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TUESDAY, SEPTEMBER 17, 1805.

From the AMERICAN CITIZEN.

SPANISH AFFAIRS.—The Federal prints have condescended to take up the now well known opinion of the lawyers on the A. B. C. questions. It appears the very wise Editor of the Boston Centinel thinks our government ought to have taken the opinions of four or five lawyers also. Of that Editor's hardness of head the public has been long satisfied. We refer him to the able and candid investigations of the Boston Chronicle, which do honor to the Editors talents and uprightness. We wish to consider the Spanish affairs in another light; we have the opportunity of knowing that the failure of the Spanish convention was entirely beholding to the artful contrivances of the Spanish minister Yrujo.—Are his letters signed *Graviosa Manent* forgotten? Is his correspondence with that silly boaster the editor of the Philadelphia Register forgotten? In those publications, which were brought home to that Spanish ambassador, he expressly referred to the law opinion which he had procured by an enormous bribe. The arts of diplomacy were never brought more completely to the light. That ambassador would have been ordered out of any other civilized country in the world; and under any other government those who suffered themselves to be made his instruments against the rights of their country, would have suffered banishment or worse.—Our government has acted with unexampled moderation towards Spain and her ambassador; and though we are disposed to make every allowance for the better knowledge which must be possessed in the cabinet of state then in the desk of an editor, we think that minister ought to have been long ago dismissed. There was a rumour that he had been told as much, as that his absence would be dispensed with, we believe this, because we happen to be possessed of some information on the course pursued by the United States.

A gentleman in whom we can place confidence has put into our hands some particulars on this subject that we think ourselves bound not to retain from the public any longer. While the Boston papers & their echoes were roaring aloud against the President for suffering Edward Livingston to escape with 100,000 dollars, and for not making Ed. Randolph refund, though the verdict of a jury had been had on the case; we expected to find them roaring out for the execution of the famous *Loquian* law, of 1799, which declares as follows:

Be it enacted by the Senate and house of Representatives of the United States of America, in Congress assembled, That if any person, being a citizen of the United States, whether he be actually resident, or abiding within the United States, or in any foreign country, shall, without the permission or authority of the government of the United States, directly or indirectly, commence or carry on, any verbal or written correspondence or intercourse with any foreign government, or any officer or agent thereof, with an intent to influence the measure or conduct of any foreign government, or if any officer or agent thereof, in relation to any disputes or controversies with the United States, or defeat the measures of the government of the United States, or if any person, being a citizen of, or resident within the United States, and not duly authorized, shall counsel, advice, aid or assist in any such correspondence, with intent, as aforesaid, he or they shall be deemed guilty of high misdemeanor, and on conviction before any court of the United States, having jurisdiction thereof, shall be punished by a fine not exceeding five thousand dollars, and by imprisonment during a term not less than six months, nor exceeding three years; Provided always, That nothing in this act contained shall be construed to abridge the right of individual citizens of the United States to apply by themselves, or their lawful agents to any foreign government, or the agents thereof, for the redress of any injuries in relation to person or property which such individuals may have sustained from such government, or any of its agents, citizens or subjects.

When Dr. Logan undertook, at his own expence, and at the risk of many dangers, and much inconvenience to go to France, not to conspire against the rights and peace of his fellow-citizens, but to secure his country from the evils of war; when he succeeded in his object, averted hostility, and more, caused American property to the amount of several millions of dollars to be released from confiscation and embargo, when he had effected this and returned to his native country what was the cry then? It was crucify him! crucify him! Let any man refer to the

debates of that day—to the speeches of Mr. Harper and Mr. Bayard, and look then at the above law, which was enacted more to stigmatize Dr. Logan and to resent the disappointment of a war than from any other motive. Where has the patriotism of these people slept since we published the opinions of five lawyers? Apply the law to their conduct and what is to be said?

The government nevertheless has not been neglectful of its duty, as the following important document will shew. It comes to us without a date, but its contents shew that the proceedings upon it must have taken place about two years ago. We shall suspend remarks upon this subject to another day.

