

Foreign Intelligence.

Baltimore, Dec. 16.

By the arrival of the ship, Eliza-Ann, captain Porter, at New York, in 34 days from Dublin, the Editor of the Mercantile Advertiser has been furnished with London dates to the 21 of November, from whose paper we have made the following summary.

The Duke of Portland, late prime minister, of Great Britain, died of the gravel, on the 30th Oct. last, in the 72d year of his age. His eldest son, the marquis of Titchfield, has succeeded to all his hereditary titles and estates.

Notwithstanding the grand efforts of Nature to prove the contrary, the English ministerial prints insist upon Bonaparte's madness at Vienna. How consoling to the people of Great Britain must it be to think that France for one moment, should be governed by a madman. This is indeed a new and singular remedy for national disaster and disgrace. A report in London states that peace has taken place between the Russians and Turks, the latter giving up Moldavia and Wallachia. English accounts from Hamburg make a battle to have been fought between the Russian and Turkish armies, of 30,000 strong each, and gave the latter the victory. From the nature of the preceding article this would appear highly improbable. On the 25th of October the British celebrated with great pomp and splendor the Jubilee of Insanity, as on that day the King entered the 60th year of his reign. Like the prints in the British pay in the United States, the British ministerial editors, should a rupture with Great Britain take place, which is highly probable, endeavor to throw the odium of it on the American government; but although kings may be fools, their courtiers knaves, and their editors unprincipled, mankind before whom all the circumstances have been placed, generally are not so subject to imposition as to believe their deceptions. The new British ministry have determined to retain possession of the Island of Walcheren at all hazards, provided the French will let them.

The British ministry are said to have determined upon the evacuation of Spain, and transmitted orders accordingly, in consequence of their conviction, by their agents on the Peninsula, "of the impossibility of effecting the deliverance of a people who are so supremely callous to their own welfare." Eighteen months ago the "Spanish Patriots," was all the toast among the partizans of Great Britain from Maine to Georgia. The French fleet at Toulon, in February last, consisted of one ship of 140 guns building; 1 of 130, nearly fitted; 2 of 120, in the outer road; 3 of 84, fitted; 9 of 81, in the outer road; two Russian 74's; 8 frigates; 2 corvettes, and a number of brigs.

MORE SYMPTOMS OF BRITISH FRIENDSHIP.

Extract of a letter from Dublin, dated November 7.

"Since writing my letter the Packet has brought an account that an order in council is expected to appear immediately in the Gazette, prohibiting the landing of American produce that has been landed or warehoused in any place since they left America, except from British ships, or American ships with British license. This seems intended to drive you to your Embargo, which from experience, it is expected you cannot maintain." Amer.

Parliamentary Parity.

In the Chester Chronicle of the 25th ult. an estate is advertised to be sold in Carnarvonshire, consisting of all the delightful attractions that fertile and romantic country teems with—wood, water, trout-streams, grouse, and game of all kinds; but above all, forty or fifty voters will be thrown into the bargain, to any purchaser who may wish for a seat in Parliament! The reader will observe, that the land, trees, game, grouse, fish, and freemen, were to be knocked down at auction, on the first of September, with as little mercy as a poor partridge on that day! Who will be so audacious as to talk of Parliamentary Reform. London paper.

DOCUMENTS

WHICH ACCOMPANIED THE MESSAGE OF THE PRESIDENT OF THE U. STATES.

(CONTINUED.)

MR. SMITH TO MR. JACKSON.

Department of State, Nov. 8, 1809.

SIR,

In my letter of the 19th ult. I stated to you that the declaration in your letter of the 11th, that the dispatch "from Mr. Canning to Mr. Erskine of the 23d of January, was

the only dispatch by which the conditions were prescribed to Mr. Erskine, for the conclusion of an arrangement on the matter to which it related, was then for the first time made to this government. And it was added, that if that dispatch had been communicated at the time of the arrangement, or if it had been known that the propositions contained in it were the only ones on which he was authorised to make an arrangement, the arrangement would not have been made.

