

appoint an agent for the year one thousand seven hundred and ninety-seven, to the best of his skill and judgment, the certificate of which oath shall be annexed to, or endorsed on, the said bond.

XXVI. And be it enacted, That if the said agent shall not accept his appointment, or if after acceptance he shall not give bond and take the oath aforesaid before the first day of February next, or shall die, the governor and council are hereby authorized and requested to appoint a fit and proper person in his place, who shall have and execute all the authorities and powers vested in the said William Marbury by this act, such person first giving security and taking the oath aforesaid.

Notice to State Debtors.

NO process hath issued against the delinquent state debtors for their instalments due on the first of December last, nor will any be directed till after the 15th of February next. The agent therefore expects (to prevent trouble and expence) they will come forward and discharge their debts by that time.

WILLIAM MARBURY, Agent.

FRIBURG, October 22.

AFTER a continued fighting for four days, the Austrians have driven the enemy from Ellzach, and out of Friburg, into which they yesterday entered. These advantages cost them about 2000 men; but the enemy, according to the account of the French generals themselves, lost between 5 and 6000 men, among which are 2000 prisoners. The French general Beaupais is killed.

OFFENBERG, October 21.

On the 18th instant, general Moreau endeavoured to penetrate with all his force to the vicinity of Kenningen, to raise the blockade of Kehl, and procure himself a free passage over the Rhine. The action was obstinate and bloody, but as soon as the Hungarian grenadiers, headed by the archduke Charles, came up, they fell like lions on the enemy and forced them to retreat.

On the 19th, the Austrians again attacked the French in the neighbourhood of Riegel. This battle was likewise very bloody. General Wartenleben was wounded in the left arm by a grape shot. The loss of the French is very considerable, and they have been obliged to abandon Ellzach and Emmendingen.

The head quarters of the archduke Charles were removed on the 20th from Herbolzheim to Emmendingen. The Austrian troops have again entered Friburg, victorious; and the communication between general Moreau and the corps which had advanced to Huningen, is cut off.

TRIESTE, October 7.

Letters have been received here which state, that the French fleet, consisting of 12 ships of the line, 12 frigates and four brigantines, had sailed from Toulon, and fallen in, near the Hieres Isles, with the British fleet of 20 ships of the line, 3 frigates and 2 cutters, under admiral Jarvis. An engagement took place, in which two French ships of the line were sunk, two disabled, and a great part of the rest taken. The English fleet, these letters add, had two ships of the line disabled, and two frigates burnt, of the crews of which only 25 men were saved. Admiral Jarvis sailed with the ships he has taken to St. Florenzo, in Corsica.

Note of the Hamburg editor.—Though this account seems so circumstantial, it appears very suspicious, as the latest letters from Toulon, Genoa, and Leghorn, mention nothing of any engagement.

FRANCFORT, October 22.

We learn from Offenburg that general Petrasch intended to obstruct the retreat of general Moreau, through the Black Forest, but was repulsed with loss of men, said to amount to 1500, and of some baggage and artillery. The Imperialists, though they fought with the greatest bravery, could not resist the superior number of the French. It is not expected that general Moreau will speedily recross the Rhine, as his position at Friburg is very advantageous, his rear being covered by that river, and both his wings by the fortresses of Stralsburg and Huningen. Meanwhile the archduke Charles is collecting all the dispersed detachments, to prevent general Moreau's advancing, and it is therefore very probable, that a very decisive battle may happen in the environs of Brisgau. General Moreau has effected his retreat so well by feigned marches, and his frequent attacks on the Imperialists, which were always made in mass.

HAMBURG, November 5.

Letter from Italy, 22d of October.

The following is the letter which the king of Naples sent to the marquis del Vasto, who thereupon departed to Rome as an extraordinary messenger, and concluded there a treaty offensive and defensive between Naples and the pope.

In a letter from your holiness I am informed that you are resolved to reject the unjust and impious conditions of the French. Therefore you desire of me speedy assistance. Although this is against my first plan, yet I have had no objection to give my consent to it, because it has a connexion with the holy religion to which I was always, with my whole heart devoted. As you desire of me a person of whom you can take counsel respecting our common affairs, I have appointed the marquis del Vasto, to depart immediately, to take great care for the honour of God and the holy church; and the best means of the states for

the quietness of my subjects, who daily give such new proofs of their fidelity and devotion.

From the camp of Germano.

