

would tend to increase the difficulties and impediments to a good understanding with Great-Britain.

An ordinary man, like the writer of this article, would have supposed it an insult, if not a breach of privilege, for a President to repeat the same proposition in three or four months to the same public body which had rejected it—it would seem to be still more extraordinary, that a moment should be selected for this purpose, when we had just concluded a preliminary treaty with Great-Britain (if the same had been sincerely concluded,) and when we expected soon to discuss and settle the remaining disputes with that nation. No man could doubt, that the tendency of such a measure was to excite the jealousy of the British Court. "What, (would a British Minister say,) does America at the moment of tendering to us the olive branch, arm the deceitful stranger with the sharpest thorns? Is the not content with the offensive and indecorous language in which she has clothed her offers but does she at this moment, court an intimacy with one of our enemies, with whom during her whole political existence, she has hitherto had no political connections?"

The mission to Russia, when considered in all its views, does not sugar a sincere disposition to conciliate Great-Britain—and cannot be defended unless some person can shew, against the express vote of the Senate, that the measure was highly necessary and expedient.

Another fact, the tendency of which is to prove that our Cabinet had no expectation or wish that the arrangement with Mr. Erskine should take effect, is the conduct of Mr. Madison and of Congress at the June session.

Mr. Madison, if you take Mr. Erskine's first statement to his own Government, had assured that Minister, that if Great-Britain would repeal her Orders, we would take side with her against those nations which kept in force decrees infringing the rights of neutrals and of Great-Britain.

When called upon by our government to explain, the submissive and suppliant Mr. Erskine still persists that Mr. Madison told him, that although he could not answer for Congress, yet that there was no doubt but that Congress would honestly fulfil this implied stipulation, and would enforce our laws against the offending power.

What was the fact? Mr. Madison not only fails to recommend it in his speech, but Congress neglect to include Holland, though within the British orders, though within the absolute dominion of France, though enforcing laws injurious both to our own rights and those of Great-Britain.

What apology is made for this breach of faith? Shall we say that Mr. Madison's suggestions amounted to no pledge? Did it not bind himself, at least, to the recommendation? What is the excuse set up for his violation of a private understanding? Mr. Smith tells us, that it was less important to Great-Britain because Holland excluded us from her ports.

This, if it had been true, would have been a singular reason for opening our trade with her, but it was not correct—She has never excluded our ships freighted with certain productions of our own country, unless they came within the provisions of the Dutch decree, which copied the decrees of Berlin and Milan.

Thus we see that if the arrangement with Mr. Erskine had been deemed by Mr. Madison a serious one, he has very ill fulfilled the poor and narrow conditions which he had persuaded Mr. Erskine to accept in lieu of those to which he was directed to assent.

Let us now say a few words upon the rejection of the agreement by Great-Britain, for a few only, with the remarks we have before made, will suffice.

Great-Britain would have had a right to have refused to ratify the agreement even if Mr. Erskine had pursued his Instructions, because he was not vested with full powers, and he would only have been obliged to say to us that he had no sufficient authority.

This is supported by the quotation from Vattel, made by our own Civilian, Mr. Smith, and which is in fact, and is to be presumed to be the strongest case he can cite—Vattel says that agreements and treaties made in virtue of a full power are binding. Now this implies necessarily that if they are not made in virtue of a full power, they are not binding.

That the general letter of Credence of even a resident Minister Plenipotentiary is not a full power, we have the testimony of all the great civilians, but of none who deserve so much weight in this case as that of the very learned Doctor in Law, Thomas Jefferson, whose authority we cited in a Note to No. IV.

But Great-Britain is not so mean and ungenerous as to put her disavowal on the mere want of power. She says, "I will not imitate your example in the case of the treaty made by Messrs. Munroe and Pinkney. The simple want of authority would not induce me to reject a treaty just and equal. But I reject it because my Servant broke his Orders. Whether he broke them or not, is immaterial to you. It is sufficient that he had no power, and you never even asked him whether he had, which you know is the established usage, and which usage you yourselves adopted against our former Minister, Mr. Hammond. It is therefore, doubly unreasonable that you should complain of a measure, which I was, on two principles, both equally recognized by the laws of nations, authorized to adopt."

