complain of, was the inhibition by the French decrees, of the lawful trade of neutrals with the British dominions.—As soon as the inhibition ceased, her inhibition of our trade with France ought in like manner to have ceased. Having pledged herself to proceed *paripassu* with France, in the revocation of their respective acts violating neutral rights, it has afforded just cause of complaint, and even of astonishment, to the United States that the British government should have sanctioned the seizure and condemnation of American vessels under the Orders in Council after the revocation of the French decrees was announced, and even in the very moment when your mission, avowed to be conciliatory, was to have its effect.

I will only add that had it appeared finally, that France had failed to perform her engagement, it might at least have been expected, that Great Britain would not have molested such of the vessels of the United States as might be entering the ports of France, on the faith of both governments, till that failure was clearly proved.

To many insinuations in your letter I make no reply, because they sufficiently suggest the only one that would be proper.

If it were necessary to dwell on the impartiality which has been observed by the United States towards the two belligerents, I might ask, whether if Great Britain had accepted the condition which was offered equally to her and France, by the act of May 1st 1810, and France had rejected it, there cause to doubt that the non-importation act would have been carried into effect against France? No such doubt can possibly exist, because in a former instance, when this government, trusting to a fulfillment by yours of an arrangement which put an end to a non-intercourse with Great Britain, the non-intercourse was continued against France, who had not then repealed her decrees as it was not doubted England had done. Has it not been repeatedly declared to your government, that if Great Britain would revoke her Orders in Council, the President would immediately cause the non-importation to cease? You well know that the same declaration has often been made to yourself, and that nothing more is wanting to the removal of the existing obstructions to the commerce between the two countries, than a satisfactory assurance, which will be received with pleasure from yourself, that the orders in Council are at an end.

By the remark in your letter of the 3d of July, that the blockade of May, 1806, had been included in the more comprehensive system of the Orders in Council of the following year, and that, if that blockade should be continued in force against the repeal of the orders in council, it would be in consequence of the special application of a sufficient naval force, I could not but infer your idea to be, that the repeal of the Orders in Council would necessarily involve the repeal of the blockade of May. I was the more readily induced to make this inference, from the consideration that if the blockade was not revoked by the repeal of the Orders in Council, there would be no necessity for giving notice that it would be continued; as by the further consideration, that according to the decision of your court of admiralty, a blockade instituted by proclamation does not cease by the removal of the force applied to it, nor without a formal notice by the government to that effect.

It is not, however, wished to discuss any question relative to the mode by which that blockade may be terminated. Its actual termination is the material object for consideration.

It is easy to shew, and it has already been abundantly shewn, that the blockade of May, 1806, is inconsistent on any view that may be taken of it with the law of nations. It is easy to shew that, as now expounded, it is equally inconsistent with the sense of your government, when the order was issued; and this change is a sufficient reply to the remarks which you have applied to me personally.

If you will examine the Order, you will find that it is strictly little more than a blockade of the coast from the Seine to Ostend. There is an express reservation in it in favor of neutrals to any part of the coast between Brest and the Seine, and between Ostend and the Elbe.—Neutral powers are permitted by it to take from their own ports every kind of produce without distinction as to its origin, and to carry it into the continent under that limitation, and with the exception only of contraband of war and enemy's property, and to bring thence to their own ports in return, whatever articles they think fit. Why were contraband of war and enemy's property excepted, if a commerce even in those articles would not otherwise have been permitted under the reservation? No order was necessary to subject them to seizure. They were liable to it by the law of nations.

When then did the British government institute a blockade which with respect to neutrals was not rigorous as to the greater part of the coast comprised in it. If you will look to the state of things which then existed between the United States and Great Britain, you will find the answer. A controversy had taken place between our governments on a different topic, which was still depending. The British government had interfered with the trade between France and her allies in the produce of their colonies. The just claim of the United States was then a subject of negociation; and your government professing its willingness to make a satisfactory arrangement of it, issued the order which allowed the trade without making any concession as to the principle, reserving that for adjustment by treaty. It was in this light that I viewed, & in this sense that I represented that order to my government; and in no other did I make any comment on it.

