the resources of England, it cannot be expected that Great Britain shall not use the means she possesses for the purpose of making him feel the pressure of his own system. There is every reason to believe that ere long the effects on the enemies of Great Britain will be such as irresistibly to produce a change which will place commerce on its former basis. In the mean time, sir, I hope you will not think it extraordinary if I should contend that the seizure of American ships by France, since November 1, and the positive and unqualified declarations of the French government are stronger proofs of the continued existence of the French decrees and the bad faith of the ruler of France, than the restoration of five or six vessels, too palpably given up for fallacious purposes or in testimony of his satisfaction at the attitude taken by America, is a proof of their revocation, or of his return to the principles of justice.

I will only repeat, sir, in answer to your observations on the late condemnation of the ships taken under his majesty's orders in council, what I have already had the honor to state to you, that the delay which took place in their condemnation was not in consequence of any doubt existing in his majesty's government, as to whether the French decrees were revoked, as you seem to imagine, but in consequence of its being thought that the American government, upon its appearing that they were deceived by France, would have ceased their injurious measures against the British commerce. A considerable time elapsed before the decision took place on those ships, and there is no doubt but that had the United States' government not persisted in their unfriendly attitude towards Great Britain on discovering the ill faith of France, a spirit of conciliation in his majesty's government would have caused their release.

In reply to your observations on the pretensions of Great Britain relative to the revocation of the French decrees, I beg to repeat that the sum of the demand made by England is that France should follow the established laws of warfare as practised in former wars in Europe. Her ruler by his decrees of Berlin and Milan declared himself no longer bound by them, he has openly renounced them in his violent efforts to ruin the resources of Great Britain, and has trampled on the rights of independent nations to effect his purpose. If the French government make use of means of unprecedented violence to prevent the intercourse of England with unoffending neutrals, can it be expected that England should tamely suffer the establishment of such a novel system of war without retaliation, and endeavoring in her turn to prevent the French from enjoying the advantages of which she is unlawfully deprived?

Having explained already the situation in which the question of the blockade of May 1806 rests according to the views of his majesty's government, and the desire of Great Britain to conduct her system of blockade according to the laws of nations, I will only advert to it on this occasion for the purpose of taking the liberty of acknowledging to you the very great pleasure I received from the highly honorable mark of respect which you have taken the occasion to express for the illustrious statesman from whose councils that measure emanated.

I need not repeat to you, sir, what sincere satisfaction it would give me, if without the sacrifice of the essential rights and interests of Great Britain all the points in discussion between our two countries could be finally adjusted.

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. &c.

MR. MONROE TO MR. FOSTER.

Department of State, Oct. 29, 1811.

SIR—I have had the honour to receive your letter of the 22d of this month and to lay it before the President.

The assurance which you have given of your disposition to reciprocate in our communications on the important subjects depending between our governments the respectful attention which each has a right to claim, and that no departure from it was intended in your letter of 26th July, has been received with the satisfaction due to the frank and conciliatory spirit in which it was made.

I learn, however, with much regret, that you have received no instructions from your government founded on the new proof of the revocation of the Berlin and Milan decrees, which was communicated to the Marquis of Wellesley by the American Charge des Affaires at London, in a document of which I had the honor to transmit to you a copy. It might fairly have been presumed, as I have before observed, that the evidence afforded by that document, of the complete revocation of those decrees, so far as they interfered with the commerce of the United States with the British dominions, would have been followed by an immediate repeal of the orders in council. From the reply of the Marquis of Wellesley, it was at least to have been expected that no time had been lost in transmitting that document to you, and that the instructions accompanying it would have manifested a change in the sentiments of your government on the subject.—The regret therefore cannot but be increased in finding that the communication which I had the honor to make to you, has not even had the effect of suspending your efforts to vindicate the perseverence of your government in enforcing those orders.

I regret also to observe, that the light in which you have viewed this document, and the remarks which you have made on the subject generally, seem to preclude any other view of the conditions on which those orders are to be revoked, than those that were furnished by your former communications. You still adhere to the pretention that the productions and manufactures of Great Britain, when neutralized, must be admitted into the port of your enemies. This pretention, however vague the language heretofore held by your government, particularly by the Marquis of Wellesley, in his communications with Mr. Pinkney, on the subject, was never understood to have been embraced.—Nothing indeed short of the specific declarations which you have made would have induced a belief that such was the case.

I have the honor to be, &c. &c.

(Signed) JAS. MONROE.

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

MR. FOSTER TO MR. MONROE.

Washington, Oct. 31, 1811.

