(Continued from last page.)

wards a state in amity with their sovereign, and had they not carefully repressed the feelings its tone and language had a direct tendency to provoke in them, would have rather excited, than have averted the evils it was stated to be intended to prevent; were they regardful of these duties it was unnecessary. Had they felt themselves obliged completely to evacuate the waters of the U. States, especially whilst an enemy's squadron was harbored in them, they could have done it; but under the admission of hostile compulsion, and under such compulsion, carried into full effect, his majesty could not have dissembled the extent of the injury received.

In the several cases adduced, in which G. Britain required certain preliminaries, previously to entering into negociation, she regulated her conduct by the same principles to which she now adheres, and refused, whilst no hostility was exhibited on her part, to treat with powers, whose proceedings denoted it towards her; and who maintained their right in what they had assumed.

From the considerations thus offered, I trust that neither the order of reason or that of usage are in contradiction to the demand I have urged, nor am I aware how the order of time opposes the revocation in the first instance of that act, which affects injuriously one of the parties and is still avowed by the other.

The subject is thus presented to you, sir, in the light which it was natural that it should offer itself to his majesty's government. It certainly conceived the President's proclamation to rest chiefly, and most materially upon the attack made upon the frigate of the U. States, the Chesapeake, by his majesty' ship, the Leopard, although other topics were adduced as accessories. In this apprehension it may be held to have been sufficiently warranted, by the precise time at which, and the circumstances under which it was issued, and by its whole context, and the more so, as the impulse under which it was drawn up, appears to have been so sudden as to have precluded a due examination of all the grounds of allegation contained in it. And here I beg leave to assure you, that with respect to the spirit and tone of that instrument, it would be highly satisfactory to me, if I could feel myself justified in expressing on the part of his majesty any degree of coincidence with the opinions you have announced, or when thus appealed to, and making every allowance for the irritation of the moment, I could dissemble the extreme surprize experienced by G. Britain, that the government of a friendly nation, even before an amicable demand of reparation was made, and yet meaning to make that demand, should have issued an edict directing measures of injury very disproportionate to what it knew was an unauthorized offence, & both in its terms and its purport so injurious to the government to which that demand was to be addressed, and tending to to call forth in both nations, the feelings under which a friendly adjustment would be the most difficult. But if, as I learn from you, sir, the proclamation rests substantially on other causes, it is then, peculiarly to be regretted, that, together with the demand for redress made in September last, the government of the U. States did not think fit to offer a negociation, or an explanation of so momentous a measure, or to declare that its recall must be more or less connected with the adjustment of other alleged wrongs. Neither did it think it necessary to return any answer to the remonstrance given in by his majesty's envoy at Washington, on the 13th July, 1807, in which he represented "that he considered that interdiction to be so unfriendly in its object, and so injurious in its consequences to his majesty's interests, that he could not refrain from expressing the most sincere regret that it ever should have been issued, and most earnestly deprecating its being enforced."

It could not be supposed that a circumstance of so great weight could be overlooked by his majesty's government, in determining the line of conduct to be held in the negociation: and as little could it be expected to pass it over, when on the failure of the discussion with Mr. Monroe, it directed a special mission to be sent to the Unied States. It had the less reason to imagine that any other grievances could be connected with that for the adjustment of which I am empowered to negociate, as Mr. Monroe, in his letter to Mr. Canning of the 29th of July last, had stated with respect to other subjects of remonstrance, that it was improper to mingle them with the present more serious cause of complaint; an opinion to which Mr. Canning declared his perfect assent in his letter to that minister of the 2d of the subsequent month; so that this act was left as single and distinct, to be singly and distinctly considered. His majesty's government, therefore, could not consistently with any view of the subject then before it, or indeed with the just object of my mission, direct or empower me to enter upon matters not connected with that of the Chesapeake: and they could with the less propriety do it, as in order to render the adjustment of differences of such a nature, the more easy and the more conspicuous, the ministers charged especially with such offices have been with few if any exceptions, restricted to the precise affair to be negociated. With respect therefore to those other causes of complaint, upon which you inform me that the President's proclamation rests, I cannot be furnished with documents enabling me either to admit or to controvert those statements of grievances, foreign to the attack upon that ship, contained in your letter, or authorized to discuss the matters themselves. I shall therefore not allow myself to offer such comments as my personal knowledge of some of those transactions suggest to me, although their tendency would materially affect both the marked manner in which those transactions are pourtrayed, and the disadvantageous lights in which his majesty's government is represented to have acted respecting them. I am moreover led to the persuasion that my government will be the more easily able to rescue itself from inculpation, by the inference arising from passages in Mr. Monroe's letter to Mr. Secretary Canning, of the 29th of September last, that the differences unhappily existing between the two nations were in a train of adjustment.

