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AND  
**Commercial Daily Advertiser.**

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TUESDAY, DECEMBER 31, 1805

**THE CLOSE OF THE YEAR.**

THE chilling storm the northern blast,  
The falling leaf, the gloomy cast,  
The dreary aspect nature shows,  
Proclaims the year is at a close.  
The flowers of Spring—we've seen them die;  
The summer's smiles farewell we sigh;  
The leaves of Autumn, let them fade,  
And Winter rear his gloomy head;  
Another spring with joy shall bloom,  
Her pleasing charms again resume,  
Her fairest sweets again impart,  
And light up joy in every heart;  
Misfortune's sudden gloom dispel,  
Bid smiles on every feature dwell,  
Case and despair from every mind,  
And fill the soul with joys refined.  
Not so with life—too soon it flies,  
Too soon each human prospect dies.  
Too soon life's various fancied joys,  
The swift-wing'd course of time destroys.  
Youth blooms like spring, like spring is gone,  
But never will like spring return;  
It lends a light but transient ray,  
As like a flower fades away.  
From Spring a transient pleasure flows,  
But soon her charms their verdure lose:  
The toils of summer fade and die,  
The leaves of autumn wither'd lie,  
And winter's cold and drear,  
Appears with frowns to close the year.  
This life is but a just like a dream,  
Till death appears to close the scene.

EUPHONIUS.

**DOCUMENTS**

Accompanying a MESSAGE from the  
President of the U. S.

Comprising in full length all the papers not  
previously inserted in the National In-  
telligencer.

(CONTINUED.)

Consulate of the United States of America.

**ISLAND OF CUBA.**

By this public instrument be it known  
unto all whom the same doth, shall or  
may concern, that on the day of the date  
hereof, before me, Henry Hill, jun. consul  
of the United States of America; for the  
Island of Cuba, resident at Havana, per-  
sonally came and appeared William Cory,  
of Charleston, (S. C.) master of the brig  
Anna, and Caleb Cory, mate of said brig,  
who being by me severally duly sworn on  
the holy evangelists of Almighty God,  
did solemnly depose and declare, that be-  
ing at the port of Cavanas, in this island,  
in the month of May last, where they were  
loading said vessel with a cargo for the U.  
States, they saw lying there an American  
schooner, called the Betty, of New Bed-  
ford, taken by a French privateer called  
the Eugene, commanded by captain Joseph  
Dumas, some time previous, and sent  
to that port, which said schooner  
had a cargo consisting of about twenty-  
six puncheons of rum, and seven or eight  
barrels of sugar.

That during their stay there, they fre-  
quently saw the people belonging to said  
privateer taking out the cargo of said es-  
timated schooner and carrying it on shore  
and selling it.

That the said privateersmen, to their  
knowledge, took out the whole of said  
vessel's cargo and carried it on shore,  
where it was sold—that it was so taken  
out and carried on shore, in open day,  
without any appearance of opposition  
from the officers of the said port of Ca-  
vanas—that after the said privateersmen  
had plundered the whole of the cargo  
aforesaid, and taken it from the said ves-  
sel, and all her valuable rigging and sails,  
they took the said vessel off the mouth  
of the said harbor of Cavanas and sunk  
her.

And the deponent, William Cory, fur-  
ther said, that the said privateersmen  
offered to sell him rum from the said car-  
go at thirty dollars a puncheon, which the  
deponent refused to buy even at that low  
price, well knowing they had no title to it,  
and that in them to dispose of it was rob-  
bery and piracy.

That he was informed by the guard  
which was on board his vessel, that said  
privateersmen had bribed the principal  
officer of said port, by giving him four  
puncheons of rum, to consent to the land-  
ing and sale of said cargo. And further  
the deponent says not.

Signed,

Wm. CORY,  
CALEB CORY.

In testimony whereof, I have hereunto  
set my hand and affixed my consular seal,  
this eighth day of August, in the year of  
our Lord one thousand eight hundred and  
five, and of the independence of the United  
States the thirtieth.

