

PRINTED AND PUBLISHED BY WILLIAM PECHIN, (PRINTER OF THE LAWS OF THE UNION.) 31, SOUTH GAY-STREET, NEAR THE CUSTOM HOUSE, BALTIMORE.

Daily paper 87 and Country paper 5 per ann. All advertisements appear in both papers.

TUESDAY, JANUARY 28, 1805

MESSAGE

From the President of the United States, respecting the application of HAMET CAHAMALLI, ex-bashaw of Tripoli.

Extract of a letter from Commodore Samuel Barron, to Tobias Lear, Esq. dated Malta, 18th May, 1805.

The recent dispatches from Mr. Eaton have been communicated to you. From their tenor, and the knowledge I have within a short time obtained of certain features in the character of Sidi Hamet Bashaw, I must candidly own that I have no longer the same expectations which I once entertained of the success of the co-operation with him. His want of energy and military talents, his total deprivation of means and resources, the great expenses already incurred and the large sum which would be required, according to Mr. Eaton's statement, for pursuing the object; a sum far exceeding both the resources placed at my disposal, and the powers vested in me by my instructions, compel me to relinquish the plan. Indeed, on mature reflection, I am of opinion, that if the ex-bashaw, having received this impulse from our strength, and being put into possession of Derne, the province where his interest is supposed to be the strongest, has not in himself sufficient energy, address and courage, and cannot command sufficient means to move on with firm steps towards the usurper's residence whilst we second his operations by sea, he must be considered no longer a fit subject for our support or co-operation.—I am preparing to send provisions to the coast for the subsistence of the crews of the Argus brig and Nautilus schooner, which remain there at Mr. Eaton's request, and by the sloop Hornet, which conveys them; I shall send such instructions to that gentleman, and the officers with him, as further reflection, and the nature of your determination on this letter, may dictate. Whatever may be the final result of this co-operation, I cannot reject the belief, that it has had a powerful effect in the reigning bashaw; and it may be fairly presumed that the gallant conduct of our friends in the affair at Derne, and the capture of that place, will have their influences and dispose him to moderate his pretensions and think seriously of peace. The complaining condition of some of our ships in the squadron, is not among the least important considerations of the present moment; three of the frigates are in such a state, as, in my opinion, and that of the commanders, renders them unfit to encounter the severity of another winter's blockade, without undergoing considerable repairs.

These facts and considerations, for the due appreciation of which you, sir, are fitted by your talents and the length and particular line of your experience, seem to point out the present as auspicious beyond any former occasion, and indeed as the very moment for attempting a negotiation; especially when we combine with these reflections that our force, respectable as it is, is yet greatly exaggerated at Tripoli, and consider the effect which such a view of the enemy, added to the movements of his brother, must have on the mind of Jusseff Bashaw. Strongly persuaded that your conclusions upon these points have anticipated my own, I am induced to state to you my earnest wish that you may deem it expedient to meet the overture lately made through the Spanish consul, by his excellency, so far as to found on it the commencement of a negotiation. I cannot entirely suppress another motive, which I confess weighs painfully on my mind. I trust I feel as becomes an American, and that I know what an American ought to suffer, when the interests and the honor of his country call on his fortitude. Were I deficient in these respects, or misled by unreflecting compassion, I am well assured that captain Bainbridge and his unfortunate comrades would be first in deprecating this deficiency. But I know the value of such a man as captain Bainbridge, and of his officers, and am persuaded that I speak the language of our country, when I declare, that as they lost their liberty in her defence and her service, no reasonable and honourable offer should be neglected, which affords a prospect of releasing them from the bondage of a bigotted and unfeeling tyrant.

