

tensions set up by Great Britain in her demands upon the United States; showing the indisposition of England to repeal her orders, and asserting, that the blockade of May, 1806, was not supported by force adequate to carry it into effect, and such as the law and invariable usage of nations required. The letter also hints at all the other subjects of differences.

11. Letter from Mr. Foster to Mr. Monroe, July 24, repeating his request of a definite answer to the question, whether this government meant to repeal the non importation law?

12. Answer of Mr. Monroe, July 26, in which he informs the envoy that the good faith of the U States in the fulfilment of their engagement with France would forbid the annulment of the law, unless the orders in council were revoked.

13. Letter from Mr. Foster to Mr. Monroe, July 26, on the general subjects of the orders and decrees, as well as of our restrictive law, and charging America with uniting with France in her system for the destruction of British commerce.

14. Letter from Mr. Monroe to Mr. Foster, October 1, again tracing over the British system of Blockade, and anti-commercial orders; reproaching the late captures and condemnations at Halifax; repelling the insinuations of the British minister, and expressing his very great respect for the talents and virtues of the "illustrious" Fox, whose name had been mentioned.

15. Letter from Mr. Monroe to Mr. Foster, Oct. 17, enclosing two despatches from our charge des affairs at Paris, as a proof of the actual revocation of the French edicts.

16. A despatch from Mr. Russel at Paris, to Mr. Smith at London, dated July 11, on the repeal of the edicts of France.

17. Same to the same, on the same subject, July 14.

18. Lord Wellington to Mr. Smith, dated August 14, mentioning the receipt of a despatch from Mr. Foster on the state of the negotiation with America, and saying that he should communicate to him the documents which he had received from Mr. Smith, on the subject of the French repeal.

19. Mr. Foster to Mr. Monroe, October 22, explaining former letters, and expressing sorrow, if he had made any insinuations against Mr. Monroe or his government. This letter states explicitly that the late captures and condemnations, by the British, of our vessels, were in consequence of the measure of non-importation, and of our having been deceived by France.

20. Mr. Monroe to Mr. Foster, of October 26, expressing the regret of this government that the latter gentleman had received no instruction from G. Britain relative to the repeal of the orders, &c.

21. Mr. Foster's reply to the above, repeating the threat of retaliation.

Mr. Troup moved to postpone the further reading of the documents until to-morrow, as it was now three o'clock.

Mr. Randolph hoped the reading would go on. This motion he thought not in order. He understood the speaker to say that the correspondence in relation to the Little Belt and to Florida remained unread; and were these topics of so little interest? Were they to be stirred over, and the house, like so many school boys tired of their task, to hurry away to their dinners without doing their duty? He complimented the ease and dignity with which the new speaker had filled the chair.

Mr. Smilie, produced a precedent to shew, that the house had been in the habit of postponing to a second day, the reading of voluminous documents. He could not see that at so late an hour, a continued reading of them could occasion any good result; nor that a postponement for a single day could do any possible injury.

Mr. Randolph admitted the precedent, so far as it shewed the postponement of the reading of papers [Mr. Pinkney's letters] which an honorable gentleman on the other side, had likened to sand and saw-dust. But had the house no curiosity to hear the important papers relative to Florida, and to the affair of the President and Little Belt? Do they not wish to know what Great Britain had said on these topics? Mr. R. added many other desultory remarks; after which the motion was varied.

And the house adjourned, 3 o'clock.—*Baltimore (democratic) American.*

Thursday, November 7.

A motion was made by Mr. Mitchel, to appoint the several standing committees; but a division of the question was called for by Mr. Burwell, and the house decided to appoint the committee of elections; the remainder of the motion being, on the suggestion of Mr. Dawson, ordered to lie on the table.

Mr. B. well presented the petition of John Tallator, complaining of the undue election of John P. Hungerford, &c. which was referred to the above committee.

Friday, November 8.

Mr. Mitchell's motion of yesterday to appoint the several committees was taken up and agreed to. The names of the members appointed by the Speaker on the several committees will not be announced until to-morrow.

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.

Mr. White presented a memorial of Benjamin Merrill and Alexander Richards, merchants of Newburyport, in Massachusetts, stating that under the belief that the French decrees of Berlin and Milan were repealed, they dispatched their brig the Alexander, laden with fish on a voyage to Naples in Italy, and on her arrival at that port, in December last, she was seized, condemned and sold by the government, and praying "that Congress will take their case into consideration, and afford them such relief as the nature of the case may require." Referred to the Committee of Commerce and Manufactures.

The following message was received from the President of the United States by Mr. Coles his Secretary.