Signed,

HENRY HILL, JUN.

(C)

CONSULATE OF THE UNITED STATES OF  
AMERICA.

**Island of Cuba.**

By this public instrument, be it known

unto all whom the same shall, doth, or  
may concern, that I, Henry Hill, junior,  
consul of the United States of America,  
for the island of Cuba, resident at Ha-  
vanna, do hereby certify, that on the  
day of the date hereof, before me, per-  
sonally came and appeared, Jacob R.  
Valk, late master, and George Allcock,  
late mate of and belonging to the schooner  
Sea Horse, of Charleston, who, on  
their solemn oaths, which they then  
took before me upon the holy evange-  
lists of Almighty God, did severally,  
solemnly depose and declare, that they,  
the deponents, on the ninth day of June,  
sailed and departed in and with the said  
schooner, laden with a cargo of flour  
and German linens from Charleston a-  
foresaid, bound on a voyage to Spanish  
America—that the said schooner, at the  
commencement thereof, was tight,  
staunch, and strong, and in every re-  
spect well fitted, furnished, found, man-  
ned & equipped for the due performance  
of the said voyage with variable winds  
and weather, and without any particular  
occurrence until the thirteenth day of  
July, when they made the island of  
Blanca, on the fourteenth the Tortugas,  
and on the next day arrived off Lagaira  
—that they lay off and on Lagaira aforesaid  
until the twentieth following. In  
the course of which time, he, the depon-  
ent Jacob R. Valk, made application  
for admittance to entry; and being in-  
formed that that port, as well as all  
others on that coast, were shut against  
neutrals, he proceeded agreeable to his  
orders and instructions for this port of  
Havanna. And the said several depon-  
ents did further depose, that in pro-  
ceeding for the said port nothing mat-  
terial happened until the twenty-fourth  
following of said month of July, when  
being off the island of Jamaica, they  
were brought to by his Britannic majes-  
ty's armed schooner Superior, and upon  
being examined and found to be neutral  
were politely dismissed—that they pro-  
ceeded the said voyage, making the  
best of their way for this said port, and  
experienced nothing remarkable until  
the fourth day of August, instant, when  
doubling Cape San Antonio, in this is-  
land of Cuba, they were brought to by a  
schooner under French colors, and  
boarded by an officer and four men, who  
took possession of said schooner Sea  
Horse, and sent the deponent Jacob R.  
Valk, and two of his crew, on board the  
said privateer with the said schooner's  
papers—that the officer on board the  
said schooner Sea Horse, hailed the  
commander of said privateer, and said  
that as he knew her to be a good prize  
he would bring her to anchor; immedi-  
ately upon which both vessels bore away  
for Punta Fuera, about four leagues from  
Cape San Antonio.

That the commander of said privateer,  
aided by several Spaniards, who came on  
board her in canoes from their habitations  
on that coast, began rumaging the Sea  
Horse, opening the hatches, and breaking  
open the packages and cases of dry goods,  
principally consisting of German linens,  
whilst the crew of the said privateer were  
continually passing and repassing from  
one of the said vessels to the other, and  
most of them in a state of intoxication.

And the said deponent, Jacob R. Valk,  
did further depose, that being detained on  
board said privateer from the fourth to the  
sixth, he had ample opportunities of ob-  
serving and examining her, and found her  
to be an American built vessel, having  
painted on her stern, Caroline of Charle-  
ston, which was very visible, notwithstanding  
some black paint had been put on it to  
efface it, but which was not done effectually;  
that she was mounted with one car-  
riage gun and one swivel, and supplied  
with small arms, and manned with ten  
men and two negro boys, exclusive of the  
captain, who said his name was Paul, and  
the privateer the Volante. And the said  
deponent did further depose, that the said  
Paul told him, that he should be sent in an  
open boat to Havanna, and upon his an-  
swering that he was determined to remain  
with his vessel wherever she went, the said  
Paul replied that if he again opened his  
mouth he would set him ashore in the  
woods, and leave him to perish. And the  
said several deponents did further depose,  
that on the same evening they were all  
embarked in an open boat under the con-  
duct of a Spanish fisherman to go to a  
place about seventeen leagues distance,  
called Mantua, where they received their  
clothes, which had been previously taken  
from them.

