

the governor, had received directions from the baron de Carondelet to have the artillery and military stores expeditiously removed from the forts, which were to be given up to the troops of the United States, immediately on their arrival. As this information did not remove suspicions, Mr. Ellicott wrote the governor on the 31st of March, stating divers circumstances which did not keep those suspicions alive. The governor answered on the same day in direct contradiction to the information given by the gentlemen, his agents, to Mr. Ellicott, and confirming the declarations made in his proclamations. He added also a new motive for retaining the posts, viz. that the treaty left it doubtful whether, when the posts should be evacuated, the works were to be left standing, or to be demolished: concerning which the governor-general found himself obliged to consult his Catholic majesty; and had given the governor positive orders to suspend the evacuations of the posts until the matter should be amicably settled between the two governments.

On the first of May, another motive is assigned for retaining the posts.—The envoy of his Catholic majesty in the United States, had informed the governor-general of an attack proposed against the Spanish part of Illinois (the upper part of Louisiana) by the British from Canada, and therefore, the posts at the Walnut-Hills and the Natchez must be kept for the defence of Lower Louisiana.

This last motive is also offered as a reason why the running of the boundary line is postponed; as all their attention was drawn towards the defence of the province, against an invasion which, as I have already mentioned, was never contemplated.

To all facts, I have to add the declaration of general Wilkinson, in his letter of June 2d, to the secretary of war—"I have (says he) information through a confidential channel, that it was determined as early as September last, not to give up the posts on the Mississippi." If this information be correct, no other proof is necessary to shew that all the reasons from time to time suggested for not evacuating the posts were mere pretences.

I have here brought into one view the most material facts relating to the question between us, which are scattered throughout the reports made by me to the president of the United States on the 10th of June and 3d of July, and by the secretary of war on the 30th of June, and the documents accompanying them, as they have been published. And from this brief recital it evidently appears as I have said in my report, "That the governors of his Catholic majesty, on the Mississippi, have, on various pretences, postponed the running of the boundary line, and the withdrawing of his troops from the posts they occupied within the territory of the United States: And that after repeated overtures, promises, and appearances of commencing the execution of the treaty between the two nations, in both these respects, their conduct demonstrates that for an indefinite period they meant to avoid doing either."

You controvert this conclusion only on one ground. You say that the treaty stipulated merely that the Spanish garrisons should be withdrawn, not that fortifications which might one day be prejudicial to the king's subjects, should be delivered up: and hence you infer that the necessity urged by the two governors, of delaying to withdraw the garrisons until this question is decided between the two governors, is not a pretence, but a substantial reason. Here I must observe that the governors had already demolished the post at the Chickasaw Bluff: And it appears in the foregoing recital that they were going to demolish the post at the Walnut-Hills; and the reason assigned is that the treaties with the Indians required the demolition; and governor Gayoso assigns but one motive for suspending that operation—that he had been informed of the unfriendly disposition of the Indians; yet afterwards this reason (that their treaties with the Indians required the demolition of the posts) is forgotten, and their destruction, or their delivery with all the fortifications and other works standing, is by the governors made to depend entirely on the issue of a negotiation between the governments of Spain and the United States! Can any farther proof be wanting to justify me in calling this a pretence? But you seem to rely on this your construction of the treaty relative to the posts: You have urged it in your letter to me of the 24th of June; and therefore I will consider it.

The 2d article of the treaty having described the boundaries between the territories of the United States and Spain, thus proceeds—"And it is agreed that if there should be any troops, garrisons or settlements of either party, in the territory of the other, according to the above mentioned boundaries, they shall be withdrawn from the said territories within the term of six months after the ratification of this treaty, or sooner if it be possible; and that they shall be permitted to take with them all the goods and effects which they possess." But to justify your retention of the posts, you say that the demarcation of the boundary line should precede the withdrawing of the garrisons: Yet you suppose it probable, and his Catholic majesty's governors well know, that the Chickasaw Bluff, the Walnut Hills, and the Natchez are within the territory of the United States.

Governor Gayoso speaks of the boundary line as being near Clarksville, a place many miles below the Natchez; and he also knew the result of Mr. Ellicott's astronomical observations on the spot, which ascertained the Natchez to be about 39 miles north of the south boundary of the United States.

