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FROM THE U. STATES GAZETTE.

French Decrees and British orders.—An article under this title appeared in the Gazette of the 16th inst. Some of the friends of the editor persuaded him that it might be useful to republish the discussion, in consequence of which he revised it and made several additions which he deems important to the correct understanding of the merits of the subject.—In consequence of these he begs leave to present it once more to the readers of the Gazette with the alterations and additions.

French decrees and British orders.—The deceptions which have been practised by the friends of the administration, in regard to the French decrees against neutral commerce, and the British orders in council have rendered it important to call the attention of the public to the subject; and to expose the misrepresentations of those whose systematic object is to palliate the outrages of one of the belligerent powers and to aggravate those of the other.—To ask the partizans of France and of the administration to correct these misrepresentations would be useless and idle: but we do hope that ALL THE EDITORS OF PAPERS who wish the people to be correctly informed of the nature of our foreign relations, and of the real causes of our embarrassment and degradation, will lend us their aid at this eventful period, in correcting the false impressions which have been extensively made by cunning misrepresentations.

It is every day asserted in the government papers, and has at length come to be very generally believed, even by men who wish for correct information, that Bonaparte's Berlin decree remained a dead letter, until it was stimulated into life and activity by the British orders in council.—But previous to those orders it was never executed and was never intended to be executed against the U. States.

The last Washington Monitor, an official paper of the cabinet, says:

"The Berlin decree was never carried into effect against neutrals (as has been proved by British merchants strictly examined at the bar of the house of commons) before the English orders of council were issued in November last; and, indeed, Napoleon could not have executed that decree against the Americans, who were the principal neutral, without risking a war with us, which it was far from being his desire then to provoke."

Mr. Bingham, an eminent counsellor, who appeared before the British house of commons in support of certain petitions against the orders in council, declared:

"That there is not only no evidence of those measures [the French decrees] having been enforced, but every argument and fact against the power of the enemy to urge them in some respects, and in others, to show that he had no desire to do so.—Those new decrees of the enemy have been nothing but so much waste paper; in other words, they are a repetition of the ancient, unprofitable & rapid gasconade of the French government. These decrees have not, and could not, have any effect, but to evince to the world that Bonaparte had some desires which he could not gratify."

Mr. Baring respectable and well informed as he is, has imprudently ventured to assert, in his pamphlet, that it is "a notorious fact, that no condemnation of an American vessel had ever taken place," under the Berlin decree, previous to the publication of the British orders.

Several witnesses examined at the bar of the British house of commons testified the same thing.

Mr. Wilson C. Nicholas, the leading ministerial member in the house of representatives of the United States, from the state of Virginia, in a circular letter to his constituents, holds the same language, and

Every democratic paper in the United States has so long and so uniformly represented the execution of Bonaparte's decree against us, as a retaliating measure, occasioned by the British orders, that many honest and well informed men, staggered by such numerous assertions, have been induced to give up the point, and to acknowledge, that though France was the aggressor in words, our commerce was really undisturbed, and our rights unimpaired until the British orders induced the French emperor to enforce his decree against us, contrary to his original intention.

The whole of this is a gross delusion, which we shall easily dissipate from the mind of any one who will lend us his attention for a few moments, while we examine the subjoined official documents, which prove that it was the original intention of Bonaparte to enforce his blockading decree against the commerce of the United States; and that he actually did so enforce it, long before the publication of the British orders in council in open violation of the acknowledged law of nations, and of his own solemn treaty with this country.

To prove this, and silence the adherents of the administration, we have only to attend to the dates of the following transactions.

The decree of Bonaparte, declaring the British isles, and their dependencies, in a state of blockade and forbidding all neutral commerce with them, was issued at Berlin, as is well known, on the 21st of November, 1806.

The British orders in council, declaring France and her dependencies in a state of blockade, were first published in the London Gazette on the 16th November, 1807, and could not have been known in Paris, in the common course of communication, before the 25th of the same month, or probably, the 1st of December.

On 30th May, 1807, more than six months before the issuing of the orders in council, the American ship *Horizon* was wrecked, by a storm, upon the coast of France, near Morlaix, and the property, which was acknowledged to be *BONA FIDE* American, was immediately seized and sequestered by the officer of the French government, on the ground that part of it "was known to have come from the English manufactures or territory," and consequently liable to confiscation under the 5th article of the Berlin decree.

After a variety of proceedings before subordinate tribunals, which the property was held in sequestration, the subject was brought before the imperial council of prizes at Paris, on the 16th of October, 1807, one month before the issuing of the British orders in council; and after discussing the defence set up by captain McClure the American owner of the property, in which he argues that a confiscation would be contrary to the provisions of the treaty of 1800, and to the explanation of the Berlin decree, as given to Mr. Armstrong by the minister of marine, to December 1806, the council of prizes formally decreed, that

"The application of the 5th article of the before mentioned (the Berlin) decree to the Americans as to other people results from the general terms of the article, and from the communication recently made by his excellency, the chief justice (the grand judge) relative to the ORIGINAL INTENTION of the sovereign."