If his majesty has not permitted me to enter into the discussion of the search of neutral merchant ships for British seamen, together with the adjustment of the amount of reparation for the attack upon the Chesapeake; it was no-wise with a view of precluding the further agitation of that question at a suitable time; but it was that the negociation might be relieved from the embarrassment arising from the connection of the present matter with the one so foreign to it, and, as it was but too well known, so difficult to be adjusted, of a right distinctly disclaimed, with one which Great Britain has at all times asserted of enforcing her claim, to the services of her natural born subjects, when found on board merchant vessels of other nations; a claim which she founds in that principle of universal law, which gives to the state the right of requiring the aid & assistance of her native citizens. The recurrence, therefore, to that course of negociation, which had been originally settled between Mr. Secretary Canning and Mr. Monroe, & which had been alone broken in upon by the orders subsequently received by that minister, can only be considered as a resumption of that course of things which Great Britain strenuously contended there was no ground to depart from. I may observe that this purpose might have been effected without the intervention of a special minister.

It will be in your recollection, sir, that in our first interview, I stated the condition, which makes the subject of the present letter, before I was informed by you, that the president of the United States would consent to the separation of the two subjects.

I had trusted that the exposition, which I added in my letter of the 26th of January to the verbal explanation I had before offered, of the grounds of his majesty's demand, was both in its purport, and in the terms in which it was couched, such as to prevent a suspicion that they were in their intention derogatory to the honor, or calculated to wound the just sensibility of this nation. I may add that such a supposition could not be reconciled with the various ostensible and unequivocal demonstrations of his majesty's good faith and anxiety, that this transaction should be brought to an amicable termination, which were exhibited even prior to any remonstrances on the part, or by order of this government. The other topics which I felt myself authorized to advance in that letter, in illustration of that amicable disposition on the part of the king, were brought forward from the conviction I entertained that they must be of a nature to be satisfactory to this government, and therefore, such as it was particularly my duty to enforce; but not with a view to rest upon them the right to advance the claim which I have stated.

I may here remark, it is obvious that far from requiring that the first steps towards an arrangement of reparation should be taken by the United States, Great Britain has already made them openly and distinctly: they are indubitable testimonies to the respect borne and decidedly marked by Great Britain, to the ties of amity subsisting between the two nations, and of her cordial desire to maintain them unimpaired; and as such alone they were urged.

As his majesty would have derived sincere satisfaction from the evidence of corresponding feelings on the part of the United States, so it would be the more painful to me to dwell upon a series of insults and menaces which, without any provocation of warlike preparation on the part of Great Britain, have been for months accumulated upon her through the U. States, and but too frequently from quarters whose authority necessarily and powerfully commanded attention.

I ought, perhaps, to apologize for adverting to an incidental expression in your letter, if I did not think it right to remove any ambiguity respecting the nature of the claim which G. Britain maintained to her seamen, native citizens of the realm, who have deserted from her service to that of other powers: it is, that on demand they shall be discharged *forthwith* and consequently they shall instantly be freed from their newly contracted obligations.

Before I close this letter, allow me to state to you, sir, that I have felt it my duty to transmit to his majesty's government, the exposition contained in your letter of the 5th instant, of the various demands on the honor and good faith of Great Britain, on which the complaint is made, that satisfaction has not been afforded to the United States, and on which conjointly with the affair of the Chesapeake, you inform me that the proclamation of the president of the United States of the second of July, 1807, is founded. It will be for his majesty's government to determine, on the part of Great Britain, whether any and what obligations remain to be fulfilled by her. Whether any denial, or such protraction of redress have occurred on her part, as to render necessary or justifiable the perseverance in an edict, which, when not necessary or justifiable, assumes a character of aggression; and whether on the result of these considerations, the present negociation can be resumed on the part of his majesty, with a due regard for his own honor, or with a prospect of a more successful termination.

I have the honor to be, with the highest consideration, sir, your most obedt. and most humb. servant,

(Signed) G. H. ROSE.

