November, 1806.

In the letter your excellency did me the honor to write to me on the 7th of October last, you thought it "easy to reconcile the obligations of this decree, with the preservation of those arising from treaties." It was not for me to examine the means by which this reconciliation was to be effected. They no doubt fully existed, and yet exist, in his Majesty's good pleasure, and taking for granted this fact, I saw in the opinion nothing but proofs of a friendly disposition, and pledges that this was not to be either wantonly destroyed or diminished. How inauspicious however to its authority and the consolation derived from it, is this recent act of the council of prizes? An act which explicitly acknowledges the opposite characters and conflicting injunctions of these two instruments, and which of course draws after it considerations the most serious to the government of the U. S.

The 2d reason of the Council is "that the decree declaring British merchandize good prize, had principally in view captures made on the high seas, but that the question whether shipwrecked goods ought to be restored or confiscated having always been judged under the 14th article of the regulation of the 26th of July, 1778. And according to their character (that might have rendered lawful, or have even commanded their seizure at sea) there is no room to introduce in this case any new distinction which, however philanthropic it may appear, has not as yet been adopted as a rule by any maritime nation."

The doctrine resisted in this passage, and which inculcates the duty of extending protection to the unfortunate is not new to his majesty's council of prizes. They have themselves consecrated it by their decision of the 5th of March, 1800. By that decision they restored an enemy's ship on the *single reason*, that she had been *compelled to enter a French port by stress of weather*. "I should equally fail" says the attorney general, "in respect to myself and the council, before whom I have the honor to represent the government, *were I not to maintain a principle, consecrated by our laws and by those of all nations*. In all circumstances let the loyalty of the French government serve as the basis of your decisions. Prove yourselves at once generous and just;—your enemies will know and respect your magnanimity." Such was the principle adopted by the council in the year 1800, and in the case of an enemy's ship, yet we are now told, that this very principle, so honorable to the court, to the nation and to human nature, is utterly unknown to all maritime people. And on what occasion do we hear this? When an enemy's ship is again thrown on the French coast? No—It has been reserved for the wreck of a neutral and friendly vessel! for a ship of the United States! It is not denied, that had this ship escaped the rocks and made the port of Morlaix, the only inhospitality to which she would have been exposed, (under the most rigorous interpretation of the law in question,) would have been that of being ordered again to sea. Has then the misfortune of shipwreck so far altered her condition, as to expose her to the injury of confiscation also? And is this among the principles which the defender of maritime rights means to consecrate by his power and his wisdom? It is impossible.

The 3d reason of the council is, "that the application of the fifth article aforesaid, in as far as it concerns the Americans and other nations, is the result both of the general expressions of that very article, and of the communication recently made by his excellency the grand judge, concerning the primitive intention of the sovereign, that the expedition in question, having certainly been undertaken with full knowledge of the said decree, no objection can be drawn with any propriety from the general rules forbidding a retro-spective action, nor in this particular case, from the posterior date of the act in which the sovereign decides the question, since that act sprung from his supreme wisdom, not as an interpretation of a doubtful point, but as a declaration of an anterior and positive disposition."

A distinction is here attempted to be taken between the interpretation of a doubtful point, and the declaration of an anterior and positive rule. This distinction cannot be maintained; for if the rul had been positive, there would have been no occasion for the declaration; neither the minister of marine nor the council of prizes could have had any doubts on the subject; the execution of the decree would have been prompt and peremptory; nor would a *second* act on the part of his majesty, after the lapse of 12 months, have been necessary to give operation to the *first*. Need I appeal to your excellency's memory for the facts on which these remarks turn? You know that doubts did exist—you know that there was under them, even much hesitation in pronouncing—you know that as late as the 9th of August, I sought an explanation of the decree in question, and that even then your excellency (who was surely a competent and legitimate organ of his majesty,) did not think yourself prepared to give it—the conclusion is inevitable—his majesty's answer transmitted to the court of Paris, on the 18th of September following, through the medium of the grand judge, was in the nature of an *interpretation*, and being so, could not without possessing a retroactive quality apply to events many months anterior in date to itself.

The 4th reason of the council, and the last which enters into my present view of the subject, is, "that though one of the principal agents of his majesty had given a contrary opinion, *of which the council had at no period partaken*, this opinion being that of an *individual* could not (whatever consideration it, author may merit,) balance the formal declaration given in the name of his majesty hi nself—and that if the communication of this opinion, had as is alledged, given room to and served as a basis for many American shipments, and particularly of the one in question; this circumstance, which may call for the indulgence of his majesty, in a case in which the confiscation is entirely to the advantage of the state, does not prevent a council, rigid in its duty, to pronounce in conformity to the decree of the 21st of Nov. and of the declaration which followed it."

