executive department, in providing for the general security. The works of defence on our maritime frontier have accordingly been prosecuted with an activity leaving little to be added for the completion of the most important ones; and, as particularly suited for co-operation in emergencies, a portion of the Gunboats have in particular harbours, been ordered into use. The ships of war before in commission, with the addition of a frigate, have been chiefly employed as a cruizing guard to the rights of our coast. And such a disposition has been made of our land forces as was thought to promise the services most appropriate and important. In this disposition is included a force consisting of regulars and militia, embodied in the Indiana Territory, and marched towards our North Western frontier.—This measure was made requisite by several murders and depredations committed by Indians—but especially by the menacing preparations and aspect of a combination of them on the Wabash under the influence and direction of a fanatic of the Shawanese tribe.—With these exceptions the Indian tribes retain their peaceable dispositions towards us, and their usual pursuits.

I must now add, that the period is arrived, which claims from the Legislative Guardians of the National rights a system of more ample provisions for maintaining them. Notwithstanding the scrupulous justice, the protracted moderation, and the multiplied efforts on the part of the U. States to substitute the accumulating dangers to the peace of the two countries, all the mutual advantages of re-established friendship & confidence; we have seen that the British Cabinet persevered, not only in withholding a remedy for other wrongs so long and so loudly calling for it; but in the execution, brought home to the threshold of our Territory, of measures which, under existing circumstances, have the character, as well as the effect, of war on our lawful commerce.

With this evidence of hostile inflexibility, in trampling on rights which no independent Nation can relinquish;—Congress will feel the duty of putting the United States into an armour, and attitude demanded by the crisis, and corresponding with the national spirit and expectations.

I recommend accordingly, that adequate provision be made for filling the ranks and prolonging the enlistments of the regular troops; for an auxiliary force to be engaged for a more limited term; for the acceptance of volunteer corps, whose patriotic ardor may court a participation in urgent services; for detachments, as they may be wanted of other portions of the militia; and for such a preparation of the great body as will proportion its usefulness to its intrinsic capacities. Nor can the occasion fail to remind you of the importance of those military Seminaries, which, in every event, will form a valuable and frugal part of our military establishment.

The manufacture of cannon and small arms has proceeded with due success, and the stock and resources of all the necessary munitions are adequate to emergencies. It will not be inexpedient, however, for Congress to authorise an enlargement of them.

Your attention will of course be drawn to such provisions, on the subject of our naval force, as may be required for the services to which it may be best adapted. I submit to Congress the seasonbleness, also, of an authority to augment the stock of such materials, as are imperishable in their nature, or may not be at once attainable.

In contemplating the scenes which distinguish this momentous epoch, and estimating their claims to our attention, it is impossible to overlook those developing themselves among the great communities which occupy the southern portion of our own hemisphere, and extend into our neighbourhood..—An enlarged philanthropy, and an enlightened forecast, concur in imposing on the National Councils an obligation to take a deep interest in their destinies—to cherish reciprocal sentiments of good will; to regard the progress of events; and not to be unprepared for whatever order of things may be ultimately established.

Under another aspect of our situation, the early attention of Congress will be due to the expediency of further guards against evations and infractions of our commercial laws. The practice of smuggling, which is odious every where, and particularly criminal in free governments, where the laws being made by all for the good of all, a fraud is committed on every individual as well as on the State, attains its utmost guilt, when it blends, with a pursuit of ignominious gain, a treacherous subserviency, in the transgressors, to a foreign policy, adverse to that of their own country. It is then that the virtuous indignation of the public should be enabled to manifest itself, through the regular animadversions of the most competent laws.

To secure greater respect to our mercantile flag, and to the honest interests which it covers, it is expedient also, that it be made punishable in our citizens to accept licenses from foreign governments, for a trade unlawfully interdicted by them to other American citizens—or to trade under false colours or papers of any sort.

A prohibition is equally called for against the acceptance, by our citizens, of special licences, to be used in a trade with the United States; and against the admission into particular ports of the United States, of vessels from foreign countries, authorised to trade with particular ports only.

Although other subjects will press more immediately on your deliberations, a portion of them cannot but be well bestowed on the just and sound policy of securing to our manufacturers the success they have attained, and are still attaining, in some degree, under the impulse of causes not permanent; and to our navigation, the fair extent of which it is at present abridged by the unequal regulations of foriegn governments.