PERDINAND, King.

A letter from Meyner, October 29.

The Imperial army now on the scene of war in Germany is situated in the following manner: General Werneck (as under his command on the Lower Rhine and the Lahn, the field-marshal lieutenants De Kray, prince de Lambesc, and count Kieff, and the major-generals, duke d'Anhalt, Cothen, prince de Hohenlohe, Ingelsinger, the counts Rosenber and Kollowrath, and the barons Mylius, Haddick, Goutrouil, Finck, Kienmaier, Brady, Elfniz, and Alcaini. On the other side of the Rhine remain the field-marshal lieutenants Horze and Neu, and the major-generals Simblen, Rhine Graf Salm, duke Lichtenstein, and duke Schwartzberg.

In Suabia under the archduke Charles, are the great master of the ordnance Wartenleben, and field-marshal Latour, lieutenant-generals count Colloredo, Meis, Nauendorf, Petrasch, Frohlich, Star and Sztrary, and the major-generals prince of Oranien, Balza, Meyerfeld, Neutraud, Shellenberg, Mercantini, Wolf, Graven, Klinglin, Meerfeld, Bailet, duc d'Enghien.

A letter from Francfort, October 29.

The delivery of the silver vessels in Francfort to pay the contributions to the French has contributed very much to the coinage of new convention dollars, upon which, on the reverse, stand the words—*Out of the silver vessels of the citizens and the churches.*

PARIS, October 18.

The Directory has sent the following message to the Council of Five Hundred, on account of the successful retreat of general Moreau from Suabia.

Citizen Legislators,

The directory hastens to communicate to you the military operations on the easterly frontiers. The result is one of the most decisive in the course of this campaign, and the success alone could secure the numerous victories of our armies on the Rhine, and with precision decide, which party would finally reap the fruits and advantages of so many great efforts. The army of the Rhine and Moselle, which by the retreat of general Jourdan's, found her left wing exposed, when before the gates of Munich, and afterwards surrounded from all parts, has returned in the greatest order to the borders of the Rhine. The same army has not only been suffered to be established but also annoyed the enemy by every occasion, and fought their way through every difficulty, and finally penetrated in two columns as far as Huningen and Friburg, after a glorious victory (at Shaffenried) whereby they made 5000 prisoners and took 20 cannon—Having thus made a campaign at the expense of the enemy; separated most all princes of the empire from the coalition, and favoured by a vigorous diversion the invasion of Italy. The same army remains master of the Brisgau, of all the bridges upon the Rhine, of all the roads and pipes which conduct to the enemy's territories. Posterity will record this remarkable retreat amongst the most famous actions that have been ever executed. It does the greatest honour to the army of the Rhine and Moselle, and to their modest generals. The enemy is after his hazardous motions, in such a confusion, that it is permitted to us to expect yet fresh and very favourable advantages.

(Signed)

REVEILLERE LEPAUX, President.

October 25.

LORD MALMESBURY'S EMBASSY.

OFFICIAL NOTE.

[From *Le Mercir* of the 20th instant.]

The negotiations, scarcely commenced between lord Malmesbury and the minister for foreign affairs, are already suspended. In the first conference, it was demanded of the English negotiator, if he was furnished with powers and instructions from other belligerent powers to stipulate in their name? He answered, No.—But he added, that when the directory shall have explained themselves on the principle laid down in his memorial (we shall give all the important papers relative to his grand negotiation) he would dispatch couriers to give an account to the different courts of the state of the negotiation, and to receive their orders. It was then asked the ambassador if he could not at least specify the principle of retrocessions which concern the French republic and Great-Britain? He answered, that after the directory should have explained itself, he would expedite couriers, and likewise request instructions on this point.

The following is the memorial of the ambassador:

MEMORIAL

Delivered to the minister of the French republic, for foreign affairs, by lord Malmesbury.

His Britannic majesty desiring, as he hath already declared, to contribute, as far as depends on himself, to the re-establishment of public tranquillity, and to ensure, by the means of just, honourable, and solid conditions of peace, the future repose of Europe; his majesty is of opinion, that the best means of attaining, with all possible expedition, that salutary end, will be to agree at the beginning of the negotiation, on the general principle which shall serve as a basis for the definitive arrangements.

The first objects of the negotiation for peace, generally relate to the restitutions and cessions which the respective parties have mutually to demand, in consequence of the events of the war.

