FEDERAL GAZETTE,
AND
BALTIMORE DAILY ADVERTISER.

APRIL 5, 1808.

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## AMERICAN TRADE.

U. S. SENATE, April 2, 1808.

The following message was received from the president.

*To the Senate and house of Representatives of the United States.*

Believing that the confidence and union of our fellow citizens at the present crisis, will be still further confirmed by the publication of the letter of Mr. Champagny to general Armstrong, and that of Mr. Erskine to the secretary of state, communicated with my message of the 30th ult. and therefore that it may be useful to exempt them from the confidential character of the other documents accompanying that message I leave to the consideration of congress the expediency of making them public.

TH: JEFFERSON.

April 2, 1808.

On motion of Mr. Giles the following letters were ordered to be printed.

*Washington, February* 23, 1808.

Sir,

I have the honor to transmit to you the copies of certain orders of council which his majesty has thought proper to issue in consequence of the hostile conduct of France towards the navigation and commerce of Great-Britain and of neutral states.

His majesty has been induced hitherto to forbear recurring to measures of this nature by the expectation that the government of the neutral states, who have been the objects of the French decrees, would have been awakened to a just sense of what they owe to their own interests and own rights, and would have interposed with effect either to prevent the execution of the French decrees, or to procure their abrogation.

But his majesty having been disappointed in this just expectation, and perceiving that the neutral nations, so far from opposing any effectual resistance, have submitted to whatever regulations France may have prescribed for giving effect to her decrees, can no longer refrain from having resource to such measures as by retorting on the enemy the inconvenience and evils produced by his injustice and violence, may afford the only remaining chance of putting an end to a system, the perseverance in which is not more injurious to his majesty's dominions than to nations not parties to the war between Great-Britain and France.

The principle upon which his majesty finds himself compelled to proceed, would justify a complete and unqualified retaliation on his part of the system announced and acted upon by France, in respect to his majesty's dominions: and his majesty might, therefore have declared in a state of rigorous and unmitigated blockade, all the coasts and colonies of France and her allies. Such a measure, the maritime power of Great-Britain would have enabled his majesty to enforce: nor would those nations which have acquiesced, without effectual remonstrance, in the French decree of blockade, have derived any right from the perfect execution of corresponding determination on the part of his majesty, to complain of his majesty's enforcing that measure, which the enemy has executed imperfectly, only from the want of the means of execution.

His majesty, however, actuated by the same sentiments of moderation by which his majestys's conduct has been uniformly governed, has been desirous of alleviating, as much as possible, the inconveniencies necessarily brought upon neutral nations by a state of things so unfavorable to the commercial intercourse of the world; and has therefore anxiously considered what modifications it would be practicable to apply to the principle upon which he is compelled to act, which would not, at the same time that they might afford relief from the pressure of that principle upon neutral or friendly nations, impede or enfeeble its operation upon the enemy.

In pursuance of this desire, the order in council, which, if it had ended with the sixth paragraph, would have been no more than a strict and justifiable retaliation for the French decree of November 1806, proceeds as you will observe, sir, to provide many material exceptions, which are calculated to qualify the operation of the order upon neutral nations in general, but which must be considered as most peculiarly favorable to the particular interests of the United States.

It will not escape you, sir, that by this order in council, thus modified and regulated, the direct intercourse of the United States with the colonies of the enemy is unrestrained; an indulgence which, when it is considered to be (as it really is) not only a mitigation of that principle of just reprisal upon which the order itself is framed, but a deviation in favour of the United States, from that ancient and established principle of maritime law, by which the intercourse with the colonies of an enemy in time of war is limited to the extent which that enemy was accustomed in time of peace to prescribe for it, and which, by reference to the conduct of France in a time of peace, would amount to a complete interdiction, cannot fail to afford to the American government a proof of the amicable disposition of his majesty towards the United States.

You will observe, sir, also that the transportation of the colonial produce of the enemy from the U. States to Europe, instead of being altogether prohibited (which would have been the natural retaliation for the rigorous and universal prohibition of British produce and manufactures by France) is freely permitted to the ports of G. Britain, with the power of subsequently re-exporting it to any part of Europe, under certain regulations.

The object of these regulations will be the establishment of such a protecting duty, as shall prevent the enemy from obtaining the produce of his own colonies at a cheaper rate than that of the colonies of Great Britain. In this duty it is evident that America is no otherwise concerned than as being to make an advance to that amount for which it is in her own power amply to indemnify herself at the expence of the foreign consumer.