In my letter of the 1st instant, adverting to the repetition in your letter of the 23d ult. of a language implying a knowledge in this government that the instructions of your predecessor did not authorise the arrangement formed by him, an intimation was distinctly given to you, that after the explicit and peremptory asseveration that this government had not any such knowledge, and that with such a knowledge such arrangement would not have been made, no such insinuation could be admitted by this government.

Finding that in your reply of the 4th inst. you have used a language which cannot be understood but as reiterating and even aggravating the same gross insinuation, it only remains, in order to preclude opportunities which are thus abused, to inform you that no further communications will be received from you, and that the necessity of this determination will, without delay, be made known to your government. In the mean time a ready attention will be given to any communications affecting the interests of the two nations, through any other channel that may be substituted.

I have the honor to be, &c.

(Signed) R. SMITH.

Hon. F. J. Jackson, &c. &c.

Mr. Oakley, his majesty's Secretary of Legation, is desired by Mr. Jackson to state to the Secretary of State, that as Mr. Jackson has been already once grossly insulted by the inhabitants of the town of Hampton, in the unprovoked language of abuse held by them to several officers bearing the king's uniform, when those officers were themselves violently assaulted and put in imminent danger; he conceives it to be indispensable to the safety of himself, of the gentlemen attached to his mission, and of his family, during the remainder of their stay in the United States, to be provided with special passports or safeguards from the American government. This is the more necessary since some of the newspapers of the United States are daily using a language whose only tendency can be to excite the people to commit violence on Mr. Jackson's person. In consequence he requests that the undermentioned names may be inserted in the document to be furnished him.

Francis James Jackson, Mrs. Jackson, Their three Children, Charles Oakley, Esq., George Otley, Esq., and 13 Servants.

(Mr. Jackson's circular to the British Consuls in the U. States, (for which see our paper of the 25th Nov.) is then added, which closes the correspondence between him and the Secretary of State.)

The following is the Secretary of State's last instructions to Mr. Pinkney, our Minister in London.

MR. SMITH TO MR. PINKNEY.

Department of State, Nov. 23, 1809.

SIR,

My letters in the correspondence with Mr. Jackson, already transmitted to you, sufficiently evince the disappointment that was felt, on finding that he had not been charged to make to this government either the frank explanations or the liberal propositions, which the occasion manifestly required. Instead of this obvious course of proceeding, it was in the outset perceived that his object was to bring us to resume the subjects of the arrangement of April, in a way that would imply that we were aware that the arrangement was not binding on his government, because made with a knowledge on our part that Mr. Erskine had no authority to make it, and thus to convert the responsibility of his government for the disavowal into a reproach on this for its conduct in the transaction disavowed.

In the first instance it was deemed best rather to repel his observations argumentatively, than to meet them as an offensive insinuation. This forbearance had not the expected effect of restraining him from a repetition

of the offence. And even on his further insinuations; nothing more was done than to premonish him of the inadmissibility of so indecorous a course of proceeding. This also being without effect, nothing remained but the step finally taken. And there was the less hesitation in shutting the door to further opportunities for insinuating insinuations, as the disclosures he had made, and the spirit of his discussions, had so entirely shut it to the hope of any favorable result from his mission.

I will not dwell on his reluctance to give up the uncertainties of verbal to the precision of written discussion; nor on the manner or the time of his denial that he had given any room at all for a statement, which in order to guard against the misconceptions incident to verbal conferences, I had placed before him in writing, with a request that he would point out any inaccuracies, and to which he did not then object otherwise than by intimating, that he could not have made the statement with the particular view which seemed to be supposed. Nor will I dwell on the various instances in which partial or inconsistent views of the subject have taken place of its real merits. But it may not be amiss to make some observations on the correspondence as it relates to the justification of his government in having disavowed the act of his predecessor.

With respect to the orders in council, the ground of the disavowal is the difference between the arrangement and the printed dispatch of Mr. Canning to Mr. Erskine of the 23d January. According to this dispatch, then, the arrangement failed in three points.

1st. In not relinquishing the trade of the United States with enemies colonies.