Great-Britain, after the uninterrupted success of her naval war finds herself in a situation to have no restitution to demand of France, from which, on the contrary, she has taken establishments and colonies of the

highest importance, and of a value almost incalculable.

But, on the other hand, France has made on the continent of Europe, conquests to which his majesty can be the less indifferent, as the most important interests of his people, and the most sacred engagements of his crown are essentially implicated therein.

The magnanimity of the king, his inviolable good faith, and his desire to restore repose to so many nations, lead him in this situation of affairs, to consider the means of procuring terms of peace, just and equitable, for all the belligerent powers, and calculated to ensure, in future, the general tranquillity.

It is on this footing then, that he proposes to negotiate, by offering to compensate France; by proportionable restitutions, for those arrangements to which she will be called upon to consent, in order to satisfy the just demands of the king's allies, and to preserve the political balance of Europe.

Having made this first overture, his majesty will, in the sequel, explain himself in a more extensive manner, on the application of this principle to the different objects which may be discussed between the respective parties.

It is this application which will constitute the subject of those discussions into which his majesty has authorized his minister to enter, as soon as the principle be adopted as the general basis of the negotiation is known.

But his majesty cannot dispense with declaring, that if this generous and equitable offer shall not be accepted, or if, unfortunately, the discussions which may ensue, may fail in the desired effect, neither this general proposition, nor those more detailed which may result from it, shall be regarded, in any case, as points agreed upon or accorded by his majesty.

(Signed)

MALMESBURY,
Minister plenipotentiary from his Britannic majesty.

Paris, October 24, 1795.

REPORT TO THE DIRECTORY,

By the Minister for foreign affairs.

The 4th Brumaire, (October 25.)

The executive directory having furnished me with full power to treat for peace with Great Britain, I had yesterday (3d Brumaire) my first conference with lord Malmesbury, plenipotentiary commissioner of his Britannic majesty. He presented to me the original of his powers, sealed with the seal of Great-Britain, and certified the copy which he had before presented to me unsealed; and which I had laid before the directory.

We entered into discussion;—Lord Malmesbury presented to me the memorial which I laid before the directory. I observed to him, that speaking in the name of the allies of Great-Britain, and stipulating for their interests, he was, doubtless, furnished with their powers and instructions. He answered me, that he was not, but that when the directory should have explained itself upon the principle laid down in his memorial, he would expedite couriers, to give to the different courts an account of the negotiations, and to receive their orders. I demanded of him if he could, at least, specify the principle of concession in what concerned the republic and the government of Great-Britain? He replied, that after the directory should have explained itself, he would send a courier and demand instructions on this point. I then thought it my duty to say to lord Malmesbury, that I would lay his memorial before the directory; that I would take his orders and impart to him its answer.

(Signed)

CHARLES DELACROIX,

ANSWER OF THE DIRECTORY.

The executive directory orders the minister for foreign affairs to make the following answer to lord Malmesbury.

The executive directory see with pain, that at the moment when they had reason to hope for the very speedy return of peace between the French republic and his Britannic majesty, the proposition of lord Malmesbury, offers nothing but dilatory, or very distant means of bringing the negotiation to a conclusion.

The directory observes, that if lord Malmesbury would have treated separately, as he was formally authorized by the tenor of his credentials, the negotiations might have been considerably abridged; that the necessity of balancing with the interest of the two powers, those of the allies of Great Britain, multiplies the combinations, increases the difficulties, tends to the formation of a congress, the terms of which, it is known, are always tardy, and requires the succession of powers, which hitherto have displayed no desire of accommodation, and have not given to lord Malmesbury himself, according to his own declaration, any power to stipulate for them.

Thus without prejudging the intentions of lord Malmesbury; without drawing any conclusion from the circumstance of his declaration not appearing to accord with his credentials; without supposing that he had received any secret instructions which would destroy the effect of his ostensible powers; without pretending, in short, to assert, that the British government have had a double object in view—to prevent by general propositions, the partial propositions of other powers, and to obtain from the people of England the means of continuing the war, by throwing upon the public the odium of a delay occasioned by themselves; the executive directory cannot but perceive, that the proposition of lord Malmesbury, is nothing more than a renewal, under more amicable forms, of the proposition made last year by Mr. Wickham, and that it presents but a distant hope of peace.

The executive directory further observe, with regard to the principle of cession advanced by lord Malmesbury,