SIR—I did not reply at great length to the observations contained in your letter of the 1st inst. on the pretentions of Great Britain as relative to the French system, because you seemed to me to have argued as if but a part of the system continued, and even that part had ceased to be considered as a measure of war against Great Britain. For me to have allowed this, would have been at once to allow in the face of facts that the decrees of France were repealed, and that her unprecedented measures, avowedly pursued in defiance of the laws of nations, were become mere ordinary regulations of trade. I therefore thought fit to confine my answer to your remarks, to a general statement of the sum of the demands of Great Britain, which was, that France should by effectually revoking her decrees revert to the usual method of carrying on war as practised in civilized Europe.

The pretension of France to prohibit all commerce in articles of British origin in every part of the continent is one among the many violent innovations which are contained in the decrees, and which are preceded by the declaration of their being founded on a determination of the Ruler of France, as he himself avowed, to revert to the principles which characterised the barbarism of the dark ages, and to forget all ideas of justice and even the common feelings of humanity in the new method of carrying on war adopted by him.

It is not however a question with G. Britain of mere commercial interest, as you seem to suppose, which is involved in the attempt by Bonaparte to blockade her both by sea and land, but one of feeling and of national honor, contending as we do against the principles which he professes in his new system of warfare. It is impossible for us to submit to the doctrine that he has a right to compel the whole continent to break off all intercourse with us, and to seize upon vessels belonging to neutral nations upon the sole plea of their having visited an English port, or of their being laden with articles of British or Colonial produce in whatsoever manner acquired.

This pretension, however, is but a part of that system, the whole of which, under our construction of the letter of M. Champagny of August 5, 1810, corroborated by many subsequent declarations of the French government, and not invalidated by any unequivocal declaration of a contrary tenor, must be considered as still in full force.

In the communication which you lately transmitted to me, I am sorry to repeat that I was unable to discover any facts which satisfactorily proved that the decrees had been actually repealed, and I have already repeatedly stated the reasons which too probably led to the restoration of a few of the American ships taken in pursuance of the Berlin and Milan decrees after November 1. Mr. Russell does not seem to deny that the decrees may still be kept in force, only he thinks they have assumed a municipal character; but in M. Champagny's declaration, ambiguous as it was, there is no such division of them into two different characters, for if the contingency required by the French minister took place, the Berlin and Milan decrees were to cease according to his expression without any qualification. If therefore a part of them remain or be revived again, as seems to be allowed even here, why may not the whole be equally so?—Where proof can be obtained of their existence, we have it, namely, in the ports of France, in which vessels have been avowedly seized under their operation since November 1. Of their maritime existence we cannot so easily obtain evidence, because of the French ships of war which ventured to leave their harbors. Who can doubt however but that had the Ruler of France a navy at his command equal to the enforcing his violent decrees, he would soon show that part of them to be no dead letter. The principle is not the less obnoxious because it is from necessity almost dormant for the moment, nor ought it therefore to be less an object to be strenuously resisted.

Allow me, sir, here to express my sincere regret that I have not as yet been able to convince you, by what I cannot but consider the strongest evidence, of the continued existence of the French decrees, and consequently of the unfriendly policy of your government in enforcing the non-importation against us and opening the trade with our enemies. His Royal Highness will, I am convinced, learn with unfeigned sorrow, that such continues to be still the determination of America, and whatever restrictions on the commerce enjoyed by America in his Majesty's dominions may ensue on the part of Great Britain, as retaliatory on the part of your government to admit the productions of Great Britain while they open their harbors to those of his Majesty's enemies, they will, I am persuaded, be adopted with sincere pain, and with pleasure relinquished whenever this country shall resume her neutral position and impartial attitude between the two belligerents.

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

AUG. J. FOSTER.

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

AFFAIR OF THE LITTLE BELT

Baltimore, June 26th, 1811.

SIR—I have the honour to enclose the copy of an official letter addressed to Rear Admiral Sawyer by Captain Bingham, commanding his majesty's sloop the Little Belt, which contains an account of the late engagement between that ship and the American frigate the President.

In thus communicating to you without orders from his majesty's government this document, which in the most essential fact differs so materially from that of Commodore Rogers, I trust that this government will receive it as a proof of the sincere desire which exists with me, to open the way to an amicable arrangement of the question which may arise out of this unfortunate affair, when it shall be known to his majesty's government.

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

J. P. MORIER.

The Hon. James Monroe, &c. &c. &c.

