DOCUMENTS

ACCOMPANYING THE PRESIDENT'S MESSAGE, OF NOV. 8, 1808.

(Continued.)

From the Secretary of State to Mr. Erskine.

Department of State, March 25, 1808.

SIR—HAVING laid before the President your letter of the 23d of February, explaining the character of certain British orders of council issued in November last, I proceed to communicate the observations and representations which will manifest to your government the sentiments of the President on so deep a violation of the commerce and rights of the United States.

These orders interdict to neutral nations or rather to the U. States now the only commercial nation in a state of neutrality, all commerce with the enemies of G. Britain, now nearly the whole commercial world, with certain exceptions only, and under certain regulations, but too evidently fashioned to the commercial, the manufacturing and the fiscal policy of Great Britain; and on that account the more derogatory from the honor and independence of neutral nations.

The orders are the more calculated to excite surprise in the United States as they have disregarded the remonstrances conveyed in my letters of the 20th and 29th March, 1807, against another order of council issued on a similar plea, in the month of January, 1807. To those just remonstrances, no answer was indeed ever given; while the order has been continued in its pernicious operation against the lawful commerce of the United States, and we now find added to it others, instituting still more ruinous depredations, without even the addition of any new pretext; and when moreover it is notorious, that the order of January was of a nature greatly to overbalance in its effects any injuries to G. B. that could be apprehended from the illegal operation of the French decree on which the order was to retaliate, had that decree in its illegal operation been actually applied to the U. S. and been acquiesced in by them.

The last orders, like that of January, proceed on the most unsubstantial foundation. They assume for fact an acquiescence of the U. States in an unlawful application to them of the French decree: and they assume for a principle that the right of retaliation accruing to one belligerent against a neutral, through whom an injury is done by another belligerent, is not to have for its measure that of the injury received, but may be exercised in any extent, and under any modifications, which may suit the pleasure or the policy of the complaining party.

The fact, sir, is unequivocally disowned. It is not true that the United States have acquiesced in an illegal operation of the French decree: nor is it even true that at the date of the British orders of Nov. 11, a single application of that decree to the commerce of the U. States on the high seas can be presumed to have been known to the British government.

The French decree in question has two distinct aspects; one clearly importing an intended operation within the territorial limits, as a local law: the other apparently importing an intended operation on the high seas.

Under the first aspect, the decree, however otherwise objectionable, cannot be said to have violated the neutrality of the United States. If the governing powers on the continent of Europe choose to exclude from their ports British property or British productions or neutral vessels proceeding from British ports, it is an act of sovereignty which the United States have no right to controvert.—The same sovereignty is exercised by Great Britain at all times, in peace as well as in war, towards her friends as well as her enemies. Her statute book presents a thousand illustrations.

It is only, therefore, under the other aspect of the decree, that it can have violated neutral rights; and this would have resulted from its execution on the high seas, whether on the pretext of a nominal blockade, or with a view to enforce a domestic regulation against foreign vessels not within the domestic precincts, but under the authority and protection of the law of nations.

Had then the French decree been executed on the high seas, against the commerce of the U. States with G. Britain, and have the U. States acquiesced in the unlawful and injurious proceedings?

I state, sir, on undeniable authority, that the first instance in which the decree was put in force against the neutral rights of the United States, was that of the Horizon, an American ship, bound from Great Britain to Lima, wrecked within the territorial jurisdiction of France, but condemned under an exposition of the decree extending to the high seas its operation against neutrals—This judicial decision took place as late as the 16th day of October, 1807, and was not officially known to the minister plenipotentiary of the United States at Paris, till some time in November. At the date, therefore, of the first order of Great Britain, no injury whatever has been done to her, through an aggression on the commerce of the United States. No presumption even had been sufficiently authorised that the express stipulation in the treaty of France with the United States would not exempt their commerce at least from the operation of any edict incompatible with them. At the date even of the latter orders of Nov. 11, it appears that the only aggression which had then occurred, was pretty certainly unknown to the British government; it could therefore have had no share in producing this alledged retaliation.

To this fact, that the ship Horizon was the first that occurred of an execution of the French decree on the high seas, I am able to add, that as late as the 30th November, no other case had been brought into the French court of prizes. From accounts which have lately appeared, it is more than probable that unlawful captures by French cruizers have since taken place; but it remains to be known whether they are to be referred to the concurrence of the French government, in the judgment pronounced in the case of the Horizon, or not rather to a French decree of the 17th Dec. last, professing to be a retaliation on the British orders of Nov. 11.