With respect to this point it is not necessary at this time to discuss the right to that trade. It is sufficient to remark, 1st. That as the trade is admitted to become, in the view of Great-Britain, of little practical importance, why has it been made a ground of the disavowal, and, especially, as important considerations only could, upon principles of public law have justified a measure of so serious a character? 2d. That as the colonial trade is a subject no wise connected either with the orders in council or the affair of the Chesapeake, why has it been permitted to frustrate an arrangement relating to those subjects, and to those only? 3d. That as this condition is allowed to have originated in a supposition, that it would be agreeable to the American government, why has it been persisted in after the error was made known by the representation of Mr. Erskine to his government, that neither this nor the other conditions of the dispatch of the 23d January, were attainable here?

2d. Another point in the dispatch, and not in the arrangement, is, that the British Navy might capture our trade to ports prohibited by the U. States.

This condition too appears, to have had its origin in a mistake of your meaning in a conversation with Mr. Canning, as noted by yourself, and in an inference thence deduced as to the disposition of this government. But this double mistake must have been brought to light in time to have been corrected in the new mission. In urging it, Mr. Canning has taken a ground, forbidden by those principles of decorum, which regulate and mark the proceedings of governments towards each other.

In his dispatch the condition is stated to be for the purpose of securing the bona fide intention of America to prevent her citizens from trading with France and certain other powers. In other words to secure a pledge to that effect against the male fide intention of the United States. And this dispatch too was authorised to be communicated in extenso to the government of which such language was used. Might it not have been reasonably expected that such a condition and such observations, would at least on such an occasion, have been given up by a government willing to smooth the way to an amicable settlement of existing differences?

In his zeal to vindicate his government, Mr. Jackson too, has attempted a gloss on this most extraordinary idea of calling on a foreign sovereignty, not indeed to make laws for us, but, what is equivalent in principle, to supply a supposed inability to execute them. He calls such an interposition of his government, not an execution of the law of congress, but of a compact binding as a public law on both parties, and which both would have a common

interest in seeing duly executed. On his own principles there ought to be a reciprocity, not only in the execution of the compact; but in the obligation and interest resulting from it. Besides where there is a reciprocity in compacts between nations touching attributes of sovereignty, there are always as much of sovereignty gained as is parted with, so that there be no loss or indignity on either side.

3. The remaining point in the dispatch, not secured by the arrangement, is that which required, that, whilst our prohibitory laws should be repealed as to Great-Britain, they should be left in force as to France and the powers adopting or acting under her decrees.

This is the condition which alone properly belongs to the subject, and it is to be remarked in the first place that the British project, of which this condition makes a part, contemplated two things in their nature incompatible; one a repeal of the prohibitory acts as to Great Britain, without waiting for the conclusion of a regular treaty, the other, a pledge or engagement for their continuance as to the other powers. Now, from the nature of our constitution, which, in this particular, ought to have been attended to by the British government, it is manifest that the executive authority could have given no such pledge, that the continuance of the prohibitory acts being a subject of legislative consideration, could not have been provided for until the meeting of the legislature; and that the condition could not therefore but failed, either in the immediate renewal of commerce with Great Britain or in the immediate engagement that it should not be renewed with France.—The British government ought to have acquiesced in, and indeed, ought to have been satisfied with the attainment of the important object of an immediate repeal of our prohibitory laws, and with the consideration, that the other object, not immediately attainable, was unnecessary at the time, because the prohibition as to France was then in force, and because there was every reason to infer not only from this fact, but from the spirit of the communications made from time to time, and from the overtures before submitted to the British government, that without a repeal of the French decrees, our prohibitory laws would be continued in force against France, and especially in the case of a repeal of the British orders, which would necessarily render a continuance of the French decrees doubly obnoxious.

But if on this head doubts could have been entertained, instead of rejecting the arrangement, ought not the repealing act on our part to have been met with a suspension at least of the orders in council, until it could have been seen whether the non-intercourse law would or would not have been continued against France. Such a suspension could not have given, in any point of view more advantage to the United States, than was given to Great Britain by the repeal, which had taken place on their part.

If this reasonable course could not have been substituted for the disavowal, why was not a final disavowal suspended with a proposition, that the arrangement would be executed by Great Britain, in the event of a compliance on the part of the United States with the condition required as to France?

