

Political Miscellany.

DOCUMENTS

Presented to Congress with the President's Message. [CONTINUED FROM OUR LAST.]

Correspondence of Jonathan Russell, Esq. Charge des Affaires in France.

MR. RUSSELL TO MR. SMITH, SECRETARY OF STATE. Paris, 16th January, 1811.

Sir—Your letter of the 8th of Nov. relative to the powers given by this government to its consuls in the United States, and its desire concerning licenses, was received by me on the 11th inst. and the next day I communicated its contents to the Duke of Cadore in a note, a copy of which you will find enclosed.

I remain, &c. &c. &c. (Signed) JONATHAN RUSSELL. His Excellency the Duke of Cadore.

MR. RUSSELL TO THE DUKE OF CADORE. Paris, January 12, 1811.

Sir—The public journals and letters from Gen. Armstrong have announced to the American government an imperial decree, by which permission is to be granted to a stated number of American vessels to import into France from certain ports in the U. States the articles therein specified, and to export in return such commodities of the French empire, as are enumerated in said decree. This trade it would appear is to be carried on under the authority of imperial licenses, and can only be perfectly by the act of the French consul residing within the jurisdiction of the United States at the specified ports.

The United States have no pretension of right to object to the operation of commercial regulations, strictly municipal, authorized by the French government to take effect within the limits of its own dominions; but I am instructed to state to you its inapplicability, on the part of the United States, of such a consular superintendance as that which is contemplated by this licence respecting a trade to be carried on under licenses.

France cannot claim for her consuls, either by treaty or custom, such a superintendance as a permission to enforce such regulations as its consuls may see fit to enforce by public law, or by the usage of nations growing out of the courtesy of independent states.

Besides, the decree in question professes to invest certain consuls with a power which cannot be regularly exercised in the United States without the tacit permission of the American government; a permission that cannot be given, not only because it is contrary usage, but because consuls, thus acting, would be exercising functions in the U. States, in violation of French authority only, which the American government itself is not competent to authorize in any agents whatever.

If the construction given by the government of the U. States to this decree be correct, the government of France should not for a moment neglect itself by a neglect that its consular agents will be permitted to exercise the extraordinary power thus intended to be given to them. I pray your excellency, &c. (Signed) JONATHAN RUSSELL. His Excellency the Duke of Cadore.

MR. RUSSELL TO MR. SMITH, SECRETARY OF STATE. Paris, 21st January, 1811.

Sir—On the 15th inst. I received a note dated that day, from the Duke of Cadore, in answer to the presentation which I had made to him on the 12th of this month, relative to the exceptional powers intended to be exercised by French consuls in the United States in perfecting the contemplated trade under licenses.

You will perceive with satisfaction that not only these powers, but the system itself under which they were to have been exercised, have been abandoned. I have the honor, &c. &c. (Signed) JONATHAN RUSSELL. His Excellency the Duke of Cadore.

MR. RUSSELL TO THE DUKE OF CADORE. Paris, 18th January, 1811.

Sir—I have read with much attention your note of the 12th of January, relative to the licenses intended to favour the commerce of the Americans in France; this system proposed to be put in force before the revocation of the decrees of Berlin and Milan had been resolved upon. Now circumstances are changed by the resolution taken by the United States, to cause their flag and their independence to be respected, which has been done since the last epoch can no longer serve as a rule under actual circumstances. Accept the assurances of my high consideration.

CHAMPAGNY DUKE DE CADORE. The Hon. Mr. Russell.

MR. RUSSELL TO THE DUKE OF BASSANO. Paris, 25th April, 1811.

Encouraged by the assurances which your Excellency was pleased to give me in the conversation which I had the honour to hold with you yesterday, that the French government was disposed to promote, as far as might be in its power, the success of the mission of the special minister of the U. States to the court of Denmark, I dare persuade myself that your Excellency will feel no hesitation in returning such an answer to the following inquiries, as shall place the facts to which they relate beyond the possibility of doubt or controversy:

1st. Did not the minister of foreign relations, by a despatch dated the 20th of April, 1809, authorize the consuls of France in the United States to deliver certificates of origin to vessels destined for neutral or allied ports, and prescribe the formalities required for such certificates?

2d. Was not the despatch of the Duke of Cadore, of the 30th of August last, the first that was received in the United States, either by the French minister or consular general there, prohibiting the further issue, by French consuls, of such certificates of origin, except to vessels destined to French ports?

3d. Was not this last mentioned despatch first received by Gen. Turin on the 13th of November last, and for the first time communicated by him on that day to the French consuls? and were not these consuls in the official and authorized practice until the 13th of November, of furnishing certificates of origin to American vessels bound for neutral ports, or to ports belonging to the allies of France, and might not some of these consuls, by reason of their distance from the place of residence of Gen. Turin, have lawfully executed and delivered such certificates several days subsequent to that time?

These facts are directly established by the letter of Gen. Turin to Mr. Smith, of the 12th of November last, or necessary to be proved from the original contained in that letter, and I can permit myself to doubt that your Excellency will readily repeat them in a form that shall claim the attention of the Danish government, and induce it to correct any errors which an ignorance or misapprehension of them may have occasioned in its proceedings against American property.

Truly with the more confidence on the frankness of your Excellency in according the request now presented to you, as a refusal might operate the confiscation of much innocent property, and at the same time appear to falsify the lawful acts of the consuls and the official declaration of the minister of France in the United States. I beg leave to renew to your Excellency the assurance, &c. &c. (Signed) JONATHAN RUSSELL.

MR. RUSSELL TO MR. SMITH, SECRETARY OF STATE. Paris, 27th May, 1811.

Sir—By the first opportunity which presented itself, after the admission of our vessels on the 4th of May, I communicated to your excellency the American Charge d'Affaires at London, in a copy of the note which I addressed to him on this occasion. I am, &c. (Signed) JONATHAN RUSSELL. His Excellency the Duke of Cadore.

MR. RUSSELL TO THE DUKE OF BASSANO. Paris, 25th May, 1811.

Sir—I have the honor to acknowledge the receipt of your letter of the 13th of May, in answer to the note which I addressed to you on the 11th of this month, relative to the exceptional powers intended to be exercised by French consuls in the United States in perfecting the contemplated trade under licenses.

Copy of a letter from Mr. Russell to Mr. Smith, Charge d'Affaires, &c. &c. Paris, 10th May, 1811.

I have you herewith, the copy of a letter to me from the Excellency the Duke of Bassano, dated the 4th inst. and enclosing a list of the cargoes of six vessels whose cargoes have been admitted by order of the Emperor.

As this list contains all the American vessels, except one only whose papers were mislaid, which have arrived spontaneously in the ports of France, since the first of November, the measure adopted by this government may perhaps be considered to be of a general character, and a consequence of the actual relations between the two countries: growing out of the revocation of the Berlin and Milan decrees, so far as they violated the neutral rights of the U. States. I beg, sir, with great consideration, &c. &c. (Signed) JONATHAN RUSSELL. His Excellency the Duke of Bassano.

MR. RUSSELL TO THE SECRETARY OF STATE. Paris, 9th June, 1811.

Sir—The case of the New-Orleans Packet having apparently excited considerable interest, it may not be unacceptable to you to receive a more particular account of it than I have hitherto transmitted.

This vessel, owned by Mr. Alexander Rindon, of New-York, left that place on the 25th of July, with a clearance for Lisbon, but actually destined for Gibraltar. Her cargo, likewise the property of Mr. Rindon, consisted of 307 whole tierces and 31 half tierces of Rice, 350 bags of Surinam cocoa, 10 hogheads of indigo, 6 tierces of beans, 5 tierces of sugar, 60 barrels of beer, 200 barrels of Rice, 84 tierces of beans and 64 firkins of butter. On her passage to Gibraltar she was boarded by an English frigate and an English schooner, and after a short detention allowed to proceed. On arriving at Gibraltar the 26th of August, Mr. Munroe, the supercargo, proceeded to sell the cargo and actually disposed of the four, the beans and the sugar, and the rest of the cargo to Bordeaux. He remained at Gibraltar until the 22d of October, that he might not arrive in France before the 1st of November, the day in which the Berlin and Milan decrees were to cease to operate. He arrived in the Gironne on the 14th of November, but by reason of his quarantine did not reach Bordeaux before the 3d of December. On the 5th of this month the director of the Customs there seized the New-Orleans Packet, and her cargo, and the Milan decrees, expressly set forth for having come from an English port and for having been visited by an English vessel of war. These facts having been stated to me by Mr. Munroe, or by Mr. Meyer, the American vice-consul at Bordeaux and the principal one, that of the seizure under the Milan decrees, being established by the process verbal put into my hands by Mr. Martin, one of the consignees of the cargo, I consented to the seizure of the vessel, and to the transmission to pass unimpeded and thereby permit it to grow into a violation of the engagements of this government.

