



AND

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

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Accompanying the President's Message, of the 26th of May—[Concluded.]

MR. MONROE TO MR. BARLOW.

Department of State, Nov. 21, 1811.

SIR—I have the honor to transmit to you a copy of the President's message to Congress at the commencement of the session, and of the documents which accompanied it.

In his very interesting communication you will find that the President has done justice to both the belligerents.—He has spoken of each as it deserves. To France he has given the credit due for the revocation of her decrees, while he has bestowed on those injuries which remained unredress'd their merited censure. Of England he has spoken in terms of censure only, because she had in no respect changed her unfriendly policy. Thus the whole subject of our foreign relations is presented fully and fairly before the Legislature, and the public, and, I am happy to add, that so far as an opinion can now be formed of the impression made, the public sentiment is in strict harmony with that expressed by the executive. Few, if any, seem to be willing to relinquish the ground which has been taken by the non-importation act; and most, seem to be resolved, if Great Britain does not revoke her orders in council, to adopt more decisive measures towards her.

If the United States experience any embarrassment in the course which they are pursuing in support of their rights, or fail, in the ultimate success, it will be owing to the conduct of the French government. It can't be doubted, if France remains true to her engagements by a faithful observance of the revocation of her decrees, and acquits herself on the various other points on which you are instructed to the just claims of this country, that Great Britain will be compelled to follow her example; in which event the War will immediately assume a new character, such as has been the professed wish of both belligerents, mitigating its calamities to both of them, as well as diffusing the happiest effect on neutral states.

The part which France ought to act is a plain one. It is dictated, in every circumstance, by the clearest principles of justice and soundest maxims of policy. The President has presented to view, in the message to Congress, the prominent features of this plan by stating equally our rights and injuries. It will scarcely be necessary for me to go into any of the details, which are already so well known to you. I will briefly advert to them.

It is not sufficient in the final decision of a cause brought before a French tribunal, that it should appear that the French decrees are repealed. An active prohibitory policy should be adopted to prevent seizures on the principles of those decrees. All that is expected is that France will act in conformity to her own principles. If that is done, neutral nations would then have an important object before them, and one belligerent at least prove that it contended for principle rather than for power: that it sought the aid of neutral nations in support of that principle, and did not make it a pretext to enlist them on its side, to demolish its enemies. The abuses that are practised by French privateers in the Baltic, the Channel, Mediterranean & wherever else they cruise, have, of late more especially, reached an enormous height. In the Baltic they have been more odious from the circumstance that it was expected that they had been completely suppressed there. Till of late these abuses were imputed to the privateers of Denmark, which induced the President to send a special mission to the Danish Government, which, it was understood, was producing the desired effect. But it is now represented that the same evil is produced by a collusion between the privateers of Denmark and those of France. Hence it assumes a worse character; to seizures equally unlawful is added, by carrying the causes to Paris, still more oppressive delays.

If the French government is not willing to adopt the general rule alluded to, in favor of American commerce, it is presumed that it will not hesitate to define explicitly the causes of seizure, and to give such precise orders to its cruisers respecting them, with an assurance of certain punishment to those

who violate them, and will prevent all abuse in future. Whatever orders are given, it would be satisfactory to this government to be made acquainted with them. The President wishes to know, with great accuracy, the principles by which the French government intends to be governed, in regard to neutral commerce. A frank explanation on this subject will be regarded as a proof of the friendly policy which France is disposed to pursue towards the U. S.

What advantage does France derive from these abuses? Vessels trading from the United States can never afford cause of suspicion on any principle, nor ought they to be subject to seizure. Can the few French privateers, which occasionally appear at sea, make any general impression on the commerce of Great Britain? They seldom touch a British vessel. Legitimate and honorable warfare is not their object. The unarmed vessels of the U. States are their only prey. The opportunities of fair prizes are few, even should France maintain the British principle. Can these few prizes compensate her for the violation of her own principles, and for the effect which it ought, and cannot fail, to produce here?

