

Farmer's Repository.

VOL. II. CHARLES TOWN, (Jefferson County, Virginia,) PRINTED BY RICHARD WILLIAMS. No. 90. TWO DOLLARS PER ANNUM, FRIDAY, DECEMBER 15, 1809. PAYABLE ONE HALF IN ADVANCE.

By the author of a Poem, called HOME, published this year at Edinburgh.

THE TOMB OF MY FATHERS.

Subdued by misfortunes, and bowed down with pain,
I sought on the bosom of peace to recline;
I hid to the Home of my Fathers again,
But the Home of my Fathers no longer was mine.

The look that spoke gladness and welcome, was gone;
The blaze that shone bright in the hall, was no more;
A stranger was there, with a bosom of home,
And cold was his eye as I entered his door.

'Twas his, deaf to pity, to tenderness dead,
The falling to cruth, and the humble to spurn;
But I laid not his scorn,—from his mansion I fled,
And my beating heart vowed never more to return.

When Home shall receive me! One Home yet I know,
O'er its gloomy recess, see the pine-branches wave.
'Tis the Tomb of my Fathers. The world is my foe,
And all my inheritance now is a grave.

'Tis the Tomb of my Fathers. The grey moistened walls,
Declining to earth, speak, emphatic, decay;
The gate, off its hinge, and half-opening calls,
"Approach, most unhappy, thy dwelling of clay."

Alas, thou sole dwelling of all I hold dear,
How little this meeting once augured, my break!
From a Wanderer accept, oh my Fathers, this tear,
Receive him, the last of his race, to your fell.

ANECDOTE.

A Neapolitan nobleman fought fourteen duels to prove that Dante was a greater poet than Aristo. At this death-bed, his confessor, who was a great admirer of Aristo, desired him to acknowledge the superiority of this poet. "Father," answered the dying nobleman, "to tell you the truth, I never read either Dante or Aristo." Were the causes of many modern duels examined, it would appear that those engaged in them could assign no better reason for risking the loss of their own lives, or those of their fellow creatures, than this Neapolitan nobleman.

From the Kennebec Gazette.

EPITAPH ON A BARBER.

Here are deposited the remains of FRANK FRIZZLE, late of this country Barber and Hair dresser. By birth a Pole-ander.

His distinguished talents were penetration and perseverance, and his numerous patrons can give proof of the keenness of his judgment. Active and assiduous in the sphere he moved, he early arrived at the head of his business. Independent in his nature, he has often taken Pride by the nose, and has many a time lathered impudence. He was so great a politician yet could tell a Wig from a Tory. Though he despised low actions, yet none, strange as it may seem, stoop'd offenser to meanness. He was expert at picking locks, yet was never known to have done it with dishonest intentions. He was so great a physiognomist, and so insinuating in his manners, he could tell the secret working of men's heads. And like the immortal Shakespeare, held the mirror up to nature. Although he had nothing to do with the trade, he was as full of flaving as a house carpenter. He associated with men of talents, yet he rather chose blockheads for his constant companions. Finding them subservient to his schemes for accumulating wealth, he kept them merely as his tools to work on. Thus did he pass his so-

journalist us, until Death's chilling blast extinguished the spark that warmed his bosom. This last job gave the finishing stroke to his business, and he lies here until that old Pulveriser, TIME, shall reduce him to Powder. The bearded grass nods o'er his cold habitation, and the fanning West Winds brushes gently by him.

GENTLE READERS
If This Melancholy Recital Should raise the Bristles of thy head, Please to call on BENJAMIN FRIZZLE, His HEIR AND SUCCESSOR, Whose solitary applications will lighten the brow of care, and make thy pericranium as smooth as a Weasel.

Take Notice.

I AM going to move from this place to Battletown, in about ten days from this. All persons indebted to me are requested to call and discharge their respective balances before the ninth instant. If money is not convenient, I will receive merchantable wheat at six shillings and six pence per bushel, delivered at Mr. John Downey's or Mr. Samuel M'Pherson's mill. Those persons failing to comply with the above request, may rely on their accounts being put into the hands of proper officers for collection, without discrimination.