There being then not a shadow of doubt with respect to the position of these posts—that they are all within the territory of the United States—there was no necessity previously to run and mark the boundary line; which, besides, if set about in good earnest, it would take at least a year to accomplish through a wil-

derness of many hundred miles in extent; and therefore it never could have been contemplated as necessary to precede the evacuation of the posts, which was to be effected in six months, or sooner if possible. Yet fifteen months have elapsed, and you still keep possession.

But you suggest that it is at least doubtful whether by the treaty it was intended to leave the fortifications standing; when the garrisons should be withdrawn: You say "It is not to be presumed that it could ever have been the intention of his Catholic majesty to deliver up fortifications, which, besides that they have cost him considerable sums of money, may, by the effect of political vicissitudes, be one day prejudicial to his subjects." I feel much reluctance to attempt the refutation of a construction so obviously erroneous. It is probably the first time that to "withdraw" or retire from a place has been imagined to intend its destruction. If at the formation of the treaty the demolition of the posts had been intended, it would assuredly have been expressed. But doubtless the idea never occurred, until it was found convenient to make it a pretence for holding the posts. The phrases "to withdraw a garrison," to evacuate a post or country, have as determinate a meaning as any in the English language; and their meaning is ascertained by frequent use in treaties; and to destroy a country or a fortified place from which is stipulated to "withdraw" an army or a garrison, would be such an act of barbarism as ought never to take place among civilized nations.—One of the latest treaties made by the United States (that with Great-Britain) has the same phrase "his majesty will withdraw all his troops and garrisons from all posts and places within the boundary lines assigned by the treaty of peace to the United States. This evacuation shall take place on or before the first day of June, 1796." And these expressions are used in the same treaty as equivalent to "the delivery of the said posts." The British treaty was in this manner accordingly carried into effect: the British troops were withdrawn and the works left standing. The British officers were even careful not to expose the works to accidental destruction: for as the American troops did not reach the posts by the first of June, small British guards were left to preserve the works from injury until the American troops arrived.

By the treaty concluded at Versailles the 3d of September, 1763, between Great-Britain and Spain, it was agreed, "that the king of Great-Britain should cause East-Florida to be evacuated three months after the ratification of that treaty, or sooner, if it could be done." The evacuation took place, but no demolition of fortifications.

In the preliminary articles of peace between England, France and Spain, signed the 3d of November, 1762, it was stipulated "that as soon as possible after the ratification of these preliminaries, France should evacuate Ceven, Wesel, and Gueldres, and generally all the countries belonging to the king of Prussia." Were those places demolished, or the country laid waste when the troops withdrew? Or were there any subsequent negotiations to remove any doubts on the subject?

But I have dwelt too long on a point that really required no elucidation.

[TO BE CONTINUED]

#### AMSTERDAM, July 18.

A TREATY of amity was signed at Aranjuez, by the prince of peace, on the part of Spain, and by the citizens Perignon and Valkenaer, on the part of the French and Batavian republics, by which the latter republic formally accedes to the treaty of amity subsisting between France and Spain. The French and Batavian governments are on the point of ratifying this triple alliance which is chiefly directed against the British superiority at sea.

It is probable that admiral Jarvis has withdrawn from the close investment of Cadiz, to cruise off the port. Accounts from Gibraltar state, that the Spanish fleet having exhibited some shew of putting to sea, admiral Jarvis unmoored and proceeded into sea room to meet him.

#### LONDON, August 13.

A defender from the north of Ireland, who was lately taken up at Limerick, on being examined by general Dundas, confessed that he had deserted from the Louth militia, for the purpose of more extensively promoting the cause he revered, and for which he would freely die. He said he was one of the four that had been nominated to murder a clergyman named Niipe, which he was prevented from effecting, by an engagement with the Tipperary militia, in which he had been wounded. To the general's question, "What he and his party wanted?" he replied, "Catholic emancipation, parliamentary reform, and an abolition of tythes."

Friday Mr. Spillard, the celebrated pedestrian traveller, arrived in Bristol from London; this gentleman has travelled on foot eighty-nine thousand miles, through Europe, Asiatic Turkey, Africa and America, on botanical and mineral researches.

The elections in Ireland seem to proceed without much disturbance. Neither the White Boys nor the Black Boys are engaged in the business.

#### N A S S A U, August 18.

Three American vessels, viz. Cleopatra, Tait, Becca, Morris, and Active, Wilcox, sent in here for having contraband articles on board, and libelled in the court of vice-admiralty, have been acquitted; and that part of the respective cargoes, which was contraband, condemned.

