

or, as it has been attempted to be explained, without effecting a material change in the sense and meaning, "France wants money, and she must have it." Their memories must be very conveniently treacherous, or they must believe the public susceptible of the grossest impositions, to come forward with their misrepresentations, whilst their own practices are glaring them in the face.

Can they flatter themselves, that there is no recollection of the opinion expressed by several, and entertained by many of this party, that the demands made by the French directory upon our ministers ought to have been complied with? What, let me ask, did General Smith say upon this subject at President Adam's table, thereby exciting warmth in that veteran patriot, who knew too well the labours, the sufferings, and the dangers, which our independence cost, to hear with patience such unworthy, such slavish sentiments uttered in his presence?

The instances are too numerous for rehearsal, in which a mean and dishonorable opposition to the proper means of repelling threats and assaults from other nations, and in which a colonial subserviency, have characterized the democratical leaders. Why was the trade to St. Domingo interdicted? Because France demanded it with threats and urgency. General Smith, if I mistake not, opposed in the senate the passing of the law to renounce this trade, taking as the ground of his opposition, the inexpediency, upon mercantile and political principles, of throwing it away. But after the exhibition of Furber's demands, enforced perhaps by a conference with the executive, he withdrew his objections.

Is it then for this party—is it for those, who act in unison with General Smith—is it for the placemen in Baltimore, and their echoes, the democratical papers, to pretend to squeamishness about tribute to England, when the undertakes to enforce none, and when the very arrangement they hold up as the instrument of tribute, has been voluntarily submitted to by themselves. If necessary, the case can be produced, in which one of the most clamorous among them, is the owner of a vessel, which received a British licence to trade, and paid the duty, be it more or less, that was demanded as the condition of trading.

Repeating, that as an individual, I have no objection that the excepting of licences should be made the subject of a rigorous prohibition, let us examine what this tribute consists of. Great-Britain, after waiting a year, to see whether the Berlin decree would be repealed or become of no practical validity, by not being enforced, issued what are called her retaliating orders in council, closing the ports of France, and her dependent nations; by a similar declaration of blockade. Some of them were blockaded in fact, and many were not. Such vessels as were on their passage or should be, before the orders could be known, were to be turned back, or to go to England, provided they were found breaking no previous actual blockade. From England they were in certain instances to be permitted to proceed, on the payment of duties. It is understood, that on paying duties in England, suspensions or relaxations of the orders may now be obtained, whereby a trade can be carried on with Bonaparte's dominions, provided he also will permit it.

If the orders of Council are founded in principles of just retaliation; if the blockades they establish are approved by the law of nations, there is no difficulty in admitting the right to prescribe the terms on which they may be suspended in favor of an individual. For if Great-Britain could gain a right by the disposal of her military force, and the injurious contraventions of public law committed by her enemy, to forbid the trade of any particular port, she might most undoubtedly prescribe any terms even the most rigorous, upon which to permit it.

These terms are not compulsive upon any body; for if you do not choose to prosecute that peculiar commerce, you will have no duty to pay; and surely that is not tribute, which is neither compulsive nor destitute of an equivalent, by allowing the cargo to be sold at a rate proportioned to the scarcity. It is therefore a mere piece of sophistry; a disingenuous contrivance to mislead the public, to talk of tribute.—There is no idea of tribute mixed in the affair.—It is, after all, no more than the justice of the retaliating blockades, which is in dispute. Let every man form the most correct opinion upon them his judgment and information enables him; but it will be impossible for a discerning impartiality, for an enlightened mind, not distracted by the jargon of political harlequins, to find in the investigation any proof of intention to impose a tribute as such.

To convince every man who chooses to think for himself, that this pretended tribute could have no existence, let it be considered, that one of the principal causes of the British retaliation, is the exclusion from France of every thing coming from England; and that except by corruption and smuggling, nothing, which had been in the latter country, could be carried to the other. In what an extremely limited extent this dangerous and disguised traffic could be resisted by the intervention of American vessels, all must be sensible. That a very few miserable and desperate adventurers, exposing their persons, their property and characters, and paying extravagant premiums to the French and Dutch custom-house officers, who might be found corrupt enough to wink at their practices, could sink the reputation of the American nation, may be the suggestion of that debased clan which paid tribute to Santhanax for special protections or licences to carry on trade to St. Domingo, but it would never occur to any honest or ingenious citizen.

The extraordinary means sedulously and universally enforced by the policy, no less than the emulous pride of Bonaparte, may be safely enough relied upon to prevent such a stain, if you will have it so, upon our national character. Superadd to this vigilance, which sends bands of soldiers to superintend the fidelity of his civil officers, penal laws of your own country, to prevent the use of these pitiful British licences, and you may frustrate the success of half a dozen perjured smugglers, but you will not purify the honor of the nation, which can be in no manner compromised.