That Great-Britain did not, as she well might have done, repose upon the general incompetency of Mr. Erskine's powers, who not only did not possess a full power, but of whom our government, contrary to their own former conduct, did not demand any evidence of authority, we have the declaration of Mr. Jackson, who states, that although Mr. Erskine had no powers to conclude such an arrangement, yet that his Britannic Majesty did not disavow his agreement on that ground, but solely because, though acting without powers, he violated, in a gross manner, his Instructions. These instructions are now before the public. Every man knows that they were violated, in letter and in spirit—and our own government do not pretend to deny this point. But there is one circumstance worthy of notice. The British Cabinet had no confidence in the talents of Mr. Erskine—they not only bound him down to precise terms, but they required that even if these terms were com-

plied with, still that they should not be held till they should receive in England, an official note, declaring the consent of our government to them.—This was tantamount to a positive reservation of a ratification. Shall we be told, that our government did not know this? That the instructions were not communicated in extenso? I answer, this is not the fault of Great-Britain. She authorized her minister to shew them, and we were bound by the law of nations to demand his authority, as we have proved by the letter of Mr. Jefferson to Mr. Hammond.

This brings me to the last remark, which I have to make in proof, that the agreement with Mr. Erskine was not sincere—but was intended to be used as a source of new difficulties, and to be the apology for a rupture.

If that arrangement had been made bona-fide and with an honest disposition to bring about a solid peace with Great-Britain, the disavowal of it would have been received as all nations receive events of that sort, without emotion or complaint. As two perfect reasons, as we have shewn, existed to justify Great-Britain in rejecting the agreement, for neither of which was she accountable to us further than to state them, it was sufficient for her to make this known to us through any channel. I shall, on a future occasion, consider the high mettle and fallacious ground taken by our government, that a special envoy should be sent with a special power, with a certain technical form of words, and should make a formal procession to the Capitol in a penitential sheet, to apologize for an act which we and other nations have done without any apology—in short, to apologize for the neglect of our own ministers in not demanding Mr. Erskine's powers.

But I cannot quit this part of my subject, which is now completed, without the further remark, that it is somewhat singular, that our National Sensibility should be so local or personal: That while France is allowed to kick us from Finland to the pillars of Hercules, without provoking any other observation, than that the "posture of our affairs" is not changed, we should be so extremely sore—to tremble alive to all the injuries of Great-Britain, that even Shakespeare, in his *Mercutio*, has given us but a tame sketch of our veritable sense of honor. Whether a proclamation shall be dated to-day or to-morrow—whether an explanation is made through our resident minister—or the offending minister, or his successor, or whether, though the successor makes the explanation, he uses a legal form of words for that purpose, and lastly, whether, in stating what we admit to be true, he adopts a larger word, or a more copious expression, or deduces an inference amounting to an intimation of an insinuation, is in our very valiant temper, sufficient cause for the dismissal of a minister and for incurring the horrors of an interminable war.

#### HALIFAX, JANUARY 16.

Arrived this morning, H. M. Schooner Hunter, Captain O'Brien, in 10 days from New-York.

We have been favored with papers received by her to the 5th instant.

With respect to American politics, the following extract of a letter from a very respectable mercantile house in New-York, dated the evening of the 5th, furnishes a better explanation than can be drawn from the papers:

"The President of the United States on Tuesday last, sent a Message to Congress, recommending an immediate preparation for War—viz: equipping all our vessels of war, putting all our sea-ports in a complete state of defence, and of raising large bodies of men to serve during the war—but with whom it is to be, we are yet to find out; we do not think, however, it will be with our good friends the French."

#### JANUARY 19.

We learn by the brig Resolution from Marigalante last evening, that Rear Admiral Sir A. Cochrane had arrived at Martinique; and considerable reinforcements of troops, &c, having reached that Island from England, preparations were said to be making for an attack on Guadeloupe.

His Majesty's ship Blonde, and the Hazard sloop of war, cruising near Guadeloupe about the 10th ult, had the good fortune to fall in with a small Squadron of the enemy from France, going with troops and stores to the relief of that Island—and, after a short running fight, captured two corvettes (a ship and a brig)—two frigates got into Basseterre—and a few nights after, were attacked by the boats from His Majesty's ships, set fire to, and destroyed, at their moorings.

We have no particulars of those gallant actions; nor any other vessels mentioned as having assisted. Capt. Cameron of the Hazard, is said to have been killed, and Lieut. Wilson, of the Blonde, wounded.

Extract of a letter from an officer of his Majesty's Brig Scout, received by the last packet.

"On the 28th of July last, a very severe action was fought off Port Espezia, by H. M. brig Scout, of 18 guns, Capt. RARR, against two French national brigs, which were sent out full of troops, for the purpose of taking her.—When, after an action of three hours and a half, the enemy, seeing it go hard with their brigs, sent out several gun-boats to their assistance; which enabled the largest of the brigs to get clear of us—Our loss has been 31 killed and wounded, amongst whom are all the officers; all our masts, sails and rigging cut to pieces—wind dead on shore, and the batteries on the hills firing on us, we suffered them to escape.

"I suppose you have already seen the official account of two previous actions, by the boats of the Scout; when they took a battery of two guns, and cut out seven sail of Frenchmen; and afterwards, took a battery of four guns, killed a few of the enemy, and made some prisoners."