#### August 22.

The sloop Polly, Pendleton, from Charleston for Havana, sent in here by captain Redmond of the George privateer, has, after the contraband articles of her cargo being taken out, been allowed to proceed on her voyage without being prosecuted.

This day his honour the judge of the court of vice-admiralty gave his decree in the case of the cargo of the American ship Mercury, Roberts, captured by the Frances Louisa, captain Copinger; whereby he condemned that part of the cargo which appeared to be the property of Thomas Tunno and John Price, as they were residing and doing business in the dominions of Spain; at a time when Great-Britain is engaged in hostilities against our nation.

#### PROVIDENCE, October 14.

While with gratitude to the Supreme Disposer of all events, we announce that the fever which swept off a number of our valuable citizens, has totally subsided in this town, we deeply deplore the condition of our afflicted brethren of Philadelphia, Baltimore, &c. who are still suffering under the scourge of this dreadful pestilence. Such of our inhabitants as had removed, have returned or are returning, and business is again resuming its former appearance.

#### NEW-YORK, October 12.

It is said there is no American consul at Havana, nor in St. Domingo, to protect the trade and citizens of the United States; and the merchants make bitter complaints on that subject. It is supposed American agents at Havana and the Cape might frequently save vessels and cargoes.—In Havana, the Spaniards say, the Americans have no agent to take care of their concerns, and it is not their business.

Humanity towards seamen alone demands some provision of this kind; as they are often robbed of every article of money and cloaths and have not a friend to assist them. These things certainly demand the immediate attention of government.

#### PLEASING.

Extract of a letter from a house of respectability in London, dated July 22, to a merchant of this city.

"Our government has this day paid, in money, the amount awarded by the commissioners to the individual claimants in America, for losses sustained by illegal captures of your neutral ships, and property to a very considerable amount, with handsome profit, on the cargoes, and interest from the time captured, up to the first of July instant. This conduct must give very general satisfaction with you."

#### October 14.

On referring to the decree of the French Directory of March 23, ordering the seizure and confiscation of American vessels, which should be found without certain papers, we find the 4th article in the following words:

#### "ARTICLE IV.

"In pursuance of the law of the 14th of February, 1793, the regulations of the 21st of October, 1744, and of the 26th July, 1788, respecting the manner of neutral vessels and neutral merchandise, shall be complied with according to their form and tenor.

"Every American ship shall therefore be deemed a lawful prize, which shall not have on board a bill of lading in due form, according to the plan annexed to the treaty of the 6th of February, 1778, the execution of which is enjoined by the 25th and 27th articles of that treaty."

This article explicitly requires that all American vessels shall be furnished with "a bill of lading in due form, according to the plan annexed to the treaty of 1778."—The words "bill of lading," in a strict sense, as used by merchants do not include a role d'equipage; but the subsequent words "in due form according to the treaty of 1778," will doubtless extend the meaning to comprehend the role.

We cannot but express some surprise that the precise requisitions of this decree of the Directory should have been so long neglected by persons whose duty and interest are concerned. Not that we believe the most exact papers would save vessels from all the pirates that infest the ocean and the French colonies; but we believe immense property might have been saved.

#### October 18.

A gentleman who came passenger in the ship Citizen, from Lisbon, which place he left on the 19th August, informs, that on the 15th, admiral Jervis was still before Cadiz, but nothing particular had taken place. The merchants and other inhabitants were returning into town, and it was supposed that the blockade would soon be given up.

Admiral Jervis had sent orders to the commanding officer of the British ships in Lisbon, to embark all military stores; to man the Spanish prize ships, and send them to Plymouth.

#### BALTIMORE, October 21.

Extract of a letter dated Fort Schuyler, October 4.

"I have now the pleasure to inform you, that yesterday the canal was opened, and that every part of the work completely answered its intended purpose.—One batteau (carrying the flag of the United States) and three loaded ones, ascended through the lock from the Mohawk into the canal, passed along the same, and descended through the lock into Wood Creek, (a distance exceeding two miles) in little more than 40 minutes. I believe the average passage will never exceed one hour: what the detention formerly was, I need not inform you. The supplying and discharging weirs fully answer my expectations; by their means the canal may at any time be filled or emptied in a few hours.—Each weir contains five paddles, three feet in length and two and a half in height; two of these