



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

FRIDAY, JUNE 19, 1812.

Vol. XIII.

No. 665.

State Papers.

Relations with England.

CORRESPONDENCE

Laid before Congress on the 1st inst. [Concluded.]

Copy of a letter from Mr. Russell to the Secretary of State, dated London, Jan. 14, 1812.

SIR—I lament that it is not in my power to announce to you, by the return of Mr. Fayloe, the adoption of a system here towards the U. States more just and favorable than that of which we now complain. No intimation has been given to me of an intention to abandon the offending orders in council. I have not hitherto made any representation in regard to these orders in council—and if they are to be persisted in, as Mr. Foster declares, not only until the Berlin and Milan decrees be entirely abrogated, but until we compel the French government to admit us in France with the manufactures and produce of G. Britain and her colonies, it must be useless to say any thing upon the subject. The revolting extravagance of these pretensions is too manifest to be subject of argument, and the very attempt to reason them down would admit that they are not too absurd for refutation.

Should Mr. Barlow furnish me with any new evidence of the discontinuance of the French edicts, so far as they were in derogation of our rights, I shall present it to this government, and once more (however unnecessary it may appear) afford it an opportunity of revoking its orders, which can no longer be pretended to rest on our acquiescence in decrees of its enemy, from the unrighteous operation of which we are specially exempted.

MR. RUSSELL TO MR. MONROE. London, January 22, 1812.

SIR,—Yesterday I understood the case of the Female, one of the vessels captured under the orders in council, came to trial before Sir Wm Scott. He rejected a motion for time to produce evidence of the revocation of the Berlin and Milan decrees in relation to the U. States, and suggested that there would be a question of law, if such revocation, when shewn, would be considered by the British government as sufficient to require the repeal of the orders in council. At any rate that he was bound to consider these orders to be in force until their repeal should be notified to him by this government. The Female was condemned.

Extract of a letter from Mr. Russell to Mr. Monroe, dated London, Feb. 3, 1811.

"Since I had the honor last to address you, I have received your communications of the 20th of December, through the good offices of Mr. Foster.

"While I lament the necessity, as I most sincerely do, of the course indicated by the proceedings of Congress; yet it is gratifying to learn that it will be pursued with vigor and unanimity. I am persuaded that this government has presumed much upon our weakness and divisions, and that it continues to believe that we have energy and union enough to make efficient war.

"I have this moment learnt that the Hornet has returned from Cherbourg to Cowes, and I understand by a letter from the Consul there, that there is a Mr. Porter on board, with dispatches from Mr. Barlow to this legation; but he has not yet made his appearance here. I am obliged to close this letter without waiting for him, as I understand the next post may not arrive at Liverpool in season for the Orbit."

Copy of a letter from Mr. Russell to the Secretary of State, dated London, Feb. 9, 1812.

SIR—I have the honor to transmit to you enclosed, a copy of a letter, dated the 29th ult. from Mr. Barlow, and a copy of the note in which I yesterday communicated that letter to the Marquis Wellesley.

Although the proof of the revocation of the French decrees contained in the letter of Mr. Barlow, is, when taken by itself, of no very conclusive character, yet it ought, when connected with that previously exhibited to this government, to be admitted as satisfactorily establishing that revocation; and in this view I have thought it to be my duty to present it here.

MR. RUSSELL TO THE MARQ. WELLESLEY. London, February 8, 1812.

MY LORD—I have the honor herewith to hand to your Lordship a copy of a letter addressed to me on the 29th of last month, by Mr. Barlow, the American Minister at Paris.

I have felt some hesitation in communicating this letter to your Lordship, lest my motive might be mistaken, and an obligation appear to be admitted on the part of the United States to furnish more evidence of the revocation of the Berlin and Milan Decrees than has already been furnished, or than has been necessary to their own conviction. I trust, however, that my conduct on this occasion, will be ascribed only to an earnest desire to prevent the evils which a continued diversity of opinion on this subject might unhappily produce.