When you reflect that this order by allowing the trade of neutrals, in colonial productions, to all that portion of the coast which was not rigorously blockaded, afforded to the United States an accommodation in a principal point then at issue between our governments, and of which their citizens extensively availed themselves that the trade & the question of blockade, and every other question in which the United States & Great Britain were interested, were then in a train of amicable negociation, you will, I think, see the cause why the minister who then represented the United States with the British government did not make a formal complaint against it.—You have appealed to me, who happened to be that minister, and urged my silence as an evidence of my approbation of, or at least acquiescence in the blockade.—An explanation of the cause of that supposed silence is not less due to myself, than to the character of the transaction with the minister with whom I had the honor to treat. I may add, that an official formal complaint was not likely to be reported to, because friendly communications were invited and preferred.—The want of such a document is no proof that the measure was approved by me, or that no complaint was made. In recalling to my mind as this incident naturally does, the manly character of that distinguished and illustrious statesman, and the confidence with which he inspired all those with whom he had to treat, I shall be permitted to express, as a slight tribute of respect to his memory, the very high consideration in which I have always held his great talents and virtues.

The United States have not nor can they approve the blockade of an extensive coast. Nothing certainly can be inferred from any thing that has passed relative to the blockade of May, 1806, to countenance such an inference.

It is seen with satisfaction that you still admit that the application of an adequate force is necessary to give a blockade a legal character, and that it will lose that character whenever that adequate force ceases to be applied. As it cannot be alledged that the application of any such adequate force has been continued, and actually exists in the case of the blockade of May, 1806, it would seem to be a fair inference that the repeal of the Orders in Council will leave no insuperable difficulty with respect to it. To suppose the contrary, would be to suppose that the Orders in Council, said to include that blockade, resting themselves on a principle of retaliation only, and not sustained by the application of an adequate force, would have the effect of sustaining a blockade admitted to require the application of an adequate force, until such adequate force should actually take the place of the Orders in Council. Whenever any blockade is instituted, it will be a subject for consideration, and if the blockade be in conformity to the law of nations, there will be no disposition in this government to contest it.

I have the honor to be, &c.

(Signed) JAMES MONROE.

Aug. J. Foster, Esq &c. &c. &c.

MR. MONROE TO MR. FOSTER.

Department of State, October 17, 1811.

SIR—I have the honor to communicate to you a copy of two letters from the Charge des Affaires of the United States at Paris, to their Charge des Affaires at London, and a copy of a correspondence of the latter with the Marquis of Wellesley on the subject. By this it will be seen, that Mr. Smith was informed by the Marquis of Wellesley, that he should transmit to you a copy of the communication from Paris, that it might have full consideration in the discussions depending here.

Although an immediate repeal was to have been expected from your government on the receipt of this communication, if the new proof which it affords of the French repeal was satisfactory, yet it will be very agreeable to learn that you are now authorised to concur in an arrangement that will terminate both the orders in council and the non-importation act.

P. S. Hearing that you will not be in town for several days, this letter, and one bearing date on the 1st of this month, which I had prepared and intended to deliver to you on my return here, are forwarded by a special messenger.

I have the honor to be, &c.

(Signed) JAS. MONROE.

Augustus J. Foster, Esq. &c. &c. &c.

Mr. Russell to Mr. J. S. Smith, dated Paris, 5th July, 1811,

SIR—I observe by your letter of the 7th ult. your solicitude to obtain evidence of the revocation of the Berlin and Milan decrees.

On the 5th of August last the Duke of Cadore announced to Gen. Armstrong, that these decrees were revoked, and that they would cease to operate on the first of November. Since the first of November these decrees have not, to my knowledge, *in any instance*, been executed to the prejudice of American property arriving since that time. On the contrary, the Grace Ann, Green, coming clearly within the penal term of those decrees, had they continued in force, was liberated in December last, and her cargo admitted in April. This vessel had indeed been taken by the English and retaken from them; but as this circumstance is not assigned here as the cause of the liberation of this property, it ought not to be presumed to have operated alone as such.

Whatever special reasons may be supposed for the release of the Grace Ann Green, that of the New Orleans Packet must have resulted from the revocation of the French edicts.

The New Orleans Packet had been boarded by two English vessels of war, and had been some time at an English port, and thus doubly transgressed against the decreess of Milan. On arriving at Bordeaux, she was in fact seized by the Director of the Customs, and these very transgressions expressly assigned as the cause of seizure.—When I was informed of this precipitate act of the officer at Bordeaux, I remonstrated against it on the sole ground that the decrees, under which it was made, had been revoked. This remonstrance was heard. All further proceedings against the New Orleans Packet were arrested, and on the 9th of January, both the vessel and cargo were ordered to be placed at the disposition of the owners on giving bond. This bond has since been cancelled by an order of the government, and thus the liberation of the property perfected. The New Orleans Packet has been some time waiting in the Garonne, with her return cargo on board, for an opportunity of escaping the English orders in council.

