misconduct of American tribunals, any violation of public law, any offence of neutral rights, or any bad faith or unfriendly disposition in the government of the U. States; but on the contrary that in every stage of the claims a love of justice, a respect for neutral rights, and a frank, generous and friendly character towards Denmark has been continually manifested by the government; and finally that complete satisfaction to the claimants has hitherto been delayed by causes which though beyond the control of the executive do not forbid the expectation of redress.

I shall have the honor to submit to my government a copy of your excellency's note, adding whatever may be proper on my part to promote the object of it.

I renew, &c.

(Signed) GEO. W. ERVING.

I return herewith the printed papers which were enclosed in your excellency's note.

—

No. 4.

TRANSLATION.

The undersigned Minister of State of the Department of Foreign Affairs, having laid before his Majesty the note which Mr Erving, the Special Minister of the U. States of America, addressed to him the 4th November of last year, the principal object of which was to claim the revocation of several sentences, definitely pronounced by the supreme tribunals of admiralty, which the Special Minister considers ill founded, and in opposition to the principles he maintains ought to serve as a basis to the proceeding on prizes, and rules for the judges, authorized to pronounce between the captors commissioned by the Danish government and the captors and owners of whose vessels have been captured under the flag of the U. States, is authorized by the orders of his Majesty to make known to Mr. Erving Special Minister of the U. States, that the King's very particular sentiments of friendship for the United States, and his esteem for the President cannot influence him to permit a revision of the sentences pronounced, terminating the causes arising from captures made by the cruizers under the flag of the U. States.

The principles which have formed the basis of the privateer regulations, and which have not been lost sight of in giving the instructions to the tribunals charged to examine in matter of prizes, are the same as those generally received, and according to which the Danish tribunals of the admiralty judge and decide on the captures of vessels under other flags than that of the United States.

The Special Minister will be pleased to find in this assertion, which is founded on the facts he may have made himself acquainted with since his residence here, that the American flag has on all occasions been treated in the maritime tribunals conformably to the rules established, precisely in the same manner as the neutral flags of Europe.

The undersigned is moreover authorized to observe to Mr. Erving, Special Minister of the U States, that if permission were given to the captured, who have pleaded before the tribunals which have decided by definitive sentence between the parttes, to make in their favor, revision of the causes terminated, the same indulgence should be given to the captors, who might complain of the sentences pronounced against them, and that in this manner the causes arising from prizes would experience indefinite delay, as prejudicial to the captured, as to the captors.

The undersigned, in expressing to Mr. Erving his regret at not being able to grant what the Special Minister proposed to him, has the honor to renew to him the assurance of his high consideration.

(Signed) ROSENKRANTZ.

Copenhagen, April 9th, 1812.

—

No. 19.

Mr. Erving to Mr. Monroe Secretary of State.

Copenhagen, 17th April, 1812

SIR—I have the honor herewith to enclose the reply of Mr de Rosenkrantz to the last reclamation which I presented to him in the case of the "Brutus," a copy of which was transmitted with my despatch, No 16.

With the most perfect
Respect and consideration,
Sir.
Your very obd't. servant,

(Signed) GEO. W. ERVING.

—

TRANSLATION

The undersigned Minister of State and Chief of the Department of Foreign Affairs has not failed to attend to the reclamations which Mr. Erving, the Special Minister of the United States of America, made to him under date of 23d September, 23d November and 13th December, of the last year, in favor of the different American vessels, and especially in that of the Brutus, Fenno master, captured and brought into a Port of Norway.

It is known to Mr. Erving, that the causes of the vessel, mentioned in the list of the 13th of December, have been decided in favor of the captured, with the exception of the Maryland, now waiting a decision, and of the Brutus, which, as well as the others, have been reported to the King.

It is with regret that the undersigned is obliged to inform the Special Minister, that his Majesty, after having examined into this affair, has thought proper to leave to the supreme tribunal of the admiralty the pronouncing of the sentence, conformably to the principles and instructions prescribed to this tribunal by the regulations concerning privateers, and the ordinances regulating the proceedings before the supreme tribunal, and that this tribunal considers itself authorised to condemn both vessel and cargo for the reasons expressed in the sentence.

The decision of the King having been acted upon before the note of Mr. Erving, under date of the 10th inst. reached the undersigned, as the Special Minister will see by the date of the annexed copy of sentence, he has not been able to make use of the reiterated reclamations of Mr. Erving

The undersigned flatters himself to be able shortly to inform the Special Minister, that the cause of the ship Maryland has been decided favorably.