The case of the Acastus necessarily implies that American vessels, captured by the cruisers of France, are adjudged by the French navigation laws only, and that the Berlin and Milan [decrees] make no part of these laws, the Acastus being acquitted, notwithstanding the fact of her having been boarded by an English vessel of war.

To the declaration of Mr. Barlow, that since his residence at Paris, there had been no instance of a vessel, either under the Berlin or Milan decrees, being detained or molested by the French government, I beg leave to add that previous to his residence, and subsequent to the first of November, 1810, these decrees were not executed in violation of the neutral or national rights of the U. States.

Whatever doubts might have originally been entertained of the efficient nature of the revocation of those decrees, on account of the form in which that measure was announced, those doubts ought surely now to yield to the uniform experience of 15 months, during which period not a single fact has occurred to justify them.

I do not urge, in confirmation of this revocation, the admission of American vessels with cargoes arrived in the ports of France after having touched in England, as stated by Mr. Barlow, and as accords with what occurred during my residence at Paris, because such admission is evidence only of the cessation of the municipal operation of the decrees in relation to the U. States, of which it cannot be presumed that the British government requires an account.

I cannot forbear to persuade myself that the proof now added to the mass that was already before your Lordship will satisfactorily establish, in the judgment of his Britannic Majesty's government, the revocation of the decrees in question, and lead to such a repeal of the orders in council, in regard to the U. States, as will restore the friendly relations and commercial intercourse between the two countries.

MR. BARLOW TO MR. RUSSELL. Paris, 29th January, 1812.

SIR—The ship Acastus, captain Cottle, from Norfolk, bound to Tonningen, with tobacco, had been boarded by an English frigate and was taken by a French privateer and brought into Fecamp for the fact of having been so boarded. This was in Nov. last. On the 2d of Dec. I stated the facts to the Duke of Bassano: and in a few days after the ship and cargo were ordered by the Emperor to be restored to the owners on condition that she had not violated the French navigation laws, which latter question was sent to the Council of prizes to determine. The Council determined that no such violation had taken place, and the ship and cargo were definitely restored to capt. Cottle.

To the above fact, I can add that since my residence here several American vessels with cargoes have arrived and been admitted in the ports of France after having touched in England, the fact being declared; and there is no instance within that period of a vessel in either of the cases of the Berlin and Milan decrees being detained or molested by the French government.

J. BARLOW.

MR. RUSSELL TO MR. MONROE. London, 22d Feb. 1812.

SIR—I have the honor to hand you enclosed a copy of a letter to me from the earl of Liverpool, relating to a person by the name of Bowman, said to be a British subject, and forcibly detained on board the United States' ship Hornet, together with copies of the deposition of Elizabeth Eleanor Bowman which accompanied it, and of my reply.

THE EARL OF LIVERPOOL TO MR. RUSSELL. Foreign Office, 20th Feb. 1812.

SIR—I have the honor to transmit to you the copy of an affidavit, sworn at Portsmouth by Elizabeth Eleanor Bowman, stating herself to be the wife of William Bowman, one of his majesty's subjects, now detained against his will on board the United States' sloop Hornet, at present in Cowes' road.

You cannot but be aware of the urgent necessity of putting the facts, alleged in this document, into an immediate train of investigation; and I am to request that you will communicate, without loss of time, with the commanding officer of the Hornet, in order that he may afford you all information in his power, and that the vessel may not put to sea before the result of the inquiry shall be ascertained, in a manner satisfactory to yourself and to this government.

You must likewise be aware, that this government has no power to prevent the issuing of a writ of habeas corpus by the friends of Bowman; and that, in that case, it would be impossible to impede or delay its execution, and the consequent removal of this question out of the hands of the two governments, into those of the legal force and authorities of this country.

Anxious to prevent any such proceeding, the inconveniences which, even if they did not involve the possibility of a forcible execution of the legal process, might yet be considerable, I request your immediate attention to this communication, and I confidently hope that you will, by affording the means of an amicable investigation, supercede the necessity, in which the friends of Bowman may otherwise feel themselves, of taking the course to which I have before alluded.

[Here follows an affidavit in relation to the seaman.]