Besides the reasonableness of saving our manufacturers from sacrifices which a change of circumstances might bring on them, the national interest requires that, as respects such articles at least, as belong to our defence, and our primary wants, we should not be left in unnecessary dependence on external supplies. And whilst foreign governments adhere to the existing discriminations in their ports against our navigation, in our ports, the effect cannot be mistaken, because it has been seriously felt by our shipping interest; and in proportion as this takes place, the advantages of an independent conveyance of our products to foreign markets and of a growing body of mariners, trained by their occupations for the service of their country in times of danger, must be diminished.

The receipts into the treasury during the year ending on the thirtieth September last, have exceeded thirteen millions and a half of dollars, and have enabled us to defray the current expences, including the interest on the public debt, and to reimburse more than five millions of dollars of the principal, without recurring to the loan authorised by the act of last session. The temporary loan obtained in the latter end of the year 1810, has also been reimbursed, and is not included in that amount.

The decrease of our revenue, arising from the situation of our commerce and the extraordinary expenses which have and may become necessary, and must be taken into view in making commensurate the provisions for the ensuing year. And I recommend to your consideration the propriety of encouraging a sufficiency of annual revenue at least to defray the ordinary expences of government, and to pay the interest on the public debt, including that on new loans which may be authorised.

I cannot close this communication without expressing my deep sense of the crisis in which you are assembled, my confidence in a wise and honorable result to your deliberations and assurances of the faithful zeal with which my co operating duties will be discharged; invoking, at the same time, the blessing of Heaven on our beloved country, and on all means that may be employed in vindicating its rights and advancing its welfare.

(Signed) JAMES MADISON.

Washington, November 5, 1811.

IN SENATE, Nov. 6.

The Senate made further progress in reading the Documents accompanying the President's Message, but did not come to a conclusion previous to their adjournment.

HOUSE OF REPRESENTATIVES.

November 6.

The House resumed the reading of the Documents accompanying the Message, and having read the greater part of the same, ordered 5000 copies thereof to be printed.

DOCUMENTS

ACCOMPANYING THE PRESIDENT'S MESSAGE.

MR. FOSTER TO MR. MONROE.

Washington, July 3, 1811.

SIR,

I have had the honor of stating to you verbally the system of defence to which his majesty has been compelled to resort for the purpose of protecting the maritime rights and interests of his dominions against the new description of warfare that has been adopted by his enemies. I have presented to you the grounds upon which his Majesty finds himself still obliged to continue that system, and I conceive that I shall best meet your wishes as expressed to me this morning, if in a more formal shape I should lay before you the whole extract of the question, as it appears to his majesty's government to exist between Great Britain and America.

I beg leave to call your attention, sir, to the principles on which his Majesty's Orders in Council were originally founded. The decree of Berlin was directly and expressly an act of war, by which France prohibited all nations from trade or intercourse with Great Britain under peril of confiscation of their ships and merchandize; although France had not the means of imposing an actual blockade in any degree adequate to such a purpose. The immediate and professed object of this hostile decree was the destruction of all British commerce through means entirely unsanctioned by the law of nations, and unauthorized by any received doctrine of legitimate blockade.

This violation of the established law of civilized nations in war would have justified Great Britain in retaliating upon the enemy, by a similar interdiction of all commerce with France and with such other countries as might co-operate with France in her system of commercial hostility against Great Britain.

The object of Great Britain was not, however, the destruction of trade, but its preservation under such regulations as might be compatible with her own security, at the same time that she extended an indulgence to foreign commerce, which strict principles would have entitled her to withhold. The retalion of Great Britain was not therefore urged to the full extent of her right, our prohibition of French trade was not absolute but modified, and in return for the absolute prohibition of all trade with Great Britain, we prohibited not all commerce with France, but all such commerce with France as should not be carried on through Great Britain.

It was evident that this system must prove prejudicial to neutral nations: this calamity was foreseen, and deeply regretted. But the injury to the neutral nation arose from the aggression of France, which had compelled Great Britain in her own defence to resort to adequate retaliatory measures of war. The precautions which the conduct of France had rendered indispensable to our security, is therefore to be ascribed to the unwarrantable aggression of France, and not to those proceedings on the part of Great Britain, which that aggression had rendered necessary and just.

The object of our system was merely to counteract an attempt to crush the British trade; Great Britain endeavevored to permit the continent to receive as large a portion of commerce as might be practicable through Great Britain; and all her subsequent regulations, and every modification of her system by new orders or modes of granting or withholding licenses, have been calculated for the purpose of encouraging the trade of neutrals through G. Britain; whenever such encouragement might appear advantageous to the general interests of commerce, and consistant with the public safety of the nation.

