

MARYLAND GAZETTE.

WEDNESDAY, AUGUST 14, 1811.

[No. 3370.]

[LXVIIIth YEAR.]

... will view the premises...
... He has left to be...
... of viewing the lands for...
... Jacob Franklin as to those...
... Chesapeake, to Col. Harris as to those...
... Potomac, and to Mr. Madison...
... no the Wisconsin.

TERMS OF SALE.
The purchaser or purchasers to give and to the subscriber, with approved security, for paying the purchase money in annual payments from the day of sale, viz. one third part thereof, with interest from the first of January next, at a whole sum, at the end of one year, and the other third part thereof, with interest from the whole sum then unpaid, at the end of two years; and the residue, with interest as aforesaid, at the end of three years. Possession of the premises will be delivered to the purchasers on the first of January next.—In the mean time they may exercise all rights of ownership not incompatible with those of the Tenant now residing thereon.
Where the premises are not tenanted, immediate possession will be given, and in that case interest will commence on the purchase money from the day of sale. On payment of the whole purchase money, with interest, the subscriber is authorized to execute deeds of conveyance of the premises to the several purchasers.
TH. HARRIS, Jun.
Annapolis, June 6, 1811.

State of Maryland, sc.
By Anne-Arundel County Orphans Court, June 25, 1811.
ON application, of John Watkins, Administrator of Elizabeth Watkins, late of Anne-Arundel county, deceased, it is ordered, that he give the notice required by law for creditors to bring in their claims against the said deceased, and that the same be published once in each week for the space of six successive weeks in the Maryland Gazette.
JOHN GASSAWAY,
Reg. Wills for Anne-Arundel county.

THIS IS TO GIVE NOTICE,
THAT the subscriber, of Anne-Arundel county, hath obtained from the orphans court of Anne-Arundel county, in Maryland, letters of administration on the personal estate of Elizabeth Watkins, late of Anne-Arundel county deceased. All persons having claims against said deceased, are hereby warned to exhibit the same, with the vouchers thereunto, to the subscriber, on or before the twentieth day of February next, they may otherwise by law be excluded from all benefit of the said estate. Given under my hand this 25th day of June, 1811.
J. W. WATKINS, Adm'r.

Public Sale.
By virtue of an order from the orphans court of Anne-Arundel county, the subscriber will expose at Public Sale, on Tuesday the 13th day of August, if fair, if not the next fair day, at the late dwelling of Rich Gaither, deceased, near the Fork Bridge on Patuxent,
ALL the personal property of said deceased, consisting of some valuable negroes, hogs, sheep, cattle, household and kitchen furniture, and many other articles too tedious to enumerate. Terms of sale, six months credit for all sums above ten dollars, under that sum the cash to be paid. Bonds with good and sufficient security, to be approved of by the administrator, with interest thereon from the day of sale.
BENJ. GAITHER, Adm'r.
July 7, 1811.

To be Leased
FOR A TERM OF YEARS.
THAT elegant situation opposite to the city of Annapolis, adjoining Fort Mifflin, it contains upwards of 300 acres of excellent land, with cyfler shell banks of manure on each field, with three negro men; and good improvements, the advantage of keeping a ferry boat, having hands used to it, and the convenience to one of the best markets, (the seller,) in the State, is very great. Any person wishing to rent, may apply to Mr. Clements in Annapolis, or to the subscriber at Esalon. I observe that some person has cut several cedar posts on the banks of the river and creek, I hereby forewarn all persons from bringing boats, or canoes into any of my creeks, or taking away any sort of wood at their peril. To save trouble no person need apply without they can give good security if required.
May 5, 1811. DAVID KERR.

ANNAPOLIS:
PRINTED BY JONAS GREEN.

FOREIGN.

The ship *Russell*, capt. Allen, from Liverpool, arrived at New-York.
LONDON, JUNE 14.
A person arrived this morning from France, the secretary of State's office, Downing-street. He has brought some very important intelligence to government. Not less than 100 vessels, all English he says, lately arrived at Calais, laden with gold, of the current coin of this country.

JUNE 19.
The 68th regiment sailed from Portsmouth yesterday, for Portugal. The 10th dragoons are on their march from Hammersmith, and the adjoining villages, to embark on the same destination; never was a regiment in finer condition nor better mounted. This arrival will of course be of more important and beneficial consequences.