While I was considering the most proper mode of bringing the conduct of the custom-house officer at port under the eyes of his superiors, I learnt of the arrival of the Essex at L'Orient. From the time at which this frigate was reported to have left the United States, I had no doubt that she had sought the port of the President, and that the revocation of the very decrees under which this precipitate seizure had been made. I could but think, therefore that it was important to afford to this government an opportunity of disavowing the conduct of its officer, so incompatible with the engagements on which the President had in all probability reposed with confidence, in sense to show that this confidence had not been unjustified or misplaced. To have made any other reply, would have been in order to make use of it for the liberation of the New-Orleans Packet, appeared to me a preposterous and unworthy course of proceeding, and to be nothing better than absurdly and basely employing the declaration of the President that the Berlin and Milan decrees had been revoked, as the means of obtaining their revocation. I believe it became rare to take higher ground, and without confining myself to the mode in which I have reported to you, to pursue that which the dignity of the American government required.

A crisis in my opinion presented itself which was to decide whether the French edicts were retracted as a preliminary to the execution of our law, or whether by the non-performance of one party and the prompt performance of the other, the order in which these measures ought to stand was to be reversed, and the American government to suffer to the land where national honor and the rights required it to follow. Uncertain what would be the conduct of this government, but clear what it ought to be, thought it politic to present briefly the honest construction of the terms in which the revocation of the decrees was communicated on the 5th of August, that the conditions might not be tortured into a pretext for continuing them, which I believed this to be the more necessary, as no occasion had hitherto occurred for offering such an interpretation. I likewise supposed it to be desirable to take from this government, by a concise statement of facts, the power of imputing neglect to the United States, in performing the act required of them, for the purpose of finding in this neglect a color for again executing the decrees. These were my views in writing your Excellency the 10th of August last.

So acceptable indeed did I suppose it would be to the feelings of the American government to obtain at least an explanation of an act ostensibly proving the continued operation of the decrees, previous to communicating the proclamation of the President announcing their revocation, that, although I received this proclamation on the 15th of December, I deferred the communication of it to the Duke of Cadore until the 17th of that month, or should I then have communicated it, had not an interview with him on the 15th led me to believe that much time might be necessary to procure official reports from the custom house relative to the seizure in question, and that until these reports were received, it would be impossible formally to explain or correct this proceeding. When, however, I declined, unacquainted as I was with the facts, to give any explanation, I declined, and decided on communicating the proclamation before a satisfactory explanation was received. I took care to guard against any misapprehension, by explicitly declaring at the outset that this proclamation had been issued alone on the ground that the revocation of the Berlin and Milan decrees did not depend on any condition previously to be performed by the United States.

The custom house officers at Bordeaux commenced impounding the New-Orleans Packet on the 10th of December, and completed this work on the 20th of that month, as appears by their process-verbal of those dates. That of the 20th expressly declares that the confiscation of this property was to be pursued by the Imperial Council of 17th of November, 1807, in, in other words, the decrees of Milan. The decree of the 25th of March, or the Rambouillet decree, is also mentioned, but as I wrote my note of the 10th of December, with a view only to the letter of the Duke of Cadore, announcing the revocation of the Berlin and Milan decrees, and as the process verbal of the 5th appears to waive the application of the Rambouillet decree, as unnecessary I took no notice of it.

On Monday, the 17th of December, my remonstrance was submitted to a council of commerce, and referred by it to the director-general of the customs for his report. From this time all further proceedings against the New-Orleans Packet were suspended. The papers were committed to the Council of Commerce on a presentation before that tribunal for the confiscation of the property as was professedly the intention of the officers concerned in the seizure. This proceeding was not only abandoned, but on the 9th of January the vessel and cargo were placed at the disposition of the consignees on giving bond to pay the estimated amount, should it not be paid by the 15th of February. Nothing is now wanting to complete the liberation of the property, save and except the cancelling of this bond.

It appears therefore that the non-attendance of the 10th of December arrested the proceeding complained of before it had assumed a definitive character, or inequivalently become a breach of faith, and not only rescued the property from the seizure with which it had been visited, but, by preventing its admission, placed it in a situation more favourable than that of many other vessels and cargoes which continued to be held in a kind of moratorium by the suspension of all proceedings with regard to them. I have the honor to be, &c. &c. (Signed) JONATHAN RUSSELL. His Excellency the Duke of Bassano.

P. S. July 5th. I have the satisfaction to announce to you, that since writing the above, an order has been given to the collector of the duties, and justice rendered from the commercial agent of the United States at Bordeaux informs me that it is actually cancelled.

MR. RUSSELL TO MR. MONROE. Paris, 14th July, 1811.

Sir—I have the honor to hand you herewith a copy of my note of the 8th inst. to the Duke of Bassano, containing the reasons for the American seizure, and to have been pressed into the French service at Dantzick and its vicinity. When I called on the Duke on the 9th he acknowledged the receipt of this note, and said that he should immediately write to the Minister of Marine on the subject. In the conversation which I had with him yesterday, he informed me that he had performed this engagement, and that the Minister of Marine had replied, in order to the city of Dantzick had been required to furnish a certain number of seamen and swabine responsible for the manner in which it had complied with this requisition. The Duke of Bassano also added, that my note had been before the Emperor, and that His Majesty had ordered, that on the arrival of the seamen from Dantzick at Antwerp, where they were expected yesterday, all that were American citizens should be discharged, and the city of Dantzick should be required to furnish others in their stead. From the solicitude which the Duke of Bassano evidently discovered to get rid of the imputation of having pressed our citizens, I doubt not every thing will be done in this affair to remove all cause of complaint.

(Signed) JONATHAN RUSSELL. The Secretary of State of the U. States.

MR. RUSSELL TO THE DUKE OF BASSANO. Paris, 8th July, 1811.

Sir—I have just received information by letter from J. W. Zubie, Esq. who holds a commission as Consul of the U. States at Stettin, that on the 17th inst. a French vessel, the name of which I do not recollect, under escort of a French guard to be put on board the ships of war at Antwerp. It is represented to me that these seamen had been forcibly pressed at Dantzick and other places on the Baltic, by order of his excellency the Minister of Marine. In confirmation of this fact, I have a letter from captain Charles Payne, of the American ship Atlantic, taken into Dantzick by a French cruiser, stating that twelve of our citizens, including his mate, had been pressed in this way as a part of the twenty-three above mentioned.

It is my duty to require your excellency to cause an enquiry to be had by the competent authority into these facts, and to procure the release of all the seamen above mentioned, who are citizens of the U. States. I pray your excellency to accept, &c. &c. (Signed) JONATHAN RUSSELL. His Excellency the Duke of Bassano.

Extract of a letter from Mr. Russell to the Secretary of State of the U. States, dated Paris, 15th July, 1811.

On the 5th of that month (May) I received a note (No. 1) from the Duke of Bassano, dated the 3d, containing a list of 16 American vessels whose cargoes had been admitted by order of the Emperor. I was immediately transmitted to you the copy of this communication, and I beg you on the 6th such an account (No. 2) of the admitted cases as might aid you in forming a correct estimate of the political value of the measures adopted in their favour.

Although I was fully impressed with the importance of an early decision in favour of the captured vessels, none of which had been included in the list above mentioned, yet I deemed it proper to wait a short time before I made an application upon the subject. By the 10th of this month the government had an opportunity of obtaining the necessary information concerning these cases, and of pursuing spontaneously the course which the relations between the two countries appeared to require. On the 11th, however, having learnt at the council of prizes, that no new order had been received there, I judged it my duty no longer to remain silent, lest this government should unconsciously supply the means of being done so completely satisfactory to the U. States, and construing my silence into acquiescence in this opinion, neglect to do more. I therefore on that day addressed the Duke of Bassano, my note (No. 3) with a list of American vessels captured since the 1st of November. On the 16th, I learnt that he had laid this note, with a general report on it, before the Emperor, but that his majesty declined taking any notice of it before it had been submitted to a council of commerce. Unfortunately the council did not meet before the departure of the Emperor for Cherbourg, and during his absence, and the festivals which succeeded it, there was no assemblage of this body.

