

first to last ignorant of any revocation; and uniformly acted upon the principle of their existence.

If other evidence of the continued existence of those decrees were requisite, the acts of the French government afford such as is full and explicit. Champagny, Duke of Cadore, minister of foreign relations, in his report to his majesty the emperor and king, dated Paris, 3d December, 1810; speaking of the decrees of Berlin and Milan, says expressly, "As long as England shall persist in her orders in council, your majesty *will persist in your decrees*," than which no declaration can be more direct not only that the Berlin and Milan decrees are unrevoked, but that they will so remain, until the English orders in council are withdrawn. And in the address delivered, by his imperial majesty Napoleon, to the council of commerce on the 31st March, 1811, he thus declares "The decrees of Berlin and Milan are the fundamental laws of my empire. For the neutral navigation I consider the flag as an extension of territory. The power, which suffers its flag to be violated, cannot be considered as neutral. The fate of the American commerce will soon be decided. I will favor it, if the United States conform themselves to these decrees. In a contrary case, their vessels will be driven from my empire."

And as late as the 10th of March last, in a report of the French minister of foreign relations, communicated to the conservative Senate, it is declared, "that as long as the British orders in council are not revoked, and the principles of the treaty of Utrecht in relation to neutrals put in force, the decrees of Berlin and Milan ought to subsist for the powers who suffer their flag to be denationalized." In none of these acts is there any exception in favor of the United States. And on the contrary in the report of March last, by placing those decrees on the basis of "the principles of the treaty of Utrecht," the French minister has extended the terms of revocation beyond all prior pretensions.

Those who maintain the revocation of these decrees, as it respects the United States, rely wholly upon the suspension of the decisions of the French prize courts in relation to some few vessels, and the liberation of others by the special direction of the French Emperor. Can there be stronger presumptive evidence of the existence of those decrees than this—that no vessel is excepted from their operation until after the special exercise of the emperor's will in the particular case.

If the decrees were effectively revoked, there would be no captures; or if any were made, liberation would be a matter of course and of general right, instead of being an affair of particular favor or caprice. Is it for vexations and indulgences like these, that the people of the United States are to abandon their commerce and peace? Is it for such favors they are to invite the calamities of war? If the resources of negotiation were exhausted, had the government no powers remaining to diminish the causes of national controversy by preventing abuses? After this, had it