

Foreign Intelligence.

HAMBURGH, September 26.

Having before alluded to the official note communicated to Count Bernstorff, by Mr. Merry, the English charge d' Affaires in Denmark, relative to the Danish frigate attacked by the English in the Straights of Gibraltar, we now find that the Danish Minister made no delay in signifying his answer. Count Bernstorff re-affirms the facts that had been inaccurately represented, and overturns, by the triumphant arms of reason, and of the imprescriptible right of nations, the strange doctrine which England is now anxious to support without being actuated by any other motive than her own convenience, and a groundless hope and confidence in her own strength and resources. The following are the leading points of the Danish reply:

"Both custom and treaties have no doubt conferred on the Belligerent powers the right of searching neutral vessels not under convoy by their ships of war, &c. but as this right is not a neutral one, but merely conventional, its effects cannot be arbitrarily extended beyond what is agreed to and conceded, without violence and injustice. But none of the maritime and independent powers of Europe, as far as the undersigned has observed, have ever acknowledged the right of permitting neutral ships to be searched, when escorted by one or several ships of war; and it is evident they could not do so without exposing their flag to degradation, and without forfeiting a certain essential proportion of their own rights. Far from acquiescing in these pretensions, which at present are no longer acknowledged, most of those powers have been of opinion, since this question has been stirred, that they ought to hold out an opposite principle in all their conventions respecting objects of this nature, in conformity with a number of treaties concluded between the most respectable Courts of Europe, which contain proofs of the propriety of adhering to that principle. The distinction attempted to be established between ships with and without convoy, is moreover equally just and natural, for the former cannot be supposed to be in the same predicament as the latter. The search insisted upon by the privateers or state ships of the Belligerent Powers, with respect to neutral bottoms not accompanied by convoy, is founded on the right of acknowledging their flag and of examining their papers. The only question is to ascertain their partiality and the regularity of their instructions. When the papers of these ships are found in strict order, no further examination can be legally enforced; and it is consequently the authority of the Government, in whose name these documents have been drawn up and issued, that procures for the Belligerent Powers the required security. But a neutral Government, by escorting by the armed ships of the state the commercial ships of the subject, thereby alone holds out to the Belligerent Powers a more authentic and positive pledge than that which is furnished by the documents with which these ships are furnished. Nor can a neutral Government, without incurring dishonour and disgrace, admit in this respect, the least doubt or suspicion, which must be as injurious to that Government as they would be unjust on the part of those who should entertain or manifest them. And, if it were to be admitted as a principle, that the convoy granted by a Sovereign does not secure ships or privateers of foreigners, it would follow that the most formidable squadron should not have the right of relieving from a search the ships entrusted to its protection, if that search was exacted by the most pitiful privateer. But it cannot be reasonably supposed that the English Government, which has uniformly, and on the most just grounds, shown a marked jealousy for the honour of its flag; and who in the maritime wars, in which it has taken no part, has nevertheless asserted with vigour the rights of neutrality, would ever consent should such circumstances occur, to an humiliating vexation of that nature; and the King of Denmark reposes too much confidence in the equity and loyalty of his Britannic Majesty, to harbour a suspicion that it is his intention to arrogate a right which, under similar circumstances, he would not grant to any independent power. It seems sufficient to apply to the fact in question

the natural result of these observations, in order to make it evident the Captain of a King's frigate, by repulsing a violence, which he had no right to expect, has done no more than his duty; and that it was on the part of the English frigates, that a violation of the rights of a neutral Sovereign, and a power friendly to his Britannic Majesty, has been committed. The King has hesitated to signify any formal complaint on this head, as he regarded it as a misconception which might have been done away by amicable explanations between the respective Commanders of the naval force which the two Governments kept up in the Mediterranean, but seeing himself, much to his regret, disappointed in that hope, he has only to insist on the reparation that is due to him, and which the justice and the friendship of his Britannic Majesty seem justly to be called upon to secure to him."

(Signed)

"C. BERNSTORFF."

From the LONDON GAZETTE.

OCTOBER 11.

Downing-Street, Oct. 11.

A dispatch, of which the following is a copy, has been this day received by the Right Honourable Henry Dundas, one of his Majesty's Principal Secretaries of State, from Major-General Pigot, commanding his Majesty's troops in the island of Malta.

Malta, September 6, 1800.

