT OF STATE, July 14, 1812.

SIR,

YOUR letters by the *Wasp* were received on the 13th instant.

I make this acknowledgment in the hope that it may reach Mr. Morton at Baltimore, and be conveyed with the letters and documents with which he is already charged for you.

The president has seen with great surprise and concern that the government of France had made no accommodation to the United States on any of the important and just grounds of complaint to which you had called its attention, according to your instructions, given at the time of your departure, and repeated in several communications since. It appears that the same oppressive restraints on our commerce were still in force; that the system of licence was persevered in; that indemnity had not been made for spoliations, nor any pledge given to inspire confidence that any would be made. More recent wrongs, on the contrary, and of a very outrageous character, have been added to those with which you were acquainted when you left the United States. By documents forwarded to you in my letter of 21st March, you were informed of the waste of our commerce, made by a squadron from Nantz, in January last, which burnt many of our vessels trading to the peninsula. For these you were also instructed to demand redress.

It is hoped that the government of France, regarding with a prudent foresight, the probable course of events, will have some sensibility to its interest, if it has none to the claims of justice, on the part of this country.

On the French decree of the 28th of April, 1811, I shall forbear to make many observations which have already occurred, until all the circumstances connected with it are better understood. The president approves your effort to obtain a copy of that decree, as he does the communication of it afterwards to Mr. Russell.

I have the honor, &c. &c.

(Signed)

JAMES MONROE.

Joel Barlow, esq. &c.