In communicating these sentiments, you will do me the justice to believe, that I discard every idea of any national honor or advantage being sacrificed to the attainment of their emancipation, weighing that honor and advantage by the practice of powerful nations; but I must contend that the liberty and perhaps the lives of so many valuable and estimable Americans, ought not to be sacrificed to a point of honor, taken in the abstract. Should the event justify my hopes and expectations of your coincidences with me on this interesting subject, and you de-

termine on going to Tripoli, captain Barron, commanding the Essex frigate, who is under sailing orders for the blockade will be instructed to await your arrangements and convey you thither. I beg leave to add my assurances, that in case you determine on this step, sanguine as my expectations will be of the issue, I shall not relax in the smallest degree from hostile preparations, well aware that the best assistant which an able negotiation can have is an energetic display of force and means at the very moment as if peace were despaired of.

COPY.

Tobias Lear to Commodore Samuel Barron, MALTA, May 19, 1805.

I had the honor last evening to receive your letter of yesterday, on the subject of opening a negotiation with the bashaw of Tripoli. Most sincerely do I lament the long and severe illness you have suffered, and under the effects of which you still labor; and I am fully persuaded that no consideration would lead you to relinquish the command vested in you by the government of our country, but a thorough conviction that your retaining it when unable to perform the duties inseparable from the station, would be injurious to the cause in which we are engaged; and I am also persuaded that when such a conviction arises, all personal considerations will yield to your patriotism. I have maturely considered the several points mentioned in your letter, relative to a negotiation with the bashaw of Tripoli; & upon a view of my instructions from the government of the United States on that subject, I conceive it my duty to endeavor to open and bring to a happy issue a negotiation for peace, consistent with the tenor of these instructions, whenever the commander of our naval force in this sea shall judge that the occasion is proper and favorable; as it is presumed that the bashaw will be impressed by the aspect or operations of that force, and as this is in your opinion a proper occasion, I shall hold myself in readiness to proceed in a few days on that business, with captain Barron, in the United States' frigate Essex, which you are so good as to say will wait my arrangements.

I presume as captain Rodgers, who is your second in command, and who will of course take the command of the squadron, if your health, as you apprehend, should compel you to relinquish it, is now off Tripoli, and may be possessed of some information relative to our affairs with that regency, which has not reached you, that he will be fully advised of the motives which have induced this measure, and instructed to give it all the facility which his judgment may suggest.

Although I cannot, sir, agree with you in opinion, that any impression favourable to us has been made on the mind of the bashaw from our co-operation with his brother thus far, excepting what may arise from the undaunted bravery and perseverance of the force of our countrymen at Derne, which will be to him a further proof of what we can do alone against him; yet I am of opinion, that as he has discovered a disposition to open a negotiation, we should embrace, to see if such terms can be made as are admissible on our part, and to release our unfortunate countrymen out of his power, whose fate ought not to depend on small punctilio.

COPY.

Commodore Barron, to Captain Hull, of the Argus, MALTA, May 19, 1805.

Your several communications were received by the Hornet, which did not arrive here until the 16th, having met with head winds and heavy gales.

Your various information is under my particular attention. The state of my health and my anxiety to dispatch the sloop without loss of time, does not allow me to enter into lengthy observations. Nor is it indeed necessary. The letter I have written to Mr. Eaton by this conveyance, and which he will communicate to you, will, no doubt, determine him & the officers to leave the coast, as a measure rendered necessary by existing circumstances, and especially by the intention of the consul general to open a negotiation with Jusseff, reigning Bashaw of Tripoli. You will, therefore, as soon as the requisite arrangements are made, return with the vessel under your command to Syracuse, to which place it is contemplated to transfer head quarters in the course of a few days. Lieut. Evans is instructed to deliver the stores which have been laden in the sloop, to you, to be distributed according to your direction. You will understand these stores are intended for the use of the crews of the U. States vessels, and the Christians under the command of Mr. Eaton.

Nothing material has occurred in our affairs since your departure. Mr. Evans will be able to inform you of every thing worthy of notice. I have likewise sent with Mr. Evans, 2000 dollars (Spanish) in specie, which will serve to extinguish any individual engagements that you or Mr. Eaton have contracted at Derne. I look anxiously for further intelligence from Derne.

Commodore Barron to William Eaton, esq. MALTA, May 19, 1805.