I have already said so much upon what is evident, that I have to beg the readers pardon for fatiguing him, and shall postpone what I intended to say, upon the details of the duties imposed by Great-Britain. I hope, however, that so

many words have not been used without conspicuously evincing, that the fear of being dishonored by paying a tribute to England, is not the cause of protracting the embargo.—The tribute demanded by Bonaparte, is not a part, but the whole ship and cargo.

A greater insult was never committed on the understanding of Americans, than that of charging them with paying tribute to England. If the payment of a trifling duty, established by the British government, as a necessary and lawful regulation of trade, be deemed a base and degrading tribute, what are we to think of the confiscations of France. This is indeed straining at a knot and swallowing a whale.

NORFOLK, NOVEMBER 7.

One day later. Foreign accounts, received at the Herald Office, by the ship Heity, in 35 days from Liverpool, arrived in Hampton Roads.

PROTEST.

Made by Bernardin Freire D'Andrade, General of the Portuguese troops against the Articles of the Convention agreed on between the English and French armies, for the evacuation of Portugal.

"I protest, in general, on account of this treaty being totally void of that deference due to his Royal Highness, the Prince Regent, or the Government that represents him, on account of what may be hostile in it to the sovereign authority and independence of this government, and for all that may be against the honour, safety, and interests of the nation; and, in particular, I protest against what is stipulated in the following articles:—

Articles I, IV, and XII.—"Because these articles determine the surrender of Portuguese fortified places, stores, and ships, to the English forces, without solemnly declaring that this surrender is momentary, and that it is intended they should be immediately restored to the Prince Regent of Portugal, or the Government that may represent him to whom they belonged, and in whose aid the English forces came as auxiliaries.

Art. XVI.—"Because it permits the residence in Portugal of the individuals mentioned in it.

Art. XVII.—"Because it attempts to tie down the government of this kingdom, not to bring to justice and condign punishment those persons who have been notoriously and scandalously disloyal to their Prince and their country, by joining and serving the French party; and even if the protection of the English army should be allowed, to screen them from the punishment they have deserved, still it should not prevent expulsion, whereby this country would no longer have to fear again being betrayed by the same men.

First of the additional articles:—"This article can by no means bind the government of this kingdom, as no reciprocal conditions are stipulated.

"I protest finally, on account of the want of attention to the safety of the inhabitants of the capital and its environs, nothing having been stipulated in their favour to insure their not being still vexed and oppressed by the French during their stay—not even an equivalent for what is established by Art. 16 and 17, in favour of the French and their followers.

"And to these heads I limit my protest, in order not to make too long a list, passing over other objects of less importance, such as the concession of 800 horses, which was made without considering that they almost all belong to Portugal, and thus cannot be considered as the property of the French; that of the magazines of the army, filled at the expence of the country, and consequently only belonging by act, not by right, to the unjust occupants of the country.

(Signed) Bernardin Freire D'Andrade.

Head-Quarters at the Encarnation, September 14, 1808."

LONDON, SEPTEMBER 26.

We announced on Saturday the arrival of Capt. de Cuesta, and another Portuguese officer, from Oporto, with dispatches for the Portuguese Ambassador, and at the same time stated, that they are the bearers of a strong remonstrance against the Convention which terminated the war in Portugal. We have given in our preceding columns the protest of the Portuguese General against this disgraceful arrangement, and also a statement of some circumstances attending it, which have contributed to excite even greater disgust and indignation among the Portuguese, than the measure has produced in the British nation.

A letter of the 10th inst. from Sicily states, that the Snapper schooner Lieut. Champion, was then off the Islands, and had given the following information to a pilot boat;—viz. "That the British and French troops had a very desperate action in the neighborhood of Corunna in which the British were victorious; that the French had lost 300 men killed in this action besides an immense number wounded, and a great number of officers made prisoners. A French General, who had been taken prisoner in the affair, was then on board the Snapper, which had been 7 days on her passage from Corunna."

NOTICE.

ALL Persons having any legal Demands against the Estate of PHILIP RACEY, late of the Parish of Norton, King's-County, Yeoman, deceased, are requested to render them duly attested within Three Months from the date hereof; and all those indebted to said Estate, are desired to make immediate payment to

GEORGE FRITCH, } Administrators.
JAMES CRAWFORD, }
Norton, King's-County, November 14, 1808.

JOHN KNUTTON,

Has Just Received by the Ship COMMERCE, Capt. WATT, from GREENOCK,
AN EXCELLENT ASSORTMENT OF
CAMBRICS, Mullins, Lenos, Gingham, Chambries, Calicos, Shawls, Calamancos, Durants, and a great variety of other Articles, which will be sold on reasonable Terms for Cash or Bills of Exchange.
St. John, 18th July, 1808.