Another most important relaxation of the principles upon which his majesty's orders proceed is that which licences the importation of all flour and meal, and all grains, tobacco and other articles, the produce of the soil of America with the exception of cotton, through the ports of his majesty's dominions, into those of his enemies, without the payment of any duty on the transit. This is, I beg leave to observe, an instance in which his majesty has deprived his measure of its most efficacious and hurtful operation against the enemy, through motives of consideration for the interests of America. The reason why his majesty could not feel himself at liberty, consistent with what was necessary for the execution of his purpose, in any tolerable degree, to allow this relaxation to apply to cotton, is to be found in the great extent to which France has pushed the manufacture of that article, and the consequent embarrassment upon her trade with a heavy impost upon cotton, as it passes through Great Britain to France, must necessarily produce.

I cannot refrain from calling the attention of the government of the United States to the contrast between the different modes in which his majesty's orders and those of France are carried into execution. By his majesty's, the utmost consideration is manifested for the interests of those nations whose commerce he is reluctantly compelled to impede, and ample time allowed for their becoming acquainted with the new regulations and conforming to them. Whereas France, without any previous notice, and without any interval, applies her orders to trade already entered upon in ignorance of any such orders, and subjects to condemnation ships, whose voyages, when commenced, were in strict conformity to all the regulations at that time promulgated by France.

Even with these and other modifications, his majesty is not unaware that a measure extorted from him by the injustice of the enemy, must inevitably produce inconveniences to the neutral parties who are affected by its operation.

The right of his majesty to resort to retaliation cannot be questioned. The suffering occasioned to neutral parties is incidental, and not of his majesty's seeking.

In the exercise of this undoubted right his majesty has studiously endeavored to avoid aggravating unnecessarily the inconveniencies suffered by the neutral. And I am commanded by his majesty, especially, to represent to the government of the United States, the earnest desire of his majesty to see the commerce of the world restored once more to that freedom which is necessary for its prosperity; and his readiness to abandon the system which has been forced upon him, whenever the enemy shall retract the principles which have rendered it necessary; but his majesty entertains the conviction, upon which alone his present measures are founded, that it would be vain to hope for such a retraction, until the enemy shall himself have been made to feel a portion of the evils which he has endeavored to inflict upon others.

I have the honor to be,
With great consideration and respect,
Sir,
Your most obd't humble serv't,
D. M. ERSKINE.

*Hon. J. Madison, Secretary of State.*

## REJECTED TREATY.

*The following is the official note delivered by Lords Holland and Auckland to the American ministers, previously to signing the late rejected treaty.*

The undersigned Henry Richard Vassall Lord Holland, and William Lord Auckland, plenipotentiaries of his Britannic majesty, have the honor to inform James Monroe and William Pinkney, commissioners extraordinary and plenipotentiary of the U. States of America, that they are now ready to proceed to the signature of the treaty of amity, commerce and navigation, on the articles of which they have mutually agreed.

But at the same time they have it in command from his majesty, to call the attention of the commissioners of the United States to some extraordinary proceedings, which have lately taken place on the continent of Europe, and to communicate to them officially, the sentiments of his majesty's government thereupon.

The proceedings alluded to, are certain declarations and orders of the French government, issued at Berlin on the 21st of November last.

In those orders the French government seeks to justify or palliate its own unjust pretensions by imputing to Great Britain principles which she never professed, and practices which never existed. His majesty is accused of a systematic and general disregard of the law of nations recognized by civilized states, and more particularly of an unwarrantable extension of the right of blockade; whereas his majesty may confidently appeal to the world on his uniform respect for neutral rights, and his general and scrupulous adherence to the law of nations, without condescending to contrast his conduct in these particulars with that of his enemy; and with regard to the only specific charge, it is notorious that he has never declared any ports to be in state of blockade, without allotting to that object a force sufficient to make the entrance into them manifestly dangerous.

By such allegations, unfounded as they are, the enemy attempts to justify his pretensions of confiscating as lawful prize, all produce of English industry or manufacture, though it be the property of neutrals; of excluding from his harbors every neutral vessel which has touched at any port of his majesty's dominions, though employed in an innocent commerce, and of declaring Great-Britain to be in a state of blockade, though his naval ports and arsenals are actually blockaded, and he is unable to station any naval force whatever before any port of the united kingdom.