Immediately on receiving the communication of the Duke of Bassano of the 9th of May, I addressed him a note (No. 4) regarding the Brig Good-Intent detained at St. Andrew. Although this vessel had in fact been captured, yet from the peculiar circumstances of the case, I hoped that she would be placed on the same footing as those which had been admitted. The answer (No. 5) which was returned by the Duke of Bassano, dated the 25th and received the 28th announced to me, however, that this affair must be carried before the council of prizes. Wishing to remove this case from the jurisdiction of the council of prizes, I again addressed him in relation to it, in a note (No. 6) on the 2d of June. I could not obtain at once the restoration of this vessel, it was desirable, at least, that she should be admitted to the benefit of the general measure, which I submitted might be taken in favour of the captured vessels mentioned in my note of the 11th of May.

As this vessel was detained by the Good-Intent at the mouth of the Haré and the John, it may be proper to explain to you both the points of resemblance and diversity, in order to reconcile this note with my declaration that no captured vessel was on the list of the 3d of May. The cases agree in the destination to places under the authority of France, and in the veneration by immediate capture in the French government, and in the difference in the Haré and John having already, before they were taken, arrived at the port and within the territorial jurisdiction of the country to which they were bound, and the Good-Intent having been taken without such jurisdiction, and committed to a port to which she was not destined. The taking possession of the Haré and the John may be considered, they may be seized in port, and that of the Good-Intent as a capture on the high seas.

On perceiving that the sch. Friendship was not named in the list of admitted vessels, I caused enquiry to be made at the custom-house concerning the cause of this omission. It was stated that her papers had been mislaid, but that search was making for them, and that when found, a report would immediately be made. I waited for the report until the 10th of May, but finding it had not been made, I conceived it might be useful, in order to render complete the admission of the entire class to which this case belonged, to attract towards the Friendship, the attention of the Minister of Foreign Relations. With this view I presented to him, my note (No. 7) of that date.

Having, in consequence of the collision, attached to the government, a system of restriction, as respects the admission of the American cargoes to export two thirds of the proceeds in silks, and being persuaded that the tendency of this restriction, added to the thence of a rigid blockade, added to the exactness of an excessive tariff, would annihilate all commercial intercourse between the two countries, I feared that it would not be improper for me to offer something of a more liberal restriction on exports, and that the operation of the restriction on exports, it is evident, that a trade that led to ruin the gauntlet of a British blockade and is crushed with extravagant duties inward and checked with this singular restriction outward, cannot continue.

On the 4th of June Mr. Hamilton of the John Adams, reached Paris, and informed me that this vessel had arrived at Cherbourg. Unwilling to close my despatches by letters, without being able to communicate something of a more liberal satisfactory character, than any thing which had hitherto occurred, I immediately called at the office of foreign relations, but the minister being at St. Cloud, I was obliged to postpone the interview which I sought until the Tuesday following. At this interview I stated to him the arrival of the frigate, and my solicitude to transmit by her to the U. States, some act of his government, justifying the expectations with which the important law which had been passed, had undoubtedly been passed. I urged particularly a reply to my note of the 11th of May, relative to the captured vessels, and observed that although the mere pecuniary value of this property might not be great, yet a political point of view, its immediate liberation was of the utmost consequence. I intimated to him at the same time, that my anxiety was such to communicate by the John Adams, a decision on these captures to the American government, that I should detain this vessel until I had received it. He replied, that his sentiments accorded perfectly with mine in this matter, and ascribed the delay which had taken place to the same causes as I have assigned. He assured me, however, that he would immediately occupy himself with this business, and unless a council of commerce should be held in a few days, he would make a special report to the Emperor, and request to obtain a decision from his person. He approved my intention of detaining the frigate, and engaged to do whatever might depend on him, to enable me to dispatch her with satisfaction. He added, that he had already made enquiries of the competent authorities, concerning the Good Intent and Friendship, and that whatever their reports should be, he would do whatever the circumstances of the case might warrant.

I now suggested to him the evils which resulted to our commercial intercourse with France, from the great uncertainty which attended it, arising to the total want on their part, of clear and general regulations. After making a few observations in explanation of this remark, I requested to know if he would have any communication to make to me on the subject, previous to the sailing of the John Adams. I was led to make this enquiry from the information which I had directly obtained, that several resolutions for the regulation of our trade, had been definitively decreed. He replied that no such communication would be made here, but that Mr. Serurier would be fully instructed on this head. The resolutions just mentioned, as far as I have learnt, are to admit the produce of the United States (excepting sugar) without restriction to the sailing of the John Adams, and other colonial produce with such permits or licenses, and to prohibit every thing arriving from Great Britain, or places under her control.

He again mentioned the discovery of the regulation of the year twelve, authorising the certificates of origin for French ports only, or for ports in possession of the French armies, but declared that after the most thorough examination of the archives of his department, no document of record had been found permitting these certificates to be granted for the ports of neutral or allied powers. He again, however, professed a favourable disposition towards our negotiations in Denmark, and said—'Je salue la mission de la Monsr. Erving s'accordera s'il faut avec nos sentiments, &c. ne traiteraient nullement notre politique.'

With the view above stated, I detained the John Adams until the 9th inst. I had from time to time, in the meanwhile, informed myself of the proceeding with regard to the captured vessels, and ascertained that in fact, the Duke of Bassano had made a report in relation to them. The Emperor it appears, however, still wished for the decision of his council of commerce, and the report was laid before them on the 1st of this month, being the first time they had assembled since the sailing of my letter of the 11th of May. I waited in the expectation of hearing the result of their deliberations, until the 6th inst. when concerning sufficient time had been allowed for receiving it, and not feeling perfectly at my ease under the responsibility I was incurring for the unauthorized detention of the John Adams, I determined to leave from the Duke of Bassano in person, that I might reasonably expect in the matter. Accordingly I called at an interview with him on the day last mentioned, and explained to him what had passed at our conference on the 18th ult. and told him that in consequence thereof I had kept the ship, but I could not with propriety detain her longer without the evident prospect of obtaining from the French government, the release of the captured vessels. He expressed a conviction of the justice of my observations, and assured me that he was in no doubt of the propriety of my decision. I therefore might not be permitted to return without it. I thereupon consented to keep my despatches open, until the 10th, assuring him that I could not take upon myself to protract the detention of the John Adams beyond that period.

On the 13th, about 1 o'clock, I received a note from the Duke of Bassano, of which the enclosed (No. 8) is a copy, and which I received immediately, and was informed that the Two Brothers, the Good Intent, and the Star, three of the captured vessels, had been liberated. He added that no unnecessary delay would be allowed in deciding upon the whole. I shall despatch Mr. Hamilton this day, and I shall send with him a message to the Duke of Bassano, in which I will convey to Mr. Smith, in substance (No. 10), of what has been done here, to be used by him as he shall judge proper.

* See the letter from Mr. Russell to Mr. Smith, Charge d'Affaires, &c. &c. dated the 14th July, enclosed in Mr. Munroe's letter of the 13th of October, to Mr. Foster.

On the 13th, about 1 o'clock, I received a note from the Duke of Bassano, of which the enclosed (No. 8) is a copy, and which I received immediately, and was informed that the Two Brothers, the Good Intent, and the Star, three of the captured vessels, had been liberated. He added that no unnecessary delay would be allowed in deciding upon the whole. I shall despatch Mr. Hamilton this day, and I shall send with him a message to the Duke of Bassano, in which I will convey to Mr. Smith, in substance (No. 10), of what has been done here, to be used by him as he shall judge proper.

(Signed) JONATHAN RUSSELL. His Excellency the Duke of Bassano.

MR. RUSSELL TO THE DUKE OF BASSANO. Paris, 11th Aug. 1811.

Sir—I had the honor to present to your excellency a list of the American vessels, which, according to the information I have obtained, were captured by French privateers, since the first of November last and brought into the ports of France. All proceedings in relation to these vessels have been suspended in the council of prizes with the same view, as the proceedings in the custom-house had been deferred with regard to those which had arrived voluntarily. The friendly admission of the latter encourages me to hope that such of the former at least as were bound to French ports in the ports of the allies of France, or to the United States, especially those to ballast, will be immediately released, and that orders will be given to bring on the trials of the remainder, should such a course be judged indispensable, without any unnecessary delay.

The measure for which I now ask, being in perfect accord with the friendly sentiments which prevail between the two countries, I persuade myself will obtain the early assent of his majesty. I pray your excellency to accept the assurance of my high consideration.

(Signed) JONATHAN RUSSELL. His Excellency the Duke of Bassano, &c. &c.

List of American vessels taken by French privateers, since the first of November, 1810, and carried into the ports of France.

Robinson Oza, from Nufuk to London, cargo tobacco, cotton, and staves, taken 21st December, 1810, into Dunkirk.