THE ROYAL GAZETTE. SAINT JOHN, November 21, 1808.

ARRIVED—Brig Olive Branch, Captain Kennedy, from St. Kitts, and Ship Argo, Capt. Dick, New-York.

On Tuesday last a Special Commission of Oyer and Terminer and Gaol Delivery was opened at the City Hall, before His Honor Judge SAUNDERS, for the Trial of Henry Baldwin, James Lennan, and Patrick M'Evoy, three Deserters from the 101st Regiment, who had been committed by the Magistrates for the Murder of Captain CLAYTON TILTON, while in the attempt of apprehending them as Deserters. The prisoners were convicted upon the clearest and most satisfactory evidence; Baldwin as a principal in the first degree in having given the mortal wound by the discharge of a Muzket, and Lennan and M'Evoy as being present, aiding and abetting, and they all received Sentence of Death on Friday; one of the most crowded audiences we ever witnessed in our Courts, being thoroughly satisfied of their guilt. In the course of the Trial it was expressly declared by the Court, that desertion from the King's armies in time of war is, independently of the Mutiny Act, by Ancient Statutes Felony without benefit of Clergy, and that every subject is bound upon his allegiance to use his utmost endeavours to apprehend such deserters, which the Law will protect and justify him in doing, even to the last extremity, should the deserter be necessarily killed in the struggle, as in the case of Felons of any other description; while, on the other hand, should any one of a party of deserters kill any person attempting to apprehend them, every individual of the party is guilty of Murder. The prisoners, we understand, are ordered for execution on Wednesday next.

Head-Quarters, St. John, November 9, 1808. MILITIA GENERAL ORDERS.

THE PRESIDENT and Commander in Chief deeply regrets the melancholy fate of Captain Clayton Tilton of Lancaster, who was shot by one of three Deserters from the 101st Regiment, while in the praise worthy act of endeavouring to bring them back to their duty; thus ending his life with the same loyalty and zeal for His Majesty's service which he had so frequently before manifested on many trying occasions.

The Commander in Chief is highly gratified by the promptness and resolution shewn by Adj. John Campbell of the Charlotte County Militia, and the men under his command in apprehending the three Deserters abovementioned, and his Honor takes this public method of thanking Adj. Campbell and his small party for their highly meritorious conduct on this occasion.

In addition to every other Reward for apprehending Deserters, Major General HUNTER has ordered ten guineas to be paid to the party of Militia for taking the above Deserters. By command of his Honor the President.

JOHN ROBINSON,
Dept. Adj. General of the Militia.

DIED] Suddenly, on the 13th instant, at his Seat near Fredericton, aged 71, the Honorable GEORGE DUNCAN LUDLOW, Chief Justice of the Supreme Court of this Province, eminently qualified for the high station he held, his death will be lamented by the public, as well as by his numerous friends, to whom he was endeared by his talents and his virtues.

SAINT ANDREW'S SOCIETY.

THE Anniversary Dinner of the Saint Andrew's Society will be held at the House of Mrs. COCK, on WEDNESDAY the 30th instant. The Members and others of our Countrymen who wish to Dine with the Society upon that occasion, will be pleased to leave their names with Mrs. Cock any day previous to MONDAY the 28th inst.—Dinner at 4 o'Clock.

By Order of the President,
ALEXANDER UMPHREY, Secretary.
Saint John, 18th November, 1808.

FOR SALE,

BY the Subscriber, FARM No. 26, lying on the west side of Kennebecasis River, containing 200 Acres of good Land, 15 of which are cleared, the remainder will cut 2000 cords of good Fire Wood; Also on the premises are a good Barn and Dwelling House.

JOSEPH BARLOW.
Portland, 16th November, 1808. 3w

GEORGE M'CALL,

Has Received by the Ship GOVERNOR CARLETON, Capt. UDNEY, via HALIFAX,
AN EXCELLENT ASSORTMENT OF
DRY GOODS,
Among which are a few Pieces of Ingrained Carpeting, which he will dispose of on his usual low terms.
Saint John, 31st October, 1808.

JOHN L. VENNER

Has Imported in the PHILLIS from LONDON,
A GENERAL ASSORTMENT OF
BRITISH MERCHANDIZE,
Which is now landing, and will be sold on his usual liberal Terms.
N. B. A few Pipes first Quality GIN and BRANDY, and a few Chests of fresh TEAS are amongst the Assortment.

Captain SMITH of the Phillis, has Six Pipes of Old London Particular Madeira WINE, and a few Casks best bottled BROWN STOUT for sale—Apply as above.
St. JOHN, 27th OCTOBER, 1808. 6w.