The chairman of the committee appointed on the 9th of January, to consider and report, whether and, if any, what further proceedings ought to be had by the senate, in relation to the message and documents, communicated by the President of the United States, on the 21st December last:

SUBMITTED THE FOLLOWING REPORT.
"Upon a careful examination of the message and documents communicated by the President, on the 21st December, your committee notice certain unauthorised acts and doings of individuals contrary to law, and highly prejudicial to the rights and sovereignty of the United States, tending to defeat the measures of the government thereof, and which, in their opinions, merit the consideration of the senate.

They find that on the 15th November 1802, and before and subsequent to that day, divers controversies and disputes had arisen between the government of the U. States and Spain concerning certain seizures and condemnations of the vessels and effects of the citizens of the United States in the ports of Spain, and for which the government of Spain was deemed responsible, and in the prosecution of which, for indemnification, the minister of the United States, near the court of Spain, had been instructed to press that government, by friendly negotiation, to provide for those wrongs.

Your committee find, while said negotiation was pending, and the said disputes and controversies in no wise settled or adjusted that *Jared Ingersoll, William Rawle, J. B. McKean, and Peter Stephen Du Ponceau*, of the city of Philadelphia, did at said Philadelphia, on the same 15th of November, 1802, and *Edward Livingston* of the city of New York, did at said New York, on the 3d day of the same month, in violation of the act intituled "an act for the punishment of certain crimes therein specified," passed the 30th day of January, 1799, commence and carry on a correspondence and intercourse with the said government of Spain, and with the agents thereof; and as your committee believe with an intent to influence the measures and conduct of the government of Spain, and to defeat the measures of the government of the United States; and did then and there, counsel, advice, aid, and assist, in such correspondence with intent as aforesaid.

Your committee, with the knowledge of these facts are compelled to observe, that however there might exist in senate, a great reluctance to express any opinion in relation to proceeding in the ordinary course of criminal jurisprudence; yet, when they reflect on the nature of the offence, the improbability of the ministers of the law ever coming to a knowledge thereof without the aid of the executive, and the delicate situation of the executive in relation to the subject, duty seems to demand, and propriety to justify, their expressing an opinion in favor of that aid, without which, in their judgment, the justice of the nation would be exposed to suffer.

Your committee have no doubt, that precedents may be adduced, and from the best authority, to justify such a measure, and warrant the proceedings with safety to the remedied justice of the laws which admits of no rules or pretended rules, uncorrected and uncontrolled by circumstances, the certain result of which would be the failure of justice.

With these impressions your committee respectfully offer to the senate the following resolutions.

Resolved, That the President of the U. States, be requested to cause to be laid before the Attorney General, all such papers, documents, and evidence, as he may deem expedient and which relate to any unauthorised correspondence and intercourse, carried on by *Jared Ingersoll, William Rawle, Joseph B. McKean, Peter Stephen Du Ponceau, and Edward Livingston*, with the government of Spain, or with the agents thereof, with an intent to influence the measures and conduct of the government of Spain, or to defeat the measures of the government of the U. States, in relation to certain disputes and controversies between the said governments.

Resolved, if in the opinion of the Attorney General such papers, documents and evidence, or such other evidence as may be presumed from any person who is *particeps criminis*, shall be deemed sufficient to warrant a prosecution of the aforesaid persons, or either of them: That the President of the United States be and hereby is requested to instruct the proper law officer to commence a prosecution at such time and in such manner as he may judge expedient against *Jared Ingersoll, William Rawle, Joseph B. McKean, Peter Stephen Du Ponceau, and Edward Livingston*, or either of them, on the act,

entituled, "An act for the punishment of certain crimes therein specified," and that he be requested to furnish the attorney on the part of the United States, for the purpose of carrying on said prosecutions, with such papers, documents and evidence from the executive department of the government, as he may deem expedient and necessary."

American.

TUESDAY, SEPTEMBER 17, 1805

The brig *Susannah*, Arnold, 9 days from Baltimore, for Gottenburg, was spoken on the 4th of September, in lat. 49, 41, long. 62, 9.

Letters in town from London of July 30, mention that the *Perseverance* would sail in a day or 2 for Baltimore.