The justification of his Majesty's Orders in Council, and the continuance of that defence have always been rested upon the existence of the decrees of Berlin and Milan, and on the perseverance of the enemy in the system of hostility which has subverted the rights of neutral commerce on the continent; and it has always been declared on the part of his Majesty's government, that whenever France should have effectually repealed the decrees of Berlin and Milan, and should have restored neutral commerce to the condition in which it stood previously to the promulgation of those decrees, we should immediately repeal our Orders in Council.

France has asserted that the Decree of Berlin was a measure of just retaliation on her part, occasioned by our previous aggression, and the French government has insisted that our system of blockade, as it existed previously to the decree of Berlin, was a manifest violation of the received law of nations; we must therefore, sir, refer to the articles of the Berlin decree, to find the principles of our system of blockade which France considers to be new, and contrary to the law of nations.

By the 4th and 8th articles it is stated as a justification of the French Decree, that Great Britain "extends to unfortified towns and commercial ports, "to harbors, and to the mouths of rivers, those rights of blockade, which "by reason and the usage of nations are "applicable only to fortified places; and "that the rights of blockade ought to be "limited to fortresses really invested by "a sufficient force."

It is added in the same articles that Great Britain "has declared places to "be in a state of blockade, before which "she has not a single ship of war, and "even places which the whole British "force would be insufficient to block"ade, entire coasts and a whole Em"pire."

Neither the practice of Great Britain nor the law of nations has ever sanctioned the rule now laid down by France, that no place excepting fortresses in a compleat state of investiture can be deemed lawfully blockaded by sea.

If such a rule were to be admitted it would become nearly impracticable for Great Britain to attempt the blockade of any port of the continent, and our submission to this perversion of the law of nations, while it would destroy one of the principal advantages of our naval superiority, would sacrifice the common rights and interests of all maritime states.

It was evident that the blockade of May, 1806, was the principal pretended justification of the Decree of Berlin, though neither the principles on which that blockade was founded, nor its practical operation, afforded any color for the proceedings of France.

In point of date the blockade of May, 1806, proceeded the Berlin Decree; but it was a just and legal blockade according to the established law of nations, because it was intended to be maintained, and was actually maintained by an adequate force appointed to guard the whole coast described in the notification, and consequently to enforce the blockade.

Great Britain has never attempted to dispute that in the ordinary course of the law of nations, no blockade can be justifiable or valid unless it be supported by an adequate force destined to maintain it, and to expose to hazard all vessels attempting to evade its operation. The blockade of May, 1806, was notified by Mr. Secretary Fox on this clear principle, nor was that blockade announced until he had satisfied himself by a communication with his Majesty's Board of Admiralty, that the Admiralty possessed the means and would employ them, of watching the whole coast from Brest to the Elbe, and of effectually enforcing the blockade.

The blockade of May, 1806, was therefore (according to the doctrine maintained by Great Britain) just and lawful in its origin, because it was supported both in intention and fact by an adequate naval force. This was the justification of that blockade until the period of time when the orders in council were issued.

The orders in council were founded on a distinct principle, that of defensive retaliation. France had declared a blockade of all the ports and coasts of Great Britain, and her dependeacies, without assigning, or being able to assign any force to support that blockade. Such an act of the enemy would have justified a declaration of the blockade of the whole coast of France, even without the application of any particular force to that service. Since the promulgation of the orders in council the blockade of May, 1806, has been sustained and extended by the more comprehensive system of defensive retaliation on which those regulations are founded. But if the orders in council should be abrogated, the blockade of May, 1806, could not continue under our construstion of the law of nations, unless that blockade should be maintained by a due application of an adequate naval force.

America appears to concur with France in asserting that Great Britain was the original aggressor in the attack on neutral rights, and has particularly objected to the blockade of May, 1806, as an obvious instance of that aggression on the part of Great Britain.

Although the doctrines of the Berlin decree respecting the rights of blockade, are not directly asserted by the American government, Mr. Pinkney's correspondence would appear to countenance the principles on which those doctrines are founded. The objection directly stated by America against the blockade of May, 1806, rests on a supposition that no naval force which Great Britain possessed, or could have employed for such a purpose, could have rendered that blockade effectual, and that therefore it was necessarily irregular, and could not possibly be maintained in conformity to the law of nations.

Reviewing the course of this statement, it will appear that the blockade of May, 1806, cannot be deemed contrary to the law of nations, either under the objections urged by the French, or under those declared or insinuated by the American government, because that blockade was maintained by a sufficient naval force; that the decree of Berlin was not therefore justified either under the pretexts alledged by France, or under those supported by America, that the orders in council were founded on a just principle of defensive retaliation against the violation of the law of nations committed by France in the decree of Berlin, that the blockade of May, 1806, is now included in the more extensive operation of the Orders in Council, and lastly that the Orders in Council will not be continued beyond the effectual duration of the hostile decrees of France, nor will the blockade of May, 1806, continue after the repeal of the orders in council unless his majesty's government shall think fit to sustain it by the special application of a sufficient naval force. This fact will not be suffered to remain in doubt, and if the repeal of the Orders in Council should take place, the intention of his majesty's government respecting the blockade of May, 1806, will be notified at the same time.