Observe this. We have here an official and judicial declaration that the ORIGINAL INTENTION of the sovereign was, that the decrees should apply to the Americans as to other people; and the council appeal to a recent communication from the chief justice to prove this original intention. Now let us see what that communication was, and whether the council of prizes gave it fair construction. It is here inserted in its official form; let it be remarked that it is dated more than two months before the British orders in council could possibly be known in Paris.

Extract of a letter from the grand judge, minister of justice, to the imperial attorney general for the council of prizes.

(TRANSLATION.)

Paris, Sept. 13, 1807.

"SIR—I have submitted to his majesty the emperor and king, the doubts raised by his excellency the minister of marine and colonies, on the extent of certain dispositions of the imperial decree of the 21st Nov. 1806, which has declared the British Isles in a state of blockade.

"The following are his majesty's intentions on the points in question:

"1. May vessels of war by virtue of the imperial decree of 21st Nov. last, seize on board neutral vessels, either English property, or even all merchandise proceeding from the English manufactures or territory?"

"Answer.—His majesty has intimated that as he did not think proper to express any exception in his decrees, there is no ground for making any in its execution in relation to any whomsoever (à l'égard de qui que de peut être.) His majesty has postponed a decision on the question whether armed French vessels ought to capture neutral vessels bound to or from England, even when they have no English merchandize on board.

(Signed) "REGNIER."

Here, then, we have the declaration of the emperor himself, as to his original intention; and he is induced to treat the inquirer quite cavalierly for supposing it necessary to ask such a question; inasmuch as his majesty did not think proper to express any exception in his decree, there is no ground for making any in its execution in relation to any whomsoever." Yet our administration have the boldness to say, in their official paper, that Bonaparte did not originally intend to execute this decree against us, and that he could not execute it, before the issuing of the British orders, because it would be risking a war with us; though this very letter of Regnier was officially communicated to congress by the president himself.—"There is no ground," says the emperor, for making any exception in the execution of the decree—and we urged in this Gazette, from the beginning, that there was no ground for expecting any such exception, notwithstanding the letter of general Armstrong to the minister of marine, and the letter of the minister of marine to general Armstrong, in which he says "JE PENSE"—I

suppose that the decree is not intended to infringe any of the stipulations of the convention of 1800; at the same time frankly acknowledging that he knew nothing of the matter, and that if our minister wished for authentic information upon the subject, the prince of Benevento, (Talleyrand) could give him full satisfaction.—No application was ever made by our minister to this source of official information, or any remonstrance against this atrocious violation of our treaty and our rights. The answer of the minister of marine, the "JE PENSE," was communicated by our president to congress, as a sovereign balm for the wound which had been thus wantonly inflicted upon our national honour; and there the thing rested.

Let us now return to the imperial council of prizes in the case of the *Horizon*. After establishing the fact, as we have seen, that the ORIGINAL INTENTION of the emperor was, to make no exception to his decree in favour of the United States, they proceed to pronounce sentence upon the cargo of the *Horizon* in the following words:

"With respect to the merchandise or the cargo, which from the result of the examination, shall be known to have come from the English manufactures, or territory, these it" (the council of prizes) HAS CONFISCATED for the profit of the state, by virtue of the 5th article of the decree of the 21st Nov. 1806, the whole to be sold." &c.

"Done at the imperial council of prizes, sitting at Paris this 16th of Oct. 1807.

(Signed) "BERLIER."

"President la Coste Reporter."

This single decision puts the whole question at rest; for it is not to be considered as a decision upon the merits of the individual case of the *Horizon* simply: it is settling the principle which is to govern all other cases of a like nature. It is a declaration by the highest authority of the government, not merely that so much American property on board the *Horizon* as had been purchased in England, was good prize; but that all American property in France, whether captured on the ocean by the cruisers of France, seized in her ports, or wrecked on her coast, if it had ever been purchased from Great Britain or any of her possessions was, upon the same principle good prize and to be "confiscated for the profit of the state," in whatever way it may have been introduced into France, whether voluntarily or by an inevitable act of God. It also decides the point, not that such property had at the time of pronouncing the sentence become liable to seizure and confiscation, but that it had been so from the moment of issuing the Berlin decree. It decides that the seizure which was made on the first of June, more than half a year before the existence of the British orders, was a lawful seizure, and that the property from the moment that it touched the French territory, became vested in the state by virtue of the Berlin decree. If any possible case could have formed an exception to the application of the rule, it would have been the very one of the *Horizon* which was forced into France by stress of weather.