Indemnity must be made for spoiliations on American property under other decrees. On this subject it is unnecessary to add any thing to your present instructions. They are detailed and explicit.

The trade by licences must be abrogated. I cannot too strongly express the surprise of the President, after the repeated remonstrances of this government, and more especially after the letter of the duke of Cadore to Mr. Russell of the

last, informing him that that system would fall with the Berlin and Milan Decrees, that it should be still adhered to. The exequaturs of the consuls who have granted such licences would long since have been revoked, if orders to them to discontinue the practice had not daily been expected, or, in case they were not received, the more effectual interposition of Congress to suppress it. It will certainly be prohibited by law, under severe penalties, in compliance with the recommendation of the President, if your dispatches by the Constitution do not prove that your demand on this subject was duly attended to.

It is expected also that the commerce between the U. States and France and her allies will be placed on the basis of a fair reciprocity. If the oppressive restrictions which still fetter and harass our commerce there are not removed, it cannot be doubted that Congress will, as soon as it appears that a suitable change may not be expected, impose similar restraints on the commerce of France. Should such a state of things arise between the two countries, you will readily perceive the obvious tendency, or rather certain effect on the relations which now subsist between them.

This is a short sketch of the policy which it is expected France will observe in regard to neutral commerce, and the other just claims of the U. States. A compliance with it will impose on her no onerous conditions; no concessions in favor of the United States. She will perform no act which she is not bound to perform, by a strict regard to justice. She will abstain from none, the abstinence from which is not dictated by the principles which she asserts, and professes to support. What is also of great importance, the course pointed out cannot fail to prove, in all its consequences, of the highest advantage to her.

Among the measures necessary to support the attitude taken by this Government, it is more than probable that a law will pass authorizing all merchant vessels to arm in their own defence. If England alone, by maintaining her Orders in Council, violates our neutral rights, with her only can any constitution take effect. But in authorizing merchant vessels to arm, the object will be to enable them to support their rights against all who attempt to violate them. This consideration ought to afford a strong additional motive to France to inhibit her privateers from interfering with American vessels. The United States will maintain their neutral rights equally against all nations who violate them.

You will find among the documents which accompany the President's message, a correspondence between Mr. Foster and me, by which the difference relative to the attack on the Chesapeake

is terminated. It was thought advisable not to decline the advance of the British government on this point, although none was made on any other; and, as the terms offered were such as had been in substance approved before, to accept them. The adjustment, however, of this difference, does not authorize the expectation of a favorable result from the British Government on any other point. This government will pursue the same policy towards Great Britain, in regard to other injuries, as if this had not been accommodated.

You will also find among the printed documents a correspondence with Mr. Foster, respecting the Floridas. To his remonstrance against the occupation of West Florida by the troops of the United States, he was told that it belonged to them by a title which could not be improved. And to that relative to East Florida, he was informed that Spain owed the United States for spoiliations on their commerce, and for the suppression of the deposit of New Orleans, more than it was worth; that the United States looked to East Florida for their indemnity; that they would suffer no power to take it, and would take it themselves, either at the invitation of the inhabitants, or to prevent its falling into the hands of another power. With so just a claim on it, and without any adverse claim, which, under existing circumstances, is any wise sustainable, more especially, as the necessary severance of the Spanish colonies from old Spain is admitted, and the known disposition and interest of the inhabitants are in favor of the United States, the idea of purchasing the territory, otherwise than as it has been already more than paid for, in the property wrongfully taken from the citizens of the U. States, does not merit, and has not received a moment's consideration here. You will therefore, discountenance the idea every where, and in every shape.

You will be furnished with a copy of my correspondence with Mr. Serrurier on the subject of a vessel called the *Balaou*, No. 5, (formerly the *Exchange*) bearing a commission from the Emperor of France, lately libelled in the District Court of the U. States for Pennsylvania. The decision of that Court was in favor of a discharge of the vessel. An appeal was taken from it to the Circuit Court, by which the sentence was reversed.—The cause was then carried by appeal, at the instance of the government, to the Supreme Court of the U. States where it is now depending. The whole process in favor of the French government is conducted on the part of, and at the expence of, the U. States without, however, making themselves a party to it.