MR. RUSSELL TO THE EARL OF LIVERPOOL. London 21st Feb. 1812.

MY LORD—I have the honor to inform your Lordship that the U. States' sloop Hornet left Cowes on the 13th of this month. The statement of this fact does away, I presume, the necessity of a more particular reply to your Lordship's note of yesterday, concerning William Bowman, a seaman on board that ship.

Extract of a letter from Mr. Russell to Mr. Monroe, dated London March 4, 1811.

"Many American vessels which had for a considerable time been wind bound in the ports of this country, were a length released on the 29th ult. by an easterly wind, and took their departure for the United States. By some of those vessels, particularly 'the Friends,' you will have received many letters from me—and you will have learnt, as nearly as it was in my power to inform you, what in your letter of the 18th Jan. you desire to know—namely, 'the precise situation of our affairs with England.'"

"Since my letters of the 19th and 23d ult. which I trust will have extinguished all expectation of any change here, the motion of Lord Lansdowne, on the 28th of Feb. and that of Mr. Brougham yesterday, have been severally debated in the respective Houses of Parliament. I attended the discussions on both, and if any thing was wanting to prove the inflexible determination of the present ministry to persevere in the orders in council without modification or relaxation, the declarations of the leading members of administration, on these occasions, must place it beyond the possibility of doubt. In both Houses these leaders expressed a disposition to forbear to canvass, in the present state of our relations, the conduct of the U. S. towards England, as it could not be done without reproaching her in a manner to increase the actual irritation, and to do away what Lord Bathurst stated to be the feeble hopes of preventing war."

"In the House of Commons, Mr. Rose virtually confessed, that the orders in council were maintained to promote the trade of England at the expense of neutrals, and as a measure of commercial rivalry with the U. States. When Mr. Canning inveighed against this new (he must have meant newly acknowledged) ground of defending these orders, and contended that they could be justified only on the principle of retaliation on which they were avowedly instituted, and that they were intended to produce the effects of an actual blockade, and liable to all the incidents of such blockade—that is, that they were meant only to distress the enemy—and that G. Britain had no right to defeat this operation by an intercourse with that enemy which she denied to neutrals, Mr. Perceval replied, 'that the orders were still supported on the principle of retaliation, but that this very principle involved the license trade; for as France, by her decrees, had said that no nation should trade with her which traded with England, England retorted, that no country should trade with France but through England. He asserted, that neither the partial nor even the total repeal of the Berlin and Milan decrees, as they related to America, or to any other nation, or all other nations, could form any claim on the British government while the continental system, so called, continued in operation. He denied that this system, or any part of the Berlin and Milan decrees were merely municipal. They had not been adopted in time of peace with a view of internal regulation, but in a time of war with a hostile purpose towards England. Every clause and particle of them were to be considered of a nature entirely belligerent, and as such, requiring resistance, and as horrid retaliation on the part of G. Britain. It was idle and absurd to suppose that G. Britain was bound, in acting on the principle of retaliation in these times, to return exactly, and in form, like for like, and to choose the object and fashion, the mode of executing it, precisely by the measures of the enemy. In adopting these measures, France had broken through all the restraints imposed by the laws of nations, and trodden under foot the great conventional code received by the civilized world as prescribing rules for its conduct in war as well as in peace. In this state of things England was not bound any longer to shackle herself with this code, and by so doing become the unresisting victim of the violence of her enemy, but she was herself released from the laws of nations and left at liberty to resort to any means within her power to injure and distress that enemy and to bring it back to an observance of the jus gentium which it had so egregiously and wantonly violated. Nor was England to be restricted any more in the extent than in the form of retaliation; but she had a right, both as to the quantity and manner to inflict upon the enemy all the evil in her power, until this enemy should retrace its steps, and renounce, not only verbally but practically, its decrees, its continental system and every other of its belligerent measures incompatible with the old acknowledged laws of nations. Whatever neutrals might suffer from the retaliatory measures of England was purely incidental, and as no injustice was intended to them they had a right to complain of none. And he rejected to observe that no charge of such injustice had that night been brought forward in the house. As England was contending for the defence of her maritime rights and for the preservation of her national existence, which essentially depended on the maintenance of those rights, she could not be expected, in the prosecution of this great and primary interest, to arrest or vary her course to listen to the pretensions of neutral nations, or to remove the evils, however they might be regretted, which the imperious policy of the times indirectly and unintentionally extended to them."