I state with equal confidence, that at no time have the United States acquiesced in violation of their neutral rights injurious to Great Britain, or any other belligerent nation. So far were they, in particular, from acquiescing in the French decree of Nov. 1806, that the moment it was known to their minister at Paris, he called for explanations of its meaning in relation to the U. States, which were favourable, and uncontradicted by the actual operation of the decree; that he steadily watched over the proceedings under it, with a readiness to interpose against any unlawful extension of them to the commerce of the United States; that no time was lost, after the decree came to the knowledge of the government here, in giving him proper instructions on the subject; that he was equally prompt on receiving the decision of the court in the case of the Horizon, in presenting to the French government a remonstrance, in terms which can never be censured for a defect of energy; and that by the first opportunity, after that decision reached the President, the particular instructions received by it were forwarded to that minister. Nor is it to be forgotten, that previous to the British orders of Nov. it had been explicitly communicated to the British government by the American minister at London, that explanations uncontradicted by any overt act, had been given to our minister at Paris, which justifies a reliance that the French decree would not be put in force against the United States, and that the communication was repeated to the British government immediately on the publication of those orders.

What more could have been required on the part of the United States to obviate retaliating pretensions of any sort on the part of G. Britain? Retaliations are measures of rigor in all cases. Where they are to operate through a third and involuntary party, they will never be hastily resorted to by a magnanimous or a just power; which will always allow to the third party its right to discuss the merits of the case, and will never permit itself to enforce its measures, without affording a reasonable time for the use of reasonable means for substituting another remedy.

What would be the situation of neutral powers, if the first blow levelled through them by one belligerent against another, was to leave them no choice but between the retaliating vengeance of the latter, and an instant declaration of war against the former! Reason revolts against this as the sole alternative. The United States could no more be bound to evade the British orders by an immediate war with France, than they were bound to atone for the burning of French ship of war on the shore of North-Carolina, by an immediate resort to arms against G. Britain.

With respect to the principle assumed by the British orders, it is perfectly clear that it could not justify them in the extent given to their operation, if the facts, erroneously assumed, could have been fully sustained.

Retaliation is a specific or equivalent return of injury for injury received; and where it is to operate through the interests of a third party having no voluntary participation in the injury received, the return ought, as already observed, to be inflicted with the most forbearing hand.

This is the language of common sense and the clearest equity. As the right to retaliate results merely from the wrong suffered, it cannot in the nature of things extend beyond the extent of the suffering. There may be often be a difficulty in applying this rule with exactness, and a reasonable latitude may be allowed on that consideration. But a manifest and extravagant departure from the rule can find no apology.

What then is the extent of injury experienced by Great Britain from the measures of her enemies so far as the operation of those measures through the United States can render them in any sense responsible?

A mere declaration by a belligerent, without the intention or the means to carry it into effect, against the rights and obligations of a neutral nation, and thence against the interests of another belligerent, could afford no pretext to the latter to retaliate at the expence of the neutral. The declaration might give just offence to the neutral, but it would belong to him alone to decide on the course prescribed by the respect he owed to himself. No real damage having accrued to the belligerent, no indemnity could accrue.

For the same reason, a declaration of a belligerent which he is known to be either not in a situation or not to intend to carry, but partially, into execution against a neutral, to the injury of another belligerent, could never give more than a right to a commensurate redress against the neutral. All remaining unexecuted, and evidently not to be executed is merely ostensible, working no injury to any, unless it be in the disrespect to the neutral, to whom alone it belongs to resent or disregard it.

Bring the case before us to this plain and equitable test. The French decree of November, 1806, undertook to declare the British isles in a state of blockade, to be enforced, if you please, against the neutral commerce of the U. States on the high seas, according to the faculty possessed for the purpose. As far as it was actually enforced or an effect resulted from an apprehension that it could and would be enforced, it was an injury to G. Britain, for which let it be supposed the United States were answerable.

On the other hand as far as it was not enforced, and evidently either would not or could not be enforced, no injury was experienced by Great Britain, and no remedy could lie against the United States. Now, Sir, it never was pretended that at the date of the first British order issued in January, 1807, any injury had accrued to, or was apprehended by Great Britain from an execution of the French decree against the commerce of the United States, on the theatre of their neutral rights. So far from it, that the order stands self condemned as a measure of retaliation, by expressly stating that the fleets of France and her allies, instead of being able to enforce the blockade of the British isles, were themselves confined to their own ports by the entire superiority of the British navy; converting thus, by the strangest of reasonings, the security of Great Britain against injury from the French decree, into a title to commit injury on a neutral party. In the November orders also, whilst it is admitted that the French decree could not be but imperfectly executed for want of means, it is asserted that the intention of the French decree, and not the injury accruing from its operation through the commerce of the United States, is the scale by which the retaliating injury against them is to be measured.