Sir—Conceiving that it may be of the utmost consequence that his Majesty's Ministers should be acquainted, as soon as possible, with the surrender of the important fortress of La Valette, I have desired Mr. Paget to dispatch a Messenger to England with a copy of my letter to General Sir Ralph Abercromby, on the subject, and the Articles of Capitulation, which are herewith sent you. We yesterday took possession of some of the works, and our ships entered the harbour, and I am in hopes the whole will be evacuated by the enemy to-morrow, except the island of Manuel, where, agreeable to the capitulation, such are to remain as cannot be immediately sent to France for want of ships to take them.

(Signed)

H. PIGOT, Major-General.

Malta, September 5, 1800.

Sir—I have great satisfaction in acquainting you with the surrender of the fortress of La Valette, with all its dependencies, after sustaining a blockade of two years. The capitulation has been signed this day. I had every reason to suppose that this most formidable fortress was likely soon to fall, from the circumstance of the two French frigates *la Justice* and *la Diane*, going out of the harbour a few night ago; one of which, *la Diane*, by the vigilance of the blockading Squadron, was soon captured, and there are still some hopes that the other may have shared the same fate. Judging of how much consequence it may be that you should have the earliest intimation of this important capture, I have delayed, till another opportunity, sending returns of the stores, &c. found in the place, which could not yet be made up. During the short time you were here, you must have been sensible of the great exertions which Brigadier-General Graham must have made with the limited force he had, previous to my arrival with a reinforcement; he has ever since continued these exertions; and I consider that the surrender of the place has been accelerated by the decision of his conduct, in preventing any more inhabitants from coming out of the fortress a short time before I came here. He was sent to negotiate the terms of capitulation with General Vaubois, and I am much indebted to him for his assistance in that business. I am happy to say, that I have experienced every support from Brigadier-General Moncrieffe, and the officers of the British and allied troops, whose conduct in every respect has been most exemplary. The service of the engineer department, under Capt. Gordon has been carried on with great zeal and perseverance. I think it right to mention to you, that Lieutenant Viven, of the Royal Artillery, the Assistant Quarter-Master-General, has been of considerable service. He was landed here with his party from the Strombolo bomb at the commencement of the blockade; and for a long time did duty with these few men without any other British or regular troops of any description. I have great pleasure in ac-

knowledging the constant and ready assistance and co-operation I received from Capt. Ball of his Majesty's ship *Alexander*, who has been employed on shore during the greater part of the blockade: His name and services are already known to his Majesty's Ministers; and I am sure I need not say more than those he has performed here do credit to his former character. I herewith transmit you the terms of the capitulation. I have derived great assistance from my aid-de-camp Captain Dalrymple, who has for some time been doing duty as assistant adjutant General.

(Signed)

H. PIGOT, Major-General.

Northumberland, off St. Paul's, August 29, 1800.

MY LORD,

I have the honour to acquaint you, that the frigates *La Justice* and *La Diane* sailed from the harbour of La Valette on the night of the 24th, and were immediately pursued by His Majesty's ships off this port; and that the latter, after a chase of some hours, and a running fight with the *Succes*, struck to that ship, the *Geneux*, and Northumberland. *La Justice*, I am sorry to add, escaped under cover of the night, and has not since been heard of. *La Diane* mounts 42 guns, 18 and 9 pounders, but had only 114 men on board, having left the remainder to assist in the defence of the garrison.

(Signed)

GEO. MARTIN.

The Right Hon. Lord Keith, K. B. Commander in Chief, &c.

THE EMPEROR AND FRANCE.

The Preliminaries of Peace, says a London paper, signed at Paris, which we published in our yesterday's paper, present a subject of difficult discussion. We do not find in them those absurd and mad pretensions which some of our contemporaries thought proper a few days ago, on the authority of their, no doubt, well credited correspondents, to ascribe to the French Government, while at the same time we do not perceive much of that moderation which can entitle the Chief Consul to credit for the sincerity of his pacific intentions. The treaty of Campo Formio is generally laid down as the basis of negotiation.—The leading article in this treaty was the cession to France of all the territory on the left bank of the Rhine, formerly belonging to the Emperor, and other Princes, in consideration of Venice, with its terra firma, being annexed to the States of the House of Austria. It was provided, however, by the secret articles, that some of the fortresses on the right bank, such as Kehl, Ehrenbreitstein, &c. should be garrisoned by the troops of the Republic.—The conditions held forth in the present preliminaries are so far more favourable to Austria, as they stipulate that these places of strength, instead of being retained by France, shall be razed; and the integrity of the Germanic body is violated to less extent, as, instead of throwing the archbishopric of Salzburg with part of Bavaria, into the scale of indemnities, a make weight is to be found in Italy, equal in importance to what would have been derived from these quarters. Little doubt can be entertained that the States of Venice are no inadequate equivalent for Austrian Flanders; that is to say, upon a fair exchange.—The revenues arising out of the Low Countries never were sufficient to defray the expence of maintaining them, while they were held of Austria; and, though they were a powerful barrier against France for the western states of the Empire, they rather diminished than added to the strength of the Hereditary dominions. Venice, on the other hand, from its position, perfects the unity of the Imperial territory, and constitutes Austria a naval power. But it ought to be considered that here there was no fair exchange. There was only a compensation for a loss: it required to be double the amount of it.—France, in extending her boundary to the Rhine acquired a new tract of country. In adjusting the political balance, therefore, France, should have given up something she possessed before; whereas, in granting Venice to the Emperor (which, by the bye, she had no right to grant, and he had no right to take), she merely gave a compensation for what she took from him, without bringing her own acquisition into the account, which between rival powers ought always to be considered in adjusting their mutual interests.

