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AFFAIRS WITH FRANCE.

DOCUMENTS

Accompanying the President's message,
[CONCLUDED.]

No. 6 *

Mr. Barlow to the Secretary of State.
PARIS, January 4th, 1812.

SIR—Though Mr. Morris has been gone
several days, I send this by the mail to take
the place of reaching Cherbourg before
the sailing of the frigate, just to see that
Mr. Biddle, the messenger by the Hornet,
has reached me. I have scarcely had
time to open the packets, but shall lose no
time in obeying your instructions as far as
I am able, as soon as I find what they are;
and I hope not to detain the Hornet after
her departure from England.

With greatest respect and attachment,
Your obedient servant,
J. BARLOW.

* Not by Mr. Barlow.
[TRANSLATION]

Copy of a letter from the Duke of Bassano
to Mr. Barlow
Paris, 8th January, 1812.

SIR—You do me the honor to apprise
me on the 15th December, that a certain
number of Americans, making part of the
crews of different vessels captured and car-
ried into our ports, found themselves de-
tained in France as prisoners of war. E-
vidence taken on their persons, and on
board the vessels in which they served, de-
monstrates that eight among them have been
seized under a neutral flag. Those named
John Wickler, Judah Swift, Herman Dick-
son, served on board the American ship
Friendship; Littleton Adams, William
Banks, Martin Killy, and Richard White,
belonged to the American ship Spruce
Tree; and John Leadley, to the
Plymouth vessel the Catharine.

His Majesty the Emperor, upon the re-
port which I have presented to him, has
ordered that these eight seamen, whatever
may have been the causes of the cap-
ture of their vessels, be placed at the dis-
position of their government.

The ancient decisions applicable to all
seamen making part of the crew of an ene-
my's vessel, whatever may be their citizen-
ship, [nationality] do not permit to be ex-
tended to American seamen, found under
such circumstances, the friendly measure
to which I have the honor to inform you
I accept, Sir, the assurances of my high
consideration, &c. &c.

(Signed)
THE DUKE OF BASSANO.

(No. 6)

Extract of a letter from Mr. Barlow to the Secretary
of State, dated
Paris, January 28, 1812.

"In consequence of the note of the Mi-
nister of Foreign Relations, of which I had
the honor of sending you a copy by the
frigate, and now send another copy, an-
nouncing that he was authorized to nego-
ciate and sign a treaty of commerce, on
principles of perfect reciprocity, I had
some personal conferences with him on
the nature of those principles. I then
developed the project of a treaty and sent it
to him on the 17th instant.

"I have reason to presume that in a short
time, say three or four weeks, the work
may be finished and the treaty ready to be
submitted to the President. This being
a matter of so much importance in itself,
essential, when finished, to have it dis-
patched as soon as possible, by the safest
and swiftest conveyance, and so improba-
ble that at the time contemplated I shall
be able to find any such conveyance, but
by a public ship, that I have concluded to
detain the Hornet.

"Having ventured on this resolution, I
am now anxious to impart it to you, with
the copies above mentioned, as soon as
possible, and for this purpose I send the
Hornet with this dispatch to England, de-
siring Mr. Russell to forward it with such
expedition and safety as may be in his pow-
er, as none can be had at present from
this country.

"The affair of the Acastus now termi-
nated will be at least one more proof that
the obnoxious decrees are in good faith
annulled.

"The ship Acastus, captain Cottle,

loaded with tobacco, and bound from Nor-
folk to tonningen, was boarded by an Eng-
lish frigate, afterwards taken by a French
privateer, and brought into Fecamp, for
the fact of having been thus boarded. As-
soon as the Emperor was informed of this
by my letter of the 2d December to the
Duke of Bassano, he ordered the ship and
cargo to be restored to her owner, all which
I have had the honor to state to you, and
I now state it to Mr. Russell."

(No. 7.)

Extract of a letter from Mr. Barlow to the Secretary
of State, dated
Paris, February 8th, 1812.

"Having an opportunity to send to Lon-
don, which cannot be entirely relied upon
for safety, I shall do little more than send
you a copy of my last dispatch.

"Since its date I have had several con-
versations with the Minister of Foreign
Relations relative to the progress of the
treaty. He is at work upon it, and proba-
bly in good earnest; but the discussions
with Russia, and the other affairs of this
continent, give him and the Emperor so
much occupation, that I cannot count up-
on their getting on very fast with ours.

"But he endeavors to assure me that it
shall not suffer much delay, and that most
of the essential points that I insist upon
will be agreed to. These declarations,
however, are not sufficiently precise to be
relied on.

"The Hornet sailed from Cherbourg
the first of February, and may be expect-
ed back in a very few days."

(No. 8)

Extract of a letter from Mr. Barlow to the Secretary
of State, dated March 3d, 1812

"The Hornet returned to Cherbourg,
the second time, about the 15th of Febru-
ary, where she yet remains, and where I
am under the painful necessity of detaining
her still longer, or of sending her home
without the treaty. The alternative is
disagreeable, but I do not hesitate, under
all circumstances, to detain her. It is in
the hope that we shall bring the affair to a
conclusion in time for her to arrive with
the treaty before Congress will adjourn.

