ing —1st. Because it asserts a right in the British government to restore the orders in council, or any part thereof, to their full effect on a principle of retaliation on France, under circumstances of which she alone is to judge; a right which this government cannot admit, especially in the extent claimed, and acted on by the British government.

2d. That the repeal is founded exclusively on the French Decree of 28th of April 1811, by which the repeal of the Decrees of Berlin and Milan, announced on the 5th August 1810, to take effect on the first of November of that year, at which time their operation actually ceased, is disregarded, as are the claims of the United States arising from the repeal on that day, even according to the British pledge.

3d. That even if the United States had no right to claim the repeal of the British orders in council prior to the French decree of the 28th April, 1811, nor before the notification of that decree to the British government on the 20th of May, of the present year, the British repeal ought to have borne date from that day, and been subject to none of the limitations attached to it.

These remarks on the declaration of the Prince Regent, which are not pursued with rigour, nor in the full extent which they might be, are applicable to it, in relation to the state of things which existed before the determination of the United States to resist the aggressions of the British government by war. By that determination the relations between the two countries have been altogether changed, and it is only by a termination of the war, or by measures leading to it by consent of both governments, that its calamities can be closed or mitigated.—It is not now a question whether the declaration of the Prince Regent is such as to have produced a repeal of the non importation act, had war not been declared, because by the declaration of war, that question is superceded, and the non-importation act, having been continued in force by Congress, and become a measure of war, and among the most efficient, it is no longer subject to the controul of the Executive in the sense, and for the purpose for which it was adopted.

The declaration, however, of the Prince Regent will not be without effect. By repealing the orders in council without reviving the blockade of May 1806, or any other illegal blockade, as is understood to be the case, it removes a great obstacle to an accommodation.—The President considers it an indication of a disposition in the British government to accommodate the differences which subsist between the countries, and I am instructed to assure you, that, if such disposition really exists, and is persevered in, and is extended to other objects, especially the important one of impressment, a durable and happy peace and reconciliation cannot fail to result from it.

LETTERS OF MR. RUSSELL TO THE SECRETARY OF STATE.

Mr. Russell to Mr. Monroe.

London, June 26, 1812.

SIR—I have the honor to hand to you, herein, an order of council of the 23d of this month, revoking the orders in council of the 7th of January 1807, and of the 26th of April 1809.

To this decree I have added copies of two notes of the same date from Lord Castlereagh, accompanying the communication of it to me, and also a copy of my answer.

With great respect and consideration I am, sir, your very faithful servant,

JONATHAN RUSSELL.

The Hon. James Monroe.

Lord Castlereagh to Mr. Russell

Foreign-Office, June 23, 1812

Sir—I am commanded by the Prince Regent to transmit to you, for your information, the enclosed printed copy of an order in council, which his Royal Highness, acting in the name, and on the behalf of his Majesty, was this day pleased to issue, for the revocation (on the conditions therein specified) of the orders in council of the 17th January, 1807, and of the 26th of April, 1809, so far as may regard American vessels and their cargoes, being American property, from the 1st of August next.

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

(Signed) CASTLEREAGH.

Jona. Russell, Esq. &c &c. &c.

Lord Castlereagh to Mr. Russell.

Foreign-Office, June 23, 1812.

SIR—In communicating to your government the order in council of this date, revoking (under certain conditions therein specified) those of January 7th 1807, and of April 26th 1809, I am to request that you will at the same time acquaint them that the Prince Regent's ministers have taken the earliest opportunity, after the resumption of the government, to advise his Royal Highness to the adoption of a measure grounded upon the document communicated by you to this office on the 20th ultimo; and his Royal Highness hopes that this proceeding on the part of the British government may accelerate a good understanding on all points of difference between the two states.

I shall be happy to have the honor of seeing you at the foreign office, at 2 o'clock to-morrow; and beg to apprize you that one of his majesty's vessels will sail for America with the despatches for the government in the course of the present week.

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

(Signed) CASTLEREAGH.

J. Russell, Esq. &c.

Mr. Russell to Lord Castlereagh.

18, Bentinck-street,
June 26, 1812.