Through the attention of the editor's correspondent at Philadelphia, he is enabled to lay before his readers, the following interesting intelligence, in anticipation of this day's eastern mail, which conveys more recent information than has before been received, respecting the combined French and Spanish fleets, and by which it appears that they have arrived off Vigo. Although no mention is made of the engagement they have had with the English squadron, as published in an extra yesterday, for our city friends, and republished in this day's American, for the perusal of our country readers; yet, on examining dates and the contiguity of Vigo to the place of action, we conceive that the account is entitled to due credit—and it is highly probable the fleets put into that port, without having had a second encounter with the English.

PHILADELPHIA, September 14.
Interesting intelligence communicated for the Register.

Lisbon, August 2, 1805.

"I lose no time in informing you of the return, to Europe of the combined squadrons. I refer you to the following extracts of letters, received by this day's post."

"The *Boston*—the vessel is under weigh."

EXTRACTS.

VIENNA, July 29, 1805.
"The Resolution lugger, of Guernsey, arrived off this place yesterday. The captain of her tells me, he saw 27 men of war on Saturday, off Vigo, to which place they appeared to be going, and he thinks it is an enemy's fleet, from the appearance of their sails. Two of the frigates chased him a considerable time, and it was with much difficulty he escaped. He afterwards spoke a Portuguese schooner, the master of which told him it was a French fleet; and what makes it more probable, is, that General Caidas has received advices from Valencia, that all communication, on the part of Galicia, is stopped by the Spaniards, to prevent, it is supposed, any person giving information.

"The Resolution has re-taken the Princess Elizabeth, West-Indiaman, and taken a Spanish letter of marque; the latter had captured the sloop *Nelly*, Thomas Locher, and the *Argo*, Hellesiel, from Porto to England, with wine, and sent them for St. Andero."

PORTO, July 30, 1805.

"By a person just arrived from Vienna, who left it yesterday morning, we hear, an express had just arrived from the Governor of Valencia, stating, that the communication between Tuy and Valencia, is suspended; no Portuguese is suffered to pass into Spain, or Spaniards into Portugal, and such Portuguese as were at Tuy are detained.

"War with Portugal is publicly talked of in Galicia, and French troops are said to be marching into Spain by Estremadura; we have not heard of any to the northward, excepting 5 or 6000 men that have arrived at Ferrol. This is disagreeable and unexpected, but we know no more for the present."

COPY.

CADIZ, 19th July, 1805.

SIR,

"We, the undersigned consuls and agents of the different nations we represent, in this place, take the liberty of addressing you, in consequence of a Portuguese schooner having been sent back to this port, having been threatened by the commander of the English brig of war *Dexterous*, to be sunk or burnt, in case of sailing again from this port with a cargo on board. We are persuaded, that this proceeding against a vessel of a friendly and neutral nation, cannot either have been approved of or known to you, being a proceeding as yet unknown among civilized nations, and against all the laws, rights, and existing treaties, between nations. We cannot but submit the same to you, requesting you will be so good as to favor us with an explanation on the matter, alarmed for the safety of the vessels of the nations we have the honor to represent here. We herewith annex a copy of an official letter, received on the subject from Admiral Sir John Orde, late commander in chief of the British fleet, stationed off this port, directed to H. E. marquis de la Solano, governor of this city, by which you will observe, that full liberty was given to neutral vessels to sail to and from this port with innocent cargoes—this order never having been chang-

ed since, the neutral navigators, in faith of that permission granted, continued their expeditions.—We are, therefore, quite at a loss how to act in the present case, several ships being ready for sea, with cargoes on board, that came under the above description. We must request therefore, a satisfactory explanation, and praying that they may meet no molestation or hindrance on their voyage, to the different ports they are bound to, from the squadron under your command, as they were induced to load here under the faith of the above permission, and no communication to the contrary, having been made by you, nor in any other official manner—we cannot expect less from the just reasons we allege; but, in the contrary event, we feel ourselves bound to protest, in the most solemn manner, against all force, from the prejudice that must thereby follow, acquainting our respective governments, and ministers here, and of his Britannic majesty of any violent measures that may be adopted to the prejudice of the interest of the different subjects of our nations; and at the same time, considering you responsible for all the evil consequences that may arise from it, in the event of its causing any misunderstanding between the British and our respective governments. We have the honor to be,

Signed, by the
Prussian and } Consuls.
Russian
Imperial,
Portuguese,
Danish,
Swedish, and } Agents.
American

To V. A. C. Collingwood, Esq.
commander in chief of his Britannic majesty's forces off Cadiz."