And the said Jacob R. Valk did further  
depose, that the said captain of said privateer,  
after having robbed and plundered  
him of all his sea charts, his vessel, and  
his own private papers, and also his per-  
spective glass or telescope, and twenty-  
one ounces in gold, returned him six of  
said ounces to defray his expences to this  
said port. And the said several deponents  
did severally further depose, that James  
Richardson and Jacob Shoemaker, both  
citizens of the United States, and seamen  
belonging to said schooner Sea Horse,  
conducted themselves upon the capture  
aforesaid in a very mutinous manner, and  
remained with their own voluntary will  
with the said privateer.

And I, the said consul, do further cer-  
tify, that the said Jacob R. Valk did, upon  
his arrival at Havanna, aforesaid, in due  
time and form, note and enter with me,  
his protest, in all the premises aforesaid;  
and now requires of me to extend the  
same, and make this public act thereof,  
reserving to himself the privilege of mak-

ing any other protest in the premises, as  
occasion may require.

Wherefore the said Jacob R. Valk doth,  
and I, the said consul at his request, do,  
by these presents, most publicly and so-  
lemnly protest as well against the govern-  
or at Lagaira aforesaid, and all other  
public officers whom it may concern, for  
the refusal of admittance to entry as aforesaid,  
at that port, as against the command-  
er, officers, and crew of the said privateer,  
for the capture and detention, and robbery  
and plunder of the said schooner Sea  
Horse and her cargo, and against all and  
every person and persons whom it shall  
or may concern for all damages, costs,  
charges and expences already suffered, or  
which shall or may be hereafter suffered  
and sustained in the premises on account  
thereof, that the same be borne by those to  
whom of right it shall appertain, to be  
adjudged and recovered in time and place  
convenient.

Done and protested at Havanna afore-  
said,

(Signed)

JACOB VALK,  
GEORGE ALLCOCK.

In testimony whereof, the said depon-  
ents have hereunto subscribed their  
names, and I, the said consul, have here-  
unto set my hand and affixed my consu-  
lar seal this twenty-first day of August, in  
the year of our Lord one thousand eight  
hundred and five, and of the independence  
of the United States, the thirtieth.

(Signed)

HENRY HILL, jun.

(C)

Consulate of the United States of America,  
Island of Cuba, L. S.

By this public instrument, be it known  
to all whom the same doth or may con-  
cern, that I, Henry Hill, jun. Consul  
of the United States of America for the  
Island of Cuba, resident at Havanna, do  
hereby certify, that on the day of the  
date hereof, before me personally came  
and appeared John L. Cranston, late  
master of the schooner Caroline of Char-  
leston, who being by me duly sworn up-  
on the holy evangelists of Almighty God,  
did solemnly depose and declare, that  
on the 12th day of April last he sailed  
and departed in and with the said schoo-  
ner from Charleston aforesaid, with  
passengers, bound for St. Thomas, where  
he arrived on the first day of May fol-  
lowing. That he sailed from thence on  
the fourth with ballast bound to Lagui-  
ra, and arrived off the said port on the  
10th, and continued laying off and on  
until the 14th. That his sails being very  
much split, and the vessel otherwise in  
a bad state, and not being able to obtain  
permission to enter said port, he deter-  
mined to bear away for the first port he  
could make, and on the day following  
was captured by his Britannic majesty's  
ship of war Fortune, Henry Vancourt,  
commander, who took out him, the depon-  
ent, and his crew, and took possession  
of the said schooner, which he armed  
as a tender to cruise off Curracoa. That  
on the 25th the said schooner was deliv-  
ered up to him, being plundered of the  
boat, oars, anchors, stores, &c. That  
being very much in want of repairs he  
thought it most prudent, as well for the  
preservation of the said vessel and their  
own lives, as to procure supplies, which  
they likewise stood very much in need  
of, to bear away for Jamaica, and on the  
29th of May arrived at Kingston in the  
said island, where he in due form made  
his protest.

