Eastern Shore REPUBLICAN STAR OR General Advertiser.

EASTON—(MARYLAND) Printed and Published every *Tuesday Morning*, by THOMAS PERRIN SMITH, Printer of the LAWS of the UNITED STATES.

[VOL. 10.....13.] TUESDAY MORNING, NOVEMBER 19, 1811. [No. 12.....626.]

TERMS OF THE STAR—Are *Two Dollars* and *Fifty Cents* per annum, payable half yearly, in advance: No paper can be discontinued until the same is paid for.

ADVERTISEMENTS—Are inserted three weeks for *One Dollar*, and continued weekly for *Twenty-five Cents* per square.

DOCUMENTS

ACCOMPANYING THE PRESIDENT'S MESSAGE.—(CONTINUED.)

MR. FOSTER TO MR. MONROE.

Washington, July 11, 1811.

SIR—In consequence of our conversation of yesterday, and the observations which you made respecting that part of my letter to you of the 3d inst. wherein I have alluded to the principle on which his majesty's Orders in Council were originally founded, I think it right to explain myself in order to prevent any possible mistake as to the present situation of neutral trade with his majesty's enemies.

It will only be necessary for me to repeat what has already, long since, been announced to the American government, namely, that his majisty's orders in council of April 26, 1809, superceded those of November 1807, and relieved the system of retaliation adopted by his majesty against his enemies from what was considered in this country as the most objectionable part of it; the option given to neutrals to trade with the enemies of Great Britain through British ports on payment of a transit duty.

This explanation, sir, will, I trust, be sufficient to do away any impression that you may have received to the contrary from my observations respecting the effects which his majesty's orders in council originally had on the trade of neutral nations. Those observations were merely meant as preliminary to a consideration of the question now at issue between the two countries.

I have the honor to be, with the highest consideration and respect, sir, your most obedient humble servant,

AUG. J. FOSTER.

To the Hon. James Monroe, &c.

MR. FOSTER TO MR. MONROE.

Washington, July 14, 1811.

SIR—His majesty's Packet Boat having been so long detained, and a fortnight having elapsed since my arrival at this capital his royal highness the Prince Regent will necessarily expect that I should have to transmit to his royal highness some official communication as to the line of conduct the American government means to pursue. I trust you will excuse me therefore, sir, if without pressing for a detailed answer to my note of the 3d inst. I anxiously desire to know from you what is the President's determination with respect to the late act of Congress prohibiting all importation from the British dominions.

There have been repeated avowals lately made by the government of France, that the decrees of Berlin and Milan were still in full force, and the acts of that government have corresponded with those avowals

The measures of retaliation pursued by Great Britain against those decrees are consequently to the great regret of his royal highnes still necessarily continued.

I have had the honour to state to you the light in which his royal highness the Prince Regent viewed the proclamation of the President of last November and the surprise with which he learnt the subsequent measures of Congress against the British trade.

American ships seized under his majesty's orders in council, even after that proclamation appeared, were not immediately condemned, because it was believed that the insidious professions of France might have led the American government and the merchants of America into an erroneous construction of the intentions of France.

But when the veil was thrown aside and the French ruler himself avowed the continued existence of his invariable system, it was not expected by his royal highness that America would have refused to retrace the steps she had taken

Fresh proofs have since occurred of the resolution of the French government to cast away all considerations of the rights of nations in the unprecedented warfare they have adopted.

America however still persists in her injurious measures against the commerce of G Britain, and his royal highness has in consequence been obliged to look to means of retaliation against those measures which his royal highness cannot but consider as most unjustifiable.

How desirable would it be, sir, if a stop could be put to any material progress in such a system of retaliation, which, from step to step, may lead to the most unfriendly situation between the two countries.

His majesty's government will necessarily be guided in a great degree by the contents of my first despatches as to the conduct they must adopt towards America.

Allow me then, sir, to repeat my request to learn from you whether I may not convey to his royal highness what I know would be most grateful to his royal highness's feelings, namely, the hope that he may be enabled by the speedy return of America from her unfriendly attitude towards G. Britain, to forget altogether that he ever was obliged to have any other object in view besides that of endeavoring to promote the best understanding possible between the two countries.

I have the honour to be, with the highest consideration, sir, your most obedient, humble servant,

AUG. J FOSTER.

To the Hon. James Monroe, &c. &c. &c.

MR. FOSTER TO MR. MONROE.

Washington, July 16, 1811.