JUNE 21.
Captain Bingham's account of the action with the President, is expected by government with considerable anxiety; but till it arrives, of course no decisive step will be taken.—If it shall prove to be what we have reason to suppose it will be, there can be little doubt as to the measure we shall adopt. This event has been strangely compared to the affair of the Chesapeake, and it has been said that the American government are re-acting upon us the conduct of which they complain in that affair.—Where is the similarity? The Chesapeake had British seamen on board, who had deserted from our service; we knew they were on board; we claimed them; they were refused, and we made the Americans give them up; a measure about which we never had but one opinion—that it was perfectly justifiable, and that we ought never to have offered the slightest atonement or apology. But was this the case with the President? Did she complain of the Little Belt having American seamen who had deserted, and of their being refused to be given up to their own government? Not a single complaint of this kind is made even by the Americans themselves. As far as we are yet seen, and we verily believe it to be the fact, the President was sent out with orders of a hostile nature; she fails completely for action; she meets a British ship of war, and immediately hailed her; granted that there was nothing wrong in this; but was the British vessel bound to answer her? A refusal to answer could afford no reasonable cause of complaint to a vessel that was neutral, for what had she to apprehend? Very different was our case, for we were at war, and the characters of belligerents gave us a right to give false answers or no answer, in order to have recourse to simulation and dissimulation to mislead the enemy. How was the Little Belt to know whether it was not the hail of an enemy? And if bound to answer the hail, would not be equally bound to answer a second and a third question; and so on, thus leading her to expose her condition? Capt. Bingham, therefore, acted strictly in conformity with his duty as a British officer, when instead of answering the hail, he sailed in his turn—and here the duty of a neutral, which the President was, obliged her to satisfy our ship that she could have no hostile intentions, and that she was the vessel of a friendly power. But what did she do? In private letters we beg our readers to observe, give a very different version from the American papers, and one much more probable. They all agree in stating that the first shot and first broadside was fired by the American. After we had hailed the President, she fired a shot at the Little Belt; the latter returned it; the President then poured a broadside, which of course was returned, so that all the private letters: "this important fact," says one of them, "was promulgated in New-York by the very officer who was first on board by com. Rogers, on the morning after the action had ceased, who did not hesitate to assert that capt. B. had at that interview declared on his honour that he did not fire the first shot, but that after his ship had been fired into he returned the compliment. He added also that the President was the first to pour a broadside into the Little Belt, which was returned by her before she could consistently with the rules of the British navy, condescend to strike her colours, even to a force of such great superiority."
If this be the fact, and if the American government declare that the captain of the President did not act contrary to his orders, there can be but one line of conduct we can consistently with what we owe to our national character,

FOX, PORTER.

JUDGMENT RESUMED.

Sir William Scott.
As the claimants have failed to produce any evidence of the revocation of the French Decrees, and have nothing to offer as the foundation of a demand for further time, I must conform to what I declared on a former day, and proceed to make the decree effectual. I should certainly have been extremely glad to have received any authentic information tending to shew that the decrees of France, to which these orders in council are retaliatory had been revoked; and it was upon a suggestion offered on the part of the claimants, that despatches had been very recently received from Paris by the American minister in this country, by which the fact might be ascertained, that the court on the former day deferred its final judgment. I would have been unwilling to proceed to the condemnation of these vessels, without giving the proprietors the opportunity of shewing that the French decrees, on which our orders in council are founded, had been revoked. But they admit that they have no such evidence to produce, the property of the ships and cargoes it is daily deteriorating, and it is my duty to delay no longer the judgment which is called for on the part of the captors.