ANSWER.

"Dreadnought, off Cadiz,
19th July, 1805.

GENTLEMEN,

"I have to acknowledge the receipt of your letter of this date, enclosing a copy of one from vice-admiral Sir John Orde, dated 29th March last, on the subject of neutral ships sailing to and from the ports of Cadiz and St. Lucar, with cargoes on board.

"And in answer have to observe to you, that his majesty having ordered, on the 16th April last, that the ports of Cadiz and St. Lucar should be strictly blockaded, and all the trade with said ports prohibited, according to the usage of war, acknowledged and allowed in similar cases, and directed that the same be signified to the ministers of the neutral powers residing at his court, and that the measures authorized by the law of nations, universally known and acknowledged, should be adopted and executed with respect to vessels which may attempt to violate said blockade. In pursuance of his majesty's order, so signified to the several ministers, I have, after allowing them a sufficient time to apprise their consuls, merchants, &c. of the circumstance, directed the commanders of the ships of my squadron, to seize all vessels which may attempt to enter the port, or depart from it, with merchandize, in violation of the blockade, as having, no doubt, that the ministers of the neutral powers at the court of St. James, have long since made all proper communications on the subject, as the letter of vice-admiral Sir John Orde, was near a month, prior to the order above alluded to, I have no observation to make on it. That the blockade was of public notoriety in the ports, the Danish, Swedish and Imperial ships having sailed in ballast, by the directions of their respective consuls, is a testimony, which admits of no doubt.

"The little Portuguese vessel, laden with salt, I directed to be returned into port, on a supposition that her master might not have been sufficiently informed of the nature of the blockade; but the violence which he complains of being threatened with, in case he had sailed again, when detained by the *Dexterous*, so unlike the urbanity and good will, which English officers are ever disposed to shew to all men, I would rather impute to the exaggeration of a person disappointed on his voyage; and I hope, gentlemen, you will also. I have the honor to be,

(Signed)
CUTHBERT COLLINGWOOD.
To the Consuls of the neutral powers resident at Cadiz.

Combined Fleets.
PHILADELPHIA, Saturday night,
September 12.

Arrived this afternoon, ship London Packet, captain M'Dougall, in 32 days from London. Papers to the 10th ult. announce an engagement between the combined fleets and the British squadron under Sir Richard Calder. It lasted five hours, and was closed by night coming on. Two Spanish 84's were captured. Mr. Bowdoin, our ambassador to Spain, arrived in England the 30th of July.

Two important state papers are given at length in the English papers. One is a note from the Russian minister Novosiltzoff, who had received his passports to proceed to Milan to negotiate a general peace. This note contains a declaration on the part of the Russian minister, that the recent acts of aggrandizement of Bonaparte, in assuming the dominion of Italy, &c. forecloses all the objects of his mission: he therefore returns his passports, and declines proceeding in the ob-

jects of his mission.—The other paper is a reply of the French government. These papers satisfactorily evidence a disposition on the part of Russia to oppose the domineering ambition of France.

Also arrived, ship William Lewis Hartwell, in 33 days from Bordeaux.—August 16, was spoke by a French fleet of 34 sail, steering S. S. W. apparently bound to the West-Indies."

DEAL, July 31.

We are at this moment quite on the alert. A communication from the signal-post at East Hill tells us, that between two and three hundred of the Boulogne flotilla are now in the outer roads, in apparent readiness for sailing. *Blute Peter* is now flying on board a considerable number of our ships, who are preparing to sail the moment the tide admits; and should the enemy not skulk back into their harbours on the approach of our squadron, we can have no doubt as to the issue of such a combat; but have every reason to wish that our brave tars may have so glorious an opportunity of opposing British valour to Corsican desperation.