He has the honor to renew to him the assurance of his high consideration

(Signed) ROSENKRANTZ.

Copenhagen, 16th April, 1812.

—

No. 20.

Copenhagen, April 18, 1812.

To James Monroe, Secretary of State, Washington.

SIR—I have the honor herewith to enclose a copy of what I propose to send to Mr. de Rozenkrantz, in reply to his note of the 9th inst.

With the most perfect respect and consideration, Sir, your very obedient servant,

GEORGE W. ERVING.

P. S.—I shall leave with Mr. Forbes the *documents* belonging to the claims here, and the claimants' letters; but I think it most proper upon the whole, to transmit to you the original notes of Mr. de Rozenkrantz, and they are therefore herewith enclosed. G W. E.

Copenhagen, April 18th 1812

His Excellency Mr. de Rosenkrantz First Minister of State and Chief of the Department for Foreign Affairs, &c &c.

The undersigned Special Minister of the United States of America, has had the honor to receive the note which his Excellency Mr. de Rosenkrantz. First Minister of State and Chief of the Department for Foreign Affairs, addressed no him on the 9th inst. by order of his Sovereign, in reply to the reclamation made by the undersigned on the 4th November, 1811, against certain sentences of Danish tribunals, passed in preceding years on vessels and cargoes, the property of American citizens.

It appears that his majesty has not tho't proper to authorise the minister of state to enter into discussion with the undersigned, upon any of the various subjects which that reclamation embraces; to contest or to acquiesce in any of the doctrines upon which it is based; to offer any kind of satisfaction for any of the various injuries which it complains of, or, to propose any correction of the abuses and malversations which it points out as the source of those injuries

It is, therefore, the duty of the undersigned formally to declare that the government of the United States cannot rest satisfied with such a mode of treating rights which it holds sacred, and will never sacrifice; and with such a rejection of the just claims of its injured citizens, which it will never cease to assert and to protect.

The President will certainly receive with satisfaction the sentiments of particular friendship towards the U. States, and of esteem for himself, which his Danish majesty has been pleased to profess, sentiments which he will readily reciprocate, and which he was eager and sincere in advancing; but he will at the same time receive with surprize as well as with peculiar concern, the declaration, with which these professions are accompanied, refusing a reparation for the wrongs which he has complained of, wrongs which, unredressed cannot but be considered as being but little in accord with such sentiments. These, his impressions, must be rendered still more forcible by the recollection that a suitable redress for similar wrongs has never been altogether withheld by any of the belligerent powers, with which the U. States have occasionally found themselves in collision; but, on the contrary, that each of the chief belligerents has heretofore furnished a signal example, wherein the firm and temperate voice of justice has prevailed over an erroneous policy; each has attended to & respected the remonstrances of the U. S, satisfied with their demands, and amply compensated the losses which the temporary adoption of false principles, or the misconstruction, or misapplication of acknowledged principles had brought upon their citizens; thus recognising the sovereignty of just laws and indefectibility of the neutral rights which spring from them; nor can the President be now reconciled to any infringement of these, to the cruizing regulations of Denmark in those points which may offend them, or to the decisions of any tribunals, in as far as they may have the same tendency, by the only apology which his majesty has authorised the minister of state to offer for the wrongs complained of, viz. that these decisions are founded upon the same principles which direct the conduct of Denmark towards neutral European powers, and that in cases wherein those powers have been thereby affected, no revision or retrospect has taken place; for, without entering into the enquiry, whether there does or does not exist an European power netral with regard to Denmark, and with which she can possibly come into collision on such subjects, without pointing out the difference between the neutral position of the U. S. and that of any European power, or examining in any degree the conduct of Denmark towards the European powers, neutral or otherwise; it is sufficient to observe, that the U. S. have not made common cause with any other neutral power; they have not bound up their fate with, nor do they mean to submit their rights to the arbitration of, or to pare them down so as to suit the convenience of any power whatever—these rights are clear, pronounced and unequivocal, they are found in the great code of public law; if other powers have not the same interst in defending, if they find it convenient to relinquish, or, for any reasons whatever, cease to assert such rights, no obligation to abandon them is hereby imposed on America; but to the contrary, standing alone amidst the great struggle of nations, her obligation to protect that sacred deposit is strengthened, and she becomes doubly responsible to posterity for this great inheritance since she is not deficient in the power & means of preserving it.