SIR—I had the honor to receive the letter which you addressed to me under yesterday's date, requesting an explanation from me, in consequence of my letters of the 3d and 14th inst. of the precise extent in which a repeal of the French decrees is by his majesty's government made a condition of the repeal of the British orders, and particularly whether the condition embraces the seizure of vessels and merchandize entering French ports in contravention of French regulations, as well as the capture on the high seas, of neutral vessels and their cargoes, on the mere allegation that they are bound to or from British ports, or that they have on board British productions or manufactures; as also stating that in your view of the French decrees, they comprise regulations essentially different in their principles, some of them violating the neutral rights of the U. States others operating against G. Britain without any such violation.

You will permit me, sir, for the purpose of answering your questions as clearly and concisely as possible, to bring into view the French decrees themselves, together with the official declarations of the French minister which accompanied them.

In the body of those decrees, and the declarations alluded to, you will find, sir, express avowals that the principles on which they were founded, and the provisions contained in them, are wholly new, unprecedented, and in direct contradiction to all ideas of justice and the principles and usages of all civilized nations.

The French government did not pretend to say that any one of the regulations contained in these decrees was a regulation which France had ever been in the previous practice of.

They were consequently to be considered, and were indeed allowed by France herself to be, all of them, parts of a new system of warfare, unauthorised by the established laws of nations.

It is in this light in which France herself has placed her decrees, that Great Britain is obliged to consider them.

The submission of neutrals to any regulations made by France, authorised by the laws of nations and practised in former wars, will never be complained of by G. Britain; but the regulations of the Berlin and Milan decrees do, and are declared to violate the laws of nations and the rights of neutrals, for the purpose of attacking through them the resources of Great Britain. The ruler of France has drawn no distinction between any of them, nor has he declared the cessation of any one of them in the speech which he so lately addressed to the deputation from the free imperial Hanse Towns, which was on the contrary a confirmation of them all.

Not until the French decrees therefore shall be effectually repealed, and thereby neutral commerce be restored to the situation in which it stood previously to their promulgation, can his royal highness conceive himself justified, consistently with what he owes to the safety and honor of Great Britain, in foregoing the just measures of retaliation which his majesty in his defence was necessitated to adopt against them.

I trust, sir, that this explanation in answer to your enquiries will be considered by you sufficiently satisfacory; should you require any further, and which it may be in my power to give, I shall with the greatest cheerfulness afford it.

I sincerely hope, however, that no further delay will be thought necessary by the President in restoring the relations of amity which should ever subsist between America and Great Britain, as the delusions attempted by the government of France have now been made manifest, and the perfidious plans of its ruler exposed; by which, while he adds to and aggravates his system of violence against neutral trade, he endeavors to throw all the odium of his acts upon Great Britain, with a view to engender discord between the neutral countries, and the only power which stands up as a bulwark against his efforts at universal tyranny and oppression.

Excuse me, sir, if I express my wish as early as possible to despatch his majesty's packet boat with the result of our communications, as his majesty's government will necessarily be most anxious to hear from me. Any short period of time, however, which may appear to you to be reasonable, I will not hesitate to detain her.

I have the honour to be, with the highest consideration and respect, sir, your most obedient humble servant,

AUG. J. FOSTER.

To the Hon. James Monroe, &c. &c. &c.

MR. MONROE TO MR. FOSTER.

Department of State, July 23*d*, 1811.

SIR—I have submitted to the President your several letters of the 3rd and 16th of this month, relative to the British orders in council and the blockade of May, 1806, and I have now the honor to communicate to you his sentiments on the view which you have presented of those measures of your government.

It was hoped that your communication would have led to an immediate accommodation of the differences subsisting between our countries, on the ground, on which alone it is possible to meet you. It is regretted that you have confined yourself to a vindication of the measures which produced some of them.

The United States are as little disposed now as heretofore to enter into the questien concerning the priority of aggression by the two belligerents, which could not be justified by either, by the priority of those of the other. But as you bring forward that plea in support of the orders in council, I must be permitted to remark that you have yourself furnished a conclusive answer to it, by admitting that the blockade of May 1806 which was prior to the first of the French decrees, would not be legal, unless supported through the whole extent of the coast, from the Elbe to Brest, by an adequate naval force. That such a naval force was actually applied and continued in the requisite strickness until that blockade was comprised in and superceded by the orders of November of the following year, or even until the French decree of the same year, will not I presume be alledged.

But waving this question of priority, can it be seen without both surprise and regret, that it is still contended, that the Orders in Council are justified by the principle of retaliation, and that this principle is strengthened by the inability of France to enforce her decrees. A retaliation is its name, and its essential character, a returning like for like. Is the deadly blow of the orders in council against one half of our commerce, a return of like for like to an empty threat in the French decrees, against the other half? It may be a vindicative hostility, as far as its effects falls on the enemy. But when falling on a neutral who on no pretext can be liable for more than the measure of injury received through such neutral, it would not be a retaliation, but a positive wrong, by the plea on which it is founded.