PAPERS RELATIVE TO FRENCH AFFAIRS.

Extract from a letter to Mr. Monroe from General Armstrong.

PARIS, 7th July, 1807.

SIR,

"The accounts you have had of recent captures made by French privateers of American vessels under cover of the decree of November last, are not correct. At least if such captures have been made, I know nothing of them. The only captures I have at any time heard of, were those made from Porto Ferrajo. They are by no means of recent date, and have all (I believe) been redressed by the council of prizes. Two of these cases, to which I attended personally, received decisions equally favorable and prompt. Interest and damages were given to the plaintiffs, and I know not why decisions, equally favorable, should not have been given in the other cases. I have within a week been informed by Mr. Erving, that he had reason to believe that a French privateer, then in a port of Spain, had plundered American ships, either going to or coming from England, of dry goods, to the amount of 300 dollars. Before any thing could be done in Spain for the recovery of these goods, the ship went to sea, and professedly for the purpose of returning to the port of her armament. Believing her to have arrived there, I put all the evidence I possessed before M. Decres, who closes his answer with the following assurance: "Your excellency may be assured that as far as it depends on me, the captains of these vessels, or their owners, shall obtain, if there is ground for it, a prompt and full reparation." I quote this to shew you, that there is no disposition in the ministers of this government to sanction, or protect those enterprizes upon our commerce. From the uses you may be able to make of the facts, and their relation to your question generally, I subjoin a brief exposition of the construction now given to the November decree. It was, you know, admitted by both ministerial and judicial authorities, that this decree did not infract the provisions of the treaty of 1800, between the United States and France. Still it was contended that vessels (of the U. S.) coming from any port of Great Britain *since* the date of the edict, could not be admitted to entry in the ports of France. This rule, without some qualifications, was likely to become mischievous, and I accordingly obtained the following modifications of it, and hope to obtain a further modification, which will render it perfectly harmless. These changes took place as circumstances rose to produce them, for though the necessity for them was both foreseen and represented, it was only upon real, not upon hypothetical cases that the ministers of his majesty were willing to act.

1. Vessels leaving ports of the United States before a knowledge of the arret had been promulgated *there*, are not subject to the rule.

2. Vessels not coming *directly* from a British to a French port, are not subject to the rule.

3. The *cargoes* of vessels coming *directly* from a British to a French port and offered for entry, on proof that the touching of the ship in England, &c. was involuntary, are put in depot or sequestration, until his majesty shall have decided on the sufficiency of the proof offered; or they are at once given up to the consignees on their giving security to abide the decision which shall be ultimately taken by the emperor in their respective cases. The vessels can go out freely, and without impediment of any kind. The former rule of which this is an amelioration was, that *ships* as well as *cargoes*, coming under the description, should be sequestered, &c. The further alteration which I have asked is, the establishment of some principle which shall regulate the kind and degree of proof required with respect to the alleged application of a force majeure, and my own opinion is, that this may best be found in the greater or less correspondence which shall exist between the cargo when shipped in America, and when arrived here. If the correspondence be complete, the evidence ought to be considered as complete also, *that they were not in Great Britain for the purposes of commerce*, and not being there for *these* purposes, the inference is fair, that their going there at all was involuntary. This is a rule the ministers will consent to, whether his majesty will do so also, will be known in a few days. He is expected here about the beginning of August."

Paris, September 18, 1807.

I have submitted, sir, to his majesty the emperor and king, the doubts of his excellency the minister of marine and colonies, on the extent of some of the provisions of the imperial decree of November 21st, 1806, which has declared the British islands in a state of blockade; the following are the intentions of his majesty on the point in question.

1. Can armed vessels, under the imperial decree of the 21st of November last, seize in neutral vessels, either English property, or merchandize proceeding from the manufactures of the English territories?

His majesty notified me, that since he had not thought proper to express any exception in his decree, there is no ground to make any in the execution, with respect to any thing whatever.

2. His majesty has not decided the question whether French armed vessels may possess themselves of neutral vessels going to or from England, although they have no English merchandize on board.

3. On the question, whether French armed vessels are subject to the deduction ordered by the sixth article of the decree of November 21, his majesty has declared that the provision of that article was not susceptible of any restriction; that is to say, that the deduction must take effect on the proceeds of all confiscations of merchandize and property, which have been, or may be, pronounced in execution of the decree, without regard to the place of seizure or character of the captors.