His excellency the Minister of state seems to suppose that the principle object of the undersigned is to obtain the "*revision*" of the sentences of the tribunal specified in his note of November fourth. It is proper, therefore, to consider this part of the subject, though he must premise by observing, and he begs his excellency to understand, that the object of that note, which embraced various subjects of complaint, was to obtain satisfaction & compensation, leaving the "mode" and the "means" to be adjusted by mutual accord, for he is entirely unwilling to rest the claims of the U. S. or to make them in any wise dependent on an abstract discussion as to the course which may be taken to produce the satisfaction required.

The undersigned in his note of November 4th, has shown, as he trusts, most clearly and indisputably that the rights of the U. S. as a neutral nation, have been violated by the decisions therein referred to; if not, he has invited the minister of state to discuss the principles on which his reclamation is founded: can it be deemed to be a satisfactory answer to such a reclamation, that other notions have submitted to similar decisions? Can it be imagined that the term "definitive" as applied to such decisions is conclusive against the the U. States? Can it be expected that they will acquiesce in a decision as *just*, because it is termed "definitive?" The constitution, the faculties, and the police of amiralty tribunals in this as in every other country, are formed by and depend on the will of the sovereign, & is strictly responsible to foreign nations in all cases affecting their rights for a correct administration of justice on the principles of public law which form the basis of those rights. No foreign nation submits its cause to the arbitrary or capricious decisions of such tribunals, or respects their decisions in any degree, further than as these may be found to conform to its own sense of its own rights. The tribunal is the mere instrument of the sovereign, with wilich he operates, and it is his duty so to direct the use of it, that it may not do injury to the rights of others; the foreign nation therefore looks with reason to the tribunal only as indicative of the temper of the sovereign by whom it is appointed, & under whose authority it acts, and not as the arbitrator of its own destiny; when a foreign government complains of the conduct of such tribunals, it calls upon the good faith of the sovereign to repair the wrong which he ough, to have restrained; shall it be competent to the sovereign to offer the offended party for satisfaction the very cause of complaint? What is this, but to adopt the injustice complained of? Since when has it been agreed that the belligerents shall give law to neutral nations? Does the "ancient faith" which in peace, augmenting confidence, removed the probabilities of war, and in war mitigated its horrors; does it no longer subsist? Or, in a mere political calculation, does it not occur that the belligerent may hereafter become neutral? However these questions may be answered, it is certain that there is a self-conserving principle in truth and right which ensures their vindication, so that a nation may be said to be deceiving itself when it refuses what is due to the just demands of others.

His excellency the minister of state has been instructed to observe, that if his majesty could consent to a revision of the sentences of his tribunals, in favor of those whose property has been condemned, he ought to extend such revision to the sentences, by which captured property has been acquitted.

The undersigned takes the liberty of remarking that the reclamation which he has made is the reclamation of the American government against certain sentences of condemnation, passed on American property by tribunals appointed by his Danish majesty and acting under his authority—the American government finds itself aggrieved by such decisions; is his majesty dissatisfied with the decision of a contrary character, by which American property has been acquitted? Certainly not; yet only upon that ground could his majesty desire revision of the sentences of acquittal—for no question now exists between the captor and the captured—the question is between government & government: nor is it readily to be conceived that tribunals whose decisions the government of the U. S. has found such ample & solid reasons to complain of, can in other cases, have done injustice to his majesty's subjects; because they are not courts of arbitration, in which the U. S. has its equal representation, & hence have acted on principles the justice of which the U. S. does not acknowledge, that a revision of their sentences against the property of American citizens may be reasonably proposed by the American government and may be acceded to by his Majesty, without this plan contemplating any injury to his subjects. These are the grounds on which similar revisions have been demanded in other countries, and have been granted, and compensation obtained without its ever having been proposed that sentences of acquittal which have only tended to diminish the amount of the injuries complained of, should be be also revised.

The undersigned cannot, therefore, but hope that his Danish Majesty, on a reconsideration of this important subject, will see fit to adopt some plan with respect to the matters complained of which may satisfy the just expectations of the U. S. He has thought that it best comported with the friendly and conciliatory dispositions of his government, not to propose any which should interfere with such arrangements, as having due regard to the object it might be most convenient to his Majesty to make, and therefore in his note of Nov. 4th, stated what he will here repeat, "that the mode, the means, and, to a certain extent, even the time may be subjected to considerations of mutual convenience & accord." He requests that the Minister of State will be pleased to lay this note entire before his Majesty; a correct translation of it in Danish is herewith enclosed.