I need not recapitulate to you the sentiments of his majesty's government so often repeated on the subject of the French minster's note to general Armstrong, dated the 6th of last Aug. The studied ambiguity of that note has since been amply explained by the conduct and language of the government of France, of which one of the most remarkable instances is to be found in the speech of the chief of the French government on the 17th of last month to certain deputies from the free cities of Hamburg, Bremen & Lubeck, where in he declares that the Berlin and Milan decrees shall be the public code of France as long as England maintains her orders in council of 1806 and 1807. Thus pronouncing as plainly as language will admit that the system of violence and injustice of which he is the founder, will be maintained by him until the defensive measures of retaliation to which they gave rise on the part of G. Britain shall be abandoned.

If other proofs were necessary to shew the continued existence of those obnoxious decrees, they may be discovered in the Imperial Edict dated at Fontainbleau in October 19, 1809, that monstrous production of violence, in which they are made the basis of a system of general and unexampled tyranny and oppression over all countries subject to, allied with, or within reach of the power of France; in the report of the French minister for foreign affairs, dated last December, and in the letter of the French minister of justice to the president of the council of prizes. To this letter, sir, I would wish particularly to invite your attention; the date is the 25th December, the authority it comes from most unquestionable, and you will there find, sir, the Duke of Massa in giving his instructions to the council of prizes in consequence of the president of the United States' proclamation of Nov. 3, most cautiously avoiding to assert that the French decrees were repealed, and ascribing not to such repeal, but to the ambiguous passage which he quotes at length from M. Champagny's letter of August 5, the new attitude taken by America, & you will also find an evidence in the same letter of the continued capture of American ships after November, and under the Berlin and Milan decrees, having been contemplated by the French government, since there is a special direction given for judgment on such ships being suspended in consequence of the American proclamation, and for their being kept as pledges for its enforcement.

Can then, sir, these decrees be said to have been repealed at the period when the proclamation of the President of the United States appeared, or when America enforced her non-importation act against Great Britain? Are they so at this moment? To the first question the state papers which I have referred to appear to give a sufficient answer. For even supposing that the repeal has since taken place it is clear that on November 3d there was no question as to that not being then the case; the capture of the ship New-Orleans Packet seized at Bordeaux, and of the Grace and Green, seized at or carried into Marseilles, being cases arising under the French decrees of Berlin and Milan as is very evident.—Great Britain might therefore complain of being treated with injustice by America, even supposing that the conduct of France had since been unequivocal.

America contends that the French decrees are revoked as it respects her ships upon the high seas, and you, sir, inform me that the only two American ships taken under their maritime operation as you are pleased to term it, since Nov. 1, have been restored; but may not they have been restored in consequence of the satisfaction felt in France at the passing of the non-importation act in the American Congress, an event so little to be expected; for otherwise, having been captured in direct contradiction to the supposed revocation, why were they not restored immediately?

The fears of the French navy however prevent many cases of the kind occuring on the Ocean under the decrees of Berlin and Milan, but the most obnoxious and destructive parts of those decrees are exercised with full violence not only in the ports of France, but in those of all other countries to which France thinks she can commit injustice with impunity.

Great Britain has a right to complain that neutral nations should overlook the very worst features of those extraordinary acts, and should suffer their trade to be made a medium of an unprecedented, violent, and monstrous system of attack upon her resources, a species of warfare unattempted by any civilized nation before the present period.—Not only has America, suffered her trade to be moulded into the means of annoyance to Great Britain under the provisions of the French decrees, but a construing those decrees as extinct upon a deceitful declaration of the French Cabinet, she has enforced her non-importation act against G. Britain.

Under these circumstances I am instructed by my government to urge to that of the United States, the injustice of thus enforcing that act against His Majesty's dominions, and I cannot but hope that a spirit of justice will induce the United States government to reconsider the line of conduct they have pursued, and at least to re-establish their former state of strict neutrality.

I have only to add, sir, that on my part I shall ever be ready to meet you on any opening which may seem to afford a prospect of restoring compleat harmony between the two countries, and that it will at all times give me the greatest satisfaction to treat with you on the important concerns so interesting to both.

I have the honor to be &c.

AUG. J. FOSTER.

To the honorable

James Monroe, &c. &c. &c.