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Mr. WHITBREAD'S Speech in the British House of Commons—Concluded.

Lastly, the cause of her complaint was heightened by the affair of the Leopard and Chesapeake. He was extremely sorry to perceive, that the hon. gentleman, (Mr. Rose) he meant Mr. Rose, the ambassador, had left the House. He would allow that gentleman the credit of having disavowed that affair to be at the suggestion of his Majesty's ministers. But here he must say, the propriety began and here it also ended.—Mr. Rose informed Mr. Madison, that he could not come to any eeclaircisement on the subject, unless the American proclamation with regard to it was revoked. It was impossible America should act thus, as the aggression was on the part of this country. The hon. member begged that the House would turn to the correspondence between Mr. Madison and Mr. Rose, lying on the table, and they would find that Mr. Madison only required of Mr. Rose to unfold the terms of accommodation, and the matter would be brought to a determination. He would ask, could any offer be more fair and particularly so on the part of the injured and insulted party. The pre-eminence which we claimed, put him in mind of the conduct of Louis XIVth, to the Doge of Venice, who insisted on absolute humiliation. When the Speaker of the Commons, and the Lord Chancellor went to present an address to his Majesty, they amicably measured their paces together, and disputed not on precedence, *(a laugh).* In the case of America he did not perceive any reason why the same amicable equality should not exist. He remembered hearing of a dispute on the Continent, where four ambassadors entered into a contention on the precedence of entry into the audience chamber; it was happily terminated by the separate entrance of each to the chamber through four doors. Mr. Rose acted in a contrary manner, he would enter at neither, *(a laugh).* In an affair of such extreme delicacy, he could not see that it was a trifling matter for ministers to cover Admiral BERKELEY, the agent in the matter, with the shield of their sanction—That the case was so, was evident, (said the honorable gentleman), in the immediate command which was given him in another quarter—the West Indies. After a wish was expressed, that the affair of the Chesapeake should be considered in a distinct light, he could not suppress his amazement at the right hon. gentleman finding fault with Mr. Pinkney for not having mentioned it. He ridiculed the idea of the Chancellor of the Exchequer going forth to combat France, like the poisonous Upa with his Bark Bill. He would now proceed to the more immediate subject of the present debate. The preamble of the order in council of the 11th of November assumed, that America had acquiesced in the decrees of France; an assumption, which subsequent events had proved to be false. As false was the assertion, that the orders in council were in no degree known in America before the laying on of the embargo. Their substance was known, although it certainly was a great insult to the American government, that our ambassador, who sailed for America on the 12th of November, was not instructed to take with him a copy of the order in council of the preceding day, for the information of the American government. The conduct of America had been most impartial with respect to France and England. Had we been wise we should have rescinded our orders in council, and the consequence would have been, that America would have continued the embargo towards France, but not towards England; and that ultimately she would probably have become the ally of England against France. Instead of having taken that step, we demanded of America, that which it was impossible for her to do; namely, to compel Bonaparte to abandon the Berlin decree. He considered the decrees of France as so many *ruses de guerre*, to entrap us to our destruction, an attempt which seemed but too likely to succeed. Adverting to the correspondence that had passed on the subject, between the right hon. the Secretary for Foreign Affairs, and Mr. Pinkney, he reprobated the style in which the notes of the former were couched. They reminded him of what he had heard called that right hon. gentleman's storms of eloquence in that House. Storms they certainly were. His speeches exhibited great coruscations of genius, and abounded with brilliant and vivid lights; but they also possessed other ingredients of the storm—clouds and vapors and wind. Imperious as was in general the tone of that right hon. gentleman, he had complained of the tone of Mr. Madison's letters! Like Sir Anthony Absolute in the play, he exclaimed "Why do you put yourself in a passion?—Why are you not as cool as I am?" And this in a manner that indicated at least as much warmth as his adversary. The style of the right hon. gentleman's diplomacy was most unjustifiably sarcastic, and most unbecoming a dignified statesman. When compared with that of Mr. Madison the inferiority was most evident.—Much had been said of the retaliation which the orders of council would effect. That that retaliation had fallen on ourselves we need only look at the state of our own manufactures, and of our West India colonies, to be convinced. He had hoped, that the motion which he should submit to the House would have been rendered unnecessary. He had heard reports that some conciliatory propositions had been very recently made by the British government to America. If this were so, he would make a bonfire of his papers, and rejoice. All that he wished was, that this country should make those concessions alone to America, which were compatible with our true dignity. If the British government obstinately refused to concede that which he contended they ought to concede, the ultimate result in all probability would be war between Great Britain and America. This was an event which some might perhaps contemplate with satisfaction. The American character was not popular in this country. He asked what would be the security of our islands, as well as of Canada, New Brunswick, and Nova Scotia, should a war with America take place? We should probably lose the whole of our continental and insular possessions. He ridiculed the attempt made to take Martinique, which turned out to be only a *reconnoissance*, and compared it to the unfortunate expedition to Ferrol. At a time when it was probable France would have so many naval countries at her disposal, it was most imprudent to add America to the list of our enemies. The greatness of England was in a considerable degree factitious. It resulted from our commerce; and if that commerce were destroyed, the country would go with it; at least it could not continue to be a very great power. He instanced General Washington and Dr. Franklin to prove, that the American character was very much undervalued in England, and quoted a valedictory address of the former, in which he exhorted his countrymen to the strict observance of justice and good faith. After having dwelt for a considerable time on this and similar subjects, the hon. gentleman concluded by moving an humble address to his Majesty, recapitulating the various topics of his speech, praying his Majesty to adopt without delay such conciliatory measures as would renew the amicable relations between Great Britain and America, and at the same time assuring his Majesty, that the House will firmly support his Majesty in the maintenance of the essential rights of the country.