Mary Ann, Charleston, do. cotton and rice, 3d March, 1811, do.

General Eaton, from London to Charleston, in ballast, 6th Dec. do. Calais.

Neptune, do. do. do. 7th Dec. do. Deippe.

Clio, do. Philadelphia, English manufactures, do. do. vessel lost off Trequer, part of the cargo saved.

Two Brothers, Boston, St. Malo, cotton, indigo, pot-ashes, cod-fish, fish-oil and dye-wood, 20th do. do. St. Malo. N. B.—This vessel was taken within the territorial jurisdiction of France.

Star, from Salem to Naples, coffee, indigo, fish, dye-wood, &c. 2d Feb. do. Marseilles.

Zebra, from Boston to Tarragona, 40,000 slaves, 27th Jan. do. do.

(No. 4.) MR. RUSSELL TO THE DUKE OF BASSANO. Paris, 6th May, 1811.

I feel it my duty to represent to your excellency, that the American brig Good-Intent, from Matilehead, with a cargo of oil, fish, tallow and staves, bound to Bilbao, was captured in December last by an armed launch in the service of the French government and carried into Santander. Mr. J. P. Rantier, the consul of his majesty the emperor at that place, has taken possession of the cargo, and sold that part which was perishable, retaining in his hands the proceeds, and placing in deposit the articles unsold, until he shall receive the superior orders of his government.

The present interesting appearance that the relations between France and the United States will be preserved on the most amicable footing, encourages me to hope that the case of the Good-Intent, after the long detention that has occurred, will attract the early attention of the French government, and that the property will be restored in the American owner. I pray your excellency to accept the assurance of my high consideration.

(Signed) JONATHAN RUSSELL. His Excellency the Duke of Bassano, Minister of Exterior Relations.

(No. 5.) DUC DE BASSANO TO MR. RUSSELL. Paris, 25th May, 1811.

Sir—The object of the letter you have done me the honor to address to me the 7th of this month, was to remonstrate against the sequestration of the American ship 'Good-Intent', which had lately been carried into St. Andrew by a French vessel.

(CONTINUED ON LAST PAGE.)

President's Message.—No. 4.

Having fully considered that part of the message which relates to the pretended repeal of the French decrees, we shall now make a few observations upon the paragraph, which ventures to utter a complaint against the measures of Bonaparte.

"The justice and fairness which have been evinced on the part of the United States towards France, both before and since the revocation of the decrees, authorized an expectation, that her government would have followed up that measure by all such others as were due to our reasonable claims, as well as dictated by its amicable professions. No proof, however, is yet given of an intention to repair the other wrongs done to the United States: and particularly to restore the great amount of American property seized and condemned under edicts, which, though not affecting our neutral relations, and, therefore, not entering into questions between the United States and other belligerents, were nevertheless founded in such unjust principles, that the reparation ought to have been prompt and ample."

Such is the language of the message. We would now ask, what motive Bonaparte could have for restoring this property? Under the act of Congress of May 1810, Gen. Armstrong, by direction of Mr. Madison, declared to the French government, that restitution of this property must be made, before any distinction of intercourse or non-intercourse would be made between France and Great Britain in favour of the former. And yet the president's proclamation of November, 1810, was issued before any such restoration, and before any promise to restore was received: and even after it was fully understood, that it was the intention of Bonaparte to relinquish nothing, the non-intercourse was, by act of Congress, revived against Great Britain. The United States having thus voluntarily allied themselves to France, by engaging to co-operate in the "Continental System," at the same time that the French emperor persevered in his system of plunder, and continued to treat them as enemies, they have no longer any inducement to offer for the restitution of the stolen property, but must rely solely upon the compassion or generosity of the imperial robber. Under these circumstances, we leave it to our readers to estimate the chance which our merchants have of remuneration by the French government.

Although we do not remember that the United States have yet been complimented with the name of the emperor and king's allies, yet it is very evident that we now act in that character. We co-operate in Bonaparte's grand design of destroying Great Britain through the medium of her manufactures and commerce. Ought we not then to expect different treatment from his imperial and royal majesty our august ally? Does his majesty rob friend as well as enemy? He has stolen a vast amount of property from our merchants; has wantonly caused many of our vessels to be destroyed; and has imprisoned and compelled to enter into his own service, many of our seamen. This might be expected from an enemy, but ought it to be endured in a friend.

France—No. 2.

We are now, according to the plan we have laid down, to begin with an inquiry into the extent of French power. Every man has some ill-defined ideas on this subject, for who has not felt it in his sympathies or his fears? Few, however, have examined it in detail, and, therefore, few understand its fearful magnitude. We all know, for instance, that there is only one nation in Europe which refuses to tremble at the name of the modern Chaulmaguer, and yet hardly any of us know against what a tremendous apparatus she has maintained and still continues to maintain her haughty independence. We all know too, that the continent is prostrate; but, we shrink from confessing, that it is as void of spirit as it is of power.

Of the melancholy degradation of France herself, we shall now say nothing, because it naturally falls under another head of our discussions, as it is merely a consequence of the means which have been used to acquire and support the ascendancy of the present despot. It will not, however, be improper to say here, that her case seems to be hopeless. The possibility of her emancipation has long been forgotten. A few mad-

men, in their frenzy, have endeavoured to force liberty upon a people who had no conception of its nature, and a few anarchic theorists, in the solitude of the closet and amidst the indulgence of speculation, have endeavoured to make the project feasible.—But her sound politicians and philosophers, however they may have cherished the hope, have finally abandoned it. Even long before the revolution, Mably, and Helvetius, and Raynal, and Montesquieu, seem to have despaired of the pulchritude, and to have been intimately persuaded, that their countrymen were incapable of appreciating or enjoying the advantages of freedom. Every event which has occurred since they wrote, has confirmed their prophetic fears. The experiment of liberty has been tried, and no man is now shut his eyes on the result. France has again relapsed into slavery. "From the lowest depths" of her former degradation "a lower deep" has opened beneath her. She has fallen again, and the proud spirit of the French people is extinguished forever.

Many persons are disposed to believe, that this prostration of spirit extends no farther than the limits of France, and, therefore, that the present emperor must exterminate the population of the continent before he can enjoy his power in security. This is not true. It has been the object of that mysterious being, who now controls the destinies of Europe, to subdue the spirits as well as enchain the persons of his enemies. He is never satisfied with overthrowing the institutions of a nation and terrifying the people into submission, unless he can at the same time compel them to renounce all their hopes and fears, and almost divest themselves of the feelings of humanity. This he has generally effected on the great mass of the people, and he has secured the rest in two ways. He has either bribed them by office and honours, and thus attached them to his person, or he has contrived to goad them into acts of hopeless violence, and thus furnish him with a pretext for destroying them. It has been his policy to suffer no man to remain in a state of cold neutrality. Wherever it has been possible, he has changed the nature of his enemies by assimilating their views and interests to his own, or else by depriving them of all interests and rendering them an inert mass, to be moulded as his pleasure or his necessities require. Where he has found this impracticable, he has not hesitated to exterminate them, for it has always been a maxim in his policy, that the foundations of his throne are more safely laid in blood than in mere submission.

This system has been pursued with a desperate perseverance worthy of its object, and the kingdoms which have fallen in melancholy and rapid succession bear a fearful testimony to its success. Poland is forgotten—Prussia is obliterated from the map of Europe—Germany has fallen so low, that those who best understand her present situation, think fifty years must elapse before she can recover from her fears—Sweden and Denmark are nominally kingdoms but really provinces; and Italy, Switzerland, and Holland are incorporated into the French empire. These radical revolutions have all been effected in the same way. The talents of the several countries have been either absorbed in the interests of France, or silenced by the executioner, while the mass of the people have been harassed and quelled by confiscations, and taxes, and conscriptions, until resistance is now equally beyond their power and their hopes.

Amidst all this desolation, the French government stands firm and unbroken. "Havoc, and spoil, and ruin are its gain" and alibi. Its unnatural greatness appears to shine with increased splendor, contrasted as it is, with the portentous gloom in which it is enveloped.

It is not, perhaps, remarkable that we have in general such indefinite ideas of the nature and extent of French power. In common with all the rest of the world, we have been astonished and dazzled, when we ought to have been alarmed and excited to inquiry. We can, however, gain a more clear view of the subject, by comparing the extent and physical force of France with that of the countries she has subdued. If we look upon the map of Europe, we shall find, that France hardly occupies one twentieth part of its surface, and if we examine our geographies, we shall find that her population is nearly five times less than the aggregate of those nations which she has conquered. Our astonishment now takes a definite direction and a rational form, and the question returns with new vehemence and interest, how has she obtained and how does she support her distempered power?

