

FROM THE BOSTON GAZETTE.
MEMORIAL.

To the honorable the SENATE and House of REPRESENTATIVES of the United States.
The Memorial and Remonstrance of the Legislature of Massachusetts.

(CONCLUDED FROM OUR LAST.)

The Legislature of Massachusetts express without reserve their sentiments on the conduct of the two Belligerent Powers of Europe. They cannot be restrained by the audacious and unfounded insinuation, that the people of New-England are influenced by undue partiality to either of those Powers. They repel with indignation this slanderous aspersions, which cannot be believed even by those who propagate it. It is refuted by the well known spirit and patriotism of this People; it is disproved by the Annals of our Revolutionary War, and by the whole history to the present day. This State was among the first to resist the encroachments of the British Government at that time; her citizens still retain the same spirit to oppose unjust aggressions from whatever quarter they may be attempted. While they cultivate this spirit, the pledge of their Liberties and their Independence: they cherish also those moral habits and religious principles, which distinguished their ancestors, the first settlers of this Country. While vindicating their own right, they are admonished candidly to examine, and religiously to respect, the rights of others. They can never cordially engage in any contest which does not appear to them necessary to the honor and the essential interests of their Country; nor can they appeal with confidence to the God of Armies, in a war which does not appear to them to be just.

With these impressions the Legislature of Massachusetts, have deliberately examined the several documents respecting the foreign relations of the United States which were published by Congress for the information of the People. They have impartially weighed and considered the dates, and the contents of the Maritime Decrees and orders of France, and Great-Britain, affecting the commerce of the United States, and the dispositions of those two Governments as manifested in their Correspondence with our public ministers. The numerous and repeated aggressions on the part of France, displayed in these Documents, are as injurious to the honor of the Nation as to the interests of the citizens; violating at once the sacred obligations of our treaty with that Government, and the established principles of the law of Nations. The Remonstrances and complaints of our Minister appear to have been treated with contemptuous silence, or answered only with new outrages; and he seems at last to have abandoned all hope and expectation of influencing that Government by Diplomatic representations: and to have left it to the wisdom and the spirit of the United States, to adopt such other measures as may be necessary to cause their rights to be respected. While France shall maintain this contemptuous indifference, and these hostile dispositions, it appears hardly possible to attempt any accommodation with her, which shall not tarnish the honor, and endanger the independence of our Country.

On the part of Great-Britain, there appears from those Documents to be a disposition to cultivate a good understanding with this Country. They have manifested a strong desire to make atonement and compensation for injuries that were even unauthorized, and unintentional; and to adjust the respective rights and claims of the two Nations on such a basis as shall prevent future Collisions. If these dispositions on her part are sincere, and we do not see in these Documents, any reason to question their sincerity, they should undoubtedly be met by a correspondent disposition on our part. They certainly furnish an opportunity to attempt a negotiation, without any sacrifice of honorable sentiment or independent feelings; and this Legislature have great confidence, that such a negotiation, conducted in a fair, impartial and candid manner, would speedily restore harmony between the two Countries. In considering the different Decrees and Orders of France and Great-Britain, it is obvious that those of the former have been uniformly first in order of time and most injurious in their nature.—But even if those Nations were, as has been sometimes asserted, on the most perfect equality in this respect, and if the conduct of each furnished such a cause of War as would leave only the choice of our adversary, every motive of policy would induce the United States to select France for her enemy. Without condescending to calculate with precision the comparative ability of those two Nations to injure and annoy this Country, the present state of the world should decide our choice. In one event, we should have the satisfaction of aiding in that glorious struggle now carried on in Europe against the tyranny of France; and of assisting to maintain the cause of that brave and gallant Nation which has lately thrown off the yoke of her oppressor; and which was among the first to promote our exertions in a like cause. In the other case we should immediately be arrayed on the side of France; we should necessarily aid the gigantic strides of her Emperor towards universal domination, and assist in annihilating the Independence of Nations, and the Freedom of the world.

In Senate, Feb. 17, 1809. Read and accepted. Sent down for concurrence.

HARRISON G. OTIS, President.

House of Representatives, Feb. 18, 1809. Read and concurred. TIMOTHY BIGELOW, Speaker.

PHILADELPHIA, FEBRUARY 22.

The brig Fox, which has arrived in the Delaware from Jamaica, brings Kingston papers to the end of January.—One of these papers contain the following article:—

IMPORTANT RUMOURS.