I know of no no other American vessel arrived voluntarily in the empire of France or the kingdom of Italy, since the first of November, to which the decrees of Berlin and Milan could be applied.

I am, sir, very respectfully, your obedient servant, (Signed)

JONA RUSSELL.

J. S. Smith, Esq. Charge des Affaires, London.

Mr. Russell to Mr. Smith.

Paris, 14th July, 1811.

SIR—I had the honor to address to you on the 5th inst. a brief account of the Grace Ann Green, and of the N. Orleans Packet. The proof which these cases furnish, especially the latter, ought, when unsupported, as it is, by any conflicting circumstance, to be considered as conclusive of the revocation of the French edicts, to which, if continued in force, these cases would have been liable. In addition however to their existence, I have now the satisfaction to communicate to you the liberation of the Two Brothers, the Good Intent and the Star, three American vessels captured since the first of Nov. and brought into this empire, or into ports under its controul. I should have no doubt been able to have announced the release, by one general decision, of every American vessal captured since that period, if the only enquiry were whether or not they had violated the Berlin and Milan decrees. Unfortunately, however, the practices of late years render the question of property extremely difficult to be satisfactorily decided amidst false papers and false oaths; after the most minute and tedious investigation, it often remains doubtful whether this property belongs to a neutral or an enemy. The time employed in this investigation has surely no connection with the Berlin and Milan decrees, and cannot be considered as evidence of their continuance.

It is possible that these decrees may be kept in force in their municipal character, and be applied for the confiscation of English merchandize on the continent—and to prevent their forming this function does not appear to be a concern of the United States, nor can the measure adopted in retaliation of it, on the part of England, be justly extended beyond its limits and made to reach an unoffending neutral power, which the act of the enemy does not affect.

It is sufficient for us that the Berlin and Milan decrees have ceased to be executed on the high seas, and if the orders in council still continue to operate there, they surely are not supported by any principle of the law of retaliation, but must be considered as a simple and unqualified violation of our neutral and national rights.

The proof now before you of the revocation of the Berlin and Milan decrees consists in the precise and formal declarations of this government, in its discontinuance to execute them to our prejudice in a single instance; in its having exempted from their operation every vessel arriving spontaneously since the first of November, to which they could be applied; and every vessel forcibly brought in since that time on which there has been a decision.—After such evidence, to pretend to doubt of their revocation with regard to us would seem to be the result of something more than mere incredulity.

With much respect, &c.

JONA. RUSSELL.

LORD WELLESLEY TO MR JOHN S. SMITH.

Foreign office, Aug. 14, 1811.

SIR—Since the date of my last letter, I have the honor to inform you, that I have received a letter from Mr. Foster, his majesty's minister in America, by which it appears that he had actually commenced a negociation with the government of the United States, respecting the British orders in council. His despatches containing the particulars of the negociation have not yet reached me: Under these circumstances I have transmitted a copy of your letter, together with its enclosure, to Mr. Foster, in order that those documents may receive full consideraton in the progress of the discussions, now depending in America.

I have the honor to be, &c.

(Signed) WELLESLEY.

MR. FOSTER TO MR. MONROE.

Washington, Oct. 22, 1811.

I had the honor to receive your letter of the 17th inst. together with its three enclosures, on the road between Baltimore and this city; I had that of receiving at the same time your letter dated Oct. 1, in answer to mine of the 26th of last July.

Not having had any despatches from his majesty's government lately, I have not as yet received the copy of the recent communication from Paris in regard to the supposed repeal of the French decrees which the Charge d'affairs of the United States at London has intimated to you that he understood the Marquis Wellesley intended to transmit to me, and which I conclude is the same as that contained in the letter of Mr. Russel, the American Charge d'affairs in France. I am however in daily expectation of the arrival of his majesty's packet boat, when it will in all probability reach me, and when if I should receive any fresh instructions in consequence I will not fail immediately to acquaint you. In the meanwhile, however, I beg you will permit me to make some remarks in reply to your letter of October 1, being extremely anxious to do away the impression which you seem to have received relative to the demand I had made for the repeal of the non-importation act of the present year.