"Be assured that I spare no pains and
omit no argument in urging forward this
business.

"Mr. Russell has written me again for
additional proofs of the removal of the de-
crees I have the honor to inclose to you a
copy of my answer to him of yesterday,
which I shall send by the same ship (that
takes this dispatch, the Neptune, for
New York.) The captain, Hopkins, has
promised to put the messenger, Mr. Frear,
of South Carolina, on shore in England
without expense to the government."

(Inclosed in No. 8.)
Mr. Barlow to Mr. Russell,
2d March, 1812.

It seems from a variety of documents
that I have seen, and among others the
decision of Sir William Scott in the case
of the ship Fox, that the British govern-
ment requires more proof of the effectual
revocation, by the French government,
of the Berlin and Milan decrees. Though
it is not easy to perceive what purpose
such additional proof is to answer, either
for obtaining justice or for showing why it
is refused, yet I nevertheless send you a few
cases in addition to what have already been
furnished.

Among these, I believe you will find
such as will touch every point that was
contemplated in those decrees, to prove
them all to have been removed. I not,
and still further proof after this should be
deemed necessary, I can doubtless furnish
it; for the subject is not exhausted, though
your patience may be.

1st. The schooner Fly, Adams, of and
from New York, loaded with cotton, sug-
ar and coffee, bound to St. Petersburg,
taken by an English cruiser and carried in
to Cowes, thence released, came into
Hayre, declared the facts as above, enter-
ed, sold her cargo, re-loaded with French
goods, and departed without molestation.

2d. The brig Ann Maria, of and from
New York, D. Campbell, master, bound
to a port in France, loaded with pot-ash,
cotton, staves, put into Falmouth, then
came to Moflaix, entered, sold, bought,
re-loaded, and departed, as above.

3d. The ship Neptune, Hopkins, bound
from London to Charleston, in ballast, ta-
ken, brought into Dieppe, restored by a
decree of the emperor, and departed again
in ballast.

4th. Ship Marquis de Somelucelous, wit-
h indigo, fish, cotton, bound to Civitta Ve-
chia, boarded by a British frigate, arrived
at her port, declared the fact, entered, sold,
and is now re-loading for the United States.

5th. Ship Pache, from Boston to Civita
Vecchia, colonial produce, boarded a
bove, arrived, entered, sold, and is now
re-loading for departure.

6th. Ship Recovery, of Boston, with
pepper, boarded, arrived, entered, and
treated as above at the same place: now
selling her cargo.

7th. Brig Star, bound to Naples, with
colonial produce, taken and carried into
Falmouth, for having touched at Gibraltar,
under pretence of a violation of the decrees
and restored by the emperor, on the ex-
press ground that the decrees no longer ex-
isted, as applicable to the United States.

It would be wrong to alledge that any of
these vessels were protected by special li-
cences. In the first place, only three of
the seven had licences; those were the
Fly the Poche, and the Recovery. Se-
condly, it is well known that licences are
not and never were given as protections a-
gainst the effects of those decrees. The
object of the licences given to the vessels
of the United States is distinctly defined
to be merely to guard false papers, and to
prove the regularity of the voyage. They
are used only for colonial produce, and
not at all for the produce of the United
States, and we see in every instance, that
a vessel loaded wholly with the produce of
the U. States, or in ballast, is respected
by the government here. At least, I
know it has been so in every instance,
since my arrival in September last; and
there have been, I doubt not, 30 or 40
such vessels in France within that period.
But a vessel loaded with colonial produce
and sailing without a licence, would be
certainly confiscated, whether she had vio-
lated the supposed decrees or not. In-
deed, the regulation about licences is not
a maritime regulation, and it has nothing
to do with neutral rights. It is strictly
speaking, a relaxation of the French navi-
gation act, in favor of such particular per-
sons as obtain them, to enable such persons
to bring goods of an origin foreign to the
United States into France.

It is the same if a vessel of the United
States should, by a special relaxation of
the English navigation act, obtain a licence
to bring Brazilian sugars or French wines in-
to England. Such a licence would surely
not be considered as a breach, on the
part of England, of our neutral rights,
neither would it be a breach of such rights
to confiscate our vessels carrying such ar-
ticles into England without a licence. The
violation of the navigation law, either of
France or England, is not a neutral right,
and therefore the punishment of such vio-
lation is not a breach of neutral right.

I have taken the liberty to be thus par-
ticular on this head, because in several in-
stances during the discussion with the mi-
nisters of the British government, I have
seen a disposition in them to confound
with the French maritime decrees not only
this affair of special licences, but several
regulations merely fiscal and municipal,
bearing no relation to neutral rights,
or to the decrees in question.