Such are the pretexts and such the principles on which one great branch of the lawful commerce of this country became a victim to the first British order, and on which the last orders are now sweeping from the ocean all its most valuable remains.

Against such an unprecedented system of warfare on neutral rights and national independence, the common judgment and common feelings of mankind must forever protest.

I touch, sir, with reluctance the question on which of the belligerent sides the invasion of neutral rights had its origin.—As the United States do not acquiesce in these invasions by either, there could be no plea for involving them in the controversy. But as the British orders have made the decree of France, declaring, contrary to the law of nations, the British islands in a state of blockade, the immediate foundation of their destructive warfare on our commerce, it belongs to the subject to remind your government of the illegal interruptions and spoliations suffered, previous to that decree, by the neutral commerce of the United States under the proceedings of British cruizers and courts, and for the most part in consequence of express orders of the government itself. Omitting proofs of inferior note, I refer to the extensive aggressions on the trade of the U. States, founded on the plea of blockades, never legally established according to recognized definations to be still more extensive violation of our commerce with ports of her enemies, not pretended to be in a state of blockade; and to the British orders of council issued near the commencement of the existing war. This order besides its general interpolation against the established law of nations is distinguished by a special ingredient violating that law as recognized by the course of decisions in the British courts. It subjects to capture and condemnation all neutral vessels, returning with lawful cargoes, on the sole consideration, that they had in their outward voyage, deposited contriband of war at a hostile port. If the commerce of the United States could therefore in any case be reasonably made the victim and the sport of mutual charges and reproaches between belligerent parties, with respect to the priority of their

(Continued in first page.)

NEW GOODS.

The Subscriber has just received a fresh supply of GOODS, (which in addition to those he had on hand, a compleat assortment.)

AMONG WHICH ARE:

LONDON Superfine Black, Blue, Brown, Olive, Bottle-Green, Dark, Mix'd and single, and double drab Cloths,
Black, Blue and Drab Cassimeres,
Olive and Drab Cords and Velvets,
Swandowns and Moleskins,
Coarse Cloths and Coatings,
Bocking Baizes and Flannels,
Rose and Dutch Blankets,
Cotton and Worsted Hosiery,
Angola, Silk and Leather Gloves,
Cambric, Leno, Book, & Mull Muslins
Mull Mull worked Dresses,
Cocleeco and other dark Calicoes,
Blue, Yellow and Pink Ginghams,
Silk and Pelcisse Velvets,
Linen and Shirting Cambrics,
Damask, Silk, and Cotton Shawls,
Madras, Bandana, and Flag Handkerchiefs,
Silk and Cotton Suspenders,
Sewing Cotton in Balls,
Country Sheeting,
German Linens,
Morocco Hats and Shoes, &c. &c.

Together with a general assortment of

Hardware and Groceries.

Among which are contained—Castings, Powder, Shot, Spanish Segars, &c

All of which will be sold at the most reduced prices for cash.

LAMBERT W. SPENCER.

Easton, December 6, 1808. tf

Edward Markland,

RESPECTFULLY informs the public, that he has opened a SCHOOL, in the town of Easton, in that well known room over the Old Market House; where he teaches as follows, viz.—The English Language, Writing, Arithmetic, Vulgar, Decimal, and Duodecimal, Mensuration of Superfices and Solids; Gauging, Geometry, Trigonometry, Navigation—with the use of Sea Instruments, Maps and Charts—Surveying, including levelling, and the application of Trigonometry to Altimetry and Longimetry—Geography (if required) with the use and construction of the Maps.

He earnestly solicits the notice and patronage of the respectable citizens of Easton, and others, and will promise, that his endeavours shall not be wanting to promote the improvement of his pupils.

January 10, 1809. tf

To be rented,

THE HOUSE where Mr. Abbott now lives, and the middle one adjoining him. These houses are as well situated as any in Easton for business. For terms apply to the subscriber.

ROBERT LLOYD NICOLS.

October 4, 1808. tf

BY HIS EXCELLENCY

ROBERT WRIGHT, ESQUIRE,

Governor of Maryland.

A PROCLAMATION.