It is, I assure you, sir, with very great regret that I find you consider that demand as involving in any degree propositions tending to degrade your nation. Such an idea certainly never existed with his majesty's government, nor would it be compatible with the friendly sentiments entertained by them for the United States, neither could I have suffered myself to be the channel of conveying a demand which I tho't had such a tendency. However you view the demand made on the part of Great Britain, I can safely say that it was made in consequence of its appearing to his majesty's government on strong evidence that the chief of the French nation had really deceived America as to the repeal of his decrees, and in the hopes that the United States' government would therefore see the justice of replacing this country on its former footing of amicable relations with England, nothing appearing to be more natural than such an expectation, which seemed a necessary consequence of the disposition expressed by America to maintain her neutrality, and desirable in every other point of view. I cannot indeed bring myself to think, sir, that your candor would allow you, on a consideration, to put any other construction on the matter, and had my arguments had sufficient weight with you in shewing that the French decrees were still in force, I cannot doubt but you would have agreed with me in the conclusion I drew; it would seem therefore only owing to your not viewing the deceitful conduct of the French government in the same light that it appears to his majesty's government, that a difference of opinion exists between us as to the proposal I made, which under the conviction entertained by them was surely a very just and natural one.

From the earnest desire of vindicating myself and my government from the charge of making any degrading or unjust demands on that of America, I have taken the liberty to trouble you so far, and I will now proceed to shew why I thought you had misunderstood the passage of my letter which related to the extent in which a repeal of the French decrees was required by Great Britain. In the explanation which you desired on this point I gave you that which the Marquis Wellesley gave to Mr. Pinkney in answer to his letter of August 25, 1810, and I beg to refer you to the message of the President of the United States on the opening of Congress in December 1810, for a proof that the demand of Great Britain in the extent in which I have stated it was known to your government several months ago: how was I therefore to suppose in the term innovations, as applied to the explanation given by me, that you could mean otherwise than some really new pretension on the part of Great Britain such as that France should suffer British property to be carried into her ports for the purposes of trade? If the warmth I was betrayed into in endeavouring to refute a supposed imputation of this sort gave any offence, I sincerely regret it, and I will beg permission here to say, sir, that if unconsciously I have by any of my remarks led you to suppose they conveyed any improper insinuations, as one paragraph of your letter would appear to imply, I am most unfeignedly sorry for it, as I entertain the highest respect for you personally and for your government, and could only have meant what I wrote in the way of argument, or for the purpose of contrasting the proceedings of France in her conduct towards the United States with that of Great Britain.

In reverting to the extraordinary and unprecedented situation of things that has arisen out of the war of Europe, it would seem needless to repeat the evidence there is that the lawless and unbounded ambition of the ruler of France has been the origin of it, and it cannot be a secret to the United States' government that his plan has been, and avowedly continues to be, not to scruple at the violation of any law, provided he can thereby overthrow the maritime power of England. Is it not therefore reasonable in Great Britain to distrust an ambiguous declaration of his having suddenly given up any part of a system which he thought calculated to produce such an effect? You say however that the decrees of Berlin and Milan are revoked. America, as not being at war and therefore not seeing so nearly into the views of France, may be less scrupulous as to the evidence necessary to prove the fact; but, sir, it surely cannot be expected that Great Britain, who is contending for every thing that is dear to her, should not require more proof on a point so material to her. It is undoubtedly a very desirable thing for the United States to have a free and unrestricted trade with both belligerents, but the essential security and most important interests of America are not involved in the question as are those of Great Britain. France has levelled a blow which she hopes will prove deadly to the resources of Great Britain, and before the British government can with safety give up the measures of defence in consequence adopted by them, very strong proof must exist of the cessation by France of her novel and unprecedented measures.

I confess, sir, with the sincerest disposition to discover on the part of the ruler of France a return to the long established practice of warfare as exercised in civilized Europe, I have been unable to succeed; and if the French government had really meant to withdraw their obnoxious decrees, it is inconcievable why, instead of allowing their intention to be guessed at or inferred, they should not openly and in plain language have declared so—the decrees themselves having been clearly enough announced on their enactment, why should not their revocation be equally explicit?

While however numerous declarations have been made on the part of France of the continued existence of the decrees and captures made under them of neutral ships have occurred, a few of the American vessels siezed since November 1, have been restored, and the foregoing, a very small part of his plunder, is desired by Bonaparte to be considered as a proof of the sincerity of his revocation by America; but it must be recollected that besides the object of ruining the British resources by his own unauthorized regulations, he has also that of endeavouring to obtain the aid of the United States for the same purpose, and herein you will, as I had the honor to remark in a former letter, be able to observe the cause of the apparently contradictory language held both by himself and his ministers.

I shall be extremely happy to receive from you, sir, the information that in a frank and unambiguous manner the Chief of the French government had revoked his decrees. Why he should not do so is inexplicable if he means to revert to the ordinary rules of war, but while he exercises such despotic sway wherever his influence extends, to ruin