It would appear from the paragraph, that not finding it easy to untie the knot, the council had determined to cut it. Pressed by the fact, that an interpretation of the decree had been given by a *minister of his majesty, specially charged* with its execution, they would now escape from this fact, and from the conclusion to which it evidently leads, by alledging—

1st. *That at no time* has the council partaken of the opinion given by the minister; and

2nd. That the opinion being that of an *individual*, could not possess either the force or the authority of one truly ministerial.

It appears to me, as I think it will to your excellency, that the council have in these statements, been less correct than is usual to them on similar occasions, if, as they now assert, they have never partaken of the ministers opinion. If they have never even hesitated on the question, whether the decree of November did, or did not, derogate from the treaty of 1800? Why, I ask, suspend the American cases generally? or why decide as they did in the case of the Hibernia? If I mistake not, we find in this case, the negociation of the very principle laid down by the minister of marine. That officer says "in my opinion the November decree does not work any change in the rules at present observed with respect to neutral commerce, and consequently none in the convention of the 8th vendem, year 9:" and what says the council? "Admitting that this part of the cargo (the rum and ginger) was of British origin, the dispositions of the November decree, which contain nothing with regard to their own influence over the convention of the 8th Vendem, year 9, evidently cannot be applied to a ship leaving America on the 6th of the same month of November, and of course cannot have authorized her capture in the moment she was entering the neutral port of her destination." We have here three distinct grounds of exemption from the effects of the November decree. 1st. The entire silence of that decree with regard to its own influence over the convention of 1800.

2d. The early period at which the ship left the United States, and

3d. The neutral character of the port to which she was destined. If such, sir, were the principles admitted by the council of the 25th of March last, with what correctness can it be now said, "that at no period have they partaken of the opinion of the minister?"

The 2d fact asserted by the council is, that the interpretation of the decree in question given on the 24th of December, 1806, was *private*, *not public*, or in other words, that it was the interpretation of the *man*, not that of the *minister*—and as such cannot outweigh the more recent declaration coming immediately from his majesty himself.

On the comparative weight of these declarations I shall say nothing, nor shall I do more to repel the first part of the insinuation, *(that the minister's declaration was that only of the individual)* than to submit to your excellency my letter of the 20th of December, 1806, claiming from the minister an *official* interpretation of the decree in question, and his answer of the 24th of the same month, giving to me the interpretation demanded.

To your excellency who as late as the 21st of Aug. last, considered the minister of marine as the natural organ of his majesty's will, in whatever regarded the decree aforesaid, and who actually applied to him for information relating to it—this allegation of the council of prizes, and the reasoning founded upon it cannot but appear very extraordinary, and will justify me in requesting that his majesty may be moved to set aside the decision in question. I beg, &c &c.

His Excellency

The Minister of Foreign Relations.

Paris, August 9th, 1807.

Sir—Your Excellency is not unapprized that soon after the promulgation of the Imperial Decree of the 21st of November last, one of similar character, and injunction was issued by the Prince of Peace, in behalf of H. C. M. Under this order sundry vessels belonging to the citizens of the United States have been captured on the high seas, brought into the ports of Spain, and are now before the court of admiralty for examination. To this brief statement I subjoin an extract from a letter of the 27th ult. from the Charge des Affaires of the United States at Madrid, which will shew your Excellency that the fate of these vessels will depend not on the construction which might be given to the Spanish decree by the Spanish tribunals; but on the practice which shall have been established by France, under her decree of November last, and that Prince Masserano has accordingly been directed to ask from your Excellency such exposition of that decree, and of the practice under it, as shall regulate, on this head, the conduct of Spanish courts and cruizers towards neutral commerce in general. Assured as I feel myself, that this exposition whenever given, will not be less friendly & liberal than that already found in the decisions of his Imperial majesty's council of prizes and correspondence of his minister of marine, viz. that the provisions of the decree in question do not infract any of the rights of commerce stipulated by treaty between France and the U. States, it is incumbent on me to pray your Excellency that it (the exposition required) be given as expeditiously as possible, to the end that the legitimate commerce of the U. States be relieved from all further annoyance, growing out of the doubtful meaning and operation of the Spanish decree aforesaid.

Your excellency will permit me to avail myself of this occasion, to recall to your attention the subject of my letter of the 26th of June last. I learn from Antwerp that the cargoes mentioned in that letter are yet under sequestration, and that considerable loss, as well by diminution of price in the articles, as by accumulation of interest and charges, has been already incurred.