#### NOTICE.

ALL Persons having any demands upon the Estate of JAMES HENLEY, late of St. Mary's, in the County of York, deceased, are requested to present them within Six Months; and those indebted to said Estate, are desired to make immediate payment to

HENRY SMITH, Administrator.

Frederickton, 16th January, 1810.

## SAINT JOHN, February 5, 1810.

Wednesday arrived at the Post-Office the English Mail for the month of November.—London dates are only to the 9th Nov. consequently nothing can be expected—Halifax papers to the 19th ult. have been received, from them we have made some extracts.

FREDERICTON, MONDAY, 29th JANUARY, 1810.

His HONOR the PRESIDENT came to the Council Chamber and opened the Session of the General Assembly by the following SPEECH to both Houses:—

Gentlemen of the Council and Gentlemen of the Assembly,

I had entertained a hope that the principal thing which, at this meeting, I should have to propose for your deliberation, would have been the continuance of our ordinary Provincial Revenue, with some few additional appropriations for the ensuing period: But, from recent occurrences, it appears to be requisite that we should extend our regard to other and more arduous concerns, and that I should now recommend, to your serious consideration, a renewal, with every practicable improvement, of the Law for regulating and training our Militia, and for enabling the Executive Government, promptly and effectually, to call into action the force of the Country, whenever its defence or safety may require. And here I am happy to inform you that, from my own observation of the progress made by the Militia, under the regulations appointed at the last Session of the General Assembly, I can have no doubt of their future zeal and alacrity, on every service to which they may be called, in discharge of the duties that bind them to their King and Country.

In the course of last Summer, a detachment of the Troops has been employed on a part of the Road between Fredericton and St. John, which, upon careful examination, appeared most to require assistance. This service I trust will be found to have been faithfully and beneficially performed. Much, however, yet remains to be done on this, and on the other public Roads; to which I doubt not you will give all due attention.

Gentlemen of the Assembly,

I have directed the Treasurer's Accounts, with such other documents as may be requisite for your information, to be laid before you. Among these will be found an Account of the expences lately incurred (part of which are yet unpaid) and an Estimate of what appears further to be wanted on the Road to Saint John, for which I rely on your making adequate Provision.

Gentlemen of the Council and Gentlemen of the Assembly,

Such further objects as I may have to propose, shall, in the course of the Session, be communicated by Message.—In the mean time, I rely, with confidence, on your proceeding with zeal and mutual harmony in the dispatch of public Business.

DIED] Last Wednesday evening, Mrs. RACHEL KENT, widow of Mr. David Kent, aged 85 years.

The MANAGERS of the Dancing Assembly inform the Subscribers that the next Assembly will be on Wednesday Evening, 14th inst. ST. JOHN, 5th FEB. 1810.

#### MR. POWELL

PRESENTS his respects to the Ladies and Gentlemen of ST. JOHN, and informs them that he is under the imminent necessity of postponing the opening of his SCHOOL until Wednesday next. MONDAY, 5th FEB. 1810.

#### THE SUBSCRIBER

RETURNS his thanks to the Public for past favors in Business,—he has to inform them he has now on hand FOR SALE, 20 Kids of Souced SALMON, 30 Boxes Smoked Grand-Manan HERRINGS, and a few DRY GOODS, which will be sold very cheap for Cash or a Bill of Exchange. WILLIAM DONALDSON. ST. JOHN, 5th FEBRUARY, 1810.

#### THE SUBSCRIBER

RETURNS thanks to the inhabitants of FREDERICTON for past favors, whilst under the firm of RING, HART, & Co. and informs them that he still carries on Tanning, Curreying, Harness and Shoemaking in all its various branches at the shop formerly occupied by RING, HART, & Co. where he hopes to receive a continuance of their favors in his line, which will be executed at the shortest notice. JARVIS RING. FREDERICTON, 18th JANUARY, 1810.

#### Copartnership Dissolved.

THE COPARTNERSHIP of Messrs. DUNCAN and WILMOT being Dissolved on the 29th day of December last, by the decease of Mr. Robert Duncan late of the said Firm: All persons who have any claim or claims against the said Firm of Duncan and Wilmot, or against the Estate of the late Robert Duncan, are hereby requested to exhibit the same within Twelve Calendar Months from this date to the Subscribers at Fredericton, or either of them, and all persons indebted to the said Copartnership, or to the Estate of the said late Robert Duncan, are hereby required to make immediate payment to the said Subscribers hereinafter being Executors of the last Will and Testament of the said late Robert Duncan.

P. FRASER, J. M. WILMOT, } Executors.

Fredericton, 9th January, 1810.