



AND

North-Carolina State Gazette.

"Ours are the plans of fair, delightful Peace,
"Unwar'd by party rage, to live like Brothers."

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State Papers.

DOCUMENTS

Accompanying the President's Message.
(Continued.)

[The following is the concluding document, on the subject of the Orders in Council, and was omitted last week for want of room.]

MR. FOSTER TO MR. MONROE.

Washington, Oct. 31, 1811.

SIR—I did not reply at great length to the observations contained in your letter of the 1st inst. on the pretensions of G. B. it is as relative to the French system, because you seemed to me to have argued as if but a part of the system continued, and even that part had ceased to be considered as a measure of war against G. Britain. For me to have allowed this, would have been at once to allow in the face of facts that the decrees of France were repealed, and that her unprecedented measures, avowedly pursued in defiance of the laws of nations, were become mere ordinary regulations of trade, I therefore thought fit to conform my answer to your remarks to a general statement of the sum of the demands of Great Britain, which was, that France should by effectually revoking her decrees revert to the usual method of carrying on war as practised in civilized Europe.

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

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

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

In the communication which you lately transmitted to me, I am sorry to repeat that I was unable to discover any facts which satisfactorily proved that the decrees had been actually repealed, and I have already repeatedly stated the reasons which too probably led to the restoration of a few of the American ships taken in pursuance of the Berlin and Milan decrees after Nov. 1. Mr. Russell does not seem to deny that the decrees may still be kept in force, only he thinks they have assumed a municipal character; but in M. Champagny's declaration, ambiguous as it was, there is no such division of them into two different characters, for if the contingency required by the French Minister took place, the Berlin and Milan decrees were to cease according to his expressions without any qualification. If therefore a part of them remain or be revived again, as seems to be allowed even here, why may not the whole be equally so? Where proof can be obtained of their existence, we have it, namely, in the ports of France, in which vessels have been avowedly seized under their operation since November 1. Of their maritime existence we cannot so easily obtain evidence, because of the few French ships of war which venture to leave their harbors. Who can doubt however but that had the Ruler of France a navy at his command equal to the enforcing of his violent decrees, he would soon show that part of them to be no dead letter. The principle is not the less obnoxious because it is from necessity almost dormant for the moment, nor

ought it therefore to be less an object to be strenuously resisted.

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

AFFAIR OF THE LITTLE BELT.

Baltimore, June 26th, 1811.

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

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

I have the honor to be, with the highest respect, sir, your most obedient humble servant,
J. P. MORIER.
The Hon. James Monroe, &c.

[Here follows Captain Bingham's letter to Admiral Sawyer, which has already been published in the Register.]

Department of State, June 28, 1811.

SIR—I had the honor to receive yesterday your letter of the 26th inst. communicating a statement from Captain Bingham to Admiral Sawyer, of the circumstances attending the late unfortunate encounter between the U. States' frigate the President and His Britannic Majesty's sloop the Little Belt.

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

I have the honor to be, &c.
JAS. MONROE.
Mr. Morier, Charge d'affaires of his Britannic Majesty.

MR. FOSTER TO MR. MONROE.

Washington, July 3, 1811.

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

The question arising out of the rencontre between the United States' frigate President and his Majesty's sloop

Little Belt, will then remain limited to the act itself. You are already, sir, in possession of the British commanders' statement of the circumstances which attended it; his account, and that of the American Commodore's, differ very materially with respect to some of the most important features of the transaction, but in this they agree, that the chase which brought on the action commenced on the part of Com. Rodgers; for it cannot be maintained that the advance made by Capt. Bingham for the purpose of ascertaining if the sail descried by him was his Majesty's ship Guerrier, which it appears he had orders to join, was for the purpose of chasing, even if that could be urged as a plea by the American commander. As soon as he found his signals unanswered, he bore away, until to his infinite surprise he found himself the object of the strange vessel's eager pursuit and hostile attitudes. What could be Commodore Rodgers' intention is not apparent. That he could not discover at the distance of 70 or 100 yards that the ship before him was a flush-deck sloop, tho' it was but a little after 8 o'clock, on the 16th of May; that he could not make out her colors at half past 6 o'clock; that his guns were double shotted; and that with the security he possessed from the great force and superior sailing of the ship under his command, and the circumstance of belonging to a neutral nation, he did not rather hold off during the night if he wished to speak the sloop, than by running under her stern in a menacing attitude incur the risk of provoking a misunderstanding, must appear unaccountable to the comprehension of every unprejudiced person, and will, I am sure, sir, seem to you a sufficient reason, if there were no other to warrant, my demanding that an examination be instituted into his conduct with a view to suitable satisfaction being afforded to his Majesty for the loss of so many of his subjects so wantonly slaughtered, and for the insult offered to his flag. But should Capt. Bingham's charges be brought home to Commodore Rodgers, for his having refused to state the name of the nation he belonged to, though asked to do so on their nearing each other in the dark, and of having fired a broadside into the sloop without provocation, which might at once have sunk so small a vessel, I am convinced I need only appeal to the justice of the American government, for that government to see in its proper light the magnitude of the outrage, and offer to his majesty every reparation that can appear due.