JOHN HAYNE.
Charlestown, Dec. 1, 1809.

To Rent.

THE subscriber will rent the house which Mr. John Hayne occupies, in the back street, (except one small room, which he will occupy as an office.) The lot with all other buildings thereon, will also be rented. Possession will be given on the first of January next.

ROBERT C. LEE.
Charlestown, Dec. 1, 1809.

NOTICE.

MUTUAL ASSURANCE SOCIETY.

ANNUAL GENERAL MEETING.

THE annual general meeting of the MUTUAL ASSURANCE SOCIETY against fire on buildings of the state of Virginia, will be held, by adjournment at the Capitol in the city of Richmond, on the second Monday in Dec. next, (being the 11th day of Dec.)

SAMUEL GREENHOW,
P. Agent, M. A. S.
Richmond, Nov. 10th, 1809.

P. S. As much inconvenience and unnecessary expense results from the present mode of collecting the contributions of the members; which annually diverts a considerable part of those contributions from the uses for which they were intended—burdens individuals with heavy costs, and greatly delays the collections, to the injury of the credit of the society, the general meeting at their last annual session, applied to the legislature, to authorise a more certain, expeditious, and less expensive mode of collection. Their application was rejected, under an impression, that the members of the society might not approve this act of their proxies.

Having been informed that, a similar proposition will be submitted to the consideration of the next general meeting, and believing some amendment in that respect necessary to the prosperity of the institution, I have thought it proper to give this public notice thereof.

S. GREENHOW, P. A.
November 27.

VINE COMPANY OF PENNSYLVANIA.

THE Managers of the Vineyard at Spring Mill, conceive it a duty they owe to the lovers of the VINTAGE in the United States, to inform that they have a large number of fine Plants and Cuttings of various kinds for sale, at very reasonable prices, for this autumn and next spring's planting. Orders addressed to Mr. Bernard M'Mahon, Seedsman and Flowerist, in Philadelphia, or to Peter Legaux at the Vine Yard, (post paid) shall be carefully attended to.

Printers in this and the neighboring states, friendly to the cultivation of this delicious Fruit, will confer a favor, by inserting the above once or twice in their usual papers.

November 17, 1809.

CAUTION.

WHEREAS my wife Susannah has left my bed and board without cause or provocation, I do hereby forewarn all persons from trifling her on my account, as I am determined to pay no debts of her contracting from the date hereof.

All persons are cautioned against harboring her at their peril.

ARCHIBALD STEWART.
Jefferson county, Dec. 1, 1809.

NOTICE.

FOR the convenience of those persons who were purchasers at the sale of my father's estate, I have deposited their obligations with Mr. Daugherty. As the estate is indebted, promptness of payment is expected.—Those obligations were due the 25th ult.

WM. TATE.
December 1, 1809.

Five Dollars Reward.

STRAYED from the subscriber, living at Harper's Ferry, about the first of last June, a small black milk COW, about seven years old, middling small crooked horns, no ear mark collected. The above reward will be given for the above tray, with all reasonable expenses if brought home.

WM. STEPHENSON.
November 17, 1809.

Tailoring Business.

THE subscriber informs the public that he still continues to carry on the above business in Charlestown.—He returns his sincere thanks to his friends and the public in general for their past support, and hopes by assiduity and attention to merit a continuance of their patronage. He has just received the latest fashions, which will enable him to serve ladies and gentlemen in the first style. Those who may please to favor him with their custom, may rely on having their work executed with punctuality and neatness.

HENRY SKAGGS.
October 26, 1809.

Fulling and Dying.