To the Senate and House of Representatives of the United States.

I now lay before Congress two letters to the department of State, one from the present Plenipotentiary of France, the other from his predecessor, which were not included among the documents accompanying my message of the 5th inst. the translation of them not being then completed.

JAMES MADISON.

November 7, 1811.

Read and 5000 copies ordered to be printed.

Mr. Macon laid on the table for consideration a resolution for instructing the committee of claims to enquire into the expediency of repealing or modifying certain parts of the statute of limitations.

A resolution was adopted for appointing two chaplains, to interchange weekly between the two houses.

A number of petitions of a private nature were presented and referred.

Adjourned to Monday.

THE SENATE

On the 7th and 8th, transacted little business besides referring the several subjects of the message to different committees.

Public Documents.

DOCS. 111. Accompanying the Message of the President, to Congress, Nov. 5, 1811.

MR. FOSTER TO MR. MONROE, Washington, July 3, 1811.

SIR, I have had the honor of stating to you verbally the system of defence to which his Majesty has been compelled to resort for the purpose of protecting the maritime rights and interests of his dominions against the new description of warfare that has been adopted by his enemies. I have presented to you the grounds upon which his Majesty finds himself still obliged to continue that system, and I conceive that I shall best meet your wishes as expressed to me this morning, if in a more formal shape I should lay before you the whole extent of the question, as it appears to his Majesty's government to exist between Great Britain and America.

I beg leave to call your attention, sir, to the principles on which his Majesty's orders in council were originally founded. The decree of Berlin was directly and expressly an act of war by which France prohibited all nations from trade or intercourse with Great Britain under penalty of confiscation of their ships and merchandize; although France had not the means of imposing an actual blockade in any degree adequate to such a purpose. The immediate and professed object of this hostile decree was the destruction of all British commerce through means entirely unauthorised by the law of nations, and unauthorised by any received doctrine of legitimate blockade.

This violation of the established law of civilized nations in war would have justified Great Britain in retaliating upon the enemy by a similar interdiction of all commerce with France and with such other countries as might cooperate with France in her system of commercial hostility against G. Britain.

The object of Great Britain was not, however, the destruction of trade, but its preservation under such regulations as might be compatible with her own security at the same time that she extended an indulgence to foreign commerce, which strict principles would have enabled her to withhold.—The retaliation of Great Britain, was not urged to the full extent of her rights, and prohibition of French trade was not absolute but modified, and in return for the absolute prohibition of all trade with Great Britain.

It was evident that this system must prove prejudicial to neutral nations: this calamity was foreseen and deeply regretted. But the injury to the neutral nation arose from the aggression of France, which had compelled Great Britain in her own defence to resort to adequate retaliatory measures of war. The operation on the American commerce of those precautions which the conduct of France had rendered indispensable to our security, is therefore to be ascribed to the unwarrantable aggression of France, and not to those proceedings on the part of Great Britain, which that aggression had rendered necessary and just.

The object of our system was merely to counteract an attempt to crush the British trade; Great Britain endeavoured to permit the continent to receive as large a portion of commerce as might be practicable through Great Britain; and all her subsequent regulations, and every modification of her system by new orders or modes of granting, or withholding licenses, have been calculated for the purpose of encouraging the trade of neutrals through Great Britain, whenever such encouragement might appear advantageous to the general interests of commerce, and consistent with the public safety of the nation.

The justification of his Majesty's orders in council, and the continuance of that defence, have always been rested upon the existence of the Decrees of Berlin and Milan, and on the perseverance of the enemy in the system of hostility which has subverted the rights of neutral commerce on the continent; and it has always been declared on the part of his Majesty's government, that whenever France should have effectually repealed the Decrees of Berlin and Milan, and should have restored neutral commerce to the condition in which it stood previously to the promulgation of those decrees, we should immediately repeal our orders in council.

France has asserted that the Decree of Berlin was a measure of just retaliation on her part, occasioned by our previous aggression, and the French government has insisted that our system of blockade, as it existed previously to the received law of nations? We must therefore, sir, refer to the articles of the Berlin Decree, to find the principles of our system of blockade which France considers to be new, and contrary to the law of nations.

By the 4th and 8th articles it is stated as a justification of the French Decree, that Great Britain "extends to unfortified towns and commercial ports, to harbors, and to the mouths of rivers, those rights of blockade which by reason of the

usage of nations are applicable only to fortified places; and that the rights of blockade ought to be limited to fortresses really invested by a sufficient force."