He renews to his Excellency the Minister of State, assurances of his distinguished consideration.

GEORGE W. ERVING.

—

No. 21.

Mr. Erving to Mr. Monroe, Secretary of State.

Copenhagen, April 20th, 1812.

SIR—With my despatch No. 8, (of September 8) I had the honor to submit to you copies of my correspondence with Mr. Desaugiers, then charge de affaires of France, which I had previously laid before the minister of state here, and which was also tranmitted by Mr. Desaugiers to his government. In my notes to Mr Desaugiers were particularized the various excesses of the French corsairs in these waters, which appeared to me contrary to the spirit and intention of that government, as well as injurious to our commerce. It is with great satisfaction that I now transmit to you the new instructions which Mr. Desaugiers has been ordered to give to the captains of the corsairs.

With the most perfect respect and consideration, sir,

Your very obedient servant,

(Signed) GEORGE W. ERVING.

—

No. 22.

Extract of a letter from Mr. Erving to Mr. Monroe, Secretary of State.

Copenhagen, May 9, 1812.

"I have the honor herewith to transmit to you duplicate of my letter No. 20, (by Mr. Lewis) dated April 18th. The note of the same date to which it refers, with the few alterations which will be found in this duplicate, was sent to Mr. de Rosenkrantz on the 21st, and was laid by him before the king on the 1st instant. In the mean time I had several conversations with that minister upon the subject of it, which I did not fail to urge whatever might contribute to a favorable answer on the part of his majesty. Finally, on the 8th instant, (yesterday) he sent to me the note of which the enclosed is a copy. You will observe, sir, the new position which our claims assume under this communication, and the reasonable expectation which it affords of a settlement hereafter. I have endeavored to have this point placed in a more formal and explicit shape."

—

[TRANSLATION]

—

Mr. de Rosenkrantz to Mr. Erving.

The undersigned Minister of State and of Foreign Affairs, has had to explain to Mr. Erving, Special Minister of the United States of America, in his note of the 9th of last month, the motives which have influenced the King his master not to grant the revision of the sentences of his supreme tribunal of admiralty definitively, terminating the causes brought before this tribunal, arising from the captures made by Danish cruizers, of vessels sailing under the flag of the U. States, and that for this reason he could not persuade himself that the ulterior representations which the Special Minister had thought proper still to address him could produce any change in the determination of his majesty. The Minister of Foreign Relations has however prevailed on the King his master to be pleased to examine the note which Mr. Erving addressed to him under date of the 18th of last month, reiterating the claim to redress for the wrongs previously recited, and satisfaction for which he considers it his duty still to insist upon.

The undersigned hastens to have the honor to inform the Special Minister that it has been enjoined on him by his sovereign to answer the above mentioned note of the Special Minister by referring to the contents of his preceding note of the 9th, as to the friendly dispositions of his majesty towards the government of the U. States, to add the expressions of his extreme regret that he cannot agree to the opinion expressed by Mr. Erving as being that of his government, in regard to the conduct observed towards vessels under American flags, bro't into the ports of his dominion by his armed vessels or by those provided with letters of marque.

This war in which the Danish nation is engaged with G. Britain, who employs every means to conceal from observation the enterprize of its merchants, in making use of foreign flags; and merchants have caused those measures, the object of which is to preclude English commerce from the advantage growing out of the disposition it has always found in the merchants of other nations, to become the agents of prohibited trade; it is too well known to Mr. Erving, and it ought to be to his government, that American merchants and mariners have frequently lent themselves to enterprises of this nature, for the Danish government to consider it necessary to multiply the proofs which it has on this subject.

It is known to the Danish government that the U. States do not pretend either to approve or defend the conduct of American citizens, who, from the thirst of gain, are engaged in enterprises which expose them to loss, if the fraud is discovered; proofs are not wanting to shew that they have frequently succeeded in imposing both on the officers empowered to examine captured vessels, and on the tribunals of prizes. The subterfuges to which they resort to prevent the discovery of the enemy character of the expedition have necessarily induced those intrusted by the King with the examination, as well as the tribunal, to redouble their activity, in order to fulfill the views of his majesty; but it never has been conformable with these to suffer that any injury should be sustained by the mariners and merchants of friendly nations who carry on a licit and unsuspicious commerce.

