

On the subject of blockade, when vessels of war were not so stationed before the port declared to be blockaded, as to constitute what is called an *actual blockade*, undoubtedly abuses have taken place.

To form an actual blockade of a port, ships destined for that object must be "sufficiently near to produce an evident danger in entering." But these words by no means imply a *certainly* of capture, by the blockading ships, of the vessel so attempting to enter. What degree of risk from blockading ships will amount to a lawful blockade, may sometimes be a disputable question. Would the chance of capturing three vessels out of four, or seven out of eight, exhibit such an "evident danger in entering," as would constitute an actual blockade? that is, when to insure their entering in safety would be worth a premium of from 75 to 90 per cent. This must remain a question of some difficulty to adjust.

On these points, sir, and all others in dispute with Great Britain, my opinion remains unchanged, that they are yet proper subjects of negotiation, to be undertaken in the *real spirit* of *conciliation* and *adjustment*. That the *embargo* will not induce her to yield to our demands, we have ample proof, not only in the answer of the British government to our minister in London, but in the certain ability of that nation and her colonies to supply all their own wants. That she possesses the means, I think, has been demonstrated by gentlemen who have spoken before me. We have heard much of the patriotism and patient endurance of our fellow citizens, under the distresses of the embargo; and gentlemen

cases, the trade has been considered *indirect* when carried on through the United States: that is, when the cargoes laden on board American vessels, in the ports of the enemies of Great Britain, have been first imported into the United States, and carried thence in the same or other American vessels, to the enemy countries, or colonies respectively. But the facts which should constitute an *indirect* trade, not having been definitively declared; on the contrary, as they have been several times varied, either by the orders of the British government, or by the decision of her courts of admiralty—much vexation and injury have thence accrued to the commerce of the United States.

But the treaty negotiated by the president's ministers, (Messrs. Monroe and Pinkney) and signed by them, with the British commissioners on the 31st of December 1806, comprehended a definitive provision on this head. Such trade, between the parent countries and colonies of the enemies of Great Britain, was to be considered *indirect*, when the articles of the growth, produce or manufacture of Europe, were first carried to the United States; and on re-exportation, remained after the drawback, subject to a duty of one per cent. on their value. In like manner, all articles of the growth and produce of the enemy's colonies, being first brought to the United States, and there entered and landed, and on re-exportation remaining subject to a duty of two per cent. on their value, might be re-laden, and freely exported to any country in Europe. The duties in both cases, to be paid into the treasury of the United States.

This arrangement was calculated to prevent any further dispute between the United States and Great Britain, about the trade between the countries of her enemies in Europe and their colonies. But the president thought fit to reject this treaty, without laying it before the senate.