The following are the propositions offered by Mr. WHITBREAD at the close of his speech.

That an humble address be presented to his majesty, humbly to represent to his majesty, that in consequence of certain decrees made by his majesty's enemies, contrary to the usages of war and the rights of neutral nations, and also in consequence of the alleged acquiescence of neutral nations in the said decrees, his majesty was advised to issue certain orders in council respecting the trade with neutrals, to and from the ports and countries of his majesty's enemies; and that the said orders were further enforced by certain acts passed in the last session, in parliament.

But that both in the said orders, and the acts passed thereon, a power was reserved to his majesty of annulling the same, wherever such revocation should appear expedient.

That the Congress of the U. States of America, alarmed at the dangers to which neutral commerce was exposed by the practical operation of the said decrees, and by the system then known to be in the contemplation of his majesty's government, and actually carried into effect by the said orders, passed laws for laying an embargo on all American ships and exports; and that by the operation of such laws, all trade of export from the said states into this kingdom or its dependencies has been prohibited, and the commercial intercourse of his majesty's subjects with the said states, has been in other respects essentially impeded.

That in the month of August last the minister of the U. States, resident at this court, made to his majesty's government an authorised and explicit offer of re-establishing the said intercourse; proposing, that if his majesty's orders in council should be repealed as far as regarded the U. S. the embargo imposed in the said states should be removed as far as regarded his majesty's dominions; and adding, that if his majesty's enemies should not rescind their decrees, the said embargo should be continued with respect to them.

That this offer on the part of the U. States appears to be just in principle, and in its tendency highly advantageous to the best interests of this country; just, inasmuch as it removed all pretence to the acquiescence of the U. States in the French decrees; which acquiescence was the only ground on which any right could accrue to his majesty, to interrupt the innocent commerce of a neutral power; and advantageous to G. Britain, inasmuch as, though it should have produced the repeal of the French decrees, (the avowed purpose of his majesty's orders,) it would have secured to this country the exclusive commerce of America, and her alliance against a power which would thus have been the common enemy of both.

That we believe and hope that it is still open to his majesty's government to renew, on the basis of this proposal, the commercial intercourse between this country and the U. States; every interruption of which we consider as manifestly injurious to the interest of both countries, and calculated to assist the designs of our enemies, and to weaken our own resources.