By the arrival of the ship Westmorland, Bridson, from Liverpool on Thursday, the following very different and most glorious information has been received, which bears every mark of authenticity, and fully justifies the wisdom of General Blake's retreat:—On the 17th Dec. whilst the Westmorland lay at Madeira, the British consul at Funchal Archibald Bromlie, Esq. paid a visit to Capt. Bridson, and informed him that a vessel had just then arrived in the

bay, in a very quick passage from Gibraltar, the Captain of which stated, that previous to his sailing, news had reached there, express from Spain, of a signal victory having been gained by the combined armies of Spain and England, between the Ebro and Bayonne, over a large army of the French, said to be commanded by Marshal Ney; that the loss of the French amounted to no less than 45,000 men in killed, wounded, and prisoners, and the remainder completely routed; some time prior to this action which terminated so gloriously for the cause of the brave Spaniards, the gallant Sir J. Moore had joined them with a large reinforcement, which determined the patriots to give battle to the enemy, the result of which was as above described.

After the engagement they took such measures as to entirely cut of the enemy's retreat. The Spanish army was commanded by the Marquis de Romana.

The Capt. adds that this information was received with great demonstrations of joy at Gibraltar. The town and garrison were illuminated, and the shipping fired a salute in commemoration of the occasion.

The Jamaica papers brought by the above vessel, are said to contain the *Bulletins* of the French armies in Spain, to No. 12. Their dates, however, are brought down to a period no later than our regular accounts from Spain through Spanish sources, and though full of marches and counter-marches, present no distinct events that can be deemed either alarming, or very disastrous to the Spanish cause.

The epitome of these bulletins, and that is all that is given of them in the southern papers, is very lean and unimportant, excepting the 12th, which is dated at Aranda de Duero, and gives an account of the defeat of Gen. Castanos at Tudela, on the 23d November, both the French, as well as the Spanish account of this battle, allow the position of the Spanish General to have been bad, and that his defeat was occasioned principally from this circumstance, the loss he sustained is stated by this bulletin, to have been 3900 prisoners, and 4000 either killed or driven into the Ebro; no quarters being allowed the peasants. Bonaparte's headquarters were at Aranda de Duero (a town in Old Castile, about 30 leagues N. of Madrid) on the 27th Nov. The English Editor, in his comments on these bulletins, remarks that it is somewhat surprising, that although the Paris Moniteurs, to the 11th Dec. had been received, yet the last bulletin; (the 12th) is contained in the paper of the 5th, and the following Moniteurs detail no intelligence whatever from Spain. The French accounts admit, that Marshal Ney was not in the action of the 23d, at Tudela; may he not have been called away by some new position which the Marquis de Romana had taken, and thus compelled to the action stated in the above accounts?—That some important event, favorable to the Spanish cause has taken place, we feel strongly persuaded; as accounts also direct from Madrid, as late as the 27th Nov. state, that news of the most favorable nature had reached that place; that after the first partial defeat of Castanos, the troops had rallied, and gained many signal advantages over their enemies.

BOSTON, FEBRUARY 27.

Rumour with her hundred tongues, has been extremely busy for some days past, in trumpeting forth strange fumes from the seat of war in Europe. At one moment we hear of Bonaparte's marching to Madrid over the dead bodies of slaughtered Spaniards; and at the next, that his marauding armies had been intercepted by the British, and actually relieved the dead Spaniards from their cold and cheerless posts. Other accounts state, that Bonaparte after some partial successes over Generals Blake, Romana, and Castanos, was pushing towards Madrid, driving not only these armies, but those of the British Generals Baird, Moore and Hope, before them. To these hear says, and conjectural accounts, is also added one other, from the Havana, dated Feb. 4. several days later than the former accounts, via Cuba; which says, that by a vessel just arrived from Cadiz, we have highly favorable news of the success of the patriot armies in Spain—that this intelligence had created the most lively joy among the inhabitants.

As these reports are all without foreign date, it is extremely difficult to reconcile them so far as to produce any deduction either favorable or otherwise, to the Spanish cause. There is one circumstance, however, which throws some light colours on the sombre picture which has been recently drawn of Spain. It is this that the latest dates from Havana, announcing some fresh and recent intelligence from Spain, affirm that the news was highly favorable—and that the inhabitants from excess of sensibility on the subject, had not only illuminated the city, but manifested their joy in every other possible demonstration of public and private gratitude.

DIGNIFIED FIRMNESS.

To the Circular of Secretary DEARBORNE, addressed to the Governors of the several States, requiring military aid to enforce the Embargo laws, the following answer has been transmitted by His Excellency JONATHAN TRUMBULL, Governor of the State of Connecticut.

LEBANON, FEB. 4, 1809.

SIR,

I have received your letter of the 18th January, conveying to me a request of the President of the United States, that as commander in Chief of the Militia of this State, I would appoint a select number of officers of our Militia, to whom the collectors of the customs may apply for military aid in certain cases, which may by them, be thought necessary for compelling obedience to the laws of Congress enforcing the embargo.

I have had the subject of this request under my most serious and mature consideration; the final result of which I now have the honour to communicate to you.