This vessel was one of those that were seized under the Rambouillet decree. The French government took her into service, as appears by the documents in possession of the commandant, and sent her with dispatches into some distant quarter. She came into the port of Philadelphia, as it is said, in distress—he having on board a cargo, distress may have been a pretext. As this government denies the justice of the Rambouillet decree, has remonstrated against it, and expects an indemnity for losses under it, you will be sensible of the delicacy and difficulty which it has experienced in interfering in any respect, in the case. To take the vessel from the court, and of course from the owner and restore her to the French consul or other agent, even if under any circumstances lawful, would have excited universal discontent. I cannot dismiss this subject without remarking, that if the government of France had not violated the rights of the United States by the Rambouillet decree, this case would not have occurred; and that it is painful to see a question connected with the public law originate under such circumstances.

The public vessel which takes these dispatches to you, has others for our charge d'affaires at London. After landing Mr. Biddle, who is the bearer of yours, at some port in France, she will proceed immediately to the English coast, and land Mr. Taylor, the messenger who is charged with those for London. It is expected that she will be subject to a short delay only on the English coast, and that your dispatches will be prepared for her, on her return to France. It is highly important to this government to obtain, without delay, or rather with the greatest possible dispatch, correct information from you and from our charge d'affaires at London, of the policy adopted, and the measures which have been already taken on the

important interests depending with each government, on which you have been respectively instructed. A short detention of the vessel for an obvious and useful purpose, as intimated heretofore, will not be objected to; but such a delay as has on some occasions occurred, is utterly inadmissible.

LETTERS FROM MR. BARLOW TO THE SECRETARY OF STATE.

(No. 1.)

Extract of a letter from Mr. Barlow to the Secretary of State, dated Paris, Sept. 29, 1811.

I seize the first occasion to announce to you my arrival, though I have very little else to announce.

I landed at Cherbourg on the 8th of his month, and proceeded to Paris on the 19th.

The Emperor has been residing for some time at Compeigne, and it unluckily happened that he set out thence for the coast and for Holland on the day of my arrival here.

The Duke of Bassano, Minister for Foreign Relations, came the next day to Paris for two days only, when he was to follow the Emperor to join him in Holland. Gen. Turrau, and others who called on me the morning after I reached Paris, assured me that the Duke was desirous of seeing me as soon as possible, and with as little ceremony.

On the 21st I made my first visit to him, which of course had no other object than that of delivering credentials. I expressed my regret at the Emperor's absence, and the consequent delay of such business as was rendered particularly urgent by the necessity of sending home the frigate and by the approaching session of Congress, as well as by the distressed situation of those American citizens who were waiting the result of decisions which might be hastened by the expositions which I was charged to make on the part of the President of the U. States.

He said the Emperor had foreseen the urgency of the case, and had charged him to remedy the evil so far as could be done by dispensing with my presentation to his majesty until his return; and that I might immediately proceed to business as if I had been presented. He said the most flattering things from the Emperor relative to my appointment. He observed that his majesty had expected my arrival with some solicitude for several months and was disposed to do every thing that I could reasonably ask to maintain a good intelligence between the two countries.

The Duke then proposed a second interview for the next day, which he said he hoped would be long and leisurely, that we might go over the whole range of business that was likely to come into discussion between us, declaring that he should be justified by the Emperor in delaying his journey one day for that purpose only, and that he had no other business to detain him in the capital. I accepted the invitation and was with him two hours the next day.

I explained to him with as much precision as possible the sentiments of the President on the most pressing objects of my mission, and threw in such observations as seemed to arise out of what I conceived to be the true interest of France.