On the 18th of September, more than two months before the British Orders in Council could be known at Paris, we find an official letter from the minister of the interior to Mr. Faussat, merchant at Bordeaux, in answer to a letter written in his own name and that of other merchants of Bordeaux, the object of which was to obtain the admission of the American ship *George Washington*, which had been taken into Plymouth by an English ship of war. The minister says:

"Different reclamations of that nature having been submitted to the emperor" [no "new thing therefore"] "his majesty confirming the dispositions of his decree of the 21st of November, 1806, has recently prescribed its strict execution. It is impossible for me, sir, after this decision, to grant your request. I therefore remit to you the piece which was annexed to it—inviting you to communicate my answer to the merchants who, with you, had signed the memorial.

I salute you,
(Signed) "CRETET."

Again: on the 24th of September, at least two months before any knowledge of the British Orders in Council could be had in Paris, an official correspondence took place, respecting the Berlin decree, between our minister, gen. Armstrong, and Champagny, the French minister of foreign relations, in which general Armstrong inquires "particularly whether it be his majesty's intention in any degree to infract the obligations of the treaty now subsisting between the U. S. and the French empire."

The minister of foreign relations replies in the following words:

"The provisions of all the regulations and treaties relative to a state of blockade, have appeared applicable to the existing circumstances, and it results from the explanations which have been addressed to me by the imperial procureur general of the council of prizes, that his majesty has considered every

neutral vessel going from English ports, with cargoes of English merchandize, or of English origine, as lawfully seizable by French armed vessels.

The decree of blockade has been now issued eleven months. The principal powers of Europe, far from protesting against its provisions, have adopted them. They have perceived that its execution must be complete to render it more effectual; and it has seemed easy to reconcile these measures with the observance of treaties, especially at a time when the intructions by England of the rights of all maritime powers, render their interest common, and tend to unite them in support of the same cause.

Accept &c. &c.

(Signed) CHAMPAGNY,
His Excellency Gen. Armstrong,
Minister Plenipotentiary U. States.

Take notice, that all this was officially said to our Minister in France, about two months before the French government could be apprised of the English orders in council, and was subsequently communicated to congress by the president. Still the administration have the assurance to reiterate the language of the French government, by saying that this outrage was occasioned by the infractions by England of the rights of all maritime powers; and by imposing upon the people of this country a belief that these infractions consist in the British orders of council, which were not issued for a considerable time afterwards.

Such was the conduct of the French government towards this country, previous to the issuing of the British orders. Numerous other instances might be mentioned of American vessels seized in France, before the British orders were issued, and held in sequestration to this day; and every merchant knows what a sequestration in France amounts to.—If there had not been, therefore, a formal decision of condemnation, still, the very seizure and sequestration of so much property was outrage sufficient, and ought to have prompted our government to make immediate and vigorous efforts for obtaining redress.

Let us now see what was the conduct of the vassal nations of France. Immediately after the promulgation of the Berlin decree, the king of Holland, as he is called and the king of Prussia, issued similar decrees. In the month of February 1807, eight months before the English government published their orders in council, the king of Spain, a mere tool of France, published a decree similar to that of Berlin, which he concludes in the following remarkable words:

"Finally, his majesty conformably to the ideas of his ally, the emperor of the French, declares in his states the same law as his imperial majesty, on principles of reciprocity and propriety, has promulgated under date of the 21st of November, 1806.

Under this decree which expressly professes to be conformable to the ideas of the emperor of the French, numerous seizures and confiscations of American vessels immediately took place in the various ports of Spain. As early as July 1807, four months before the existence of the British orders in council, the Sea Nymph, as has already been mentioned by an able writer in this Gazette, was condemned at Porto Cavallo. Her cargo was assorted: the British manufactures were separated from the rest and confiscated under the Berlin decree without any other cause being assigned.

Thus it appears from official documents in the possession of our government, that we for twelve months passively acquiesced in the existence of the Berlin decree, before the issuing of the British orders; and that during at least half that time, seizures and confiscations of American property were continually taking place in the ports of France and the countries under the control of Bonaparte. With what face then could our President declare in his message at the opening of the last session of congress, that with all the other nations of Europe except England, "Our harmony has been uninterrupted, and commerce and friendly intercourse have been maintained on their usual footing!"

All this proves incontrovertibly, that there is in our government a mysterious, an alarming partiality for France, which induces them as far as lies in their power, to persuade the people that they have experienced from that quarter nothing but friendship and liberality, while they attempt to trace all our sufferings and embarrassments, and national disgraces to Great Britain; whereas the government of Great Britain frankly declared to our minister, soon after the publication of the Berlin decree, that should our government, contrary to their expectations acquiesce in the execution of that decree, Great Britain would be obliged to adopt retaliating measures in her own defence. She waited one whole year and found that we did acquiesce in the execution of it, without so much as attempting to resist it; and then issued her retaliating orders.