LETTER, NO. II.

To His Excellency Elbridge Gerry, Esq.

SIR,

To understand the men professions and measures of the present times, we must recur to those which have been. We may already find in history the merit of those, who willed that our country should be free and independent. We have felt the worth of those who framed, and persuaded the people to adopt, the forms of government under which we live. In estimating their merit, we should remember the difficulties of confederating a number of states, which had just finished a vindictive and offensive war; in bringing a population, scattered over a vast territory, and flushed with high sentiments of liberty, to accord in any system of government. Will any one who sees the difficulty of administering a government, where every thing has its precedent, refuse gratitude and praise to the men who gave motion to our national powers, when every thing was new, and where every thing was to be effected by consent, and nothing by force? Is any man so ignorant as not to know what singular prosperity followed the labors of these able and honest patriots? Will any man tell us how the acts which were to be done, could have been better done? Will any man now be foolish enough to deny that in consequence of their efforts the UNITED STATES rose to an honorable rank in the scale of nations? That public credit was re-established; that the American government was second to none in the confidence of its own citizens, or in the respect which was rendered to it by foreign nations? It was neither novel, or surprising, that such prosperity should engender malice and envy. It would have been novel and surprising if it had not produced men, who repined at the welfare of their neighbors, and at that of their country. It would have been strange if among American citizens there had not been some base enough to wish, and artful enough to attempt, to dishonor and deprive of confidence the most tried and worthy of patriots. But it is astonishing, that without any foundation in truth—without any personal merit, and without any other means than calumnies and falsehood, a faction should so soon have driven into the shade of private life, the most honorable and faithful of the community; nay, the very men who saved the country, who formed its government, who put that government in motion, and insured fortune, affluence, independence, or competency to every citizen who could, and would be industrious.

It will hardly be credited, that among a people who enjoyed such prosperity—who had free schools—means of information superior to those of any other nation—there should have been found a majority so careless of their own welfare, as to abandon their long tried friends, and give themselves up to new patriots, who offered no other recommendation than reproaches and criminations of these friends! But what should be said of the federalists, who joined that majority, and forsook their former policy, well understanding its theory, and after having been zealously engaged in its support! The sentiments of these men must have been founded on conviction, for they cannot be called fools. Yet they have been seen cordially to join with those partisans whom they had avowedly abhorred, or despised. They have been found industriously employed in defaming and reviling their fellow-citizens, whom they knew to be worthy of honor and confidence. Did these changeable politicians enjoy a sudden revelation as PAUL did? No: they learned nothing new but the fact, that the mass of the people may be deluded; that political falsehood may have millions of forms, while truth can never have but one; that calumny can find access to the ear of thousands, while the answer to it is slowly winding its way into that of an individual. But such men will find that the people ever do justice, for themselves, in the end: they will find that the truth does travel "in pace of snail," that it does not cease to travel. Many, very many, who, like myself, have been deceived, begin to enquire, and to retrace their steps. It must be admitted that many, who enjoy public confidence, and have found their way to offices, were apostates; that they deserted the federalists, and have risen on the backs of their new friends, to power, place and profit; and have entirely forgotten "the people" in taking care of themselves! Now that the people see their prosperity mouldering away, their means of industry cut off; that they are threatened with the calamities of war; that freedom of speech, and even freedom of thought is forbidden, they begin to look with a jealous eye on

apostates and their associates. Who among the people does not know, that apostasy is an odious crime? It is acting a lie; or it is proving that a lie was acted in passing the faith which is abandoned. The term was in use among the early christians to denote "deserting, or abandoning the true religion." The Roman emperors Constantius and Julian punished it with confiscation of goods. In case of the apostate's perverting others to the same iniquity, Theodosius and Valentinian added capital punishment. In one country in Europe, in the times of the Puritans, apostates were hunted, or torn in pieces by horses. Apostasy in religion in wiser times, is no otherwise punished than by leaving the offender to his Creator. Apostasy in politics is severely punished—by "the knowing of the worm that never dies;" by the contempt of those, who were once associates, friends and brothers; by the unceasing reflection that "to gain the whole world" is nothing to him who loses by it all respect for himself. In the bosom of his family, an apostate's crime is most severely punished. He starts from the caresses of his children, as his conscience whispers "they will learn that I am an apostate; they will hate me while I live; they will despise my memory when I am dead." But is not he who goes over to federalism from democracy, an apostate? In answering this one may enquire, if a man who so changes sides is ever ashamed of the change? Does he avoid his former associates, or is he ever ready to meet them, and to give his reasons for the alteration of his sentiments? Does he feel pleasure in the reception he meets with from those to whom he has been opposed? Is not his mind tranquilized, and his conscience quieted? Does he not feel that the true political religion of his beloved country is found in the principles and practice of federalists? That in joining them he does not forsake, but embraces the truth? But how does he, who embraces democracy, feel in the presence of his former associates? Is he ready and willing to meet them, and manfully to state his reasons for the new faith that is in him? Does he feel a conscious pride that no mean, selfish, dishonest motives have taken possession of his breast? Does he feel that he is doing his duty to his maker, to his country, to his family? These questions cannot, I fear, be very satisfactorily answered by some characters, who have lately been within the sphere of your EXCELLENCY'S action.

H.

We are taught by the principles of our government to believe that the power of appointment to office is vested in the executive department for the benefit of the people, and not for the benefit or emolument of those who may be delegated by the people to exercise that power. That the executive is in part the agent of the people, and is bound by moral as well as political obligation so to discharge its functions as to advance the true interests of its constituents. If there be a just exposition of our constitution, it follows, that whenever an executive, for the purpose of continuing its power, rewarding its friends or punishing its enemies, displace one set of men to make room for another, it betrays its trust, and violates the fundamental principles of the constitution. This crime is the more flagrant if faithful and experienced men are replaced by men of a different description. Now let the people of this commonwealth take a view of the late removals and appointments, and determine whether their interests or the personal advantage of the governor or his council have been the predominant motive.

In the county of Hampshire the office of sheriff has been held a number of years by Gen. Mattoon, a man in whom the people of that county have placed great confidence. He has heretofore been elected a member of congress, and is now major-general of the militia of that division. Perhaps no man in that county can be found better qualified by integrity, firmness and impartiality of character to discharge the duties of the important office; but he is removed to make way for a Mr. Shepard, known only as being a leader of the little band of democrats in the town of Northampton. In the same town Mr. Dwight, who, by his accuracy and diligence, was remarkably qualified for the office of clerk of the courts, and who, in the office of treasurer of the commonwealth for two years immediately succeeding Skinner's administration, conducted so ably and faithfully that his accounts were settled within a month of the expiration of his office; has been driven out to reward Mr. Taylor, who has hitherto been unable to provide for himself, and has given no pledges of attachment to the laws, or ability in business.

In the county of Worcester Mr. Stedman,

who was lately appointed in the room of Mr. Allen, and in whose favor nothing more need be said than that the county suffered no loss in the exchange, has been superseded by Mr. Howe, a young lawyer who has not yet established his claims to public confidence.

In the county of Norfolk let the people compare Mr. Townsend with his predecessor, Mr. Williams, and Gen. Crane with Mr. Brewer.

In the county of Bristol a change more unaccountable still has taken place. The late sheriff, Mr. Leonard, is a democrat; he was appointed by Gov. Sullivan and a democratic council on the resignation of his father, who is also a democrat. But Mr. Leonard is a fair minded man, and scorned to prostitute his office to party purposes; he is therefore unfit to be an officer in the present times, and is dismissed, and his place filled by an obscure man, who a year ago would have thought it a high honor to have been a deputy under Mr. Leonard; and the new clerk of that county is yet to be sought for in some remote corner, scarcely any one knowing even his name.