He heard me with patience and apparent solicitude, endeavored to explain away some of the evils of which we complain, and expressed a strong desire to remove the rest. He said that many of the ideas I suggested were new to him and were very important; that he should lay them before the Emperor with fidelity, and in a manner calculated to produce the most favorable impression, desired me to reduce them to writing to be presented in a more solemn form, and endeavored to convince me that he doubted not our being able, on the return of the Emperor, to remove all obstacles to a most perfect harmony between the two countries.

(No. 2.)

Extract of a letter from Mr. Barlow to the Secretary of State, dated

Paris, October 29, 1811.

The Emperor stays in the north a much longer than was expected. Having been assured by the minister that he would return by the 15th of Oct. and that during his tour he would make no stay in any one place, I concluded, as I had the honor to state to you before, not to follow him. The Frigate Constitution did not return from Holland until about the time that the Emperor was to have reached Fontainebleau, and during the

last fourteen days the public has been in constant expectation of his arrival.

As the minister of Foreign Relations and indeed most of the other ministers are with him, it has not been in my power to bring forward to advantage any propositions on the great objects of my mission. For I was convinced, for reasons mentioned in my first dispatch, that these objects can be treated to the best advantage in presence, when frequent conversations can be mingled with formal and official notes.

My correspondence with the minister therefore has been hitherto confined to incidental matters not worth troubling you with.

It is now so fully believed that the Emperor will be here about the 10th of November, and it seems so important that something of a decisive nature should be communicated to you by the frigate, that it is thought best by Capt. Hull as well as myself that she should first go over to Cowes with Mr. Russell and return to Cherbourg for my dispatches for you.

(No. 3.)

Extract of a letter from Mr. Barlow to the Secretary of State, dated

Paris Nov 21, 1811.

"On the 9th of this month the duke of Bassano arrived in Paris, and signified his arrival by a circular to the Foreign Ministers here. The next day, at one o'clock, I called at his house, having in my pocket the note dated 10th November.

My intention was, if possible, to have an interview with him before he should read the note, to prepare his mind on some points which, being new to him, might be susceptible of further development than it would be convenient to give in writing.

"Not finding the duke at home, I left the note, inclosing with it a written request for an interview after he should have read the note. As yet I have no answer, but having met once since, he assured me that a very great press of business occupied him every day at St. Cloud. He gave no other reason for the delay thus far, and I have learnt, thro' other channels, that they are discussing in the Emperor's councils of commerce and of state the principal points in my note. If this discussion is in good earnest, I shall probably have an answer, of some sort, before many days."

(Inclosed in No. 3.)

MR. BARLOW TO THE DUKE OF BASSANO,

Extract of a letter from Mr. Barlow to the Duke of Bassano.

Paris, 10th November, 1811.

"For all these considerations and others which I have had the honor to explain to your excellency in conversation, I am confident that I shall urge nothing contrary to the true interests of France, when I propose that his Majesty the Emperor & King should order a prompt and effectual execution of the arrangement of the 5th of August and 2d of November, in the true and liberal spirit in which it was proposed, so that the privations which the United States imposed upon themselves, by excluding the productions of Great Britain and her dependencies, should as far as circumstances will allow be compensated by a free access to those of the continent of Europe, and that they may carry thither such means of purchasing those productions as their own soil and industry, those of other neutral nations, and those of the French colonies, will furnish.

"Should his majesty adopt this principle, the means of arriving at the end are so obvious that it will not greatly add to the length of this note, if I here point them out. First, let the American ships and cargoes now under seizure, capture or sequestration, and the proceeds of such as have been sold, which are now reserved for the party having right, be immediately restored to their owners, and they declared free to depart therewith for their own country. This article is not intended to embrace any thing but genuine American property as protected by the acknowledged law of nations.

"Second, such property acknowledged to be American, as has been confiscated and no longer in a state to be restored, will remain to be paid for in some manner the least onerous to the French Treasury, to be determined on by a separate convention.

"Third, a signification of his Majesty's pleasure, if such it be, to form a new commercial treaty with the U. States, on principles of reciprocity both with respect to the rate of duties (as far as the