You will be so good, sir, as to notify these decisions to the council of prizes, to have them entered in the registers, and to acknowledge the receipt of my letter.

Accept, &c. &c. the Grand Judge, Minister of Justice.

(Signed) REGNIER.

Procureur General Imperial of the Council of Prizes.

Paris, 24 September, 1807.

SIR—I have this moment learned, that a new and extended construction, highly injurious to the commerce of the United States, was about to be given to the imperial decree of the 21st of November last. It is therefore incumbent upon me to ask from your excellency an explanation of his majesty's views in relation to this subject, and particularly whether it be his majesty's intention, in any degree to infract the obligations of the treaty now subsisting between the United States and the French empire?

I pray your excellency, &c. &c.

(Signed) JOHN ARMSTRONG.

His excellency the minister of foreign relations.

Fontainebleau, Oct. 7, 1807.

SIR—You did me the honor on the 24th of September, to request me to send you some explanations as to the execution of the decree of blockade of the British islands, as to vessels of the U. States.

The provisions of all the regulations and treaties relative to a state of blockade, have appeared applicable to the existing circumstances, and it results from the explanations which have been addressed to me by the imperial procureur general of the council of prizes, that his majesty has considered every neutral vessel, going from English ports, with cargoes of English merchandise or English origin, as lawfully seizable by French armed vessels.

The decree of blockade has been now issued eleven months, the principal powers of Europe, far from protesting against its provisions, have adopted them; they have perceived that its execution must be complete, to render it more effectual, and it has seemed easy to reconcile these measures with the observance of treaties, especially at a time when the infractions, by England, of the rights of all maritime powers render their interest common, and tend to unite them in support of the same cause.

Accept, &c. &c.

(Signed) CHAMPAGNY.

H. E. General Armstrong,
Min. Plen. of the U. States.

Paris, Nov. 1807.

SIR—It was not till yesterday that I received from Mr. Skipwith a copy of the decree of the council of prizes, in the case of the Horizon. This is the first unfriendly decision of that body under the decree of the 21st of Nov. 1806. In this case and on the petition of the defendant, the court has recommended the restoration of the *whole* cargo. I did not however think proper to join in asking as a favor, what I believed myself intitled to as a right. I subjoin a copy of my note to the minister of foreign affairs.

And am sir, your most obedient humble servant,

(Signed)
JOHN ARMSTRONG.

Mr. Madison, &c.

Paris, November 12th, 1807.

Sir—The document to which these observations are prefixed, will inform your excellency that an American ship trading under the protection of the laws of nations and of particular treaties, and suffering shipwreck on the coast of France, has recently been seized by his majesty's officers, and adjudged by his council of prizes as follows, viz.

"Our council puts at liberty the American vessel, the Horizon, shipwrecked the 30th of May last, near Morlaix, and consequently orders, that the amount of the sale legally made of the wreck of the said vessel, together with the merchandize of the cargo, which according to an estimate made in presence of the overseers of the administrations of the marine and custom house, shall be acknowledged not to proceed either from English manufactures or territory, shall be restored to captain MacClure without deducting any other expences but those relative to the sale."

"And with regard to the other merchandize of the cargo which from the result of the said estimate shall be acknowledged to come from manufactures or from English territory by virtue of the 5th article of the decree of the 21st Nov. 1806, they shall be confiscated for the use of the state, the whole to be sold by the forms prescribed in the regulations; and the application of the product to be made in conformity to the arrangements of the said decree, deduction being made for the expense of saving the goods, and that of the support of the crew, until the day that the captain shall receive the notification of the present decision."

The reasons upon which this decision is founded, are at once so new and so alarming to the present friendly relation of the two powers, that I cannot but discuss them with a freedom in some degree proportioned to my sense of their novelty and importance.

"Considering" says the council—"That the neutrality of the ship and cargo were sufficiently established, the whole ought to be restored, (agreeably to the provisions of the convention of the 30th of September, 1800) provided no merchandise of English origin had been found in her, and of course that she had not been brought within the limits of the imperial decree of the 21st of Nov. 1806."

Here is an open and unqualified admission that the ship was found within the rules prescribed by the convention of 1800, that according to these rules, her cargo and herself ought to have been restored, and that such would have been the fact but for the operation of the decree of the 21st of