My Lord—I have the honor to acknowledge the receipt of the two notes addressed to me by your Lordship, on the 23d of this month, enclosing an order in council, issued that day by his Royal Highness the Prince Regent, acting in the name and on the behalf of his Britannick Majesty, for the revocation (on the conditions therein specified) of the orders in council of the 7th January 1807, and of the 26th of April 1809, so far as may regard American vessels and their cargoes, being American property, from the 1st of August next.

In communicating this document to my government, I shall, with much satisfaction, accompany it with the hopes which you state to be entertained by his Royal Highness the Prince Regent, that it may accelerate a good understanding on all points of difference between the two states. I am the more encouraged to believe that these hopes will not be disappointed from the assurance which your lordship was pleased to give me, in the conversation of this morning, that, in the opinion of your lordship, the blockade of the 16th of May 1806, had been merged in the orders in council, now revoked, and extinguished with them, and that no condition contained in the order of the 23d inst. is to be interpreted to restrain the government of the United States from the exercise of its right to exclude British armed vessels from the habors and waters of the United States whenever there shall be special and sufficient cause for so doing; or whenever such exclusion shall, from a general policy, be extended to the armed vessels of the enemies of Great Britain: This assurance I am happy to consider as evidence of a conciliatory spirit which will afford, on every other point of difference, an explanation equally frank and satisfactory.

I am, my lord, with great consideration, your lordship's most obedient servant,

(Signed) JONA. RUSSELL.

The Right Hon. lord viscount Castlereagh, &c.

Mr. Russell to Mr. Monroe.

London, 24 July, 1812.

SIR—I avail myself of the opportunity afforded by the British packet, to transmit to you a copy of a note from Lord Castlereagh of the 29th ult. which I trust will put at rest the blockade of 1806.

I acknowledge the receipt of this note, as you will observe by the enclosed copy of my reply, without a comment.

I did not think it useful to enter into a discussion, at this moment, concerning the legality of that blockade, which, as no new doctrine appears to be assumed, is made to depend on the fact, the application of an adequate force.

In like manner I have forborne to notice his lordship's observations concerning the exclusion, from our ports, of British vessels of war. As such exclusion is required to accord with the obligations of strict neutrality only, the conduct and character of the government of the United States furnish sufficient security against any question arising on that subject. I have the honor to be, with high consideration, sir your assured obedient servant.

JONA. RUSSELL.

The hon. James Monroe, &c. &c. &c.

Lord Castlereagh to Mr. Russell.

Lord CASTLEREAGH has the honor to acknowledge the receipt of Mr. Russell's communication of the 26th inst.

That no mistake may prevail upon the explanation given in conversation, by Lord Castlereagh to Mr. Russell, on the two points referred to in Mr. Russell's letter, Lord Castlereagh begs leave to restate to Mr. Russell, with respect to the blockade of May 1806, that in point of fact, this particular blockade has been discontinued for a length of time, the general retaliatory blockade of the enemy's ports, established under the orders in council of November 1807, having rendered the enforcement of it by his majesty's ships of war no longer necessary; and that his majesty's government has no intention of recurring to this, or to any other blocades of the enemy's ports, founded upon the ordinary and accustomed principles of maritime law, which were in force previous to the order in council, without a new notice to neutral powers in the usual form.

With respect to the provision of the order of the 23d inst. which refers to the admission of British ships of war into the harbors and waters of the United States, Lord Castlereagh informs Mr. Russell, that this claim is made in consequence of his majesty's ships being now excluded, whilst those of the enemy are admitted. It is the partial admission of one of the belligerents, of which Great Britain feels herself entitled to complain, as a preference in favor of the enemy incompatible with the obligations of strict neutrality. Were the exclusion general, the British government would consider such a measure, on the part of America, as matter of discussion between the two states, but not as an act of partiality of which they had in the first instance a right to complain.

Lord Castlereagh avails himself of this opportunity to renew to Mr. Russell the assurances of his high consideration.

Foreign Office, June 29, 1812.

Mr. Russell to Lord Castlereagh.

Mr. Russell has the honor to acknowledge the receipt of the note of Lord Castlereagh, dated the 29th ult. containing explanations relative to the two points referred to in Mr. Russell's note of the 26th of that month, and will take the earliest opportunity of communicating it to his government.

Mr. Russell begs leave to avail himself of this occasion, to repeat to Lord Castlereagh the assurances of his high consideration.

18, *Bentinck St. 1st July*, 1812.