That we therefore most humbly pray his majesty to adopt, without delay, such measures as may best tend to the immediate re-establishment of the commercial intercourse between his majestys's dominions and the U. States of America; and to bring, by temperate and conciliatory negociation, all other points to a just and amicable conclusion, assuring his majesty of our firm and invariable support in maintaining against every unjust aggression, and every novel claim, the ancient and essential maritime rights of his majesty's crown.

COMMUNICATIONS

FROM THE LATE PRESIDENT ADAMS.

CORRESPONDENCE, relative to the TREATY with FRANCE.
(Continued.)

To the Printers of the Boston Patriot.

SIRS,

The institution of an Embassy to France in 1799, was made upon principle, and in conformity to a system of foreign affairs, formed upon long deliberation, established in my mind, and amply opened, explained and supported in Congress, that is a system of eternal neutrality, if possible, in all the wars of Europe, at least eighteen years before President Washington's proclamation of neutrality in 1794. For the truth of the antiquity of the system, I appeal to Judge CHASE, who made the first motion in Congress for entering into foreign relations. This motion was made in concert with me, and was seconded by me. If I am incorrect in any circumstance, that gentleman can set me right. And here I feel a pride in acknowledging that perhaps no two members of Congress were at time upon more intimate terms. We flickered, disputed, and wrangled in public and private, but always with a species of good humor that never was suffered to diminish the confidence esteem or affection of either in the other. I have long wished for a fair opportunity of transmitting to posterity my humble testimony to the virtues and talents of that able and upright magistrate and statesmen.

Our system was to form treaties of commerce with France, Spain, Holland, and all the other nations of Europe, even with England herself, upon a footing of entire equality; but by no means to form any political or military connections with any power in Europe, or engage in any hostilities against any, unless driven to them by necessity to support our independence and honor, or our just and necessary interests. In what manner and by whose means this plan has ever been abandoned in any degree, I could detail from step to step, but it would require a volume, and is not necessary here. It has never been forgotten by me, but the rectitude and wisdom of it has been confirmed by every year's and day's experience from 1776 to 1799, and indeed to 1809.

This introduction will be called pompous, no doubt, and it will be thought an astonishing instance of the bathos, to descend from Judge Chase to Mr. Logan, but my plan requires it.

With this system clear in my head, and deeply impressed upon my heart, it was with the utmost reluctance that I found myself under a necessity, in 1798, of having recourse to hostilities against France. But the conduct of that government had been so unjust, arbitrary and insolent, as to become intolerable. I therefore animated this nation to war; determined however to listen, to every proposal, and embrace the first opportunity to restore peace, whenever it could be done consistently with the honor or interest of the country. In this spirit I gave all due attention and consideration to General Washington's and Mr. Barlow's letter: nor was I wholly inattentive to a multitude of other circumstances, some of which shall be mentioned.

Perhaps at no period of our connection with France has there ever been such a flood of private letters from that country to this, as in the winter of 1798 and 1799. The contents of many of them were directly or indirectly communicated to me. They were all in a similar strain with that of Mr. Barlow, that the French government had changed their ground, and sincerely disposed to negociation and accommodation. I will instance only two. Mr. Codman of Boston wrote largely and explicitly to his friends to the same purpose, and his worthy brother, the late Mr. John Codman of Boston, not only communicated to me the substance of his brother's letters but thanked me in warm terms, for opening a negociation and added that every true friend of this country who was not poisoned with party spirit, would thank me for it & support me in it. Mr. Nathaniel Cutting, a Consul in France under President Washington's appointment, and a sensible man, wrote almost as largely as Mr. Barlow, and to the same effect.