SIR, By the Hornet sloop, which arrived in this harbor on the 16th inst. (having had a tedious passage) I had the honor of receiving your dispatches of 20th ult. and 1st instant, announcing the capture of Derne, after a contest, in which permit me to observe, that your conduct and

that of your companions in arms, will not discredit the character which our countrymen have established among the nations of Barbary. I have perused with deserved attention the arguments and reasons adduced in your letter of the 1st, on the subject of pursuing the co-operation with Sidi Hamet Bashaw. Being myself too weak for the exertion of letter writing, and my secretary writing with difficulty, owing to an inflammation in his eyes, it is impossible for me to enter into a lengthy reply, nor does it indeed appear necessary. The business is now arrived at that point, where, if the ex-bashaw, after being put in possession of Derne, his former government, and the district in which his interest is most powerful, has not in himself energy and talent, and is so destitute of means and resources, as not to be able to move on with successful progress, seconded by our naval force acting on the coast, he must be held as unworthy of further support, and the co-operation as a measure too expensive and burthensome, and too little pregnant with hope or advantage, to justify its further prosecution; for whatever, sir, may have been once the intentions of government on this subject, and whatever your ideas, touching those intentions, I feel that I have already gone to the full extent of my authority. The instructions from the navy department on this particular point, with which you are not unacquainted, fall short of that unlimited discretion and power of application as relates to funds, insisted on in your letter, and are totally silent in regard to the quality and description of supplies and stores, which you mention to have been in the contemplation of government to furnish to the bashaw; hence you will be sensible, that without taking a latitude that would involve me in a sum of responsibility, which it were the extreme of rashness and folly to encounter, I cannot proceed further. Independent of this consideration, it may not be improper to state, that I have not at my disposal, funds sufficient to meet the large sums, which, according to your calculation, would be required to pursue the plan with effect.

With respect to any engagement to Sidi Hamet, I cannot consider them as binding or definite. We have, by our resources and your valor and enterprise, placed him at the post from which he was driven, when first he solicited the aid and support of our arms, and in the "most valuable province of Tripoli;" in performing which, we have, I conceive, fulfilled every pledge, and that he can neither charge us with bad faith in our engagements, or with injustice to himself. His want of those qualities so essential in the character of a commander, and especially to a prince contending for his throne, is a serious obstacle to the advancement of his cause, not to be surmounted even by the existence and manly exertion of them, in those about his person. But it is what we have had no reason to anticipate, and still less to suppose, that when master of the finest province in his kingdom, where his influence is greatest and his adherents most numerous, his situation would not be materially altered, and himself as destitute of means to carry on the contest, as when he was brought from his exile in Egypt. In short, sir, the matter reduces itself to this: we are willing and ready to support the bashaw, by a union of operations on the coast, so long as the war with Tripoli continues; but you will state explicitly to his excellency, that our supplies of money, arms and provisions, are at an end; and that he must now depend on his own resources and exertions. This determination will suggest to you and your comrades that line of conduct most prudent to be adopted in the present posture of affairs. I have lost no time in dispatching the Hornet with a supply of provisions for the crews of the Argus and Nautilus, and the Christians under your command, and I hope she will arrive in time to prevent your suffering from want.

I have now to acquaint you with an occurrence in our affairs, interesting in itself, and momentous as relates to your situation. In consequence of recent advices from Tripoli, I have thought it my duty to state to the consul general, Col. Lear (now at this place) my candid opinion that the present is a moment highly favorable to treat for peace, and a communication has this moment been handed me from that gentleman, expressing his determination to meet the overture lately made by the reigning bashaw, so far as to found on it the commencement of a negotiation, and to proceed to Tripoli in the Essex frigate, in the course of this week. From a variety of concurring circumstances, the present appears to be a period propitious to such a step, and I cannot help indulging sanguine hopes that a very short time will restore captain Bainbridge and his unfortunate companions to freedom and their country. It would be useless in me to say any thing on the effect which this measure must needs have on your situation and determinations; it is a measure which was anticipated in my letter to you by captain Hull, and as such, the intelligence of it will not, I presume, reach you unprepared. The interests of Sidi Hamet will not be overlooked. It is with Col. Lear's express sanction that I state to you his intention to endeavor at stipulating some conditions for the unfortunate exile, provided this can be done without considerable sacrifice of national advantage on our part, and without giving up points that are essential.