That he sailed from thence (after hav-  
ing) received the necessary repairs and  
supplies, and having on board twenty  
puncheons rum, the property, as he verily  
believes, of Andrew Ker of Charle-  
ston aforesaid, a citizen of the United  
States, on the 9th day of July following,  
found for Charleston aforesaid, and on the  
15th was boarded by a felucca pirate  
commanded by one Paul Cazafranca, who  
took from him all the vessel's papers and  
all his letters, &c. and also possession of  
said schooner as a prize, with which he  
proceeded to Punta Fuera, about four  
leagues from Cape Antonio, where he  
came to anchor. That he there unloaded  
said vessel and supplied the fishermen  
who were there, with some of the rum  
belonging to the said cargo. That they  
continued there until the 23d following,  
when he sent the said schooner, with the  
said deponent and crew, to Mantua Pava-  
la, where she arrived on the same day;  
and he, the deponent, with said crew,  
remained there until the 9th day of Au-  
gust, instant, without clothes or money,  
all of which, and every thing else, except  
two or three shirts, they were robbed of  
by the said captors. That he there pro-  
cured a boat, and upon the promise of  
paying one hundred dollars, was brought  
to this port of Havanna, where they arrived  
on the 14th inst.

That he, the deponent, immediately  
dispatched a memorial to his excellency  
the Governor, stating the circumstances  
and praying for the restoration of said  
vessel and cargo; to which said mem-  
orial he has received no reply, and is of  
opinion that the same will be taken no  
notice of.

And on this same day also personally  
appeared before me Andrew Arbree,  
mate, and William Wood and John  
Judson, seamen, late of and belonging to  
said schooner, who being by me severally  
duly sworn on the holy evangelists of  
Almighty God, did solemnly depose,  
that all and every the matters and facts  
relating to the voyage aforesaid and the  
captures aforesaid, are in every respect  
true.

And the said deponent, John L. Cran-  
ston did, upon his arrival, in due time and  
form, note and enter with me, the said  
consul, his protest in the premises, and  
now requires of me to make this public  
act thereof, reserving to himself the priv-  
ilege of further extending the same, or  
to make any other in the premises, as  
occasion may require.

Wherefore, the said John L. Cranston  
doth, and I, the said consul, at his request,  
do, by these presents, most solemnly and  
publicly protest as well against the seas,  
gales of wind and bad weather the said  
schooner experienced on the said voyage,  
as against the commander, officers and  
crews of the said ship of war Fortune and  
felucca pirate for the captures, plunder  
and detention aforesaid, and for all costs,  
damages, losses and expences already, and  
which shall or may be hereafter sustained  
on account thereof, to the end that the  
same be borne by those to whom of right  
it shall belong, to be adjusted and recover-  
ed in time and place convenient.

Done and protested at Havanna afore-  
said.

Signed

JOHN L. CRANSTON,  
JOAN JUDSON.

his  
ANDREW M. AMBREE.

mark  
his  
WILLIAM M. WOOD.

mark

In testimony whereof the said deponents  
have hereunto subscribed their names,  
and I, the said consul, have hereunto set  
my hand and affixed my consular seal,  
this 19th day of August, in the year of  
our Lord one thousand eight hundred  
and five, and of the independence of the  
United States the thirtieth.

Signed

HENRY HILL, jun.

(To be continued.)

From the RICHMOND ENQUIRER.

The following interesting letter from a  
member of Congress to some of the mem-  
bers of the Virginia Legislature, holds  
forth the consolatory prospect of an amic-  
able accommodation of our differences  
with Spain:

Washington, December 5, 1805.