In the county of Plymouth, the venerable Mr. Partridge cotemporary with the governor in college, his colleague in Congress, a gentleman beloved for the urbanity of his manners and gentleness of disposition, is sacrificed to Albert Smith, who need not be characterized. This was the unkindest cut of all;—one would suppose that this relentless council would have indulged his Excellency so far as to suffer him to continue in office an old friend, whom he knew to be no traitor to his country; but no, the spirit of persecution had gone forth, and if a single victim escaped, governor Gerry himself was to be sacrificed, and he has not the resolution to make a feeble effort to save his friend. But it will be said, that Mr. Partridge is an old man; this is true, but he has never failed to perform his duty ably and honestly; besides, if Mr. Gerry is not too old to be governor, his class-mate and co-eval cannot be much too old to be sheriff. In York, Mr. Sewall, who has a large family, and no means of supporting them, is thrust out by a young lawyer; and in Cumberland, the venerable Freeman, who has before been persecuted by the national government, is now deprived of an office, which he has discharged with honor for more than twenty years; and it is given to Mr. Boyd, who is just democrat enough to claim a share of the loaves and fishes. In this county too, col. Hunewell has been cashiered, and the wily Foxcraft put in his place.—When I come to the county of Lincoln, my heart sickens at the sport made with the true interests of the people. Where is Mr. Bradford, the amiable, upright, christian spirited Bradford—the Israelite, indeed, in whom there is no guile? His place is vacant, and he is now literally going about to seek a living for his wife and children. Whom do we find in his place? A dissipated young man of twenty two years of age, who having married the daughter of counsellor Carleton, is for that cause alone, endowed with an office he knows not how to discharge. And who is the new sheriff of that county? Orchard Cook. Let the people of that county look to it, and show his excellency that they are not to be thus abused with impunity.

P.

The question whether the United States ought to be a commercial, agricultural or manufacturing nation, may, abstractly, admit of much ingenious argument; but in our national councils it can never be constitutionally agitated. The great compact which binds the states together has put the question forever at rest; for that instrument was the result of a compromise in which certain unalienable rights were reserved both by its letter and spirit. Of these commerce in their own ships was undoubtedly guaranteed to the commercial states, and the southern states can no more call on the eastern to forsake the ocean, than we can demand of them to leave off the cultivation of rice, cotton and tobacco.

Y.

Many arguments have been used to justify the late general removals from office in this commonwealth: among others it has been said that frequent changes in office are contemplated in the constitution, and form one of its leading features. This is indeed true in the general manner in which it is here stated; but it is believed that there is a wide distinction between those offices which are elective and those filled by appointment; the former are mostly legislative, and the latter executive; the duties of the former are to represent the sense of the whole people at any given period, after which the po-

DOCUMENTS

Presented to Congress with the President's Message.

(CONTINUED FROM FIRST PAGE.)

The minister of the marine to whom I listened to write on this subject, has not answered me, that the case is carried before the council of prize, which is a competent tribunal to decide on the validity of the capture. He adds, that it is for that tribunal that the owners of the found-troop ought to be prepared to establish their rights, and that he will have no other agency in this affair than to cause to be executed the decision which shall be made. Accept, sir, the assurance of my high consideration.

(Signed) LE DUC DE BASSANO.

Mr. Russell, Charge des Affaires of the United States of America.

(No. 6.)

MR. RUSSELL TO THE DUKE OF BASSANO.

Paris, 24 June, 1811.

By the letter which your excellency did me the honor to address to me on the 25th ult. I perceive that the minister of marine, desiring to interfere in the case of the American brig the Good-Intent, except to enforce the decision which the council of prize may render.

As the Good-Intent was captured by a man in the possession of the French armistice, I had persuaded myself that she would not be treated as a prize, but that she would be restored like the Indes and the Harp, at Civita Vecchia, without the delay of a formal trial. It was in this expectation that I invited to place her on the list of American vessels captured since the 1st of November last, which I had the honor to address to your excellency in my note of the 11th ult. If his majesty the emperor should find it improper, upon being made acquainted with the circumstances of this case, to distinguish it from prizes of ordinary capture, I presume there will be an objection to extending to it the benefit of any general declaration which may be taken in regard to those mentioned in the list aforesaid. I pray your excellency to accept the assurance of my highest consideration.

(Signed) JONA. RUSSELL.

His Excellency the Duke of Bassano.

(No. 7.)

MR. RUSSELL TO THE DUKE OF BASSANO.

Paris, 18th May, 1811.

On examining the list of vessels whose cargoes have been admitted, and which your excellency did me the honor to enclose to me in a note dated the 4th of this month, I have discovered that the schooner Friendship has been omitted.

This vessel, as I am informed, arrived at Bordeaux on the 6th of December last, with a cargo of coffee, which from long detention, has suffered considerable damage. As there is an circumstance, within my knowledge, to distinguish the cargo of this vessel from those which have been admitted, I should not think her case will be equated with that of the others. I pray your excellency to accept the assurance of my highest consideration.

(Signed) JONA. RUSSELL.

His Excellency the Duke of Bassano, Minister of Exterior Relations.

(No. 8.)

MR. RUSSELL TO THE DUKE OF BASSANO.

Paris, 10th June, 1811.

Sir—I conceive it to be my duty in respect to your Excellency, that the condition, attached to the admission of American property in France, in export two-thirds the amount in silks, is attended with great inconvenience and loss to the American merchant.

A general requisition to export the neat proceeds of imported cargoes in the produce and manufactures of the French empire, would have been so obviously intended to favour its industry and to prevent any indirect advantage resulting from the right of the remittance of exchange, that the effects and policy of the measure would have been universally acknowledged. The American merchant, in this case, permitted to select from the various and abundant productions of the arts and agriculture of France, those articles which the habits and tastes of the American people demanded, might freely and advantageously have exercised his commercial skill for the advancement of his interest, and reaped from the profit on his investments here to obtain an indemnity for the losses on his outward voyage.

The merchant, however, imposed on him to receive two-thirds of these investments in a particular article takes from him the faculty of profiting from his experience and information, either in bargaining for his purchases or in adapting them to the wants of the market for which they are intended. The holder of this article becomes, by this requisition, the master and only of the price, but of the kind and quality of his merchandise, and his interest will strongly induce him to choose the price which he feels. He knows full well that the purchaser cannot dispense with this merchandise, and that sooner or later, he should need to the terms on which it is offered. Should, indeed, the American merchant, from his repugnance to invest his funds in an article forced upon him, loaded with the arbitrary exactions of the seller, refuse for a while to receive it, yet holding these funds inactive and wasting his hands, and his vessel perishing in a foreign port, he must eventually yield to the duress which he suffers.

Such are some of the evils to which the condition in question will expose the American merchant in this country. In the United States it will be by him still more severely felt.

The overlock of the article forced by this condition on the market there, exceeding the consumption, must necessarily become a drug, and the American merchant, after having taken it here against his will, and paid for it more than its ordinary value, will be compelled in the United States to keep it on hand, or to sacrifice it for the mere price it will bring. Thus alternately obliged to purchase and to sell under unfavorable circumstances, he will have to add to the losses of the outward voyage, the losses on the returns, and the sum of them both may amount to his ruin.

These disorders of the market must inevitably impede, if not extinguish the commercial intercourse between the two countries. This intercourse, exposed to the annual perils, and oppression with unprecedented burdens, has already nothing in the voyage hither to tempt the enterprize of commercial men, and should it be embarrassed with the restrictions of this condition, rendering the homeward voyage also impracticable, it must continually cease. It is in vain to expect the continuance of any branch of trade which, in all its relations, is attended with loss to those who are engaged in it.

I now take the liberty respectfully to submit these observations to your excellency, not without a hope that a consideration of them may lead to a remedy of the evils which they suggest. I pray your excellency to permit me to renew the assurance, &c. &c.

(Signed) JONA. RUSSELL.

(No. 9.)

MR. RUSSELL TO THE DUKE OF BASSANO.

Paris, 17th July, 1811.

Literary Department.

[The three first numbers of the following essay have been published in the Repository.]

The Occasionalist... No. 1.

Know your occasion.

The word Occasionalist has no legitimate situation in the English vocabulary. There is however no word which so perfectly comports with my present purpose, and I have therefore adopted it, as the title of several essays, which, as my inclination prompts me, I may occasionally publish, and which I may not.

It is in human nature to shrink from burthens the moment they are felt; and it is nearly the same, whether we are compelled to bear them, as the incidents of civil society, or impose them, as tasks, upon ourselves. The justice of this remark has undoubtedly been felt by almost all mankind; but by none more forcibly, than men of literary occupation. Almost every author, who ever lived, has made a thousand resolutions for the accomplishment of as many literary projects, which he has never fulfilled: he has commenced odes, sonnets, treatises, and disquisitions upon subjects, without number; and has left, at his death, unquestionable evidence of his irresolution, in the chaotic mass of unfinished essays, in prose and verse, of which his executors have had the trouble of disencumbering his portfolio.

Every man, who, in this country, issues his proposals in manner and form, and who binds himself to the public, by the promise of periodical essays, soon repents the promise, which he has so improvidently made; his spirit flags, he ceases to write with energy, and, at length, under no other impulse than the mere force of obligation, he continues to publish, with all the regular solemnity of an eight day clock, till he finds the public are no less tired than himself.