It is not improbable that Ferrara and Mantua might be the equivalent meant in the preliminaries to be set against the Arch Bishopric of Salzburg—which, by giving the Emperor the strong line of the Mincio for a boundary, would have rounded his territory, and established for him a strong footing in Italy.

Still, however, France would gain more upon the whole than Austria, because, though Austria might have an equivalent for her loss, she would have no compensation for the aggrandizement of her rival.

Considering the interests of the Emperor as combined with those of England, the allies would lose in a duplicate proportion. Venice was no object of dread either to the one or to the other. When united with Austria, it adds but little, if any thing at all, to the weight of England in the political scale of Europe; whereas, France, at all times the rival of this country as well as of Austria, by the cession of Belgium, obtains not only a great addition to her internal strength, but becomes the master of an extended line of coast, threatening to our insular security. Even the Navy of England, invincible as it is, may be eluded by a force collected on any part of a coast stretching from Bayonne to the Weser.

Whether, under all the circumstances of the case, it be prudent on the part of the Cabinet of Vienna to refuse to ratify the preliminaries of peace which have been already signed, is a very different question. The laws of necessity are far removed from the calculations of cool and reflecting policy. When an appeal is made to arms, the statesman is superseded in his office, and the fate of a battle often decides in a day, what all the skill of diplomacy could not have brought to issue in a month. The position of the Austrian army is at this moment so extremely critical, that many people regard it as little less than madness for the Emperor to stake his very existence upon the event of a battle, which if unsuccessful, throws him entirely at the mercy of his enemies, after forfeiting all claims upon their generosity; and which, if successful (which there is rational ground to hope) will not put him in a situation to enforce higher demands upon France, than those which France, is willing at this moment to satisfy.

With respect to the conduct and views of the Chief Consul, we must confess, that to us they appear to be dictated neither by wisdom nor moderation. It is as much the interest of France as of the other powers to have peace. The prospect of conquest is dazzling; the enjoyment of peace is sweet; and can he imagine, though the fortune of war may put in his power for the moment, to impose harsh terms upon his adversary, and to incircle France with new acquired provinces, that any peace, not founded upon justice, and which does not satisfy the fair claim of the different powers of Europe; can last? He ought maturely to weigh the maxim of Carnot, that in no case it is good policy to reduce an enemy to despair.—Its reactions are often dreadful!

In the preliminaries little is said respecting Italy. Whether it was meant that the king of Sardinia should be restored, we know not. It is probable that the fate of the states of Italy was to be reserved as a subject of negotiations. Even the ambition of Buonaparte, could not look for dominion beyond the Alps. Had he come forward, however with an avowal of his intentions to restore the dethroned Sovereign of Piedmont, he certainly would have given a stronger vouch for his moderation than any he has yet produced.

BOSTON, November 18.

CAPTURE OF A FRENCH CORVETTE.

On Saturday anchored in Nantasket Roads, the United States frigate *Boston*, George Little, Esq. Commander, with her prize, the French national corvette *Le Berceau*, commanded by Citizen Louis Andre Senes, captured on the 12th of October, in lat. 22, 50, N; long. 51. W. after an action of one hour and forty minutes. *Le Berceau* mounts 23 French nine, and a twelve pounders on one deck; and had on board at the commencement of the action 230 men. Her loss was 35 killed, and a number wounded. The force of the *Boston*, is 24 twelve and 8 nine pounders, and 230 men. The names of the killed and