It is added in the same articles, that G. Britain "has declared places to be in a state of blockade before which she has not a single ship of war, and even places which the whole British force would be insufficient to blockade, entire coasts & whole empire."

Neither the practice of Great Britain nor the law of nations has ever sanctioned the rule now laid down by France, that no place, excepting fortresses in a complete state of investiture can be deemed lawfully blockaded by sea.

If such a rule were to be admitted it would be come nearly impracticable for Great Britain to attempt the blockade of any port of the continent, and our submission to this perversion of the law of nations, while it would destroy one of the principal advantages of our naval superiority, would sacrifice the common rights and interests of all maritime states.

It was evident that the blockade of May, 1806, was the principal pretended justification of the Decree of Berlin though neither the principles on which that blockade was founded, nor its practical operation, afforded any color for the proceedings of France.

In point of date the blockade of May, 1806, preceded the Berlin Decree; but it was a just and legal blockade according to the established law of nations, because it was intended to be maintained, and was actually maintained by an adequate force appointed to guard the whole coast described in the notification, and consequently to enforce the blockade.

Great Britain has never attempted to dispute that in the ordinary course of the law of nations, no blockade can be justifiable or valid unless it be supported by an adequate force destined to maintain it, and to evade its operation. The blockade of May, 1806, was notified by Mr. Secretary Fox on this clear principle, nor was that blockade announced until he had satisfied himself by a communication with his Majesty's board of admiralty, that the admiralty possessed the means and would employ them of watching the whole coast from Brest to the Elbe, and of effectually enforcing the blockade.

The blockade of May, 1806, was therefore (according to the doctrine maintained by Great Britain, just and lawful in its origin, because it was supported both in intention and in fact by an adequate naval force.—This was the justification of the blockade until the period of time when the orders in council were issued.

The orders in council were founded on a distinct principle, that of defensive retaliation. France had declared a blockade of all the ports and coasts of G. Britain, and her dependencies, without assigning or being able to assign any force to support that blockade. Such an act of the enemy would have justified a declaration of the blockade of the whole coast of France, even without the application of any particular force to that service. Since the promulgation of the orders in council the blockade of May, 1806, has been sustained & extended by the more comprehensive system of defensive retaliation on which those regulations are founded. But if the orders in council should be abrogated, the blockade of May 1806, could not continue under our construction of the law of nations, unless that blockade should be maintained by a due application of an adequate naval force.

America appears to concur with France in asserting that Great Britain was the original aggressor in the attack on neutral rights, and has particularly objected to the blockade of May, 1806, as an obvious instance of that aggression on the part of Great Britain.

Although the doctrines of the Berlin decree respecting the rights of blockade, are not directly asserted by the American government, Mr. Pinkney's correspondence would appear to concur in the principles on which those doctrines are founded. The objection directly stated by America against the blockade of May, 1806, rests on a supposition that no naval force which Great Britain possessed, or could have employed for such a purpose, could have rendered that blockade effectual and that therefore it was necessarily irregular, and could not possibly be maintained in conformity to the law of nations.

Reviewing the course of this statement it will appear that the blockade of May, 1806 cannot be deemed contrary to the law of nations, either under the objections urged by the French, or under those declared or insinuated by the American government; because that blockade was maintained by a sufficient naval force; that the decree of Berlin was not therefore justified either under the pretences alleged by France, or under those supported by America; that the orders in council were founded on a just principle of defensive retaliation against the violation of the law of nations committed by France in the decree of Berlin; that the blockade of May, 1806, is now included in the more extensive operation of the orders in council; and lastly that the orders in council will not be continued beyond the effectual operation of the hostile decrees of France, nor will the blockade of May, 1806 continue after the repeal of the orders in council, unless his Majesty shall think fit to sustain it by the special application of a sufficient naval force. This fact will not be suffered to remain in doubt, and if the repeal of the orders in council should take place, the intention of his Majesty's government respecting the blockade of May 1806 will be notified at the same time.

I need not recapitulate to you the sentiments of his Majesty's government so often repeated on the subject of the French minister's note to General Armstrong, dated the 6th of last August. The studied ambiguity of that note has since been amply explained by the conduct and language of the government of France, of which one of the most remarkable instances is to be found in the speech of the chief of the French government on the 17th of last month to certain deputies from the free cities of Hamburg, Bremen and Lübeck, wherein he declares that the French minister's note shall be the public code of France, as long as England maintains her orders in council of 1806 and 1807. Thus pronouncing as plainly as language will admit, that the system of violence and injustice of which he is the founder, will be maintained by him

until the defensive measures of retaliation to which they gave rise on the part of Great Britain should be abandoned.