In those countries, where literature is in a more flourishing state, and where consequently greater respect is paid to her votaries than here, there are found men, whose lives are professionally devoted to literary pursuits; and with whom letters are a profession, as exclusive and determinate, as physic, theology, or law.

Such men frequently receive their only means of subsistence from the employment of their pens, which are found sufficiently lucrative, to afford them all the comforts and many of the luxuries of life. With them the laborious part of writing is facilitated by habit; and the composition of a short essay is no intolerable assessment upon their day or week. But, in this country, we have no men of this particular description. Here literature is not of itself a sufficient source of wealth for the common purposes of life; and our men of science, our literati, our authors, if we have any, are almost invariably to be found in the ranks of the three learned professions. Their scientific or literary pursuits must be broken off, perhaps not again to be resumed, on some particular subject, by the imperious calls of their clients, their patients, or their parishioners. The finest train of reflections is here liable to be interrupted, by some unimportant professional avocation; and the author is called from his employment to fill a writ, to administer a potion, or to attend some parochial concern.

Wherever wealth is the leading principle of life and literature, has not intruded to itself sufficient respect to become a source of ennoblement, it is most assuredly true, that, while the national characteristic continues to be the spirit of accumulating riches, to be literary is to be insignificant.

A series of periodical essays is not then to be expected from men, whose lives are principally devoted to the pursuits of a laborious profession, who are liable to every interruption, and whose leisure moments can never be calculated on, with any degree of certainty, even by themselves.

It is the intention of the Occasionalist, if he can be supposed to have any fixed intention whatever, to confine himself to no particular circle of subjects in his essays; but to discuss whatsoever may be interesting in the sciences, the belles lettres, the arts, and the common topics of the day; restraining himself, however, as to the particular periods of his public appearance, by no rule, but the impulse of his own occasional inclination.

Boswell has related, that Dr. Johnson believed a man might write, as well at one time as at another, if he would set himself doggedly about it; and Dr. Johnson, in his life of Gray, has the following observation:—"As a writer, he had this peculiarity, that he did not write his pieces first rudely, and then correct them, but laboured every line as it arose in the train of composition; and he had a notion, not very peculiar, that he could not write but at certain times or happy moments; a fantastic foppery, to which no kindness for a man of learning and virtue wishes to have been superior."

But, with all due deference to Dr. Johnson's majestic intellectual powers, it truly seems a more fantastic foppery in any man, to think he can always write with an equal degree of spirit and energy, than, with Gray and the rest of the literary republic, to believe to the contrary. There are only two significations, which it is possible to apply to the words, which Dr. Johnson has attributed to Gray; either that he believed he could not write, unless under the influence of immediate and actual inspiration, or, that, from the peculiar state of his feelings, at one time, he was not then so well able to write, as at another. Gray was too wise and too learned, for us to suppose the first; it would be altogether ridiculous to believe him capable of retaining, for a moment, a notion so perfectly preposterous and idle. We must then believe the second, in which there is nothing either weak or inconsistent.

The mind and body are wonderfully connected; and their reciprocal dependence is observable in every intellectual and corporeal operation. If the mind is in a state of lassitude, the body is debilitated, and excessive anxiety is not unfrequently the germ of irremediable disease. If the body is thrown into a state of weakness, the muscles of the mind, if I may use the expression, are invariably found to sympathize with the disordered frame; and, where the organization is delicate, or the sensibility great, even a slight change in the state of the atmosphere will be a sufficient cause to reduce the tone of the body, and bring on that unhappy state of mind, which, with no reason whatever, is frequently denominated melancholy, churlishness, misanthropy, or hypochondria, by those who comprehend neither the meaning of the terms they use, nor that state of the mind to which they venture to apply them.

Since such then is the relative state of the mind and body, it cannot be supposed that any individual, however paramount his talents may be, can pursue his investigations in science, when under the influence of a relaxation of the mental organs, incident on the slightest disease, or elicit those sparks of genius, which are frequently produced, when the body is in health, and the mind is clear and vigorous.

In fact, there can be very little doubt, that Dr. Johnson never really believed what is expressed in the quotation from his life of Gray. It may, with much more propriety, be cast among the number of those unreasonable whims and caprices, which unfortunately abounded in the mind of that inestimably great and truly inimitable man. And, perhaps, his unwarrantable prejudice against the elegant and learned Gray, which he has discovered in his biographical sketch of him, by several allusions, as unmanly and ungenerous, as they are unjust, might have confirmed his mind, already warped round to this opinion.

It is however clearly the opinion of the Occasionalist, that he can write very considerably better, when his body is in perfect health, and his mind is untroubled by passion and unaffected by cares, than when under the influence of an excruciating tooth-ach or vertigo, however doggedly he may set himself about it.

BOSTON,

FRIDAY, DECEMBER 13, 1811.

New Spanish Republic.

On Friday last we received Caracas Gazettes to the 1st Nov. They exhibit more the appearance of free press than any Spanish journals we have before seen; and they breathe throughout a genuine spirit of Independence. The Spanish Cortes are handled with much severity; but they express good wishes for the triumph of the Patriot Cause in Spain. Gen Miranda, with a division of his army, arrived at Caracas the 28th Oct. from the conquest of Valencia; and was congratulated by the Supreme Executive, as having deserved well of the country. The Executive is composed of Baltazar, Padron, Christoval de Mendiza, and Juan Escalona. The declaration of Independence had been read and recognized with pomp throughout the Confederation. The General Congress was in session. All public acts are dated 1st year of the Independence; and lists of patriotic donations are published.

Late from Portugal.

The New-York Gazette of Friday last contains the following article of News:—"Mr. Jacobs, of the Chatham, informs that he left Lisbon the 24th Oct. at which time official information had been received of the complete evacuation of Portugal and its neighborhood, by the French, and that Lord Wellington's head quarters were at least 300 miles distant from Lisbon. He brought no papers with him, but assures us the above may be relied upon."

Still later from Portugal.

On Sunday arrived in this port, brig Two Brothers, Capt. Barry, 25 days from Lisbon. Left there 11th Nov. Capt. B. has not brought any papers, but reports, verbally, that the armies remained inactive; and that nothing had occurred, for some time back, to justify the expectation of any immediate battle. The Portuguese army, under British officers, was however augmenting in numbers, and daily acquiring the use of arms and discipline.

Capt. Derby, arrived at Cape Ann, from Minorca, left Gibraltar, Oct. 22, and informs, that the Spaniards had recovered Taragota, in Catalonia, lately taken from them, in which exploit a most dreadful slaughter was made on the French.

It was very sickly at Jamaica, 3 days since, and the mortality was so great, that the American vessels had scarcely men enough left to bring them home.

Further Particulars of the late Battle with the Indians.

Battle Ground, our half mile from the Prophet's town, Nov. 8, 1811.

"Yesterday morning, 4 o'clock, &c. (stating the particulars of the battle) Mats and Dumerville were killed, and many others. The number of wounded is very great. Geiger and myself (Capt. Hunter) are slightly wounded. The most of our men from Kentucky are safe, and not badly wounded. The savals have got all our beef, and many of our horses. Such a battle has never been fought. We have killed many of their warriors—the most that we have found are children; they were all through our camp. An old woman was left in the town, who says that we have killed many of them, and wounded many more. We are all in high spirits."

Another letter received as above, states, that the army was in the march—that they were momentarily expecting another attack, &c. From the situation and circumstances of the army, we think another attack by the Indians is probable. Will our government act, or will they always sleep? Surely this is enough to arouse them from their lethargy. In our next we will be enabled to give our readers a more particular statement of the battle, together with what may have happened subsequent.

To the Editor of the Western Courier.

Sir—Among those who have fallen in the late engagement between the Indians and the troops under the command of Gov. Harrison, is Joseph Hamilton Davies, Esq. Influenced by a love of country, and an ardent military service, he had joined the troops of the government as a volunteer. The governor gave him the command of the cavalry. His person was the happiest cast. Nature had bestowed on him a noble and generous spirit, and all his attributes, he had been prodigal—he had improved her gifts—he was a lawyer by profession, and the most distinguished of that profession, but he was more than a lawyer—he was a statesman and a hero. Rich in all the learning of both, he was well qualified for either—but the propensity of his mind was strongly for the military. He had indulged that propensity and formed himself for that life upon the best models of ancient and modern time. He could not therefore but be well qualified for the situation in which he was placed. But what avails the most transcendent military qualifications in a subordinate officer, against the incursions of a perfidious and savage foe. The army of the governor had lain for 24 hours within 2 hundred yards of the Prophet's Town—the Indians were there in readiness for battle—but they were not attacked—the administration had forbidden an attack to be made—The governor had not the permission to act as circumstances and the occasion should dictate. It was in vain that Col Davies urged the propriety of attacking the Indians in open day, and thus at once effecting the object of the campaign, and securing the army from nocturnal incursion, and consequent slaughter. The governor could not transcend his instructions—the Indians made overtures of adjustment—the administration had sent out the army to Treat, not to Fight.