I have sent by Lieut. Evans 2,000 Spanish dollars, which he is directed to deliver to you or captain Hull. This sum will serve to extinguish any little engagements you may have contracted at Derne.

I am extremely anxious for further intelligence from you, and remain,

With much respect, &c.

(Signed) S. BARRON.

Extract of a letter from Robert Denison, secretary to the commander of the Mediterranean squadron, to the secretary of the navy, dated MALTA, 22d May, 1805.

It appears, by a variety of letters which have been received that the Bashaw is seriously disposed and earnestly desirous for peace with the United States and what confirms this idea beyond all doubt is the receipt by Colonel Lear, of a letter, written at the express solicitation of the Bey, by the Spanish consul, with overtures for opening a negotiation, and accompanying a teschera or passport, under the Bey's seal, guaranteeing the inviolability of any person or persons sent to Tripoli to treat of peace. These correct evidences of a pacific disposition in the Bashaw were a few days ago preface by a communication to Commodore Barron from Mr. Nissen the Danish consul, written at the desire of the minister, Sidi Mahomet Dogtrics, expressing the minister's sincere and earnest wish for the re-establishment of peace, and recommending that a person should be sent over immediately to commence a negotiation. In consequence of those repeated and unequivocal manifestations of a disposition, on the part of the enemy, to accommodate differences, the commander in chief thought it his duty officially to communicate to the consul-general his opinion that the present moment is favorable for opening a negotiation, and the latter having expressed his coincidence therewith, the measure has been agreed upon, and Col. Lear is making arrangements to proceed, on board the Essex frigate, to the coast of Tripoli, in the course of two or three days. Commodore Barron entertains the most sanguine hopes of the happy issue of this measure, and anticipates, with not less confidence than pleasure, the speedy emancipation of captain Bainbridge and his suffering companions. I think it is not hazardous too much to say there is scarcely a doubt but the business will be honorably and satisfactorily terminated in less than a fortnight.

Article 3d of the preliminary articles of a treaty of peace to be entered into between the President and citizens of the United States of America, on one part, and the Bashaw, Bey and subjects of Tripoli, in Barbary, on the other part.

At the conclusion of a peace as aforesaid, between the United States and the regency of Tripoli, all the forces of the United States which have been, and may be, in hostility against the Bashaw of Tripoli, in the province of Derne, or elsewhere, within the dominions of the said Bashaw, shall be withdrawn therefrom, and no supplies shall be given by, or in behalf of the said United States, during the continuance of the peace aforesaid, to any of the subjects of the said Bashaw, who may be in hostility against him, in any part of his dominions; and the Americans will use all means in their power to persuade the brother of the said Bashaw, who is co-operating with them at Derne, &c. to withdraw from the territory of the said Bashaw of Tripoli; but they will not use any force or improper means to effect that object; and in case he should withdraw himself as aforesaid, the Bashaw engages to deliver up to him his wife and children, now in his power.

(Signed) TOBIAS LEAR.

Commissioner in behalf of the United States for negotiating a peace with his excellency the Bashaw of Tripoli.

[TO BE CONTINUED.]

DEPLOMACY IN FRANCE.

Paris, 5th December, 1805. The undersigned Minister of the United States, to the Minister of the Public Treasury.

SIR, I had the honor of receiving your letter on the subject of the claim made by Messrs. Nicklin and Griffith, of Philadelphia.

With regard to the facts which you allege, viz. that this is an English house, doing only business for English merchants; that the ship New Jersey was loaded from the English Factories at Canton, and that she belonged to English merchants, I know nothing from any document in my possession. The only written evidence applying to this case, within my reach, is the record (report) of the American Commission, to which you allude, and which is directly adverse to the suggestion you have made; for I find that the Commissioners united in admitting the New Jersey to have been American property; and that the protest of one of the members of that board against the ultimate decision of the others, was founded, not on the fact of her being English property, but on that of the claimants not having pursued their remedy against the

captors, to its proper consequence, viz. to an assurance that they were unable to pay.