Mr. Russell to Mr. Monroe.

London, 1st Sept. 1812.

SIR—You will perceive by the enclosed copies of notes which have passed between Lord Castlereagh and me, that the moderate and equitable terms proposed for a suspension of hostilities, have been rejected, and that it is my intention to return immediately to the U. States.

My continuance here, after it has been so broadly intimated to me by his lordship, that I am no longer acknowledged in my diplomatic capacity, and after a knowledge that instructions are given to the British admiral to negociate an arrangement on the other side of the Atlantic, would, in my view of the subject, not only be useless but improper.

It is probable, however, that the vessel in which I propose to embark, will not take her departure before the 15th or 20th of this month.

I have the honor to be, with great consideration, Sir, your assured ob't servant,

JONAT. RUSSELL.

To the Hon. Jas. Monroe, &c.

Mr. Russell to Lord Castlereagh.

London, 24th Aug 1812.

My Lord—It is only necessary I trust, to call the attention of your Lordship to a review of the conduct of the government of the U States to prove incontrovertably its unceasing anxiety to maintain the relations of peace and friendship with G Britain.—Its patience in suffering the many wrongs which it has received and its perseverance in endeavoring by amicable means to obtain redress, are known to the world. Despairing at length, of receiving redress from the justice of the British government, to which it had so often applied in vain, & feeling that a further forbearance would be a virtual surrender of interests and rights essential to the prosperity and independence of the nation confided to its protection it has been compelled to discharge its high duty by an appeal to arms. While, however, it regards this cause as the only one which remained for it to pursue with a hope of preserving any portion of that kind of character which constitutes the vital strength of every nation, yet it is still willing to give another proof of the spirit which has uniformly distinguished its proceedings, by seeking to arrest, on terms consistent with justice & honor, the calamities of war. It has, therefore, authorized me to stipulate with his Britannic Majesty's government an armistice to commence at or before the expiration of sixty days after the signature of the instrument providing for it, on condition that the orders in council be repealed and no illegal blockades to be substituted to them, & that orders be immediately given to discontinue the impressment of persons from American vessels, and to restore the citizens of the U States already impressed; it being moreover well understood that the British government will assent to enter into definitive arrangements, as soon as may be, on these and every other difference, by a treaty concluded either at London or Washington, as on an impartial consideration of existing circumstances shall be deemed most expedient.

As an inducement to G Britain to discontinue the practice of impressment from American vessels, I am authorized to give assurance that a law shall be passed (to be reciprocal) to prohibit the employment of British seamen in the public or commercial service of the U States.

It is sincerely believed that such an arrangement would prove more efficacious in securing to G. Britain her seamen than the practice of impressment so derogatory to the sovereign attributes of the U. States and so incompatible with the personal rights of their citizens.

Your Lordship will not be surprised that I have presented the revocation of the orders in council as a preliminary to the suspension of hostilities, when it is considered that the act of the British government of the 23d of June last, ordaining that revocation, is predicated on conditions, the performance of which is rendered impracticable by the change which is since known to have occurred in the relations between the two countries. It cannot now be expected that the government of the U States will immediately on due notice of that act, revoke or cause to be revoked its acts, excluding from the waters and harbors of the U. States all British armed vessels, and interdicting commercial intercourse with G. Britain. Such a procedure would necessarily involve consequences too unreasonable and extravagant to be for a moment presumed The order in council of the 23d of June last will therefore according to its own terms be null and of no effect, and a new act of the British government, adapted to existing circumstances, is obviously required for the effectual repeal of the orders in council of which the U. States complain.

The government of the U. States considers indemnity for injuries received under the orders in council and other edicts, violating the rights of the American nation, to be incident to their repeal, and it believes that satisfactory provision will be made in the definitive treaty, to be hereafter negociated, for this purpose.

The conditions now offered to the British government for the termination of the war by an armistice as above stated are so moderate and just in themselves, and so entirely consistent with its interest and honor, that a confident hope is indulged that it will not hesitate to accept them In so doing it will abandon no right; it will sacrifice no interest; it will abstain only from violating the rights of the United States, and in return it will restore peace with the power from whom in a friendly commercial intercourse so many advantages are to be derived.