On the morning of the 7th instant they were to bring to the governor's camp the white flag, and settle all the differences. On that fatal morning, at 4 o'clock, the Indians having (strange to tell) without exciting alarm, put to death the picket guards (in all twenty-six men) and made the attack upon the governor's army in their tents. It was then that Col. Davies charged upon their thick ranks, and displayed such valor as was under happier auspices, might have been greatly serviceable to his country. But his efforts were unavailing. He received three balls in his breast, and fell from his horse. He expired in about nine hours, having with great composure taken an affectionate leave of his brother officers. In the fall of Col. Davies, the nation has sustained an irreparable loss. With him, alas! fell many brave men, whose loss will be extensively and lastingly deplored by their friends and country.

FROM WASHINGTON,

Monday, Dec. 2, 1811.

"The business transacted in Congress, since my last, will require but a short summary, although some parts of it, particularly that of the ENFORCING ACT, recommended by the Secretary of the Treasury, is calculated to produce an animated and highly interesting debate. The following is the substance of Mr. Gallatin's letter on this subject:—

- 1. Examiners of produce, imported from foreign ports, are to be appointed, whose opinions shall be conclusive.
2. Inspectors of the customs, are to be authorized to enter dwelling houses to search for prohibited articles.
3. A new district court is to be established on the northern frontier.
4. To ensure vigilance and fidelity in the Collectors, four Commissioners are to be appointed with salaries, to examine the books and papers of the Collectors, and report to the Treasury annually.
5. Certificates of origin to be required of importers, to be furnished by American Consuls at the places where the produce is shipped.
6. Coasters to obtain clearances when going from one port to another, except packets, &c.
7. Cargoes on board of coasters, going from one district to another, to be examined by inspectors at the places of departure and entry.
8. As cargoes of salt now pay no duty, and are not measured, they are to be examined in future, to ascertain whether any prohibited articles are secreted or not.
9. The trade with Passamaquoddy, in articles of foreign growth, to or from, to be prohibited, except specially licensed by the President.
10. The Report of the Committee on Foreign Relations is to be taken up on Thursday. Mr. Porter, the Chairman of the Committee, observed, that at the request of several gentlemen, on both sides the house, he had forborne to call up the subject at an earlier period, and hoped, gentlemen would then have their minds made up.
11. The Senate has rejected the Representative apportionment Bill, as passed by the House, and substituted 35,000 as the ratio, instead of 37,000. It is thought this amendment will obtain in the House; if it should, the Representation will be increased to 181 members. It now stands 142.
12. Mr. Talliferro, has taken his seat by a vote of the House, and the before sitting members, (Gen. Hungerford) gone home.

We have received several letters from Washington, communicating the Report of Mr. Gallatin, for a more rigorous enforcement of the Non-Importation Law. They do not materially vary from the account given in the above letter. In one of them, the letter writer observes, after stating the evasions, from which these regulations sprung, which relate to the shipment of British goods, from ports not British, and with neutral marks; to Plaster Paris and British goods, received at sea, and brought from Passamaquoddy, and to importations from Canada chiefly through Vermont.—That Salt is to be permitted to be imported from Canada; and that provision be made for cases of inability in the district Judges to attend their duty.

Some remarks in a late Messenger seem to have been misunderstood. We are not advocates for war with Great Britain. On the contrary, we conceive that such a war would be unjust and unnecessary. But we do believe, that Federalists would render greater service to their country, by directing their opposition rather against the anti-commercial system which now oppresses us, than against a measure which we believe to be merely held up in terror, to frighten us into acquiescence, and which the present administration have not actually contemplated.

Extract of a letter from a member of Congress, dated

WASHINGTON, Nov. 26, 1811.

"I find in the northern papers, various reports, rumors, and surmises are in circulation—favourable to the idea, of an expected adjustment of our difficulties with Great Britain, and a consequent liberation of our commerce from its present restrictions. All such reports are conceived here to be wholly unfounded, and their circulation can do nothing but mischief. Nor do I believe that any relaxation of the present system is to be expected, or that any relief will be given, either to such as may have already become subject to losses and confiscations, agreeable to the strict letter of the non-importation law, however innocent may have been their intentions, or to the numerous class of petitioners for liberty to import into this country their own property, now locked up in a foreign country, which was purchased before the existence of the prohibitory statute, but could not be introduced into the country within the time limited by the law. I do not believe we shall have war, unless it is declared on the opposite side of the Atlantic, which is not to be apprehended, any other than the present mode of warfare, perhaps, more rigidly prosecuted, against our already more than half ruined commerce. We shall have no arming of our merchantmen, and no augmentation of our fleet, unless it be for the purpose of depreying upon our own citizens. A relaxation of the orders in council is not in the present state of things, to be expected, nor do I believe that it is very much wished for by the advocates of the present anti-commercial system of policy. Sentiments of more inveterate hostility, are, I believe, entertained by politicians of a certain description, against the commercial interests of our country than even against Great Britain itself, and if the commercial part of the community is prepared to submit to it, they may expect to have their interests completely sacrificed to the present ruinous system of policy. It is currently reported here, and has never been contradicted that I know of, that Mr. Jefferson, late President of the United States, who, it is believed, still holds the cabinet too much in leading-strings, has written to a gentleman in this city, stating, that the United States are now in the best of all possible situations, and if the present system can be persevered in for twenty years they will be independent of all the world. Straws may show a high way the wind blows, but politically considered such an intimation is to be viewed neither as a straw nor a feather."

The Enforcing Law,

recommended by Mr. Gallatin, has excited no little attention, and we hope will amuse a feeling corresponding with the occasion. It is in its fullest extent, a base and servile imitation of the French system of preventing the introduction of British goods, and was probably intended as a measure, to stave off the complete fulfillment of the Emperor's wishes. The N. York Commercial Advertiser, in advertising this odious affair, thus remarks:—"We invite our readers of all classes, sexes and descriptions to examine the features of this new and extraordinary Bill, as recommended by the Secretary of the Treasury. They will all find something, in which they are themselves personally interested. The Custom-House Officer will find himself aided in his arduous labours by a friendly band of commissioned spies—the Merchant will see, that the mere opinion of a Board of Examiners may conclusively transform his new Non-Englond Rum into old Jamaica Spirits! And the Ladies of our Seaport Towns will perceive that they are kindly permitted to throw open their parlours and bed-rooms at all times, to a genteel company of Custom-House Inspectors!"

The Hornet has sailed from New-York for France and England, having on board dispatches for our public Agents in those countries, as also letters from Mr. Foster to his government. A rumour has prevailed, that she was the bearer of an arrangement, which had been agreed in between Mr. Foster and Mr. Munroe, for the settlement of our difficulties with England. This rumour is probably without any foundation, since it is now known, that the Non-Intercourse Law is to be carried into effect by an ENFORCING ACT of the most odious kind.

Capt. Partridge, of the United States' engineers, has lately ascertained, from a Barometrical calculation, the altitude of Mount Washington, (the most elevated peak of the White Mountains, in the State of New-Hampshire,) to be 6,234 feet above the sea, and 4450 feet above its base. He has also ascertained the height of Kellington Peak, said to be the highest of the Green-Mountains in Vermont, to be 3,679 feet above the sea, and 2,807 feet above its base.

Emigration to Ohio.—The following extract of a letter from a gentleman in Robinsonsown, Westmoreland county, Pennsylvania, shews the immense emigration from the eastern states to the state of Ohio:—"From the 6th day of October last, to the 6th day November last, 336 wagons land other wheeled carriages, passed through this place to Ohio with families—with 4 of the small wagons were 60 persons—within the same time 600 Merino sheep passed in the same direction."

Capt. Miller, wounded at the fracas at Savannah, is likely to recover of his wounds.

Some remarks in a late Messenger seem to have been misunderstood. We are not advocates for war with Great Britain. On the contrary, we conceive that such a war would be unjust and unnecessary. But we do believe, that Federalists would render greater service to their country, by directing their opposition rather against the anti-commercial system which now oppresses us, than against a measure which we believe to be merely held up in terror, to frighten us into acquiescence, and which the present administration have not actually contemplated.

WEEKLY MESSENGER,

FOR THE COUNTRY.

PUBLISHED EVERY FRIDAY AFTERNOON,

By JAMES CUTLER,

1811.