It is to be further remarked that the orders in council went even beyond the plea, sush as this has appeared to be, in extending its operation against the trade of the United States, with nations which, like Russia had not adopted the French decrees, and with all nations which had merely excluded the British flag; an exclusion resulting as matter of course with respect to whatever nation Great Britain might happen to be at war.

I am far from viewing the modification originally contained in the orders, which permits neutrals to prosecute their trade with the continent, through Great Britain, in the favorable light in which you represent it. It is impossible to proceed to notice the effect of this modification without expressing our astonishment at the extravagance of the political pretension set up by it; a pretention which is utterly incompatible with the sovereignty and independence of other states In a commercial view it is not less objectionable as it cannot fail to prove destructive to neutral commerce. As an enemy, Great Britain cannot trade with France. Nor does France permit a neutral to come into her ports from Great Britain. The attempt of G. Britain to force our trade through her ports, would have therefore the commercial effect of depriving the United States altogether of the market of her enemy for their productions, and of destroying their value in her market by a surcharge of it. Heretofore it has been the usage of belligerent nations to carry on their trade through the intervention of neutrals; & this had the beneficial effect of extending the former the advantages of peace, while suffering under the calamities of war.—To reverse the rule, and to extend to nations at peace the calamities of war, is a change as novel and extraordinary as it is at variance with public justice and law.

Against this unjust system, the United States entered, at an early period, their solemn protest. They considered it their duty to evince to the world their high disapprobation of it, and they have done so by such acts as were deemed most consistent with the rights and the policy of the nation. Remote from the contentious scene which desolates Europe, it has been their uniform object to avoid becoming a party to the war.—With this view they have endeavored to cultivate friendship with both parties by a system of conduct which ought to have produced that effect. They have done justice to each party in every transaction in which they have been separately engaged with it. They have observed the impartiality which was due to both as belligerents standing on equal ground, having in no instance given a preference to either at the expence of the other.—They have borne too with equal indulgence injuries from both, being willing while it was possible to impute them to casualities inseparable from a cause of war, and not to a deliberate intention to violate their rights, and even when that intention could not be mistaken, they have not lost sight of the ultimate object of their policy. In the measures to which they have been compelled to resort, they have in all respects maintained pacific relations with both parties. The alternative presented by their late acts, was referred equally to both, and could operate on neither, no longer than it should persevere in its aggressions on our neutral rights. The embargo and non-intercourse, were peaceable measures. The regulations which they imposed on our trade were such as any nation might adopt in peace or war, without offence to any other nation. The non-importation is of the same character, in its operation between the belligerents, it necessarily results from a compliance of one with the offer made to both, and which is still open to the compliance of the other.

In the discussions which have taken place on the subject of the Orders in Council and blockade of May, 1806, the British government in conformity to the principle on which the orders in council are said to be founded, declared that they should cease to operate as soon as France revoked her edicts. It was stated also, that the British government would proceed *pari passu*, with the government of France, in the revocation of her edicts. I will proceed to shew that the obligation on Great Britain to revoke her orders is complete, according to her own engagements, and that the revocation ought not to be longer delayed

By the act of May 1st, 1810, it is provided, "That if either Great Britain or France should cease to violate the neutral commerce of the U. States, which fact the President should declare by proclamation, and the other party should not within three months thereafter revoke or modify its edicts in like manner, that then certain sections in a former act interdicting the commercial intercourse between the United States and G. Britain and France and their dependencies, should from and after the expiration of three months from the date of the proclamation, be revived and have full force against the former, its colonies and dependencies, and against all articles the growth, produce, or manufacture of the same."

The violations of neutral commerce alluded to in this act were such as were committed on the high seas. It was in the trade between the United States and the British dominions, that France had violated the neutral rights of the United States by her blockading edicts. It was with the trade of France and her allies that Great Britain had committed similar violations by similar edicts. It was the revocation of those edicts, so far as they committed such violations, which the United States had in view, when they passed the law of May 1st, 1810. On the 5th of August, 1810, the French minister of foreign affairs addressed a note to the minister plenipotentiary of the United States at Paris, informing him that the Decrees of Berlin and Milan were revoked, the revocation to take effect on the 1st of November following: that the measure had been taken by his government in confidence that the English government would revoke its Orders and renounce its new principle of blockade, or that the United States would cause rights to be respected, conformably to the act of May 1st, 1810.

