National Intelligencer.

& WASHINGTON ADVERTISER

VOL. X. WASHINGTON CITY, PRINTED BY SAMUEL HARRISON SMITH, PENNSYLVANIA AVENUE. NO 1419.

FIVE DOLLARS PER ANNUM, MONDAY, NOVEMBER 13, 1809. PAID IN ADVANCE.

[BY AUTHORITY.]

An act to prevent Swine from going at large and for other purposes.

SEC. 1. BE *it enacted by the First and Second Chambers of the City Council of Washington,* That from and after the first day of January next, it shall not be lawful, for any person or persons whatsoever to raise or keep any Hogs or Swine, except in enclosures, within any part of this city, south of Massachusetts avenue; and if any Hog or Hogs or any Swine shall be found going or remaining at large in any part of this city, south of Massachusetts avenue, it shall and may be lawful for any Constable or any other person whatsoever, to seize or carry the same to some one of the Clerks of the Markets, who shall receive the same and at the ensuing market sell the same by Auction, and pay one half of the proceeds of such sale, to the person so seizing and delivering the same, and the other half to the Treasurer of the City for the use of the Corporation.

SEC. 2. *And be it further enacted,* That from and after the first day of January next, it shall not be lawful for any person or persons whatsoever, to clean fish, or to throw the scales, heads or guts of any fish, in the streets or on any open unenclosed ground in this city, without burying the same in twelve hours thereafter, under the penalty of Ten Dollars, to be recovered before any magistrate from any person so offending, one half to go to the informer and the other half to the use of the Corporation.

SEC 3 *And be it further enacted,* That from and after the first day of January next, the owner or owners of every horse, cow, ox or other animal, that shall be found dead in any of the streets or on any open unenclosed ground in this City shall be obliged to bury or remove the same from view on being notified thereof, and if the owner or owners thereof do not bury or remove such nuisance within twenty-four hours after being notified as aforesaid, he or they shall incur the penalty of Twenty Dollars, to be recovered before any magistrate, one half to go to the informer, and the other to the use of the Corporation.

SEC. 4. *And be it further enacted,* That all parts of former acts passed by the City Council, which are inconsistent with the provisions of this act, be, and the same are hereby repealed.

SAML. N. SMALLWOOD,
President of the First Chamber.
DANL. RAPINE,
President of the Second Chamber.
APPROVED, October 27, 1809.
ROBERT BRENT, MAYOR.

The following lucid and conclusive statement is extracted from the Aurora. Never has atrocious calumny received a more overwhelming refutation.

FROM THE AURORA.

Paris, 19th September, 1809.

Sir,

On looking over the files of some American journals, (brought by the Wasp sloop of war) I find that several charges have been publicly made and circulated against the minister of the U. States (gen. Armstrong), by certain sea-faring men, which, being to my knowledge utterly destitute of truth, require from me some degree of notice.

1st. A person by the name of Hopkins is made to assert that, *gen. Armstrong refused to give him a passport, unless he (Hopkins) should previously pay therefor, ten or twelve francs, and that the general gave an order to this effect to his secretary in the presence of Hopkins.* On this subject I offer the following deposition, viz:

Having been secretary to gen. Armstrong at the time Hopkins was in Paris, and having been specially charged by him with the giving of passports, I do solemnly swear on the Holy Evangelists of Almighty God, that no such order in relation to Hopkins, or any other person, ever was given to me by the said minister; and farther, that the rule prescribed by him and observed by me, in *all cases,* was to give *passports* and *other official acts gratis.*

DAVID BAILIE WARDEN.

Sworn and subscribed before me,
Consul of the U. States for the district of Antwerp, this 18th day of September, 1809.
J. RIDGWAY.

The aforesaid Hopkins is also made to declare (on the authority of captain William Nichols) that, *when he (Nichols) called on the minister to inform him that Capt. Waterman, whose ship had been burnt at sea, was near Paris and on his way to Arras prison that the general refused to interfere for, or in any way to assist, the said Waterman.*

Had Mr. Nichols made this assertion, there would be no difficulty in shewing it to be a most wicked and impudent falsehood (as will be seen hereafter) but the original letter from Nichols written to a friend at Paris, and which I send herewith, will prove, that his name has been employed on this occasion in a way equally remote from his wishes and from the truth.

(EXTRACT.)

Amsterdam, July 5, 1809.

