National Intelligencer.

& WASHINGTON ADVERTISER.

VOL. IX. | WASHINGTON CITY, PRINTED BY SAMUEL HARRISON SMITH, PENNSYLVANIA AVENUE. | NO. 126th.

FIVE DOLLARS PER ANNUM, | WEDNESDAY, NOVEMBER 23, 1808. | PAID IN ADVANCE.

(DOCUMENTS CONCLUDED.)

Copy of a letter from the hon. David M. Erskine, envoy extraordinary and minister plenipotentiary of his Britannic majesty, to the Secretary of State of the United States, dated WASHINGTON, *March* 12, 1807.

Sir—I am charged, by his majesty, to express to the government of the United States, his majesty's perfect confidence in their good sense and firmness, in resisting the unjust pretensions contained in the decree issued by the French government, at Berlin, on the 21st November, which, if suffered to take effect, must prove so destructive to the commerce of all neutral nations.

His majesty has learnt, that the measures, announced in this decree have already, in some instances, been carried into execution by the privateers of the enemy; and there could be no doubt that his majesty would have an indisputable right to exercise a just retaliation. Neutral nations cannot, indeed, expect that the king should suffer the commerce of his enemies to be carried on through them, whilst they submit to the prohibition which France has decreed against the commerce of his majesty's subjects. But though this right of retaliation would, unquestionably, accrue to his majesty, yet his majesty is unwilling, except in the last extremity, to have recourse to measures, which must prove so distressing to all nations not engaged in the war against France.

His majesty, therefore, with that forbearance and moderation, which have, at all times, distinguished his conduct, has determined, for the present, to confine himself to the exercise of the power given him by his decided naval superiority, in such a manner, only, as is authorised by the acknowledged principles of the law of nations, and has issued an order for preventing all commerce, from port to port, of his enemies: comprehending, in this order, not only the ports of France, but those of other nations, as, either in alliance with France, or subject to her dominion, have, by measures of active offence, or by the exclusion of British ships, taken a part in the present war.

His majesty feels an entire confidence, that the moderation and justice of this conduct will be duly appreciated by the United States, and has charged me to express to their government, in the strongest terms, the regret he has experienced in being thus compelled, in his own defence, to act in a manner which must prove, in some degree, embarrassing to the commerce of neutral nations, and his sincere desire to avoid any stronger measures; to which, however, if the injustice and aggressions of his enemies should not be resisted by those nations, whose rights and interests are invaded by so flagrant a violation of all public law, it may be ultimately necessary for the king to have recourse.

I have the honor to be, with great respect and consideration, sir, your most obedient humble servant,

(Signed) D. M. ERSKINE.

—

Mr. Madison, Secretary of State, in reply to the foregoing
March 20, 1807.

SIR,

I have laid before the President your letter of the 12th instant, communicating the views of his Britannic Majesty, in relation to the French decree of November 21, 1806, and to the principle of retaliation, through the commerce of neutrals, who may submit to the operation of that decree; as, also, the measure actually taken, of prohibiting all neutral commerce from port to port of his enemies, not only the ports of France, but those of such other nations, as, either in alliance with France, or subject to her dominion, have, by measures of active offence, or by the exclusion of British ships, taken a part in the present war.

The President cannot be insensible, sir, to the friendship and confidence towards the U. S. which are signified by his Britannic majesty in this communication. In making this acknowledgement, however, the President considers it not less incumbent on him, to reserve for a state of things which, it is hoped, will never occur, the right of discussing the legality of any particular measures, to which resort may be had, on a ground of retaliation. At this time, it would suffice to observe, that it remains to be more fully ascertained, in what sense the decree in question will be explained, and to what extent it will be carried into execution; and, consequently, whether in any case, the U. S. can be involved in questions concerning measures of retaliation, supposed to accrue to one belligerent from such a proceeding by another. But, it is worthy the justice and liberality of the British government, to recollect, that, within the period of those great events, which continue to agitate Europe, instances have occurred, in which the commerce of neutral nations, more especially of the U. S. has experienced the severest distresses from its own orders and measures, manifestly unauthorised by the law of nations. The respect which the U. S. owe to their neutral rights, and the interest they have in maintaining them, will always be sufficient pledges, that no culpable acquiescence, on their part, will render them accessary to the proceedings of one belligerent nation, thro' their rights of neutrality, against the commerce of its adversary.