His Majesty's sloop Little Belt, May 21st, 1811, Latitude 56, 50 North, Longitude 71, 49 West, Cape Charles bearing West, 48 miles.

SIR—I beg leave to acquaint you, that in pursuance of your orders to join his majesty's ship Gurriere, and being on my return from the Northward, not having fallen in with her; that at about 11 A. M. May 16th, saw a strange sail, to which I immediately gave chase.—At 1 P. M. discovered her to be a man of war, apparently a frigate standing to the Eastward, who, when he made us out, edged away for us and set his royals—made the signal, and finding it not answered, concluded she was an American frigate, as he had a Commodore's blue pendant flying at the main—hoisted the colours and made all sail South, the course I intended steering round Cape Hatteras—the stranger edging away, but not making any more sail.—At 3-30, he made sail in chase, when I made the private signal, which was not answered. At 6 30, finding he gained so considerably on us, as not to be able to elude him during the night, being within gun shot, and clearly discerning the stars in his broad pendant, I imagined the most prudent method was to bring too and hoist the colours, that no mistake might arise, and that he might see what we were; the ship was therefore brought too, colors hoisted, guns double shotted, and every preparation made in case of a surprise.—By his manner of steering down, he evidently wished to lay his ship in a position for raking, which I frustrated by wearing three times. About 8-15, he came within hail—I hailed and asked what ship it was—he repeated my question. I again hailed and asked what ship it was—he again repeated my words, and fired a broadside, which I instantly returned. The action then became general, and continued so for three quarters of an hour, when he ceased firing, and appeared to be on fire about the main hatchway—he then filled—I was obliged to desist from firing, as the ship falling off, no gun would bear, and had no after sail to keep her too, all the rigging and sails cut to pieces, not a brace or bowline left—he hailed and asked what ship this was—I told him—he then asked me if I had struck my colours—my answer was, no, and asked what ship it was. As plainly as I could understand, (he having shot some distance at this time) he answered the United States' frigate—he fired no more guns, but stood from us, giving no reason for his most extraordinary conduct. At day light in the morning, saw a ship to the windward, when having made out well what we were, bore up and passed within hail, fully prepared for action, about 3 o'clock—he hailed and said if I pleased he would send a boat on board, I replied in the affirmative, and a boat accordingly came with an officer and a message from Commodore Rogers of the President, United States' frigate, to say that he lamented much the unfortunate affair (as he termed it) that had happened, and that had he known our force was so inferior, he should not have fired at me. I asked his motive for having fired at all—his reply was, that we fired the first gun at him, which was positively not the case. I cautioned both the officers and men to be particularly careful and not suffer any more than one man to be at a gun, nor is it probable that a sloop of war within pistol shot of a large 44 gun frigate should commence hostilities—he offered me every assistance I stood in need of, and submitted to me that I had better put into one of the ports of United States, which I immediately declined. By the manner in which he apologized, it appeared to me evident, that had he fallen in with a British frigate, he would certainly have brought her to action.—What further confirms me in this opinion is, that his guns were not only loaded with round and grape shot, but with every scrap of iron that could possibly be collected. I have to lament the loss of 32 men killed and wounded, among whom is the master. His majesty's ship is much damaged in her masts, sails, rigging and hull, and as there are many shot through between wind and water, and many shots still remaining in her side, and upper works all shot away, starboard pumps also, I have judged it proper to proceed to Halifax, which will I hope meet with your approbation.

I cannot speak in to high terms of the officers and men I have the honor to command, for their steady and active conduct throughout the whole of this business, who had much to do, as a gale of wind came on the 2d night after the action. I have to request, sir, you will be pleased to recommend to the notice of the Lords Commissioners of the Admiralty, my first Lieutenant Mr. John Moberly, who is in every respect a most excellent officer and afforded me very great assistance in stopping the leaks himself in the gale, securing the masts and doing every thing in his power. It would be the greatest injustice was I not also to speak most highly of lieutenant Lovell, 2d lieutenant, Mr. McQueen, master, who, as I have before stated, was wounded in nearly the middle of the action, and Mr. Wilson, master's mate; indeed the conduct of every officer and man was so good, it is impossible to discriminate. I beg leave to inclose a list of the thirty two men killed and wounded, most of them mortally, I fear. I hope, sir, in this affair, I shall appear to have done my duty, and conducted myself as I ought to have done, against so superior a force, and that the honor of the British colours was well supported.

I have the honor to be, sir, with much respect, your most obedient humble servant,

A. B. BINGHAM.

To Herbert Sawyer, Esq. Rear Admiral of the Red, Commander in Chief, &c. &c. &c.