"I enclosed to you on the 3d instant  
the President's Message. On this day  
we received a confidential communication  
giving a detail statement of our affairs  
with Spain. It appears from the view I  
have of the papers accompanying the com-  
munication, that but for the change in the  
state of affairs in Europe, we could not  
possibly have avoided an open rupture  
with France and Spain, without sacrific-  
ing the whole of Louisiana, except a nar-  
row margin on the Mississippi and aban-  
doning our claims for spoils, the pay-  
ment of which had been solemnly stipu-  
lated in our convention with Spain. By  
good fortune we avoid the necessity of  
choosing between these two dreadful evils.  
It is not to be supposed that in the  
present posture of European affairs,  
Spain could expect the aid of France.—  
Without this expectation she will shrink  
from a conflict in which from our local  
situation we should have it in our power  
to do her incalculable injury. The re-  
cent orders issued by that government to  
the commanders of her armed vessels to  
respect our treaty, after having com-  
menced a system of spoliation, can only  
be attributed to the change in the pos-  
ture of affairs in Europe. If, as we have  
every reason to hope the Emperor shall  
find full employment on the continent,  
every thing will be amicably adjusted  
with Spain.

With England too, our situation is a  
serious one. On her however, we have  
a powerful check on the quantity of her  
manufactures, consumed here; and the  
consequent dependence of the manufac-  
turing class of her citizens on the man-  
ufactures would reduce to beggary a million  
of her citizens.

"Upon the whole, delicate and critical  
as our situation appears to be with the  
three great powers of Europe, the storm  
will, I think, pass by, and the blessings of  
a peace be preserved to our country, with-  
out a sacrifice of national honor or inter-  
est, or resorting to very strong measures.  
It is probable that an immediate prohibi-  
tion of the exportation of arms and am-  
munition will take place, that our har-  
bours will be furnished with a compe-  
tent number of gun-boats for defence, and  
that most of the measures recommended  
in the President's message, except the  
74's will be adopted. We shall have a  
sufficient fund for these purposes in the  
surplus million which will remain, after  
paying the eight millions permanently  
appropriated to the funded debt, and the  
sum of three million seven hundred and  
fifty thousand dollars assumed by the  
French convention.

"Among other measures contemplated  
during the present session, it is probable  
that a valuable change will be made in  
the militia system. The great inconve-  
nience which attends militia is; that be-  
ing composed of persons of every descrip-  
tion, those who have families cannot leave  
them for such a period as the public exi-  
gencies may require. By the plan which  
will probably be adopted, this inconve-  
nience will be removed. It is proposed to  
divide the militia into three classes; the  
first to be composed of persons between  
the ages of 18 and 21; the second of  
persons without families between the ages  
of 21 and 26; and the third class of per-  
sons between the ages of 26 and 45; the

middle class of which there will be  
200,000, is to be considered the effective  
militia of the country—to be subject to  
such a system of training as will make  
them competent to all the duties of sol-  
diers—to be completely armed and offi-  
cered as for actual service, and subject to  
do duty for a year at a time in any part  
of the United States, the first class to be  
subject to do duty only within the state or  
an adjoining state, and the last class, ne-  
ver to be called out of the limits of the  
state. It is proposed to purchase 40,000  
stand of arms annually, until the 200,000  
shall be completely armed. In a coun-  
try like ours no subject can be more im-  
portant than improvement in the militia  
system, which renders it competent to  
our defence. I feel some pleasure in con-  
templating the outlines of a plan which  
will prevent, under any circumstances in  
which we may be placed, the necessity of  
many regular troops. A band of citi-  
zens, in the prime of life, possessing the  
same feelings and interest with the mass  
of the community, with arms and a com-  
petent knowledge how to use them in  
defending their rights against foreign vio-  
lence or domestic oppression, is the only  
species of soldiery on which freemen can  
look without a frown."

From the NATIONAL EGIS.