WHEREAS the executive of the state of Virginia hath lately demanded of the executive of the state of Maryland, a certain GEORGE GORDON, of Virginia, as a fugitive, from justice, alledged to be going at large in this state, and hath transmitted an acquisition, taken by a coroner's inquest, dated the twenty-first day of September, in the year eighteen hundred and six, in Cumberland county, in said state of Virginia, charging said George Gordon with feloniously shooting and killing a certain negro slave called Bentley; I have therefore issued this my Proclamation, authorising and enjoining it on all civil officers, and others, citizens of this state, to arrest and commit said George Gordon to the jail of the county in which he may be found, and to give notice thereof to the executive of Maryland, that the executive of Virginia may be notified thereof agreeably to the act of congress in such case provided.

Given under my hand and the seal of the state of Maryland, at the city of Annapolis, this twentieth day of December in the year of Lord one thousand eight hundred and eight, and of the independence of the United States of America the thirty-third.

ROBERT WRIGHT.

By his Excellency's command,

NINIAN PINKNEY, Clerk of the Council.

Ordered, That the foregoing proclamation be published twice a week for six weeks, in the American and Federal Gazette, at Baltimore; the Maryland Gazette at Annapolis; the National Intelligencer; the Republican Advocate, at Frederick-Town; and in Mr. Smith's paper, at Easton.

Notice.

WAS committed to the jail of Frederick county, Maryland, on the 24th of October last, as a runaway, a negro man who calls himself *Bill Jones*, he appears to be about 23 or 24 years old, 5 feet 6 or 7 inches high, a pert impudent looking fellow, well made: he had on when committed a brown cloth coat, a pair of corduroy pantaloons, a pair of thread stockings and laced boots, a homespun linen shirt and fur hat; he has a scar on his left eye-brow, and one on his left breast, his back considerably marked with the whip; a large gap in his upper fore teeth—he says he is free and was raised in Pittsburgh, in the commonwealth of Pennsylvania, with General Neveli, and served his apprenticeship with Mr. Philip Thomas, to the barber business. The owner, if any, is requested to come and release him, otherwise he will be sold far his prison fees agreeably to law.

GEORGE CREAGER, Jun.

Sheriff of Frederick county, Md

Nov. 8, (22) 1808. 8

List of Letters

Remaining in the Post-Office, Easton, Maryland, December 31, 1808.

SUSAN H. ADAMS, capt. Edward A. Auld. B. Rev. Jas. Bateman, Lewis Bush, Henry Banning, Wm. Berry. Benj. Blades, Elizabeth Bailey, Thos. Bullen, Eccleston Brown, Peter Barrick, Robert Bruff, John Baird. C. James Cain, Thomas Cray, The Clerk of Talbot County. D. William Dobson, Mary Dawson. E. Capt. Jos. Ervin (2) Charles Emory (3) Erastus Edgarton, Mrs. Darcus Edgar, Wm. Evangam, Jas. Earle. F. Miss Ann K. Niddeman, Miss Forman. G. Saml. Gorsuch, Ebenezer Gray (2). H. Mary Hill, Wm. Harrison, Mrs. Martha Harrison, Henry Harden, Mrs. P. Harrison, John Herwood, Geo. R. Haywsrd, Edwd. N. Hambleton. J. Dr. Theodere Johnsoo, Wm. Jenkins. K. John L. Kerr, Edmund P. Kennedy (2). L. John Luca, s 3d (2) Miss Tarecy Leonard, Jacob Loockerman, Thomas Laudin. M. Wm. Meany, Robt. Moore, Littleton Morris. N. Thos. C. Nicols (2) Mrs. Eliza Nicols O. Charles Orem. P. James Price, Jas. Parrott, Henry Parrott, Thos. Pedrick. R. Wm. Roberts, John Roberts Thos. Reynolds. S. James Smith, Lt, John R. Sherwood, Wm. B. Smith, Jos. Stangester. T. Levin Thomas, Mrs. Severn Teackle. Solomon Turpin, Mis. Rachel Thomas (2) Tench Tilghmans V. Saml. Vickars, W. John Wright, John Wheeler, Ann Weaver, George Welch, Carey & Welsh Thos. Watts.

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Remaining in the Post-Office, Centreville, January 1, 1808.