From every thing that must have preceded, and from every thing that must have followed the revocation of the French decrees, if such revocation had taken place, I think I am justified in pronouncing that no such event has ever occurred. The only document referred to on behalf of the claimants is the letter of the person styling himself Duc de Cadore. That letter is nothing more than conditional revocation; it contains an alternative proposal, either that G. Britain shall not only revoke her orders in council, but likewise renounce her principles of blockade, principles founded upon the ancient and established law of nations; or that America shall cause her neutral rights to be respected; in other words that she shall join France in a compulsive confederation against this country. It is quite impossible that England should renounce her principles of blockade to adopt the new fangled principles of the French government, which are absolute novelties in the law of nations; and I hope it is equally impossible that America should lead herself to an hostile attempt to compel this country to renounce those principles on which it has acted in perfect conformity to ancient practice and the known law of nations, upon the mere demand of the person holding the government of France. The *casus fœderis* therefore, if it may be so called, does not exist; the condition on which alone France holds out a prospect of retracting the decrees, neither are nor can be fulfilled. Looking at the question therefore, a priori, it cannot be presumed that the revocation has passed. On the other hand, what must have followed if such had been the fact? Why, that the American minister in this country must have been in possession of most decisive evidence upon the subject, for I cannot but suppose that the first step of the American minister at Paris would have been to apprise the American minister at this court of so momentous a circumstance, with a view to protect the American ships and cargoes which had been brought in under the British orders in council. If no such information had been received by him, there never was a case in which the rule "De non apparentibus et non existentibus eadem est ratio" can more satisfactorily apply. For it is quite impossible that such a revocation can have taken place without being attended with a clear demonstration of evidence that such was the fact. I am, therefore, upon every view of the case, of opinion, that the French decrees are at this moment unrevoked. But if by any possibility it can have happened that an actual revocation has taken place against the manifest import of the only public French declaration referred to; and without having been yet communicated to the American minister in this country, who was so much concerned to know it, for the benefit of the persons for whose protection it must have been principally meant; the parties will have the advantage of the fact if they can shew upon an appeal, that those decrees have been revoked at a time and in a manner that could justly be applied to the determination of these causes, revoked at a period which would render the dates of this capture, and in a manner unincumbered with stipulations which it was well known this country could never accept, and to which there was every reason to presume that the justice of America could never permit her to accede, upon the refusal of G. Britain. On such a state of evidence the claimants will carry up with them to the superior courts the principle that might entitle them to protection according to the view

which this court has taken of the subject. But things standing as they do before me, all the parties having acted in a manner that leads necessarily to the conclusion that no bona fide revocation of the Berlin and Milan decrees has taken place, I must consider these cases as falling within the range of the British orders in council, and as such they are liable to condemnation.

JUNE 22.
The *Moniteur* of the 18th contains a long article, under the head of news from the army of Spain. It relates entirely to the proceedings of Suchet against the fort Olivilla, before Tarragona. The operations began on the 3d May, and concluded on the 29th, when the fort was stormed and taken, after a most obstinate resistance. The garrison of Tarragona had previously made several sorties, particularly on the 14th, with 6000 men. A very sharp action took place, in which our Squadron took part, consisting of a 74 gun ship, a cut down ship, 2 frigates, and several other vessels. This Squadron brought the Spanish general Campo Verde to Tarragona. The French gen. Salme, was killed.—Nine hundred prisoners were taken at Olivilla. On the 30th May, the garrison of Tarragona attempted to take the fort, but without effect. In the house of commons last night the chancellor of the exchequer, in his reply to Mr. Whitbread, alluded to a former speech which had been construed as holding out the prospect of an accommodation between this country and Russia. "Certainly (said Mr. Percival) I held out no such expectation, what I stated was simply, that in the present aspect of affairs in the north of Europe, it would be impossible for Buonaparte to make those exertions in Spain and Portugal, to which he might otherwise be equal, as it might be dangerous for him to send all his force thither, leaving the other quarter without an adequate guard; this was the extent of my sentiment."

Letters from St. Petersburg to the 2d inst. and from Gottenburg to the 16th inst. with great confidence, that all matters in dispute between Russia and France have been finally adjusted. It is added, that in this arrangement, Russia has gained one point about which she was extremely solicitous, namely, a permission to import a certain quantity of British merchandise commensurate with the necessities of her population.

It was believed at Petersburg, that peace with TURKEY had been either actually signed, or was on the eve of being so.

We received this morning *Moniteurs* and other Paris papers of the 17th and 18th inst. They contain the following document of the highest importance.—Buonaparte's speech upon opening the legislative body. It will be remarked, that Buonaparte does not make any even the most distant allusion to Russia. Great Britain comes in for her share of invectives. Oh, how he hates and fears her! He accuses us of alarming and stimulating other powers (Russia probably) against France, and he promises to do great things against us, which promises he will no doubt perform as effectually as he has done all his others.