This measure of the French government was founded on the law of May 1st, 1810, as is expressly declared in the letter of the Duke of Cadore announcing it. The edicts of Great Britain, the revocation of which were expected by France, were those alluded to in that act; & the means by which the U. States should cause their rights to be respected, in case Great Britain should not revoke her edicts, were likewise to be found in the same act. They consisted merely in the enforcement of the non importation act against G. Britain, in that unexpected and improbable contingancy.

The letter of the 5th of August, which announced the revocation of the French decrees, was communicated to this government, in consequence of which the President issued a proclamation on the 2d of Nov. the day after that on which the repeal of the French decrees was to take effect, in which he declared, that all the restrictions imposed by the act of May 1st, 1810, should cease and be discontinued in relation to France and her dependencies. It was a necessary consequence of this proclamation, also, that if G. Britain did not revoke her edicts the non-importation would operate on her, at the end of three months. This actually took place. She declined the revocation, and on the 2d of February last, that law took effect. In confirmation of the proclamation an act of Congress was passed on the 2d of March following.

Great Britain still declines to revoke her edicts on the pretension that France has not revoked hers. Under that impression she infers that the United States have done her injustice by carrying into effect the non importation against her.

The U. States maintain that France has revoked her edicts so far as they violated their neutral rights, and were contemplated by the law of May 1st, 1810, and have on that ground particularly claimed and do expect of Great Britain a similar revocation.

The revocation announced officially by the French minister of foreign affairs to the minister plenipotentiary of the U. States at Paris, on the 5th of August, 1810, was in itself sufficient to justify the claim of the United States to a correspondent measure from Great Britain. She had declared that she would proceed *pari passu* in the repeal with France, and the day being fixed when the repeal of the French decrees should take effect, it was reasonable to conclude that Great Britain would fix the same day for the repeal of her orders. Had this been done the proclamation of the President would have announced the revocation of the edicts of both powers at the same time and in consequence thereof the non importation would have gone into operation against neither. Such too is the natural course of proceeding in transactions between independent states, and such the conduct which they generally observe towards each other. In all compacts between nations it is the duty of each to perform what it stipulates, and to presume on the good faith of the other, for a like performance. The United States having made approach to both belligerents were bound to accept a compliance from either, and it was no objection to the French compliance, that it was in a form to take effect at a future day, that being a form not unusual in laws and other public acts. Even when nations are at war and make peace, this obligation of neutral confidence exists, and is respected. In treaties of commerce, by which their future intercourse is to be governed, the obligation is the same. If distrust and jealousy are allowed to prevail, the moral tie which binds nations together in all their relations, in war as well as in peace, is broken.

What would Great Britain have hazarded by a prompt compliance in the manner suggested: She had declared that she had adopted the restraints imposed by her orders in council with reluctance, because of their distressing effect on neutral powers. Here then was a favorable opportunity presented to her, to withdraw from that measure with honor, be the conduct of France afterwards what it might. Had Great Britain revoked her orders, and France failed to fulfil her engagement, she would have gained credit at the expence of France, & could have sustained no injury by it, because the failure of France to maintain her faith would have replaced Great Britain at the point from which she had departed. To say that a disappointed reliance on the good faith of her enemy, would have reproached her foresight, would be to set a higher value on that quality than on consistency and good faith, and would sacrifice to a mere suspicion towards an enemy the plain obligations of justice towards a friendly power.

Great Britain has declined proceeding *pari passu* with France in the revocation of their respective edicts. She has held aloof and claims of the United States proof not only that France has revoked her decrees, but that she continues to act in conformity with the revocation.

To shew that the repeal is respected it is deemed sufficient to state that not one vessel has been condemned by French tribunals, on the principles of those decrees, since the 1st November last. The New Orleans Packet from Gibraltar to Bordeaux was detained but never condemned. The Grace Ann Green, from the same British port to Marseilles, was likewise detained but afterwards delivered up conditionally to the owner, as was such part of the cargo of the New Orleans Packet as consisted of the produce of the United States. Both these vessels proceeding from a British port, carried cargoes, some articles of which in each, were prohibited by the laws of France, or admissible by the sanction of the government alone. It does not appear that their detentions was imputable to any other cause If imputable to the circumstance of passing from a British to a French port, or on account of any part of their cargoes, it affords no cause of complaint to Great Britain, as a violation of our neutral rights. No such cause would be afforded, even in a case of condemnation. The right of complaint would have belonged to the U. States.

In denying the revocation of the decrees, so far as it is a proper subject of discussion between us, it might reasonably be expected that you would produce some examples of vessels taken at sea, in voyages to British ports, or on their return