I will terminate this statement by repea-
ting the solemn declaration that I made to
you in my letter to you of the 30th Janu-
ary, (& there is no impropriety in the re-
petition, since a greater length of time has
given a wider scope to the declaration) that
since my arrival in September last, there
has not been a single instance of the appli-
cation of the Berlin and Milan decrees to
an American vessel or cargo, and that I
have not heard of their having been so ap-
plied since the first of November, 1810,
though many instances have occurred with-
in that period, in which they must have
been so applied, had they been in vigor.

It is difficult to conceive, probably im-
possible to procure, and certainly insulting
to require, a mass of evidence more posi-
tive that this, or more conclusive to every
unprejudiced mind. [Signed.]
JOEL BARLOW.

MR. BARLOW TO THE DUKE OF BASSANO
Copy of a letter from Mr. Barlow to the
Duke of Bassano, dated March 12, 1812.

The undersigned, Minister Plenipoten-
tiary of the U. States, has the honor to
transmit, her enclosed, to his excellency
Duke of Bassano, minister of foreign
relations, copies of the protest of Thomas
Holdan, master of the American brig Dolly
of N York, and Stephen Bayard, master
of the American ship Telegraph, of N.
York, by which his excellency will learn
that these vessels have been met with at sea,
by his imperial and royal Majesty's ships,
the Medusa, capt. Ranoel, and the Nymph,
capt. Plassaw, who, after having plundered

them of a part of their cargoes, destroyed
the remainder by burning the ships.

It is a painful task to the undersigned to
be obliged so frequently to call the attention
of his excellency to such lawless depreda-
tions. It appears to him, that in the whole
catalogue of outrages on the part of the
cruisers of the belligerents of which the
U. S. have such great and just reasons to
complain, there are none more vexatious
and reprehensible than this.

Upon what ground can such spoliations
be justified? Will it be alledged that the
destruction of these vessels was necessary
in order to prevent their carrying informa-
tion to the enemy, and thereby endanger the
safety of these frigates upon a trackless
ocean? This would be a poor defence.

After boarding these peaceful traders, they
might easily have laid their course south,
when they intended to go north. They
could even have maintained to laid their
course south, when they intended to go
north. They could even have maintained
their assumed character of British ship,
under which it seems they began the com-
mission of these flagrant acts, and thus
have prevented all information of their
cruising in those latitudes.

But it appears that plunder and not safety
was the object for which they have thus dis-
graced the imperial flag. For his excel-
lency will probable have learnt from Brant,
where the frigates entered, that the twenty
boxes of spices, & other articles taken from
the Telegraph, were smuggled on shore,
and, it is said, were sold for the benefit of
the equipage of the Medusa.

This is the property of citizens of the
United States seized, condemned and sold
by officers in the imperial navy, who be-
came at once captors, judges and vendors
of the property of unoffending neutrals.
Such disgraceful violations of every princi-
ple on which nations consent to live in
peace, ought never to go unpunished, and
surely in this case they will not.

The undersigned, therefore, most ear-
nestly calls on his excellency, the Minister
of Foreign Relations, as the official guar-
dian of public right to lay a statement of
this outrage before his majesty in such a
point of view as shall produce a speedy
compensation to the captains Holdan and
Bayard, and the owners of the ships and
cargoes, for the losses they have sustained?
and his majesty will doubtless take mea-
sures to avenge the dignity and signa-
ture the justice of his government by punishing
such a crime in a manner to prevent its repe-
tition.

The valuation of the Dolly and her cargo
& of the Telegraph and her cargo, is herewith
inclosed; the delay in obtaining these
valuations has retarded for some weeks
the presentation of this letter; and the un-
dersigned cannot but indulge the hope
that his excellency will now give as early
attention to the whole of the case, as its
importance manifestly demands.

The undersigned begs his excellency, &c.
&c. [Signed] J. BARLOW.
[Inclosed in No. 9, of 36th March.]

Translation of a letter from the Duke of
Bassano to Mr. Barlow, dated Paris,
15th March, 1812

SIR—I have had the honor of inform-
ing you that the case of the ship Belisarius
was terminated, and that I had advised
the Minister of Commerce of the intentions
of his majesty.

It having been ascertained on the first
examination of this affair, that the owner-
ship (le pour compte) of a great part of
the cargo was not proven; and this irregu-
larity, as well as the insufficiency of the
papers on board, being a formal contraven-
tion of the rules of navigation generally a-
dopted, and established, at all times, the
decision to which this point of the cargo
might be liable had at first extended be-
yond it. But on a circumstantial report
which I had the honor of presenting to the
Emperor, his Majesty who likes to carry
into the examination of all the affairs on
which you address me friendly dispositions
has ordered that the different questions
which were submitted to him should be se-
parated, to the end that a decision may be
had in the first place on those which pre-
sent themselves under the most favorable
aspect.

In consequence, sir, the vessel and the
part of the cargo, of which the ownership
(le pour compte) is proven, will be given
up to the proprietors; and as to the other
articles of the cargo, which are not accom-
panied with the same kind of proof, the
necessary time and facilities will be given
to establish the fact of their being Ameri-
can property, conformably to the ancient
rules.