FALMOUTH, July 29.

Arrived this evening, the Frisk cutter, lieutenant Nicholson, from the Channel fleet, which she left on Saturday evening last. Lieutenant Nicholson immediately went off in a chaise and four.—The nature of his dispatches is not known here. The Frisk sailed immediately for Plymouth. Shortly after a frigate appeared in sight, having in tow a line of battle ship totally dismantled, which proceeded on for the eastward. There can be no doubt but that an action with some of the enemy's ships had taken place.—His Majesty's brig *Moucheron*, sailed from hence this afternoon, to speak the above, and has not yet returned. We are quite anxious here for further intelligence. Yesterday arrived the *Pandour* and *Hornet*, bound to Scilly, as *karavette*, conveyed by the *Insolent* gun-boat.

P. S. Orders are this moment received for the East-India fleet to sail.

PLYMOUTH, July 30.

Two in the afternoon.—At length our wishes respecting the defeat of the combined squadrons are realized by the exertions of the gallant Calder and his squadron of fifteen sail of the line, with the combined French and Spanish fleet of twenty sail of the line, from the West-Indies. Several ships dismantled and disabled, have been off and on all the forenoon. At length the *Windsor Castle*, 83 guns, much disabled, made her appearance and signal with the Spanish admiral's ship, 84 guns, in tow, a perfect wreck, not a mast standing; the *Syrus*, 36 guns, having also in tow a Spanish 74 gunship disabled. All that can be learned at present is, that admiral Calder attacked them off the coast of Spain and Portugal some days since, most vigorously. The Spaniards fought gallantly, and their allies, the French, left them in the lurch, as usual. Calder was pursuing the disabled ships, flying in all directions, and it was hoped Collingwood or Cornwallis would come in for a share, as the former was on that station. The loss on both sides was severe; three officers were killed, and one of marines of the *Windsor Castle*, and one the *Barfleur*; besides, several of inferior rank, and many brave seamen and marines fell in the action.

An express is just gone off to government with the agreeable information of this great news. All here is rejoicing in every part of the town and dock at this important victory. At this crisis the *Windsor Castle*, 98, had four ships on her at one period, and fought most bravely. This action was fought the 22d July from 4, P. M. till 9, P. M. The enemy had the weather gage—the two Spanish ships brought in, are, San Raphael, 90, and La Firme, 74 guns, and have six hundred killed and wounded. Most probably the fleet under Collingwood, off Cadiz, will intercept them, and Calder is at their heels. The *Rochefort* squadron made Calder 15 sail of the line, 6 French, 6 Spanish of the line, 6 frigates, 5 brigs, and the *Cayenne*, taken from us.

Extract of another letter.

"This day at noon we had the pleasure to witness the arrival of the *Windsor Castle*, 93 guns, captain T. Boyles, one of Sir R. Calder's squadron which has been cruising off Ferrol; also the *Syrus* frigate, of 36 guns, captain W. Prowsa; and *L'Egyptienne*, of 40 guns, capt. hon. C. E. Fleming, each of the two latter having in tow a Spanish ship of the line, viz. the *San Raphael*, of 83 guns, and *El Birma*, of 74 guns the former bearing the flag of a rear admiral, both captured on the 22d instant, 45 leagues from Cape Finisterre, by the *Windsor Castle* and Malta, of 80 guns, capt. E. Buller, after a very desperate action, in which the *Windsor Castle* had suffered much in her hull, sails and rigging; the fore-topmast shot away, 10 of her crew killed, and 35 wounded, among the former are lieutenants Carey and Foster, and the lieutenant of marines; the first lieutenant is wounded in the shoulder, but not dangerously.

The Spanish ships led the van; the *Windsor Castle* being the van ship of the British fleet, with the Malta next her, fell to their lot to engage the Spaniards, and the *Windsor Castle* was at one time engaged with the whole of the Spanish ships, but plyed them in such a true British style that their masts soon went by the board, and they hauled down their colors. The French observing the rough treatment of their friends, stood away, and the four remaining Spanish ships, not deeming it prudent to hold a longer contest, followed them. Admiral Calder with 14 sail of the line par-