Dear Sir,

Yours of the 8th and 29th of June, have come to hand. I was very much surprised that Hopkins should take the liberty of making use of my name. I don't remember of having any conversation with Hopkins concerning gen. Armstrong. If I had, I am confident I said nothing disrespectful of his excellency. There is no American that has taken part in favor of the general more than I have. Hopkins I knew protested against Gen. Armstrong before he left Paris. *Palmer* I do not know.

(Signed) WM NICHOLS.

2d. John Wyle, mate of the *Two Brothers,* in a letter addressed to Mes. Hathaway and Russel, merchants of New York, and dated the 18th April, 1809, says, that *he and others having been made prisoners at Charente, were marched to Arras; and that he frequently applied to general Armstrong for relief, but that he would not even answer their letters.*

3d. Isaac Doolittle, mate of the *ship Neptune,* of Portland, Massachusetts, and who like *Wyle,* had been arrested at Charente, and marched to Arras, in a letter published by Coleman, in his Evening Post of August the 9th, complains in nearly the same style with Wyle, but admits that gen. Armstrong *did answer his first letter.*

These papers, if genuine, exhibit the very worst side of human nature; falsehood and hypocrisy; and in support of this opinion, I send you the letters enclosed and marked, No. 1, 2, & 3. No. 1 is the joint letter of Doolittle, Wyle, Taubman, and Capping. No. 2, is the separate letter of Wyle, and No. 3 is the private letter of Doolittle to his father and mother; which, after using, you will be good enough to forward to New-Haven.

(No. I.)

Arras, September 10, 1809.

GEN. ARMSTRONG—

Sir,

We received your esteemed favor of the 1st, and beg leave to communicate to you our most sincere thanks for your kind interposition in our behalf, which we cannot but hope will have the desired effect. The departure of the last detachment from this depot, is fortunately postponed until further orders, which we hope will be a sufficient length of time for your excellency's application to meet a decision.*

Mr. Hamilton Smith, late mate of the American ship Nancy, who was brought here as a prisoner on the evening of the 9th ult. finding nothing but a long march and hunger before his eyes, has entered for a privateer and left this depot yesterday; whether he has been too hasty or not, your excellency will be the best judge.

According to your excellency's offer, we send the enclosed to be forwarded to America, begging you will do us the honor to believe that we feel sentiments of thankfulness which we cannot express.

(Signed) ISAAC DOOLITTLE,
JOHN WYLE,
JOHN TAUBMAN,
THOS. COPPING.

(No. II.)

(same date.)

SIR—I return you my sincere thanks for the kind attentions you have paid to me and the rest of my countrymen in our our great extremity—I being fully convinced that your excellency was well disposed to do what lay in your power to obtain my liberty when opportunity offered; I have communicated all this to my friends, by letters under care of Mr. and Mrs. Cubb, who left here for the U. States. They informed me that they would deliver the letters themselves, which I have no doubt but they will, therefore I think a repetition of the same grievances would be wearisome to them. Therefore, I defer writing, hoping through your excellency's solicitations, to have a personal interview with them in a short time, which will produce the long wished for moment, that is a happy sight of my friends & country, where slavery and oppression do not exist, after two years absence, the first time was spent embargoed in Holland, the latter part a captive in France.

(Signed) JOHN WYLE.

(No III.)

Arras, Sept 15, 1809.

Dear Parents,—His excellency general Armstrong, (who has kindly offered to forward this) has made application for our release, which I doubt not would have been granted long before this, had it not been for the convulsed state of Holland, & indeed all Europe, for a few months past; but I hope this political squall will soon blow over, & we be blest with a moderate breeze to drive us out of this country. His excellency has also offered to become responsible to the minister at war for our good conduct, in order to obtain for us some privileges, which we could not otherwise enjoy, and should we be base enough to abuse the confidence placed in us, I hope we may be branded with a name more infamous than Arnold, be punished with a confinement more rigorous than baron Trenk, and be no longer considered as Americans.

(Signed) ISAAC DOOLITTLE, Jr.

Will Mr. Coleman say, after reading these letters, that general Armstrong has treated these men with harshness, contempt, or inhumanity? The fact is just the reverse. To them in particular, he has rendered all the service in his power—having done every thing for them, but give them public money; and having even become responsible for them to the French government. And why, Mr. Coleman may ask, refuse to give them public money also? For the best reason in the world—because the laws of his country did not permit him to do so. If these men came under the legal description of *distressed seamen,* their wants were to be supplied by some consular agent; if they did not, the minister could not pay money appropriated to an object other and different from that prescribed by law; and that these men did not come under this description, is as evident as noonday. This leads me to shew, what both these letter writers have omited in the history of their wrongs, viz that they were confined not as prisoners of war, but as *persons convicted of being engaged in an illicit trade.* To put this matter beyond the reach of Coleman, I offer the following extracts from the judicial proceedings of the council of prizes:

EXTRACTS.