Your excellency will do me the honor to accept the assurances of my profound respect.

(Signed) JOHN ARMSTRONG.

His excellency

The Prince of Benevento.

Letter from the minister of Foreign Relations, of the 21st of Aug. 1807, referred to in the preceding page.

Sir—I have received the letter which you did me the honor of addressing me on the 9th of this month, relative to American vessels carried into ports of Spain, in consequence of the measures taken by that power against the English commerce in imitation of France.

As the execution of the maritime measures indicated by the Imperial Decree of the 21 of Nov. 1806, rests naturally with his Excellency the Minister of Marine, and that moreover he has already had the honor of addressing you some first observations on the application of that decree, I transmitted without delay your letter, and asked from him the new explanations which you might desire. When they shall have been forwarded to me, I will have the honor of informing you of them.

Accept the assurance of my high consideration.

(Signed) CHAMPAGNY.

H. E. Gen. Armstrong.

[Here follows the Milan Decree.]

TUITION.

A Young Man of experience in teaching, wishes for a situation as a private tutor. He can produce satisfactory recommendations, and has no objection to go to any part of the United States. Enquire of the Printer.

March 30- 8

PUBLIC SALE.

By order of the Orphan's Court of Washington county, District of Columbia, the subscriber will offer at Public Sale, on Friday the 8th of April.

PART of the Personal Estate of John Wight, deceased, consisting of Wheat, Corn Oats, Rye, Horses, horned Cattle; among which there is one yoke of valuable Oxen, Hogs, Sheep, Plantation Utensils, &c. The sale will commence at 11 o'clock, A. M.—Terms all sums under 20 dollars cash, above that sum a credit of six months, the purchaser giving bond, with approved security, to bear interest from the 1st.

WASHINGTON BOYD AND GEORGE MOORE, } Ex'rs of J. Wight, dec'd.

March 30—eptds

WASHINGTON CITY.

WEDNESDAY, MARCH 30.

We this day finish the publication of the entire correspondence on the affair of the Chesapeake. We again repeat the hope that it will be attentively read by every citizen of this country; and we hazard nothing in affirming, that after such a perusal there can be but one opinion entertained by the great mass of the people. Those in systematic opposition, either to republican principles, or the measures of the administration, *may*, perhaps, condemn the course pursued on this occasion, as they have invariably censured that heretofore pursued on all others. But, with the exception of this small class of men, who have no political weight in the nation, the award will be unanimous. This award has indeed been already given. If there ever was an instance in which the public sentiment avowed itself without equivocation, it was on the occurrence of this black outrage; and the demand for reparation formed at least as prominent a feature as any other part of the expectation expressed. This demand has been made, in a spirit of unexampled moderation; and in a spirit, in every respect the opposite, it has been refused. And on what ground? On the ground, that the proclamation of the President should be rescinded. Why? For reasons which Mr. Rose has assigned, *and Mr. Madison answered*, in a style, which it were absurd to attempt to elucidate.

We also present our readers with "all the communications, official or verbal, from the French government, respecting the general relations between the two countries, which have been transmitted through our minister there, or through any other accredited channel, since the last session of Congress; to which time all information of the same kind had, from time to time, been given them,"* including the celebrated letter of M. Champagny. They will be *astonished* at the little these papers contain, and at their absolute disproof of the charges of French influence and the withholding of documents which established it. If *they* are astonished, ought not those who propagated these charges to be *confounded*. The charges were propagated in the belief that the Executive would not make the disclosures professedly coveted with so much solicitude; but to their confusion they are made, and the nation, called upon to judge, has thus unexpectedly to them got the materials for forming a just judgment. *That judgment will be pronounced*.

* *Message of President.*

At a meeting of thirty-eight *Constitutional* members of the legislature of Pennsylvania, it has been unanimously determined to support James Madison for President, and George Clinton for Vice-President.

MONDAY, MARCH 28.

Messrs. Sawyer, Kelly, Kenan, Mumford, and Cutts obtained leave of absence for the remainder of the session.

The bill authorizing a detachment of the militia, was returned from the Senate, concurred with. [When this bill was before this House, it passed by a very large majority. Mr. Stanford wished it to be entered on the journals as having passed unanimously; but the question having been again put, it appeared that there was one negative to the bill.]

The House resumed the reading of the documents accompanying the message from the President of the U. S. of the 22d inst. in which they were occupied until the usual hour of adjournment.

TUESDAY, MARCH 29.

Messrs. Cook, Boyle, Stedman and Poindexter obtained leave of absence for the remainder of the session.