"As the newspapers of this morning give but a very imperfect report of his speech of Mr. Perceval, I have thought it to be my duty to present you with a more particular account of the doctrines which were maintained in it, and which so vitally affect the rights and interests of the United States. "I no longer entertain a hope that we can honorably avoid War."

Extract of a letter from Mr. Russell to the Secretary of State. London, April 9, 1812.

"Since my last respects to you, nothing of importance to us has occurred here."

BLANKS, OF EVERY KIND, May be had at the REGISTER Office.

FURTHER CORRESPONDENCE.

On the 5th inst. the President of the United States communicated to Congress a very long letter from Mr. Foster, the British Minister, to the Secretary of State, inclosing a report of the Duke of Bassano, of the 10th of March, to Bonaparte, from which, he insists upon it, it is quite clear that the Berlin and Milan decrees are still in force, however some "partial and insidious relaxations of them may have been made in a few instances, as an encouragement to America to adopt a system beneficial to France and injurious to Great-Britain"—That it is therefore "impossible for G. Britain to rescind her orders in council whilst the French decrees are officially declared to remain in force against all nations not subscribing to the new maritime code promulgated in those decrees, and also without something more explicit on the part of America with regard to her understanding as to the conditions annexed by France to the repeal of those decrees. For, after what had passed, unless a full and satisfactory explanation be made on both these points G. Britain cannot relinquish her retaliatory system against France, without implying her consent to the admissibility of the conditions in question."

"America must feel that Bonaparte is not acting, as indeed he never has acted, with any view of establishing principles of real freedom with respect to navigation; but is merely endeavoring to cloak his determination, if possible, to ruin Great-Britain by novel demands and rejected theories of maritime law; and America must see, that Bonaparte's object is to exclude British commerce from every coast and port of the continent; and that in pursuit of this object, trampling on the rights of independent states, which he as insultingly terms a guarantee, thus making the most solemn and sacred term in the law of nations synonymous with usurpation of territory and extinction of independence. America must see, that as all the states hitherto in his power have been seized on to guarantee his system, he is now proceeding to destroy whatever remains of independence in other neutral states to make that guarantee complete. From his want of power, to pass the Atlantic with his armies (a want of power for which the U. States are indebted to the naval superiority of Great Britain) his system of a guaranteeing force may fail as to America, but as he cannot hope to shut American ports against Great-Britain by occupancy and invasion, he hopes to effect his purpose by management and fraud, and to accomplish that by insidious relaxation which he cannot accomplish by power."

"I am commanded to represent to the government of America, that Great Britain feels herself entitled to expect from them an unreserved and candid disclaimer of the right of France to impose on her and on the world the maritime code which has been thus promulgated, and to the penalties of which America is herself declared to be liable if she fails to submit herself to its exactions; America cannot, for her own character, any longer temporise on this subject, or delay coming to a distinct explanation with France as well as with Great Britain, if she wishes to clear herself from the imputation of being an abettor of such injustice."

"America, as the case now stands, has not a pretence for claiming from Great Britain a repeal of her Orders in Council. She must recollect that the British government never for a moment countenanced the idea that the repeal of those Orders could depend upon any partial or conditional repeal of the Decrees of France. What she always avowed was her readiness to rescind her Orders in Council as soon as France rescinded absolutely and unconditionally her decrees. She could not enter into any other engagement without the grossest injustice to her allies as well as the neutral nations in general, much less could she do so if any special exception was to be granted by France upon conditions utterly subversive of the most important and indisputable maritime rights of the British Empire."

"Whilst America could persuade herself, however erroneously, that the Berlin and Milan decrees had been actually and totally repealed, and that the execution of the engagement made on that condition by the British government had been declined, she might deem it justifiable, as a consequence of such a