Your Lordship is undoubtedly aware of the serious difficulties with which a prosecution of the war, even for a short period, must necessarily embarrass all future attempts at accommodation. Passions exasperated by injuries—alliances or conquests on terms which forbid their abandonment—will inevitably hereafter embitter and protract a contest which might now be so easily and happily terminated.

Deeply impressed with these truths I cannot but persuade myself that his royal highness the Prince Regent will take in this early consideration the propositions, herein made on behalf of the United States, and decide on them in a spirit of conciliation and justice.

I have the honor to be,
With high consideration,
My Lord,
Your Lordships most
Obedient servant,

(Signed) JONA RUSSELL.

To the right honorable
Lord Viscount Castlereagh, &c &c.

Lord Castlereagh to Mr. Russell.

Foreign Office, Aug 29

SIR—Although the diplomatic relations between the two governments have been terminated, by a Declaration of War on the part of the U States, I have not hesitated, under the peculiar circumstances of the case, and the authority under which you act to submit to the Prince Regent the proposition contained in your letter of the 24th inst. for a suspension of hostilities.

From the period at which your instructions must have been issued it is obvious, that this overture was determined upon by the government of the U. States, in ignorance of the orders in council of the 23d June last, and as you inform me that you are not at liberty to depart from the conditions set forth in your letter, it only remains for me to acquaint you that the prince regent feels himself under the necessity of declining to accede to the proposition therein contained, as being on various grounds absolutely inadmissible.

As soon as there was reason to apprehend that Mr Foster's functions might have ceased in America, and that he might have been obliged to withdraw himself, in consequence of war being declared from the U. States, before the above mentioned order of the 23d of June, & the instructions consequent thereupon, could have reached him, measures were taken for authorizing the British admiral on the American station to propose to the government of the U States an immediate and reciprocal revocation of all hostile orders, with the tender of giving full effect, in the event of hostilities being discontinued, to the provisions of the said order, upon the conditions therein specified.

From this statement you will perceive that the view you have taken of this part of the subject is incorrect; and that in the present state of relations between the two countries, the operation of the order of the 23d June can only be defeated by a refusal on the part of your government to desist from hostilities, or to comply with the conditions expressed in the said order.

Under the circumstances of your having no powers to negociate, I must decline entering into a detailed discussion of the propositions which you have been directed to bring forward.

I cannot, however, refrain on one single point from expressing my surprise; namely, that, as a condition preliminary even to a suspension of hostilities, the government of the U. States should have thought fit to demand, that the British government should desist from its ancient and accustomed practice of impressing British seamen from the merchant ships of a foreign state, simply on the assurance that a law shall hereafter be passed to prohibit the employment of British seamen in the public or commercial service of that state

The British government now, as heretofore, is ready to receive from the government of the U States, and amicably to discuss, any proposition which professes to have in view either to check abuse in the exercise of the practice of impressment, or to accomplish by means less liable to vexation the object for which impressment has hitherto been found necessary, but they cannot consent to suspend the exercise of a right upon which the naval strength of the empire mainly depends, until they are fully convinced that means can be devised, and will be adopted, by which the object to be obtained by the exercise of that right can be effectually secured.

I have the honor to be, Sir,
Your most ob't humble serv't,

(Signed) CASTLEREAGH.

J. Russell, Esq &c.

Mr. Russell to Lord Castlereagh.

18 Bentinck st. 1st Sept. 1812.

My Lord—I have learnt with much regret, by your lordship's note, dated the 29th ult which I did not receive until this morning, that the Prince Regent has tho't proper to decline to accede to the proposition for a suspension of hostilities, contained in my note of the 24th of August.

It has been matter of surprise to me that my view with regard to the revocation of the orders in council on the 23d of June last, should have been considered to have been incorrect, when it appears by your Lordsh'p's note that the British government itself had deemed it necessary to give powers to the British admiral to stipulate for its full effect, and thereby admitted that a new act was required for that purpose.

It now only remains for me to announce to your Lordship that it is my intention to embark immediately at Plymouth, on board the ship Lark, for the U States, and to request that permission may be granted, as soon as may be, for the embarkation of my servants, baggage, and the effects of the Legation, and that the necessary passports may be furnished for my own and their safe conduct to that destination.

I avail myself of this occasion to apprize your Lordship that I am authorized by the government of the U States to leave Reuben Gaunt Beasley, Esq as its agent for prisoners of war in this country, and to desire that every necessary facility may be offered him in the exercise of that trust, by the British government.