With regard to the particular order issued against the trade of neutrals, from one port to another, of the enemies of G. Britain, no fair objection can lie against it, provided it be founded on, and enforced by actual blockades, as authorised by the law of nations. If, on the other hand, the order has reference, not to such a blockade, but to a supposed illegality of the neutral trade from one to another of the described ports, the remark is obvious, that on that supposition, the order is superfluous; the trade being, as interdicted by the law of nations, liable, at all times, without any such order, to the capture of British cruisers, and the condemnation of British courts; and, if not interdicted as such, by the law of nations, it can no otherwise be made illegal, than by a legal blockade of the ports comprehended in the order. This inference is applicable, even to the case of a neutral trade between the ports of France herself; since it is not a principle of the acknowledged law of nations, that neutrals may not trade from one to another port of the same belligerent nation. And it would be an innovation on that law, not before attempted, to extend the principle to a neutral trade, between ports of different countries, confessedly open in times of peace as well as of war.

If the British order refers for its basis to the principle of retaliation against the French decree, it falls under the observations already made on that subject, and which need not be repeated.

I have the honor to be, with great respect and consideration, sir, your most obedient,

(Signed) JAMES MADISON.
The Hon. D. M. Erskine.

—

From the same to the same.
March 29, 1807.

Sir,

Further reflection on the tenor and tendency of the order of his Britannic majesty, communicated by your letter of the 12th inst. which was answered by mine of the 20th, induces me to resume that important subject

From the difficulty of supposing that the order can have for its basis, either a legal blockade impossible to be extended to all the ports described in the order, or a supposed illegality of the trade between those ports, an illegality which has never been applied by the British government or its admiralty courts to an *accustomed* trade even between ports of the same belligerent nation, and is utterly at variance with the conduct of both in reference to a trade between a belligerent nation and its allies, a necessity seems to result of ascribing the orders to the policy of countervailing, through the commerce of neutrals, the French decree of the 21st Nov. last.

In this view of the order, it demands, on the part of the U. S. the most serious attention, both to its principle and to its operation.

With respect to its *principle*, it will not be contested, that a retaliation by one nation on its enemy which is to operate through the interest of a nation, not an enemy, essentially requires not only that the injury inflicted should be limited by the measure of injury sustained, but that every retaliating step, in such a case, should be preceded by an unreasonable failure of the neutral party, in some mode or other, to put an end to the inequality wrongfully produced.

Were it certain, therefore, that the French decree is to be enforced in the sense in which it is taken, and that in violation of the treaty between France and the U. S. the commerce of the latter will not be exempted, the British order being peremptory in its import and immediate in its execution, might justly be regarded by the U. S. as a proceeding equally premature and unfriendly.

But, in the uncertainty as to the real meaning of that decree; and whilst a presumption offered itself that the decree, if avowed and executed in an unlawful extent, might not embrace the commerce of the U. S. they are bound by justice to their interests, as well as by respect for their rights, to consider the British order as a ground for serious complaint and remonstrance.

Should it prove that the decree had not the meaning ascribed to it, and particularly should the respect of France for her treaties with the U. S. except their trade from the operation of the decree, the order of the British government will stand exposed to still severer comments. It will take the character of an original aggression, will furnish to the French government, a like ground with that assumed by itself for retaliating measures, and will derive a very unfavorable feature from the consideration, that it was a palpable infraction of a treaty just signed on the part of the British government, and expected, at the date of the order, to be speedily ratified on the part of the U. S.

The necessity of presenting the subject in its true light is strengthened by the *operation* which the British order will have on a vast proportion of the entire commerce of the United States. Not to dwell on the carrying branch of the commerce between the ports and countries of Europe, and which the immunity given to our flag, in consequence of treaties with the enemies of Great Britain, to British property, and not enjoyed by the property of her enemies, has hitherto been advantageous to Great Britain; and without enquiring into the effect of an application of the interdict to the other quarters of the globe, all of which are evidently within the comprehensive terms of the order, it cannot be overlooked, that the character and course of nearly the whole of the American commerce, with the ports of Europe, other than of Great Britain, will fall under the destructive operation of the order. It is well known that the cargoes exported from the United States frequently require that they be disposed of, partly at one market, and partly at another. The return cargoes are still more frequently collected at different ports, and not unfrequently, at ports different from those receiving the outward cargoes. In this circuitous voyage, generally consisting of several links, the interest of the undertakers materially requires, also, either a trade or a freightage between the ports visited in the circuit. To restrain the vessels of the United States, therefore, from this legitimate and customary mode of trading with the continent of Europe, as is contemplated by the orders, and to compel them, on one hand, to dispose of the whole of their cargoes at a port which may want but a part, and on the other hand, to seek the whole of their returns at the same port which may furnish but a part, or perhaps no part, of the articles wanted, would be a proceeding as ruinous to our commerce as contrary to our essential rights.