Mr. Monroe Secretary of State to Mr. Morier Charge d'Affaires of his Britannic Majesty.

Department of State, June 28, 1811.

SIR—I had the honor to receive yesterday your letter of the 26th inst. communicating a statement from captain Bingham to admiral Sawyer, of the circumstances attending the late unfortunate encounter between the United States frigate the President, and his Britannic Majesty's sloop the Little Belt.

It is to be regretted that the statement made by captain Bingham should have varied in any circumstance, from that made by the commander of the American frigate. I flatter myself, with the disposition of the President, which I am authorised to express, to make it the subject of mutual and friendly explanations, its disagreeable tendency will be obviated. I am induced to express this expectation, with the more confidence, from the conciliatory manner in which you have made this communication.

I have the honor to be, &c.

(Signed) JAS. MONROE.

Mr. Morier, Charge d'Affaires of His Britannic Majesty.

MR. FOSTER TO MR. MONROE.

Washington, July 3, 1811.

SIR—The assurances which you did me the honor to give me yesterday verbally, that no instructions whatever had been given to commodore Rogers which could under any construction be meant to authorise his attempting to recover by force any person claimed as an impressed American citizen from on board any of his majesty's ships of war, were amply sufficient to convey to my mind every satisfaction upon that subject: the reports, however, current in the United States, and connected with commodore Rogers' conduct and proceedings, as well as the inferences which will be drawn from the expressions which he used to the captain of His Majesty's sloop Little Belt, being of a tendency to create doubts in Great Britain as to the nature of the authority under which he acted, I willingly accept your offer of making me the same statement in a more formal manner, in order that I may transmit it to my government to prevent all possible mistake on so important a point.

The question arising out of the rencounter between the United States frigate President, and His Majesty's sloop Little Belt, will then remain limited to the act itself. You are already, sir, in possession of the British commander's statement of the circumstances which attended it; his account and that of the American Commodore's, differ very materially from some of the most important features of the transaction, but in this they agree, that the chace which brought on the action commenced on the part of Commodore Rogers; for it cannot be maintained that the advance made by Capt. Bingham for the purpose of ascertaining if the ship descried by him was his majesty's ship Guerrier, which it appears he had orders to join, was for the purpose of chasing, even if that could be urged as a plea by the American commander. As soon as he found his signals unanswered, he bore away, until to his infinite surprise he found himself the object of the strange vessel's eager pursuit and hostile attitudes. What could be Commodore Rogers' intention is not apparent. That he could not discover at the distance of 70 or 100 yards that the ship before him was a flush deck sloop, though it was but a little after 8 o'clock, on the 16th of May; that he could not make out her colors at half past 6 o'clock; that his guns were double shotted; & that with the security he possessed from the great force and superior sailing of the ship under his command, and the circumstance of belonging to a neutral nation, he did not rather hold off during the night if he wished to speak the sloop, than by running under her stern in a menacing attitude incur the risk of provoking a misunderstanding, must appear unaccountable to the comprehension of every unprejudiced person, and will, I am sure, sir, seem to you a sufficient reason, if there were no other to warrant, my demanding that an examination be instituted into his conduct with a view to suitable satisfaction being afforded to his majesty for the loss of his subjects so wantonly slaughtered, and for the insult offered to his flag. But should Captain Bingham's charge be brought home to Commodore Rogers, for his having refused to state the name of the nation he belonged to, tho' asked to do so on their hearing each other in the dark, and of having fired a broakside into the sloop without provocation, which might at once have sunk so small a vessel, I am convinced I need only appeal to the justice of the American government, for that government to see in its proper light the magnitude of the outrage, and offer to his majesty every reparation that can appear due.

It is with great pleasure, sir, that I avail myself of the opportunity to acknowledge the promptness with which you came forward with the assurances alluded to in the first part of this letter, and the readiness which you shewed to receive any communications from me in regard to the unhappy occurrence which forms the subject of the remainder.

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

AUG. J. FOSTER.

Honorable James Monroe, &c.

MR. MONROE TO MR. FOSTER.

Department of State, July 16, 1811.

SIR—I have had the honor to receive your note respecting the late rencounter between the American frigate the President, and His Britannic Majesty's sloop of war the Little Belt.

It is very satisfactory to find that you received the communication which I had the honour to make to you, in our first interview, on the subject of your enquiry relative to that unfortunate occurrence, in the amicable spirit in which it was intended. Although the excitement which had been produced by previous and recent aggressions, particularly by the impressment of American citizens from American vessels, even