The persevering struggle of the Danish government in favor of the principles upon which repose the liberty of the commerce and navigation of neutral nations, forbids the supposition that it would wish to derogate from them; but it has a complete right to tear the mask from the commerce of its enemy who recognises no law in regard to navigation, as soon as neutral powers are in question. The King will not renounce the exercise of this right. If his majesty could be persuaded that in particular cases it should happen that appearances might have prevailed in the examination of some causes to the detriment of some American citizens, who might not have been able to demonstrate sufficiently that their enterprises of commerce were legitimate he would assuredly be led to redress just complaints, as he has on several particular occasions given proofs of his favorable dispositions towards the American vessels which circumstances have conducted to the ports of his kingdom.

The King wishes, therefore, to give him more proofs to the government of the United States of the sentiments of justice with which he is animated.

The undersigned flatters himself that the President of the U. States will be easily persuaded that during so hard a contest as that which Denmark now sustains against the government who so evidently disavows the rights of nations engaged in navigation, the moment is not favorable to bring anew under consideration the reclamations which the government of the U. States may find it convenient to make at that period in relation to the objects in discussion.

The undersigned has the honor to renew to the Special Minister the assurance of his high consideration.

(Signed) ROSENKRANTZ.

Copenhagen, May 8, 1812.

—

CONGRESS.

IN SENATE.

Tuesday, November 17.

The bill further to prolong the continuance of the mint was read and passed to a second reading.

Wednesday, November 18.

The bill to prolong the continuance of the mint at Philadelphia was read a second time.

HOUSE OF REPRESENTATIVES.

THURSDAY, NOVEMBER 12.

Mr. Bassett, from the committee on the naval establishment, to whom was referred the resolution offered by Mr. Dawson, requesting the President to present a gold medal to captain HULL, reported the same with an amendment; which was referred to a committee of the whole house.

On motion of Mr. Seybert,

Resolved, That a committee be appointed to enquire into the expediency of prolonging the continuance of the mint at Philadelphia, and that they have leave to report by bill.

Messrs Seybert, Mitchell and Mosely, were appointed a committee accordingly.

Friday, November 13.

Mr. Seybert presented a bill further to prolong the continuance of the mint at Philadelphia; which was twice read and committed.

The following Message was received from the President of the United States, by Mr. Coles his Secretary:

To the Senate and House of Representatives of the U. S.

For the further information of Congress, relative to the pacific advances made on the part of the government to that of G. Britain, and the manner in which they have been met by the latter, I transmit the sequel of the communications on this subject, received from the late charge d'affairs at London.

JAMES MADISON.

November 12 1812

The Message and Documents were read, and ordered to lie on the table.

The House resolved itself into a committee of the whole. Mr. Nelson in the chair, on the bill for continuing the mint; which was gone through, reported to the House, and ordered to be engrossed for a third reading.

Monday, November 16.

Mr M'Kim presented a petition of sundry merchants, owners of privateers in Baltimore, praying a diminution or remission of duties on prize goods—Referred to the committee on naval affairs.

On motion of Mr. Gold,

Resolved, That the committee of ways and means be instructed to enquire into the expediency of increasing the salaries or compensation allowed by law to the district judges of the several judicial districts within the United States"

The House agreed to consider the resolution; which, however, on the question of its passage, was rejected, ayes 41, noes 42.

THE MINT.

The bill for continuing the mint of the United States at the city of Philadelphia, was read a third time.

Mr Lewis moved to recommit the bill, with a view of substituting *Washington City* instead of *Philadelphia*, for the location of the mint, urging in support of his proposition the obvious propriety of fixing an establishment of this description at the seat of the government which erects it.

The motion was negatived, eight members only rising in favor of it.

The bill was then read a third time and passed without a division.

Wednesday, November 18.

Mr Poindexter reported a bill authorising the people af Mississippi Territory to form a constitution and state government, &c. which was twice read and committed.

AFFAIRS WITH BRITAIN

The following Message was received from the President of the United States by his Private Secretary Mr. Coles:

To the Senate and House of Representatives of the U. S.

I transmit to Congress copies of a communication from Mr. Russel to the Secretary of State. It is connected with the correspondence accompanying my message of the 12th inst. but had not at that date been received.

JAMES MADISON.

November 18, 1812.

The message and documents having been read, five thousand copies were ordered to be printed.

RUPTURE WITH ALGIERS.

The following Message also was received from the President of the United States:

To the Senate and House of Representatives of the U. S.

I transmit to Congress copies of a letter from the Consul General of the United States to Algiers, stating the circumstances preceding and attending his departure from that Regency.

JAMES MADISON.

November 17, 1812

The message and the documents accompanying the same, were read, and ordered to be printed.