If other proofs were necessary to shew the continued existence of those obnoxious decrees, they may be discovered in the imperial edict dated at Fontainebleau, in October 19, 1811; that monstrous production of violence, in which they are made the basis of a system of general and unexampled tyranny and oppression over all countries subject to, allied with, or within reach of the power of France; in the report of the French minister for foreign affairs, dated last December; and in the letter of the French minister of justice to the council of prizes. To this letter, sir, I would wish particularly to invite your attention; the date is the 28th December, the authority it comes from most unquestionable, and you will there find, sir, the Duke of Massa in giving his instructions to the council of prizes in consequence of the president of the United States' proclamation of November 3, most cautiously avoiding to state that the French decrees were repealed, and describing, not to such repeal, but to the ambiguous passage which he quotes at length from M. Champagny's letter of Aug. 5, the new attitude taken by America, and you will also find an evidence in the same letter of the continued capture of American ships after November, and under the Berlin and Milan decrees, having been contemplated by the French government, since there is a special direction given for judgments on such ships being suspended in consequence of the American proclamation, and for their being kept as pledges for its enforcement.

Can then, sir, these decrees be said to have been repealed at the period when the proclamation of the president of the U. States appeared, or when America enforced her non importation act against Great Britain? Are they so at this moment? To the first question the state papers I have referred to appear to give a sufficient answer. For even supposing that the repeal has since taken place, it is clear that on November 3d there was no question as to that not being then the case, the capture of the ship New Orleans Packet seized at Bordeaux, and of the Grace and Green, seized at or carried into Marseilles, being cases arising under the French decrees of Berlin and Milan as is very evident. Great Britain might therefore complain of being treated with injustice by America, even supposing that the conduct of France had since been unequivocal.

America contends that the French decrees are revoked as it respects her ships upon the high seas, and you, sir, inform me that the only two American ships taken under their maritime operations, as you are pleased to term it, since November 1, have been restored; but may not they have been restored in consequence of the satisfaction felt in France at the passing of the non-importation act in the American congress, an event so little to be expected; for otherwise, having been captured in direct contradiction to the supposed revocation, why were they not restored immediately?

The fears of the French navy however prevent many cases of the kind occurring on the ocean under the decrees of Berlin and Milan, but the most obnoxious and destructive parts of those decrees are exercised with full violence not only in the ports of France, but in those of all other countries in which France thinks she can commit injustice with impunity.

Great Britain has a right to complain in that neutral nations should overlook the very worst features of those extraordinary acts, and should suffer their trade to be made a medium of an unprecedented, violent and monstrous system of attack upon her resources, a species of warfare unattempted by any civilized nation before the present period. Not only has America suffered her trade to be moulded into the means of annoyance to Great Britain under the provisions of the French decrees, but also construing those decrees as extending upon a deceitful declaration of the French cabinet, she has enforced her non importation act against Great Britain.

Under these circumstances I am instructed by my government to urge to that of the U. States, the injustice of thus enforcing that act against his Majesty's dominions, and I cannot but hope that a spirit of justice will induce the United States' government to reconsider the line of conduct they have pursued, and at least to re establish their former state of strict neutrality.

I have only to add, sir, that on my part I shall ever be ready to meet you on any opening which may seem to afford a prospect of restoring complete harmony between the two countries, and that it will at all times give me the greatest satisfaction to treat with you on the important concerns so interesting to both.

AUG. J. FOSTER.

To the honorable James Monroe, &c. &c. &c. (TO BE CONTINUED.)

Foreign and Domestic Intelligence.

BALTIMORE, November 4. FROM LISBON.

We have been favoured with a Lisbon paper of the 13th September, for which we return our thanks. We observe nothing of importance in it, unless it be the following. The harvest in Spain has been scanty this year; inasmuch that it was necessary for two secretaries to go from Madrid to collect it. "When (observes the Lisbon Gazette) this happens in the month of September, what will it be in the rigor of winter or the following spring? Meanwhile as the French carry on appropriately a war of Banditti, and have not the means in their military chest of purchasing necessaries and laying up magazines, they will rob the people to the last extremity, as they did in Portugal; and before they perish with want, many of the people will have been the first victims. Wherefore it is necessary, that the people of the Peninsula should do the utmost that their industry can suggest, to bury or conceal some how or other their provisions, and that they should carry their cattle as far as possible from the enemy."

ALEXANDRIA, Nov. 2.

The brig Lloyd Davidson, has arrived at this port in thirty six days from Lisbon. Captain Lloyd says, at the time he left there, (23d September)