I have reflected that neither the constitution, nor statutes of this State, have given to the commander in chief of its Militia, any authority to make such appointment of officers as has been requested; nor does my information suggest to me, any authority given to the President of the United States, derived either from the constitution or laws of the United States, to call upon the executive of an individual state to take an agency in appointments, such as are contemplated by the request mentioned.

Conceiving also as I do, and believing it to be the opinion of the great mass of the citizens of this State, that the late law of Congress for the more rigorous enforcement of the Embargo, is unconstitutional in many of its provisions, interfering with the state sovereignties, and subversive of the guaranteed rights, privileges, and immunities of the citizens of the United States; I have from these considerations, deemed it peculiarly and highly improper for a state executive to contribute his volunteer aid in support of laws bearing such an aspect.

And when I reflect upon the extent of measures which must probably be resorted to for the enforcement of this law; a law which from the means contemplated for its support and execution, it would seem is to require all the military and naval force of the union, I cannot suppress my deep anxiety for the events it may produce.

I might also add, that I cannot be induced to risk my responsibility to the public by contributing towards placing such a "serious" power in the hands, and at the disposal of men, in whom I should not be able, in all instances to repose the fullest confidence; more especially, when their individual acts and measures, may not always be under the regulation of the best motives, and when their proceedings in execution of this law, will naturally tend to put at extreme hazard the peace, lives, property and dearest rights of our fellow citizens.

Under this view therefore of the subject, and with these considerations before me, my mind has been led to a serious and decided determination to decline a compliance with your request, and to have no agency in the appointments which the President has been pleased to refer to me.

While I take the Liberty of thus declining this agency, you will be pleased to recollect, that on all former occasions, when constitutional applications have been made to this State, for the execution of the constitutional laws and requisitions of the Union, the promptitude and readiness of their compliance, have merited and received the approbation, if not the applause, of the general administration of the United States. With all due consideration, I am sir, your obedient servant.

JONATHAN TRUMBULL.

Hon. Secretary at War.

The Legislature of Connecticut, approving the conduct of his Excellency in calling the General Assembly together at this moment, reported sundry Resolutions, expressive of their full and unqualified approbation in the dignified attitude taken by his Excellency in withholding his countenance and aid to carry into effect the Embargo laws.

NOTICE.

ALL Persons having any legal Demands against the Estate of the late DANIEL M'GRIGOR, of Mirimachi, deceased, are hereby required to render them duly attested within Eighteen Calendar Months from the date hereof; and all those indebted to said Estate, are requested to make immediate payment to

ANN M'GRIGOR, Administratrix.
MORDACH M'KINZIE, } Administrators,
PETER STEWART, }
MIRIMACHI, 10th MARCH, 1808.

NOTICE.

ALL Persons having any legal Demands against the Estate of the late HENRY RUTHERFORD, Esq. of Digby, deceased, are requested to render them duly attested within Eighteen Calendar Months from the date hereof; and all those indebted to said Estate, are desired to make immediate payment to

DENNIS RUTHERFORD, } Executors.
ANDREW SNODGRASS, }
DIGBY, 27th FEBRUARY, 1808.

ALL Persons having any just demands against the Estate of the late WARD SNEDEN, deceased, of Annapolis, Mariner, are hereby requested to tender the same duly attested within Eighteen Calendar Months from the date hereof; and all Persons indebted to said Estate, are desired to make immediate payment to

MARGARET SNEDEN, Administratrix.
STEPHEN SNEDEN, Administrator.
ANNAPOLIS, 18th JANUARY, 1808.

TO BE SOLD,

AND POSSESSION GIVEN IMMEDIATELY, THAT excellent Stand at Carleton, well known by the name of CARLETON FERRY-HOUSE, with its appurtenances.

ALSO—A STORE and WHARF, and a Cooper's SHOP near to it, together with a Fish-Vat, 100 Fish Hogheads, a Scow, five Boats, the half of a Seine, six Salmon Nets, and sundry other articles necessary in the Fishing Business. For particulars apply to the Subscriber on the premises. CALEB WETMORE.
Carleton, 20th August, 1808.

TO BE SOLD,

THAT Valuable situation for Public Business, in the Parish of Portland, opposite the Soldiers Barrack, consisting of Two Dwelling Houses joining to each other; one of the Houses is 26 feet by 30. two stories high, with four rooms with fire places well finished, one bed-room and a convenient Shop with a good Cellar, &c.

The other House is 30 feet by 17, two stories high, calculated for two rooms on each floor, the lower story is comfortably finished with one excellent fire place in each story. The House was built last summer. For particulars please to apply to the Subscriber on the premises.

WILLIAM FAYERWEATHER.
PORTLAND, 27th FEBRUARY, 1809.

Wanted Immediately,

A Smart active LAD about 14 years of age, as an Apprentice to the BLACKSMITH Business.—Apply to the Printer. FEBRUARY 6, 1809.