MARIA ATTWOOD: Mary Barrow: Perry Blake. P. C. Blake: James Bruscoop: Jno. H. Brown: Wm. Cohea: Edward Clayton: Gerald Coursey, (3) William Corbet: Edward Coursey: Denny & Errickson: Jno. Dames: John Duhamel: John Davis: Wm. G. Elbert: John W. Emory: Benj. Ford: John R. Giles, (2) Wolman Gibson: Thomas Goddin: Eliza Goldsborough: Henry Gilder: Sarah Hall: Rebecca Hammond: Charles Hobbs. (2) William Kennamon: William Hackett: Benj. Hatchison: Mary Miner: Juliet Nicholson: Richd. Newman: Chritopher Price: Ann Parsons: Wm. Phillips: Maria Roe: Thos. Richardson: Thos. Roberts: Mary Rumney: Wm. E. Seth: Robt. Suders: Jno Shields: Susan Singer: Richard Shell: John Smith: Anthony Sumption: Tristram Thomas: Wm. Thomas: Eliza Vandford: Sam. T. Wright, (2) Marcus Wilson: Wm. Worth: Thomas Wilson: John Watson, (2) Ann S Warfield: Thomas Wright. Edward Williams: Violetta Weems: Simon Young.

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Remaining in the Post-Office, Cambridge, January 1, 1809.

HENRY COLSTON: Buddy P. Dunnington: Robert Dennis, Esq Jos. Ennalls: Bartholomew Ennalls: Mary Eccleston: Solomon Frazier: Alexander Irwin: Levin King: Stephen Lecompte: John M'Guire, jun. Alexander M'Mullan: Margaret M'Keel: Wm. B. Martin (2) Hugh Odd: Jeremiah Pattison: John Reid; John Scott; Thos. Thompson: John Walters.

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Remaining in the Post-Office, Chester-Town, January 1, 1809.

MARGARET ALLEN; Unit Ainger; Benj. Briscoe; Joseph Beck; Wm. Carmichael; Philip Chaplin; L. & J. Calder; Mrs. Eliza Comegys; James Dawson; Mrs Dunn (widow) Richd. T. Earle; Thos. Egleston; Thos. Edwards (2) Mrs. Ferguson; Jos. M'Minn John Fendall: Mrs. Hannah Glanvell; Dr. Robert Goldsborough; Mrs. Ann Gibson; Raisin Gale, esq. Mrs. Charlotte Graves, Miss Kitty Garrettson; Miss Mary Hanco, Francis C. Hall Miss R. Hall (3) Jno. C. Hynson, jr. Thos. Hynson; Cornelius Hurtt; Wm. Boyce; Jas. B. Hall: John Hyland; Jacob Jones, jr. (2) Miss Eliza Jackson; Miss Margaret Kemp; Henry Kennard; Jacob Lennard; Wm. Longfellow; Mrs. Lawson; Casperus M'Gunnis; Jas. Maslin, jr. Mrs. R. Masaline; Mrs. Mary Miller; Jno. Maslin; Benj. Massy; Aquilla Meeks; John Newell; Joshua Penington; Geo. Palmer, esq. Jas. Parker; Thos. Pearce; William Pearce; Mrs. Ann Quimby; Eliza Quimby; Martha Rasin; Philip Reed, esq. Philip F. Rasin & Co. (3) Jas. Scott, esq. (7) Capt. Geo. Spry, (2) Miss Sudlar; William R. Stuart; Simon Smith; Capt. Samuel W. Smith; Miss Sally Tilden; Robt. Tate, jun. Evan W. Thomas. (2) Miss Ann Terrey; Marmaduke Tilden; Thos. B. Tilden; Edw. Tilghman; Richard L. Thomas, jun. Dr. Edw. Tilden; Mr. Benj. Worrell; Mr. John Walker; Jno: Whitenton; Miss Elizabeth Young; Mr. Samuel Wells; Martha Swift; Jas. Wheat.

Information to Sportsmen.

THE following Sweepstakes are open for 1809—One for 3 years old, 2 miles and repeat—One for 4 years old, 3 miles, and one for 5 years old, four miles and repeat, to be run at Warwick, in Maryland, (in all October) carrying weight agreeably to the regulations of a Jockey Club once established at Easton. One hundred dollars each, play or pay. Gentlemen who may incline to engage in the sport, and who reside at a distance are requested to announce their entrances by mail, to Mr. C. Lee, at Warwick, who is authorised to receive the same, and to correspond with subscribers on the states of the sweepstakes at different times.—Sweepstakes to close on the first of August, 1809, free only for the state of Maryland, Delaware, and the Eastern Shore of Virginia.

WILLIAM FRAZIER,

White-Hall, (Dcl.) January 10, 1809.—4