On the other hand, though I have as already stated, no written document, I have had much verbal information which furnishes strong presumptive evidence of two facts.—1st, that the New Jersey was partially or altogether English property; and, 2dly, that, whether American or English, she was insured, and that no loss was sustained by the ostensible claimants.

The circumstances which render the first of these facts probable, are, that one, if not both the partners of this house were recently before the fitting out of the ship New Jersey, the clerks and carriers of pattern cards for manufacturing houses in Great-Britain; that they have been notoriously the commission agents of such houses since; that they were not in a condition to fit out a ship of the value of the New Jersey with their own means; and that if they had assistance, it must have been derived from British sources, as it has not been even pretended they have had any American support.

The circumstances rendering the second fact probable, is in the knowledge of all men acquainted with commerce, as conducted in the United States, viz. that much property committed to the sea on long voyages, and in a state of war is always insured. Whence the probability that the present claim is pursued, not on account of the ostensible owners, but of the insurers. If these insurers are Americans, they have been amply paid in their profits, which in 1797 were equal to 20 per cent. per annum, on their capital; and if English they cannot come within the provisions of the treaty.

Such is the amount of the verbal information I have received in this case, which at the same time I think it necessary to observe has been received without the sanction of an oath.

I am Sir, with the Highest consideration, Your most obedient and Very humble servant, (Signed) JOHN ARMSTRONG.

M. MARBOTS, Minister Public Treasury.

I hereby certify, that the above and foregoing is a true copy from the original, recorded in the office of the American Legation.

Paris, 23d January, 1805. (Signed) NICHOLAS BIDDLE, Secretary to the Minister.

The consequence of such a letter from the American Minister will appear by the following extracts of two letters written to the claimants by their agents at Paris.

COPY.

Paris, 26th July, 1805. Messrs. Nicklin & Griffith, Philadelphia.

DUPLICATE.

Gentlemen—The fate of the ship New Jersey is decided. The Minister of the public Treasury was of opinion to pay one third part out of the twenty millions proceeding from the sale of Louisiana, which would have produced sixty-seven thousand six hundred eighty-three dollars thirty-three cents, or three hundred sixty-five thousand three hundred thirty-three francs thirty-three centimes.

Mr. Armstrong would not consent to allowing more than three hundred thousand francs or about fifty-five thousand five hundred and seventy-nine dollars.

The Emperor has given his assent, and we only wait for the convenience of Mr. Armstrong to receive the bills upon the treasury of the United States.

They require a receipt for the whole, mentioning however the sum actually paid.

They also require that, that sum should be distributed among the concerned in such a manner that each of them should only have about three eleventh parts of what he would have received had the whole been paid.

The misfortune which you experience and which even all the members of the

French government consider as an injustice, proceeds entirely from their having consulted Mr. Armstrong; and from Mr. Armstrong's (though he twice changed his opinion) having definitively maintained that the sum insured ought not to be reimbursed, and that the undersigned ought to lose the whole. It is on this principle that he thought that only one hundred thirty-six thousand francs were to be reimbursed out of the sum of one million nine hundred sixty thousand francs which have been deposited, and that when he acceded to the demand which was made by the minister of the treasury of one hundred sixty four thousand francs more, he has thought that he conferred a great favor. Nay, he contended for a great while that nothing at all should be paid.

In vain have we remonstrated that Mr. Armstrong had no right to interfere with this business, that he was only to decide upon those claims which the American Board of Commissioners had not admitted. The French Minister has thought proper to get in concert with him, and we could only obtain the sum which we have already mentioned. The loss therefore of seven hundred ninety six thousand francs (about one hundred and forty seven thousand dollars) proceeds only from Mr. Armstrong's having extended his functions beyond the powers conferred upon him, and from his