I am not unaware, you may be told, that the non-intercourse law of the United States did not extend to Holland though so intimately connected with France, and so subservient to her decrees against neutral commerce. It would not be improper on this occasion to observe that this objection can be the less urged by Great Britain, as she has herself never in her alleged retaliations adhered to the principle on which they were founded.

Thus she has from the date of them, until very lately, directed them against the American trade even to Russia, although Russia has never adopted the French decrees, nor otherwise violated our neutral trade with Great Britain. So in her order of April last, she has discriminated, not only between the countries devoted to France by the ties of blood, and other powers, but between Holland, Westphalia and Naples, in enforcing her prohibitory order against the first and not against the two last. Whilst, therefore, she finds it expedient to make these distinctions, she ought to presume that we too may perceive equal propriety in the distinctions we have made.

But it may be of more importance here to compare the British order in council of April last, with the arrangement of April, made by Mr. Erskine. It will thence be seen how little is the real difference, and how trivial it is when compared to the extensive and serious consequences of the disavowal.

Under the Order in Council of April, all the ports of Europe, except France, including the kingdom of Italy and Holland with their dependencies, are opened to our commerce.

Under the arrangement of April, combined with our act of non-intercourse, all the ports of Europe, except France and her dependencies, including the kingdom of Italy, would have been opened to our commerce.

The difference then is reduced merely to Holland; and that again is reduced to the difference between a direct trade to the ports of Holland, and an indirect trade to Holland, through the neighboring ports of Tonningen, Hamburg, Bremen and Embden.

Now, as the injuring of the enemies of Great Britain is the only avowed object of her interdicting order against our trade, let a computation be made of the effect, which this difference between the order in Council and the arrangement, could possibly have in producing such an injury. And then let the question be candidly answered, whether, laying aside all considerations of right and justice, sufficient inducements could have been found in that result for rejecting the arrangement, and for producing the consequent embarrassments, as well to Great Britain as to the United States.

If it be necessary, as Mr. Jackson has stated, to set bounds to a spirit of encroachment and universal dominion, which would bend all things to its own standard, and to falsify by honorable and manly resistance, an announcement that all Europe is submitting by degrees, the effort must be feeble indeed, which is to be found in the inconvenience accruing to the formidable foe from the operation of this order in Council, and especially when we combine with it the strange phenomenon of substituting for the lawful trade of the United States, a trade of British subjects contrary to the laws of the adverse party, and amounting, without a special licence, in the eye of British law, to high treason.

Thus much for the orders in council. What has taken place with respect to the case of the Chesapeake, will equally engage your attention.

You will perceive, that throughout the early stages of the correspondence, this case was in some respects improperly confounded with, in others improperly separated from that of the orders in Council; and particularly that pains had been taken by Mr. Jackson to substitute verbal and vague observations on the disavowal of this part of the arrangement for an explicit and formal explanation, such as was obviously due. It will be seen also, that when finally brought to the point, he referred for a justification of the disavowal to the departure of Mr. Erskine from his instructions without showing what those instructions were, and to allusions to an expression in the arrangement without giving to his meaning the distinctness prerequisite to a just reply.

It appears, however, that he lays great stress on the proposal enclosed in his letter of the 27th October, as at once indicating the departure of Mr. Erskine from his instructions, and as containing the conditions on the basis of which he was ready to enter on an adjustment.—And from a note from the Secretary of the British Legation, it appears that he has complained of not having received an answer to this proposal, as he had before complained that no answer had been given to his verbal disclosures on this head in his interviews with me.

With respect to his intimations in conversation, as they were preceded by no proper assignment of the reasons for not having executed the original adjustment, it cannot be necessary to remark that no such notice, as he wished to obtain, could with any sort of propriety have been taken of them.

With respect to his written project, it will suffice to remark:

1st. That, besides his reluctant and indistinct explanation of the disavowal of the original adjustment, he did not present his proposal, until he had made such progress in his offensive insinuations as made it proper to wait the issue of the reply about to be given to it, and that this issue had put a stop to further communications.