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

MR. MONROE TO MR. FOSTER.

Department of State, July 16, 1811.

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

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

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

MR. FOSTER TO MR. MONROE.

Washington, July 24, 1811.

SIR—I have had the honor to receive your letter dated on the 16th instant, in answer to mine of the 3d, in which I expressed a desire to have stated in a more formal manner your denial to me of or-

ders having been given to Commodore Rodgers, which could under any construction authorise that commander to attack any of his Majesty's ships of war in search of any person claimed as an American seaman, and in which I also demanded that an examination should be instituted into that officers conduct, with a view to suitable reparation being afforded to his Majesty for what appears a wanton and unprovoked attack made by the frigate under his command, upon his Majesty's sloop of war, the Little Belt.

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

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

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

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

I feel the more regret, sir, at the course taken by your government in this affair, because I have been necessarily obliged in consequence to suspend carrying into execution that part of my instructions by which I was directed immediately on my arrival here to offer such further reparation for the attack on the Chesapeake frigate as would, I am convinced, have proved satisfactory. I had the honor to state to you, in your first interview, that I had such instructions, although I omitted to mention it in my note, because, as you may remember, I expressed to you at the time,

it seemed to me the American government might feel more free to act as the justice of the case required, if the two subjects were kept unconnected; and in this opinion I thought you appeared to concur.

MR. FOSTER TO MR. MONROE.

Philadelphia, September 4, 1811.

SIR—I have now by an express messenger from England received the commands of his Royal Highness the Prince Regent, acting in the name and on the behalf of his Majesty, relative to the late violent aggression committed by the U. States' Frigate, the President, on his Majesty's ship Little Belt, and I have the honor of communicating to you the inclosed documents which have been transmitted to me by my government to be laid before that of the U. States, comprehending a copy of a letter from Lord James Townshend commanding officer at Halifax dated May 30, 1811, inclosing a statement of the action by the officers of the Little Belt—the report of the commissioner of his Majesty's Navy Board at Halifax, in respect to the damage done the Little Belt; a copy of Rear Admiral Sawyer's letter inclosing his instructions to Captain Bingham, as well as a list of killed and wounded on board the sloop of war—and finally a copy of the correspondence on the subject which took place between the Marquis Wellesley and Mr. Smith, American charge d'affairs in London; of that of Captain Bingham's official letter you already are in possession.

In communicating to you, sir, these Documents I am particularly directed to call your attention to the instructions of Admiral Sawyer which furnished the strongest evidence of the pacific and friendly intentions of his Majesty's government towards this country. The very pointed manner in which the commander in chief on the Halifax station had enjoined Captain Bingham to avoid giving offence to the government or subjects of the U. States is of itself presumptive proof of the truth of that officer's statement, even if there were not such strong evidence as appears from the deposition of the different officers on board his Majesty's ship as to the action having been commenced by Capt. Rodgers.

His Majesty's government were entitled to expect, as I have already the honor to observe to you, sir, in my former letter, that the American government would have manifested a prompt disposition to obviate by an early disavowal and by just reparation, the necessary tendency of such an event to disturb the friendship subsisting between the two states, and this expectation was the more natural from the example afforded by his Majesty's government in the case of the Chesapeake. Such, however, not having been the case, I am commanded by His Royal Highness to lose no time in communicating to you the papers enclosed, which explain in the fullest manner the circumstances of the outrage committed, by which so many valuable lives were so sacrificed, and in demanding the immediate disavowal on the part of the United States of the act of aggression committed against his Majesty's ship, as also in requiring a just reparation of the injury received.

MR. MONROE TO MR. FOSTER.

Department of State, Sept. 14, 1811.

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

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

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

If the answer to your former letter was limited to this disavowal of hostile intentions on the part of this government, it need scarcely be remarked that no