

but there is decisive evidence of the reverse in the conduct of the French public armed ships and privateers. At all times since Nov. 1810, these ships and privateers have continued to capture our vessels and property, on the high seas, upon the principles of the Berlin and Milan decrees. A numerous list of American vessels, thus taken since the 1st of Nov. 1810, now exists in the office of the secretary of state: and among the captures are several vessels with their cargoes lately taken and destroyed at sea, without the formality of a trial, by the commander of a French squadron, at this moment cruising against our commerce, under orders given by the minister of marine, to whom the execution of the decrees was committed; and these too issued in January last. In the Baltic and Mediterranean seas, captures by French privateers are known to us by official documents to have been made, under the authority of these decrees. How then are they revoked? How have they ceased to violate our neutral commerce?

Had any repeal or modification of those decrees in truth taken place, it must have been communicated to the prize courts, and would have been evidenced by some variation either in their rules, or in the principles of their decisions. In vain, however, will this nation seek for such proof of the revocation of the decrees. No acquittal has ever been had in any of the prize courts, upon the ground that the Berlin and Milan decrees had ceased, even as it respects the United States. On the contrary the evidence is decisive that they are considered by the French courts as existing.

There are many cases corroborative of this position. It is enough to state only two, which appear in the official reports. The American ship *Julian* was captured by a French privateer on the 4th of July, 1811, and on the 10th of September, 1811, the vessel and cargo were condemned by the council of prizes at Paris, among other reasons, *because she was visited by several English vessels*. On the same day the *Hercules*, an American ship, was condemned by the imperial court of prizes, alleging "that it was impossible that she was not visited by the enemy's ships of war." So familiar to them was the existence of the decrees, and such their eagerness to give them effect against our commerce, that they feigned a visitation to have taken place, and that notwithstanding the express declaration of the captain and crew to the contrary. In addition to which evidence, Mr. Russell's letter to the Secretary of State, dated 8th May, 1811, says, "it may not be improper to remark, that no American vessel captured since the 1st of November, 1810, has yet been released."

From this it is apparent, that the commanders of the national vessels, the privateersmen, and the judges of the prize courts, to which may be added also the custom house officers, who, as the instruments of carrying into effect the decrees, must have been made acquainted with the repeal had it existed, have been from