From the interesting "Letters" of Mr.  
AUSTIN we select the following well  
drawn character of the Hon. THOMAS  
ERSKINE. We are happy to find that  
the work from which it is extracted is  
fast advancing into its merited celebri-  
ty. We sincerely hope, that it will  
not add another item to the catalogue  
of neglected specimens of American  
Genius, and another article to the im-  
peachment of American Taste.]

LETTER XXXVII.

London, August 22.

Erskine, Gibbs, and Garrow, are the  
three most powerful speakers in the courts  
of law.

The person of Erskine is slender, his  
height not exceeding the common size,  
his complexion sallow, his hair dark, his  
face oval, and a little emaciated, the lower  
part of his forehead prominent, yet gradu-  
ally retreating, his eyebrows full, a little  
perplexed, seated near his eyes, which  
are hazel, open and oscillatory; his nose  
narrow between the eyes, yet perfectly  
congenial, neither too large nor too small;  
his mouth gently closing, seeming ready  
to awe the dictates of his tongue, yet  
not large enough to give his eloquence  
its just tone, and his lips thin, meeting  
in union, and when irritated, rather in-  
clining to retreat, than project; his chin,  
gently retreating, which, in conjunction  
with his forehead, bespeaks the man firm,  
yet modest, positive, yet ingenious.

His countenance, when in a state of re-  
pose, is prepossessing, but when he  
speaks, his gestures are rhetoric; his  
looks, persuasion; his voice, eloquence;  
in the glow of animation, commanding;  
but in the moment of passion, when self-  
convinced, he is pure intelligence; dis-  
daining every by-road to conviction, he  
strips the cause of all its surrounding  
circumstances, places it on its own posi-  
tion, true to nature, paints it visibly to  
the eye, and buries in oblivion every inter-  
fering particular. Both judge and jury  
prostrate in chains. It is the contention  
of principle, no matter whose, or what the  
interest; if Heaven were concerned, it is  
still the contention of principle. Of all  
causes which could arise, the present  
seems to involve the deepest consequen-  
ces: there is no distinction now between  
the great and the little, every thing but  
the point in question is forgotten; Er-  
skine and his cause are sovereign over all.  
Now flows the fountain of justice, now  
are explored the recesses of iniquity,  
now are the deep foundations of fraud  
broken up. His eloquence becomes a  
torrent which sweeps away every mound  
which art or subterfuge had raised; no  
longer has the law a single hard feature;  
no perplexities, no uncertainties, no idle  
evasions! Saturnian Jove descends, with  
his equal scales; cunning retires in shame,  
oppression lets go its victim, and inno-  
cence is seated on the throne of equity.  
At length, Erskine himself, by degrees,  
is forgotten, and forgets himself; he rises  
to an effort not his own, and sinks under  
superior feelings, while the judge and jury,  
convinced even to enthusiasm, are im-  
patient to withhold the verdict.

O, sacred tribunal! guarded in the  
spotless shrine of justice. O, hallowed  
walls! where party spirit never enters,  
where the oppressed breathe an ethereal  
element. O, glorious institution! which  
chains the passions of men, and checks  
the exactions of self-interest, by the in-  
tervention of a jury. O, venerable judges!  
whose sacred office knows no bias, whose  
sympathy is never wakened but in the  
cause of humanity.

I know not with whom of the orators  
of antiquity to compare Erskine. He  
possesses neither the voice, nerve, nor  
vehemence of Demosthenes; but he has  
more cordiality: the audience of Demos-  
thenes is driven, you see the goad; that of  
Erskine follows, you see the leading  
string. While the one shows both of his  
hands clenched, you see the arms of the  
other extended. While Demosthenes stamps  
with his feet, Erskine only shows his  
arms akimbo: while the one assumes a  
look of defiance, the other pauses a mo-  
ment, with open eyes. He has all the  
grace and elegance of Tully, and, like  
Tully, is anxious in a qualifying exor-  
tation, to round all the angular points of his  
cause. He has less art, is more rapid,