I shall conclnde this letter with another anectode. Mr. Logan, of Philadelphia, a gentleman of fortune and education, and certainly not destitute of abilities, who had for several years been a member of the Legislature of Pennsylvania, and has been since been a Senator of the United States though I knew he had been one of the old constitutional party in that state, and a zealous disciple of that democratical school, which has propagated many errors in America, and, perhaps, many tragical catastrophes in Europe, went to France, either with the pretext or the real design of improving his knowledge in agriculture and seeing the practice of it in that country. I had no reason to believe him a corrupt character or deficient in memory or veracity—After his return, he called upon me, and in a polite and respectful manner informed me that he had been honored with conversations with Talleyrand who had been well acquainted with me and repeatly entertained at my house, and now visited me at his request to express to me the desire of the Directory, as well as his own, to accommodate all disputes with America, and to forgot all that was past; to request me to send a minister from America, or to give credentials to some one already in Europe, to treat; and to assure me that my minister should be received and all disputes accommodated in a manner that would be satisfactory to me and my country. I knew the magical words, democrat and jacobin, were enough to destroy the credibility of any witness with some people. But not so with me. I saw marks of candor and sincerity in this relation that convinced me of its truth.

But the testimonies of Mr. Codman, Mr. Cutting, Mr. Barlow, and Mr. Logan, and all other private communications, though they might convince my own mind, would have had no influence to dispose me to nominate a minister, if I had not received authentic, regular, official, diplomatic assurances, which may be sent you in another letter. JOHN ADAMS.

Quincy, April, 1809

(To be continued.)

Philadelphia, April 26,

OLMSTEAD'S CASE.

The following opinion on the writ of Habeas Corpus, issued to the Marshal of the District, to bring up Mrs. Sergeant, was delivered by *Chief Justice Tilghman*, on Wednesday the 19th inst.

Habeas Corpus to produce the body of Elizabeth Sergeant.

COMMONWEALTH

against

JOHN SMITH, *Marshal of the United States, of the district of Pennsylvania.*

IT appears by the return of the marshal to the Habeas Corpus, in this case, that he arrested and detained Mrs. Sergeant, in obedience to a writ of attachment from the District Court of the United States, issued by the judge of that Court, in consequence of a peremptory Mandamus from the Supreme Court of the United States. The sentence in the district court was founded on a libel filed by Gideon Olmstead and three others, against the said Elizabeth Sergeant, and Esther Waters, surviving executrixes of David Rittenhouse, deceased, for the purpose of carrying into effect a decree of the Court of Appeals, in Admiralty cases, established by the Congress of the United States, before the adoption either of our present Federal Constitution, or of the articles of Confederation of 1st of March, 1781. This decree of the Court of Appeals has been the subject of long and unpleasant litigation, between the United States and the state of Pennsylvania. Strong feelings have been excited; opinions taken up in warmth have been supported with violence. Whatever decision, therefore, I may make, on the points now brought before me, I must suppose that many persons will be displeased with it. But I should be unworthy of my station, if I suffered myself to be influenced by that consideration. I have not flattered myself with the vain, I had almost said the guilty hope, of pleasing all men or all parties. I must endeavor to secure the approbation of my own conscience, and trust to Providence for the rest.

The facts which have been laid before me, are substantially as follows: On the 14th September, 1778, Thomas Houston, commander of the state of Pennsylvania's Brigantine of War, "*The Convention*" filed a libel, as well for himself, his officers, mariners and seamen, as for said state, against the British sloop, "*the Active*," and her cargo, in the court of admiralty of the state of Pennsylvania. On the 19th October, 1778, Gideon Olmstead and his associates filed their claim in the same court, praying that Houston's bill might be dismissed, and the Active and her cargo condemned as prize for the sole benefit of the claimants.—The cause was tried before Judge Ross, who, in pursuance of the verdict of the jury, decreed that the Active and her cargo should be sold, and the proceeds distributed between the litigating parties, in the proportions mentioned in his decree. From this decree Olmstead and his associates appealed to the Committee of Appeals, appointed by Congress, by their resolutions, in 1777—In December, 1778, the cause was brought before the Court of Appeals, who on the 15th of that month pronounced their definitive decree, by which they reversed the de-