These observations which are made in conformity with the sentiments of the President, cannot fail, sir, to have the weight, with an enlightened and friendly government, to which they are entitled; and the President persuades himself, that the good effect of the truths which they disclose, will be seen in such measures as will remove all ground for dissatisfaction, and demonstrate on that side, the same sincere disposition to cultivate harmony and beneficial intercourse, as is felt and evinced by the United States and their government.

I have the honor to be, &c.

(Signed) JAMES MADISON.
The Hon. David M. Erskine,
&c. &c. &c.

COW LOST.

STRAYED from Kalorama on Rock-hill, near Washington, a Young new MILCH COW. Her head and neck are dark brown, sides spotted with white, hind legs and tail nearly all white. Artificial marks not remembered. Two dollars reward for certain information where she is, or Five dollars if returned to the above place.

FOR SALE,

At the same place a TEAM of Two good Horses and a Pair of stout young Oxen with their cart. Likewise two Dry Cows, three Calves 6 months old, and a few Sheep. The horses would serve well for a hack.

Enquire at this office.

November 23—3t

ATTENTION.

THE COMMISSIONED and NON-COMMISSIONED OFFICERS and PRIVATES of the 4th company of *Militia* commanded by capt. George Andrews, are requested to meet on *Wednesday* next at 3 o'clock P. M. at capt. CHARLES JONES'S, on business of importance. Punctual attendance is required.

GEORGE ANDREWS, Capt.

Washington city, Nov. 21—2t

FOR THE NATIONAL INTELLIGENCER.

I have read with considerable attention the new English pamphlet entitled, "Hints to both Parties," &c. It is understood to have been written by a member of the British House of Commons, very closely allied to the present administration. The writer's object is to prove that the superiority of the British at sea, authorises that government to enforce their orders in council to the utmost extent, and that it is the duty of the administration to permit no trade to be carried on except through the medium of a British port. He speaks most indignantly of the U. S. and of those persons in England who have defended the law of nations and the rights of neutrals. It is not my design at present to confute his reasoning, or to prove the falsity of his statements, I wish first that my fellow-citizens should know the opinions which the British government, and their partizans entertain of the stability of our constitution, the patriotism of our citizens, and the effects which a temporary delusion has produced. It may not however be improper to remark, that the writer of this pamphlet will entertain a different opinion of the citizens of the U. S. when he sees the President's message, and is informed of the result of our Congressional and Presidential elections. I forbear now to enlarge. Your paper is occupied with subjects of the utmost importance to the U. S. but I trust you will give the following remarks from the pamphlet alluded to an insertion, and if you should be able to allot me a portion of your paper, I may convince your readers that this writer is completely ignorant both of the patriotism and views of the citizens of this country.

EXTRACTS.

"Providence has ordained, that nations as well as individuals, should, in a certain degree, be dependent on each other: and the inhabitants of no country can be debarred from their accustomed commercial communications, without being deprived of many advantages and enjoyments. Society being thus constituted, the government that attacks the comfort and happiness of the people, by prohibiting this intercourse, alienates their affections, and consequently holds its authority by a very precarious tenure. When the late emperor Paul entered into the confederacy against Great Britain, his subjects were at once reduced to severe and general distress. Their hemp, their flax, their tallow, their ashes, their iron, their timber, all their great staple commodities, for the sale of which they depended on British purchasers, were left a dead weight upon their hands. If the produce of the land becomes of no value, the landlord may apply to his tenant for rent in vain. If the vassal can procure no employment, he can pay nothing to his lord. Thus the nobles, whose revenue is derived from the rent of their estates, and the labor of their vassals, found themselves involved in the calamity of their inferiors; and were led by common interest, to attempt that revolution, which cost the emperor his crown and his life.