The American ship Two Brothers, seized at Charante the 14th October, 1808, on the denunciation of two of the crew, who declared, that she had come from Yarmouth in England. Five others of the sailors afterwards confirmed this declaration.

Sentence of the council 21st June 1809:—That whereas, the capt.—— Gardnear, & second captain, or mate, J. Wyle, have made a false declaration on entry at the custom house—The said captain and mate, &c. are sentenced to pay to the state the fine of 7000 francs, and to be imprisoned till this fine is paid.

Ship Neptune, of Portland, &c.

Sentence of the council:—That the captain mate and crew, having made a false declaration, as aforesaid, be condemned to pay to the state, a fine of 12,000 francs, and remain in prison till the fine is paid.

Conformable to the original minute.

DAVID BAILIE WARDEN,
Consul and agent of prize causes.
Paris, 19th Sept. 1809.

I now ask any reasonable and honest man, whether gen. Armstrong would have been justified in putting his hand into the public coffers & taking therefrom to pay fines for, or to give subsistence to 30 or 40 men convicted in a court of law, in the fullest manner, of having made *false declarations on entry at a national custom house?* I am aware that according to the morality of some men, custom-house oaths and declarations of all kinds go for nothing but I write not to satisfy such men; my appeal is made to men both honest and reasonable, and I am sure that in despite of party, all such will approve the general's conduct.

4th. The only remaining misrepresentation that I have seen is that of *Laban Folger, late captain of the Acorn* published in the Evening Post of July the 5th, 1809.

Before I close this paper, I shall submit the substance of a legal document which will shew the degree of credit to which capt. Folger is entitled—and in the mean time will state as briefly as I can, the business in which Folger was engaged, the occasion which brough him to Paris, and the conversation which really passed between him and general Armstrong.

1st. As to his business, this was the honorable employment of running between the two shores of the British channel; a smuggler on the one side, and a trader under a British licence on the other. For the truth of this representation, I appeal to Mr. S. Williams, merchant of London, and formerly American consul there. This gentleman knows the fact, and has too much honor to deny it.

2d Folger having returned to France in the spring of 1808, hired himself and vessel to carry the Spanish consul at the port of St. Maloes to the Havanna with his family, (his uncle being the governor or intendant of that island.) Getting however, a cargo of wheat, and wishing to prosecute his old trade, he refused to fulfil his contract with the Spaniard. After much private altercation at St. Maloes, they agreed to come to Paris and have their controversies settled by the American minister. General Armstrong, not conceiving that he had any thing to do with the business, dismissed them and it, with an advice, that, "*as they both appeared to have secrets, they had better settle the dispute amicably and by themselves.*" This was the amount of the first conversation. The Sunday following, these men came a second time to the general's hotel, and being told by the porter, that he was walking with his family in the garden of the Luxembourg, they followed him thither, and finding him on one of the walks, began an altercation in a language and tone which soon attracted a crowd about them. This was not much to the general's taste, and to put an end to the business, and to do what he thought justice at the some time, he observed to Folger, that the game he was playing, to say the least of it, was very hazardous.—"What" said he, "would be your situation were this man to inform against you? Besides, do you make no account of your contract and of the injury you may do him by defeating or deranging his voyage? My advice to you, therefore, is, to fulfil your engagements; to be an honest man." Folger answered, that as to his contract, he did not deny it—but that he could not fulfil it; that his British licence made him good prize if he passed the channel's mouth to the westward, and that if he went beyond it, he certainly would be captured; and as to his informing against me, he said, "I hope if he does, that I have a minister here who will soon get me out of their clutches;" "in this you are wrong," the general replied, "I never will interfere for a scoundrel, who violates at once public laws and private engagements." I need not add, that the conversation ended here. Mr. Folger immediatly left the general, and as appears from his own narrative, repaired to Mr. Skipwith's, where he found Aaron Vail and T. C. Barnet, who, after giving him one article of their creed, and a piece of good advice with it, proceeded to illustrate both, by the following story, viz. That, "an American ship commanded by —— *Waterman,* having been burnt at sea, the captain and crew passed near Paris, on their way to Verdun or Arras, and that general Armstrong had refused to afford them the least assistance." Now, whether it be true or false, that Messrs. Vail and Barnet told captain Folger this falshood, it is necessary that it be refuted; and for this purpose I offer to you the deposition of Mr. Deville, a clerk in Gen. Armstrong's office, who was sent by him to see capt. Waterman, and to give him 300 livres (tournois) or 12 louis and a half, which capt. Waterman received, as he ought, with many expressions of gratitude.