Mr. *Ely* presented the petition of a number of the inhabitants of the town of Northampton, Massachusetts, complaining of the hardships of the several laws relative to an embargo, praying that a war with Great Britain may be avoided, and pledging themselves to support the government against the incroachment of any nation.—Referred to a committee of the whole on the state of Union, 45 to 41.

Mr. Boyle, from the committee on Public Lands, reported a bill relinquishing to the corporation, of the city of New Orleans, the right of the U. States to the Batture, in the front of the Suburb of St. Mary's, and for other purposes; which was twice read, and referred to a committee of the whole.

The House then resumed the reading of the documents accompanying the message from the President of the 22d inst.

The reading of these papers having been concluded, they were referred to a committee of the whole on the state of the Union.

Mr. Milnor called up the consideration of a resolution which he yesterday laid on the table to rescind the order of the House for printing 5000 copies of all the papers accompanying the President's communication, and instead of this number to print 1500 copies, except so far as the same is already executed.

After some observations in support of the motion by Messrs. Milnor & Smilie, & objections by Messrs. Macon, Stanford, Randolph, Lyon and Southard,

Mr. Milnor withdrew the motion.

Mr. Dawson said, it would be remembered that when the late message was received from the President, a bill was under consideration for raising an additional military force. He moved that it be now taken up.

The House having resumed the consideration of the bill,

Mr. Macon observed, that this bill was predicated on a message from the President, inclosing a report from the Secretary of war. The House was now possessed of all the information which might have led to this message. When this bill had been last under discussion the number of men had been increased from 6000 men to 9000. Mr. M. said, he was averse to going beyond the force which had been deemed necessary by the executive, and which, as he understood, was but intended for garrison service. Under this consideration he moved to re-commit the bill to the committee on our military and naval establishments; those who were desirous of giving such force as was thought necessary by the officers of government, would vote for recommitment, and those who wished to exceed that number would vote against it.

Mr. Dawson thought this question had been already decided; for on a question to encrease the number, formally put a few days ago, it had passed by an almost unanimous vote.

Mr. Macon remarked in reply, that the gentleman had correctly stated the fact; but that decision had taken place prior to reading the papers communicated with the President's message. If the information given had operated neither one way nor the other, the decision would undoubtedly be the same.

Mr. Macon's motion was carried, 53 to 46.

Mr. Rowan called for the consideration of the resolution for enquiry relative to Harry Innes; but upon the representation of Mr. Taylor, that it could not well be decided until the papers which formed its basis had been printed, Mr. R. withdrew his motion.

Mr. Tallmadge, from a select committee to whom had been referred the subject of the invalid corps, reported a bill for the relief of the infirm, disabled and superannuated officers and soldiers of the army of the United States.—Twice read and referred to a committee of the whole.

On motion of Mr. *Rhea*, T. the House went into committee of the whole, Ayes 5., Mr. Masters in the Chair, on the bill respecting the post office and post roads. The committee having made some progress therein, at the usual hour of adjournment rose and obtained leave to sit again.

Mr. Dawson from the committee to whom the bill was this day re-committed reported the bill for raising an additional military force, with one amendment, to wit: To strike out 96 (the number of each company of infantry) and insert 68. Committed to a committee of the whole.

WHEREAS the SUBSCRIBER together with John Stockwell the Elder, and George Johnston and Jane his wife of the county of Tyrone in the kingdom of Ireland, executed a power of attorney, dated the 9th day of April 1806, authorising John Stockwell, jun. to receive, and to sell and convey all the estate, real and personal to which we were entitled under the wills or as heirs at law of Mark Stockwell late of the city of Washington, or of Henry Stockwell late of Philadelphia consisting principally of Lots in the city of Washington, and Lands in Greenbrier, and Kenaway, counties in Virginia. Now know all to whom this writing shall come, that we, for good causes, do hereby revoke and entirely annul the said letter of attorney herein before mentioned.

Given under our hands and seals this 28th day of March 1808.

(Seal) JAMES HANCOCK.

March 30—3t

PROPOSALS

For publishing by subscription, a new work, entitled,

"THE LAWYER; OR MAN AS HE OUGHT NOT TO BE."

A Tale.

CONDITIONS.

1. This work will be printed on fine paper, and handsomely bound in boards.
2. It will be published in one duodecimo volume of about 250 pages, and delivered to subscribers at one dollar.
3. Those who shall obtain 12 subscribers, shall be entitled to one copy gratis.
4. As the expence of publication will be considerable, a discount of one eighth of a dollar will be allowed to such as pay in advance.

Subscriptions for the above work are received at the book store of D. Rapine, Capitol Hill, where a general assortment of books and stationary are always kept for sale.