Such principles are in themselves extravagant and repugnant to the law of nations; and the pretensions founded on them, tho' professedly directed solely against Great Britain, tend to alter the practice of war amongst civilized nations, and utterly to subvert the rights and independence of neutral powers.

The undersigned cannot therefore believe that the enemy will ever seriously attempt to enforce such a system. If he should, they are confident that the good sense of the American government will perceive the fatal consequences of such pretensions to neutral commerce, and that its spirit and regard to national honor will prevent its acquiescence in such palpable violations of its rights, and injurious encroachments on its interest.

If, however, the enemy should carry these threats into execution, and if neutral nations, contrary to all expectation, should acquiesce in such usurpations, his majesty might probably be compelled, however reluctantly, to retaliate in his just defence, and to adopt, in regard to the commerce of neutral nations with his enemies, the same measures which those shall have permitted to be enforced against their commerce with his subjects. The commissioners of the United States will therefore feel, that at a moment when his majesty and all neutral nations are threatened with such an extension of the belligerent pretentions of his enemies, he cannot enter into the stipulations of the present treaty without an explanation from the U. States of their intention, or a reservation on the part of his majesty, in the case abovementioned, if it should occur.

The undersigned considering that the distance of the American government renders any immediate explanation on this subject impossible, and animated by a desire of forwarding the beneficial work in which they are engaged, are authorised by his majesty to conclude the treaty without delay. They proceed to the signature under the full persuasion that before the treaty shall be returned from America with the ratification of the U. States, the enemy will either have formally abandoned or tacitly relinquished his unjust pretensions, or that the government of the U. States, by its conduct or assurances, will have given security to his majesty that it will not submit to such innovation on the established system of maritime law: And the undersigned have presented this note from an anxious wish that it should be clearly understood on both sides, that without such an abandonment of the pretensions on the part of the enemy, or such assurance on such conduct on the part of the United States, his majesty will not consider himself bound by the present signature of his commissioners to ratify the treaty, or precluded from adopting such measures as may seem necessary for counteracting the designs of his enemy.

The undersigned cannot conclude without expressing their satisfaction at the prospect of accomplishing an object so important to the interests and friendly connections of both nations, and their just sense of the conciliatory disposition manifested by the commissioners of the United States during the whole course of the negociation.

(Signed) VASSALL HOLLAND,
AUCKLAND,

*London, December* 31, 1806.

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PHILADELPHIA, April 4.

ARRIVED, days

Ship Henry, Wilson, Havannah 20
Sugar, Molasses, &c.
Brig Marys, Eldridge, St. Jago 18
Hides, Coffee, &c.
Ship John and Alice, Taylor, Liverpool 35
Dry Goods
Sch'r Regulator, Blanchard, Passamaquody 12
Plaister
Schr. Gen. Green, Monk, Charleston 7
Rice Cotton &c.

Ship Henry of Salem, from Havanna. Left there the 16th ult. ship Hampden, for Newburyport in 15 days; ship General Hamilton, for Boston, in 3 days. brig Crocket, just arrived, 70 days from Bordeaux; schr. Eliza, of Norfolk—schr. Antelope, for Boston, in 5 days; schr. Industry, of Salem; schr. Fair Trader of do. schr. Eliza Tice, of Philadelphia, and others names not recollected. In lat. 28 long. 76, was boarded by his Britannic majesty's ship of war Indiana, examined and permitted to proceed.

Brig Mary's, Eldridge, from St. Jago de Cuba—Left there the 6th ult. brig Spring, of Saco, for Havanna next day. March 16th, off Great Tortudos, spoke schr. Pedee Experiment, 24 days from Charleston, bound to New-Orleans—in the Gulph stream was boarded from two ships of war, with troops, from Jamaica for New Providence—they advised capt. E not to note them in his log book, least he should be overhauled by a French privateer.

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CHARLESTON, March 23.

ARRIVED,

Ship Andromache, D'Wolf, Warren 10
Brig Brunswick, Campbell, Havana 7
Molasses.
Norfolk, Marsden, Trinity, (Mart.) 17
Sugar.
Lucy, Davis, Kingston, (Jam.) 22
rum and lemons.
Spanish sch. Diligence. Rodriques, Campeachy--logwood. 31

CLEARED.

Ship Portland, Callender, Philadelphia.
Brig Mary-Ann, Tombs, Georgetown.

Capt. Campbell sailed from Havana in co. with the ship Nickerson, Thompson, for New York; brig Hawk, Rouch, for ditto; and brig Polly, Gios, for this port; parted with the Nickerson and Hawk on the 19th inst. in lat. 28.