DEPOSITION.

I do swear on the Holy Evangelists of Almighty God, that some time in the summer of the year 1808, Gen. Armstrong being informed that capt. Waterman, whose ship had been burnt at sea, was at St. Dennis on his way to Arras, and in want of money to render his journey comfortable, sent me thither with the sum of 300 livres (tournois) and directions to pay the same to capt. Waterman; that I accordingly did go to the prison of St. Dennis, and found capt. Waterman & paid to him the aforesaid money, taking from him a receipt for the same; and farther, that the said Waterman expressed much gratitude to general Armstrong for this seasonable and humane supply.

DEVILLE.

Swore and subscribed before me,
David Bailie Warden, Consul,
&c. &c.

After having shewn how far Mr. Folger has departed from the truth in that part of his narrative which relates to Gen. Armstrong, it is almost unnecessary to say any thing of the other parts of it, were it not to prevent some honest people of the U. S. from putting any confidence in this man's declarations hereafter, and for this purpose I send an authenticated copy of the facts as they appeared in evidence before the council of prizes, to be used by you as you think proper, and from which I make the following extract:

Laban Folger made a voyage to Petersburgh in the service of a French merchant at Cherburgh, of the name of Liais, and so much to his satisfaction, that he engaged him in another enterprize to the north. This was to carry to Bergen (in Norway) a cargo of provisions, and exchange them against one of planks, iron, &c. Folger sailed accordingly on the 3d of Dec. 1807, from the port of Cherbourg; but instead of going to Bergen, in Norway, agreeably to his charter party, he went into the English island of *Guernsey,* where he sold his cargo. On the 15th of March, 1808, Folger entered the port of St. Maloes, and declared at the custom house that he had gone to Bergen in Norway, in Dec. 1807, with a cargo of leather, wine, &c. that he had made his voyage in *six days,* and that his return voyage had been performed in the *same time,* and from the same place, &c. &c. Nothing appearing irregular about the Acorn, she was permitted to load again. While Folger was thus deceiving the custom house, he had a similar game to play with his employer Mr. Liais. The account he gave of himself to Liais, was, that his crew had risen upon him in the channel, and had forced him out of his intended voyage, but that after many shifts, &c. he had placed Liais' interests in the hands of Mr. Samuel Williams of London, and would draw bills on him for the amount. He accordingly drew bills on Williams, but the bills being returned protested, and Liais being determined to push him for the amount, Mr. Folger took flight, not from the French custom house, nor from the French police, as he has falsely asserted, but from his lawful and acknowledged creditor.

It was only now that a suspicion of the truth of Folger's declaration on entry at the custom house, in March, 1808, commenced. The prefect of the department, becoming the correspondent of Mr. Liais, got from him the abovementioned facts. The ship was now seized, and the papers, &c. sent to the council of prizes. Among these was a letter from Samuel Williams, ci devant consul of the U. S. at London, dated from Boston, the 14th May, 1808, and addressed to Mr. Laban Folger, which, as the false date was established, became proof, with other papers, that the former cargo of the Acorn was sold at Guernsey. The council therefore proceeded to judgment, and sentenced Laban Folger to a fine of 8500 francs for a *false declaration,* and the four sailors who had joined him in making this declaration, to a fine of 500 francs each.

This judgment was given on the 23d August, 1809.

I enclose this detail, by offering to you the assurance of my respect.

DAVID BAILIE WARDEN,
Editor of the Aurora, Philadelphia.

The process verbal on Folger's case, is in possession, and shall be published if necessary.

Proceeding of the Conservative Senate of France—concluded from our last.

The reading of this report being terminated, the senate immediately appointed a committee of five members, charged to make as soon as possible a report concerning the object of the communications made to the senate by the prince arch chancellor.

This committee was formed of the senators Lacepede, Serrurier, Germain, Garnier, Laplace and Fouche.

The senate adjourned the report of their committee to the next day.

On the 15th, at ten o'clock in the morning, the senate again met. The senator Lacepede, the organ of the committee, appointed in the sitting of the 14th, proposed to the assembly to proclaim the sentiments of the French people by an address to be presented to his majesty the emperor and king.

This proposition having been adopted by the senate, the reporter in consequence submitted to the assembly a project of an address, which was in like manner adopted, in the following terms:

---

* This decision was favorable.