I have the honor to be, my lord, your lordship's most obedient humble servant,

(Signed) JONA RUSSELL.

The right honorable
Lord Viscount Castlereagh.

Mr. Russell to Mr. Monroe.

London, Sept 3, 1812.

SIR—I enclose herein a copy of a note received yesterday from Lord Castlereagh, which will acquaint you that I have obtained my passports to return to the United States and that Mr. Beasley is permitted to remain here as agent for prisoners of war.

Immediately on demanding my passports I addressed to the consuls a circular of which you will also find a copy enclosed.

The Swiftsure packet sailed on the 31st of last month from Falmouth for America, and it is very probable that she takes out instructions, suggested by the overture made here, but there is no reason to believe that they can be of a nature to satisfy the United States.

I have the honor to be, with great consideration, sir, your obedient servant,

JONA. RUSSELL.

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

Lord Castlereagh to Mr. Russell.

Foreign Office, Sept. 2, 1812.

SIR—I have laid before his royal highness the prince regent, your letter of the 1st inst. in which you announce your intention to embark immediately at Plymouth on board the ship Lark for the United States.

I have already had the honor of forwarding to you an admiralty order for the protection of that ship as a cartel, on her voyage to America, and I herewith enclose to you a passport for the free embarkation of yourself and family, in conformity to your request. The lords commissioners of his majesty's treasury will issue directions to the commissioners of the customs to give every facility to the embarkation of your effects.

If, previous to your embarkation from England, you can point out to me any particular manner in which I can facilitate your arrangements, I beg that you will command my services.

His royal highness has commanded me to signify to you, for the information of your government, that there will be no difficulty in allowing Mr. R G. Beasley, as stated in your letter to reside in this country, as the United States' agent for prisoners of war.

I have the honor to subscribe myself, with great truth and consideration sir, your most obedient humble servant.

(Signed) CASTLEREAGH.

J. Russell, Esq.

CORRESPONDENCE

BETWEEN SIR JOHN BORLASE WARREN AND THE SECRETARY OF STATE.

Halifax, Nova Scotia, Sept. 30.

SIR—The departure of Mr. Foster from America, has devolved upon me the charge of making known to you, for the information of the government of the United States, the sentiments entertained by his Royal Highness the Prince Regent upon the existing relations of the two countries.

You will observe, from the enclosed copy of an order in council, bearing date the 23d of June, 1812, that the orders in council of the 7th of January, 1807, and the 26th of April, 1809, ceased to exist nearly at the same time that the government of the United States declared war against his majesty.

Immediately on the receipt of this declaration in London, the order in council, of which a copy is herewith enclosed to you, was issued, on the 31st day of July, for the embargo and detension of all American ships.

Under these circumstances, I am commanded to propose to your government the immediate cessation of hostilities between the two countries, and I shall be most happy to be the instrument of bringing about a reconciliation so interesting and beneficial to America and G Britain.

I therefore propose to you, that the government of the United States of America shall instantly recal their letters of marque and reprisal against British ships, together with all orders and instructions for any acts of hostility whatever against the territories of his majesty or the persons or property of his subjects; with the understanding, that, immediately on my receiving from you an official assurance to that effect, I shall instruct all the officers under my command to desist from corresponding measures of war against the ships and property of the United States—and, that I shall transmit without delay corresponding intelligence to the several parts of the world where hostilities may have commenced.—The British commanders in which will be required to discontinue hostilities from the receipt of such notice.

Should the American government accede to the above proposal for terminating hostilities, I am authorised to arrange with you as to the revocation of the laws which interdict the commerce and ships of war of Great Britain from the harbours and waters of the United States; in default of which revocation within such reasonable periods as may be agreed upon, you will observe by the order of the 23d June, the orders in council of January 1807, and April 1809, are to be revived

The officer who conveys this letter to the American coast has received my orders to put to sea immediately upon the delivering of this despatch to the competent authority; and I earnestly recommend that no time may be lost in communicating to me the decision of your government, persuaded as I feel that it cannot but be of a nature to lead to a speedy termination of the present differences.

The flag of truce which you may charge with your reply will find one of my cruizers at Sandy Hook, ten days after the landing of this despatch, which I have directed to call there with a flag of truce for that purpose.