The brig Phœbe, Henning, 23 days from Demarara, bound to N. Y. put into Kingston, (Jam.) on the 28th ult. in distress.

The brig Commerce, Long, of this port, was lost on the 18th ult. on Point Yago, in the island of Cuba—the brig was on her passage from Gambia for Matanzas, with SLAVES—the crew and a part of the cargo, were fortunately saved, and arrived safe at Matanzas, attended with considerable expence.

The brig Tartar, Taylor, of this port, from Africa, is detained and carried into Barbados.

On the 19th inst. in lat. 31, 40. long. 75, capt. Marsden fell in with the brig Leander, of this port, having been risen upon by the slaves & the officers and crew, either thrown overboard or destroyed. When capt. M. fell in with her she had no white person on board; and the slaves were in the most wretched, starving condition; he put five of his crew on board; supplied with provisions, water, &c. and brought her into this port yesterday. She was immediately taken possession of by an officer of the customs, under the law prohibiting the importation of slaves. The Leander was last from Dominico, and was probably bound to some other port in the West-Indies, when she was risen upon by the slaves. She is the same vessel which was mentioned in the Courier some days since, as having been failen in with on the 29th ult. by a capt. Oellers, arrived at Philadelphia, and she has consequently been drifting about 19 days without a white person on board.—There are now about 54 slaves in the brig, and it is stated by those on board, that a Philadelphia vessel had taken out 7 of their number.

March 25.

ARRIVED,

Brig Polly, Gios, Havana
sugar and coffee,
John, Davis, Do.
molasses,
Sch'r Balina, Currier, Portland
Jane, Hammet, *Baltimore* 11
Connecticut, Wasson, N. York 6.

CLEARED,

Ship Charlotte, Littlefield, Providence, R. I.
John, Bullock, Do.
Brig South Carolina, Serrill, Philadelphia
Sch'r General Green, Monk, Do.
Danish sch'r Friendship, Place, Porto Rico.

FEDERAL GAZETTE
AND BALTIMORE DAILY ADVERTISER.

TUESDAY, *APRIL* 5.

(CIRCULAR.)

*Treasury Department, March* 29, 1808.

It has been represented that the hogsheads or casks necessary for the importation into the United States of rum, molasses, and some other articles from the West-Indies, cannot be obtained there. The president of the United States considering that the means absolutely requisite in order to carry into effect the 7th section of the act of the 12th inst. were implied in the power vested in him by that section, has directed that permission should be granted to export, in the vessels sailing in ballast, in conformity with the provisions of that section, either hogsheads, or the staves, hoops, and headings, wanted to make the necessary hoghsheads or casks.

The permission is to be limited to cases where the property to be imported requires it, and must not exceed the quantity absolutely necessary for the importation of such property. Bond is to be taken for the return of such hogsheads, or materials, or of an equavalent number of hogsheads or casks; and if the hogsheads shall be thus exported, they must be filled with water and examined by an inspector before the departure of the vessel.

I am very respectfully,
Sir, Your obedient servant,
(Signed)
ALBERT GALLATIN.

The Collector of

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The senate of the U. States have postponed till next December a bill authorizing the issuing of debentures in certain cases, where the conditions now required, have not been fulfiled in consequence of the yellow fever, the neglect of the custom house officers, &c.

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## APPOINTMENTS

*By the Governor and Council of Maryland, March*, 1808.

James A. Buchanan, lieut. col. 5th reg. Baltimore.

John Shrim, maj. of a battalion, do. do.

Thos. B. Dorsey, maj. do. 39th do. do.

William Drake, ens. of capt. William R. Smith's comp do. do.

John Lewis Wampler, captain, Michael Houbert, lieut. and Abraham Lerew, ensign, of a comp. do. do.

Henry Miller, captain, Joseph Miller, lieut. and John Oliver, ensign, do. do. do.

Nicholas S. Jones, captain, and Jacob Hutchins, ens. 27th reg. Balt.

Michael Warner, captain, William Krebs, lieut. and John H. Rogers, ensign of a comp. 51st reg. Balt.

Henry Amy, captain of a comp. do. do.

James Beatty, quarter-master, do. do.

James Mackall, ensign of captain Richard Graham's comp. 31st reg. Calvert.

Alfred Freeland, ens. of capt. William L. Weem's do. do. do.