These papers contain also an account of the opening of the National Council. In the British House of Commons the 21st of June, Mr. Whitbread moved an address to the Prince Regent, calling on him for copies of the correspondence between the secretary of state and Mr. Pinkney, during the year 1810. After making some other remarks, he said:

"The adjudication which had taken place with respect to the Fox, was, he thought, throwing away the scabbard in relation to America. On a former night he had told his opinion of the manner in which that country had been used. The papers then under his hands, fully supported that opinion. Those papers the right hon. gentleman had refused to lay before the House, but they had now been published in America—they were now before the world—and it was his determination before he sat down, to move that those papers be laid before the house officially. He thought America had been very ill treated. That country, from her situation and her increasing power, if, in a state of amity with Great Britain, might render her the most essential services; but she had been treated more like an humble dependent on an illiberal protector, than as an equal and independent state. But let the House look to what had appeared, within a few days, in all the public prints—an engagement had actually taken place between a British and an American ship: He did not mean to say, that the rencontre of the two vessels (the President and Little Belt) was sanctioned by either government; but it shewed that by decrees, they were approached to a state of warfare, which, if persisted in, would overthrow the resources of the country.

[Mr. Whitbread then noticed the correspondence between marquis Wellesley and Mr. Pinkney; and charged the marquis with having delayed giving answers to Mr. Pinkney.]

The Chancellor of the Exchequer, in reply, said: At a period when they were ignorant of what effect Mr. Foster's mission had produced, at such a time did he come forward with his tirade. He has stated what he felt on the subject; that the American government had been insulted and their national honour contemned. No advantage he was convinced, could be derived from the production of the correspondence, half so great as the mischief which was to be apprehended from it. As to the observations he had made on the correspondence, he would only say, that when an honourable gentleman came forward and without notice, referred to dates, and commented on facts, not originating, it should be observed, with this government, but what that of America, it was utterly impossible for him to enter on an explanation. He had not an idea that the slightest discussion would have taken place in consequence of his moving to postpone the consideration of the Report. But when the proper period arrived, when the negotiation between the two countries was terminated, then he could have no objections to giving every satisfaction on the subject.—With whatever instructions Mr. Foster had been sent out, it could not be expected that government would disclose the views they had entertained, at a premature period. It would be most impolitic to lay before the House any statement on the subject.

Mr. Whitbread's motion was negatively.

LIVERPOOL, JUNE 15.
Mr. Smith, the American Charge d'affaires, waited upon the marquis Wellesley at two o'clock on Tuesday, and had an interview for some continuance. The question of the orders in Council formed the subject of the conference, but the result has not transpired.

PARIS, JUNE 16.
Speech of Buonaparte to the Legislative Body.

This day, the 16th, the emperor proceeded from the palace of the Thuilleries, in great state to the palace of the legislative body.—Discharges of artillery announced his departure from the Thuilleries, and his arrival at the palace of the legislative body.

The empress queen Hortense, princess Pauline, the grand duke of Wertenburg and the grand duke of Frankfort, were in one tribune, the corps diplomatique in another tribune; the bishops convoked for the council, and the mayors and deputies of the grand cities summoned to be present at the baptism of the king of Rome, were on benches.

His majesty placed himself on his throne. The king of Westphalia, the princes, grand dignitaries, grand eagles of the legion of honour, occupied their accustomed places about his majesty, prince Jerome Napoleon on his right.

After the new members had been presented and taken the oaths, the emperor made the following speech.

"Gentlemen deputies of departments to the Legislative Body.

"The peace concluded with the emperor of Austria has been since cemented by the happy alliance I have contracted; the birth of the King of Rome has fulfilled my wishes and satisfies my people with respect to the future.

"The affairs of religion have been too often mixed in and sacrificed to the interests of a state of the third order. If half of Europe has separated from the church of Rome, we may attribute it specially to the contradiction which has never ceased to exist between the truths and the principles of religion which belong to the whole universe, and the pretensions and interests which regarded only a very small corner of Italy.

"I have put an end to this scandal for ever. I have united Rome to the empire—I have given palaces to the Popes at Rome and at Paris; if they have at heart the interests of religion they will often sojourn in the centre of the affairs of christianity.—It was thus that St. Peter preferred Rome to an abode even in the Holy Land.

"Holland has been united to the empire; he is but an emanation of it—without her the empire would not be complete.

"The principles adopted by the English government not to recognize the neutrality of any flag, have obliged me to possess myself of the mouths of the Ems, the Weser, and the

[Couriers]