"If any farther elucidation of the principle to which this event is ascribed were wanting, it promises to be found in the United States of America; where the cultivators of the soil are deprived of the fruits of their labors and the merchants of their commercial gains, by the present embargo. This forced state of things, cannot be of long continuance. Already have the Vermontese set the constituted authorities at defiance, and persist in carrying on their trade with the Canadians across lake Champlain, while the northern states manifest strong symptoms of discontent. Mr. Jefferson flattered himself, that if Great Britain, already excluded from all commercial intercourse with the continent of Europe by the decrees of Bonaparte, were likewise excluded from all intercourse with the United States of America by his embargo, she must yield to this combination against her manufactures and commerce; and concede those maritime rights, which she had claimed from time immemorial, and under all circumstances had uniformly refused to relinquish; but the exercise of which, Mr. Jefferson was pleased to term "her interpolations into the maritime code, operating upon her enemies, through the violated rights of neutrals." He has however the mortification of seeing, that Great Britain can withstand this shock unmoved.—Our manufacturers find employment, without orders for goods from the U. States of America. Our West India colonies are neither starving, nor in a state of revolt, as his partisans predicted they would be. Canada and Nova Scotia will soon be encouraged by the monopoly of the supply of the British West India islands, to raise a sufficient quantity of almost every article necessary for their use: and surely his majesty's ministers will be taught by the lesson they have now received, the wisdom of fostering this intercourse, so as to render our West India islands independent in future of the caprice of any foreign power, when by so doing, they will at the same time raise our much neglected provinces in North America, to that prosperity and importance which they are capable of attaining. While such is the state of Great Britain under the American embargo, France indeed feels her full share of those evils, which Mr. Jefferson expected to inflict on all the belligerent powers; she is suffering every possible privation from the want of neutral commerce; and her colonies are literally, according to his denunciation, "at once cut off from the sale of their productions, and the source of their supplies."—Privateers from Guadaloupe arrive in the ports of the United States, demanding supplies to save the inhabitants from famine. Gen. Ferrand sends Mr. Jefferson a deputation, stating that the city of St. Domingo must be abandoned, unless he furnishes it with provisions; and it remains to be seen whether he will violate his neutrality, by complying with these requests; abandon the system which he recommended as being founded on the most dignified and consummate policy; or risque a revolution, by persisting in his endeavors to enforce it.

"The public papers state that Bonaparte has lately intimated to the American minister, his willingness to rescind his decrees, if Great Britain will revoke her orders in council. This appears highly probable. Experience has at length taught him the mistaken policy of that system, from which he formed such sanguine expectations. He is farther aware, too, that now the state of affairs in Spain obliges him to withdraw his troops from the different ports of Europe, where they have hitherto been stationed as centinels to watch over the execution of his decrees, they will no longer be carried into effect. He wishes, therefore, to make a merit of conceding, what he cannot enforce; and to obtain advantageous terms, for the restoration of that intercourse with the continent, which Great Britain may soon expect to enjoy without any conditions. If such an overture has really been made it is to be hoped that his majesty's ministers, while they shew every disposition to conciliate America that is consistent with the paramount object of distressing the enemy; while indulgent to those high notions of independence which her sons have inherited from their British ancestors they modify some of the provisions of the orders in council, which are grating to their feelings; will not, by relaxing the rigor of their retaliatory measures, relieve Bonaparte from being made the victim of his own system, and take this modern Phalaris out of that brazen bull which he himself invented for the torment of others,

"From what has been adduced upon the subject of privations, it may be inferred that the attempts of other powers to injure Great Britain by pursuing this system, must be abortive. But it is not so with the same system adopted by G. Britain, in retaliation upon them. What they can only threaten, she can execute. While they can only partially restrict her commerce, her naval superiority gives her the means of annihilating theirs. The people thus reduced to misery and distress, will consider their rulers as the authors of their sufferings; and this sentiment once excited, will lead to revolt; through revolt to revolution; through revolution to a change of measures; and, ultimately, to peace.

"Let then the principle of the orders in council be strictly enforced. When the enemy feels the pressure of our retaliation and relaxes his decrees, we should reject, instead of admitting those commodities, by the sale of which he procures resources for the revenue, gives relief to his subjects, encourages them to the continuance of the war, and reconciles them to his authority."

Such are the sentiments of one of the most leading men in E[illegible]. From them every America[illegible] indignantly dissent; and I know [illegible] the patriotism of my fellow-citizens [illegible] perceive in these remarks an [illegible] al incentive to [illegible] fices which they [illegible] ced to make, in order to secure [illegible]