James Duke, captain, John Broome, lieut. and John T. Laveille, ensign of a comp. do. do.

Thomas Reynolds, captain, John H. Chew, lieut. and James Reynolds, ens. do. do. do.

Richard Ireland, captain, Gilbert Smith, lieut. do. do. do.

Otho H. Williams, captain, Isaac S. White, 1st lieut. John S. Stull, 2d lieut. and George Beltzhoover, cornet, of a troop of horse attached to 2d brigade, Washington county.

John Harry, captain, John Conrod, lieut. and William Reynolds, ensign of a comp. 24th reg. Washington.

Archibald M. Waugh, lieut. of H. Lewis's comp. do. do.

George Harry, jun. ensign, do. do. do.

Upton Laurence, adjutant, 24th reg. Wash. county.

Joshua Hobbs, ensign, of captain James R. Blunt's company, 38th reg. Queen-Ann's county.

Thomas C. Earle, paymaster, do. do.

Robert Dawson, quarter master, do. do.

John S. Blake, captain, John P. Sparks, lieut. and Thomas Kent, ens. of a company, 35th reg. Queen-Anne's county.

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## CONGRESS.

[*TAKEN for the FEDERAL GAZETTE.*]

HOUSE OF REPRESENTATIVES,

April 4.

*Proceedings this day.*

*The Speaker* laid before the house a letter from the governor of N. Jersey, notifying that *Adam Boyd* had been elected a member of the house of representatives of the U. States, in the room of Ezra Darby, deceased.

Messrs. *Upham & Jenkins* obtained leave of absence for the remainder of the session, from Monday next.

Mr. *Key*, from the committee on the district of Columbia, to whom was referred a number of petitions from inhabitants of the said district, made a favorable report thereon. Ordered to lie on the table.

Mr. *Randolph*, from the select committee, reported "a bill making provision for ARMING THE WHOLE BODY OF THE MILITIA of the United States." Referred to a committee of the whole on Wednesday.

The bill authorising the raising of an additional army, was read the third time.

The ayes and noes were called for on its passage.

Mr. *Clopton* spoke at some length in favor of the bill. He said that although he was one of the 11 members who voted against an increase of the regular army in 1798, yet he considered the state of things now, as totally different from what it was then. Our circumstances now were truly momentous and awful; it was not a time to halt between two opinions. After suffering numerous injuries with the most unexampled forbearance, new grievances had been lately added to them, which if submitted to by us, would be drinking deeply of the cup of degradation: It was the general expectation that strong measures would be pursued. We should be amply prepared to meet and sustain the contest, no matter from what quarter the assailant came.

Mr. *Randolph* opposed the bill at great length. He had always been of opinion, and this was the doctrine of '98, that in times of danger our first reliance ought to be on the militia; but now it seemed things were to be reversed. In '98 we were at war with France; we captured her ships; and yet it was not then thought expedient, by those who held the opinion he now maintained, to increase the regular army. If he had the speeches delivered in '98, he would read that of the present secretary of the treasury on the subject. Mr. R. contended that there was not the smallest danger of invasion, either from England or France; and even if there was, these 6000 men would be of no use. The expence, too, he said, was a considerable object in the present state of the country, when there were many outgoings from the treasury, and nothing coming in: And instead of spending our money in buying epaulets and faced coats, it would be more proper to put arms in the hands of the great body of the militia, upon whom we should have ultimately to rely for defence and protection, and not upon men recruited in alehouses and tipling shops. With regard to the prejudices which were said to exist in favor of two particular nations, he hoped the people of this country would consider them as precisely on the same footing, unmixed with ancient recollections. He thought the idea of defending the whole line of our coast with 6000 men was altogether visionary.

Mr. *Howard* advocated the bill, particularly on account of the defenceless situation of our frontiers.

Mr. *Tronp* was in favor of the bill. He said that if we were to have a war with G. Britain, it was not probable it would be commenced by a formal declaration on her part. The Spanish frigates and Copenhagen had been attacked in the midst of friendly negociations. When the embargo began to press hard upon her colonies, she might attack us suddenly to procure food for them. He hoped the country would not be left undefended, because gentlemen happened to differ as to the mode of defence. Whatever might be said of the militia, in some sections of the union they were good for nothing, for want of discipline.

Mr. *D. R. Williams* opposed the bill with great warmth. He said that if these 6000 men could ride on the wings of the wind, and were furnished with the artillery of heaven, they would be of very little use in defending the country in case of an attack.