THE subscriber respectfully informs his friends and the public, that he has taken that new and elegant Fulling Mill, the property of Mr. Benjamin Beeler, three miles from Charlestown, where he intends to carry on the Fulling Business in all its various branches. The mill being erected on a new plan, and water always sufficient, he hopes to give full satisfaction to all those who will favor him with their custom.

SILAS GLASCOCK.
September 22, 1809.

House and Lot for Sale.

THE subscriber offers for sale his House and Lot, in Charlestown, on the main street leading to Alexandria. The dwelling house is two stories high, with a good cellar, kitchen, smoke house, and stable. Back land will be taken in part payment for this property, or will be sold very low for cash. An indisputable title will be given to the purchaser.

JOHN WARE.
July 21, 1809.

Negroes for Sale.

THE subscriber will offer at public sale, to the highest bidder, for ready money, at this place, on the first day of January next, a number of very likely negroes, Men, Women, Boys, and Girls, including several Tradesmen, a good Cook, &c.

F. FAIRFAX.
Shannon Hill, near Charlestown, Jefferson County, Va. Nov. 10.

NOTICE.

ALL persons indebted to the estate of Jehu Lathels, deceased, are requested to make immediate payment to the subscriber; and those having claims against the said estate are desired to exhibit them properly authenticated.

JOHN CLARK, Adm'or.
October 6, 1809.

JUST PUBLISHED, And to be had at this Office, A POLITICAL WORK, ENTITLED THE WHOLE TRUTH. PRICE 25 CENTS.

Blank Deeds For sale at this office.

OFFICE OF THE SUPERIOR COURT, Holden for Jefferson County.

I HAVE removed the office of the Superior Court, holden for Jefferson County, to the house occupied by Mr. John Hayne.

ROBERT C. LEE.
Charlestown, Nov. 24, 1809.

Forty Dollars Reward.

RAN AWAY from the following Spring Farm, about a year ago, a Negro Man named WILL, about 23 years of age, light complexion, and nearly six feet high. He is supposed to be lurking in the neighborhood of Charlestown, as he was seen a few days since, at Thornton Wallington's quarters, where he has a wife. The above reward will be paid for securing said negro in jail, or delivering him to John Briscoe, esq. near Charlestown.

SAMUEL BRISCOE.
November 24, 1809.

Stevenson & Griffith, TAILORS.

RESPECTFULLY inform the inhabitants of Charlestown and its neighborhood, that they have lately commenced the TAILORING BUSINESS in Mrs. Frame's house near Mr. Haines' tavern, where they are ready to receive work. They will be always careful to execute their work in the most scrupulous and fashionable manner. They are acquainted with the newest fashions, and have no doubt but they shall be able to give full satisfaction to those who will please to favor them with their custom.

Charlestown, Nov. 17, 1809.

Land for Sale.

THE subscriber being desirous to move to the Kenhawa to live, offers for sale, the tract of land, on which Mr. John Packett has lived for some years past. It contains 214 acres, 55 of which are in timber, which has been ascertained by actual survey, made a few weeks since by Mr. Wm. M'Pherson.—This land is of very superior quality, and lies within two miles of Charlestown. A great part is remarkably well adapted to the growth of timothy. There are now on it 11 or 15 acres of good meadow, and more could be conveniently made.

He will also sell a tract of 119 acres, which lies between the tracts he sold to Capt. Baylor, and the one he sold to Mr. Andrew Parks, in the rich woods. The payments for both, or either of these tracts of land will be made easy to the purchaser. The terms will be made known by application to Mr. John Packett, or to the subscriber residing near Winchester, who also offers for sale the land he now lives on near said town.

LAU. A. WASHINGTON.
November 4, 1809.

John R. Cooke, ATTORNEY AT LAW.

TENDERS his professional services to his fellow citizens of Jefferson County. He will attend both the inferior and superior Courts.

Martinsburg, Oct. 20, 1809.

George Newkirk, Complainant, against John Maxwell Swann, William Glass Swann, David Carothers Swann, and Robert Joseph Swann, children and heirs of Joseph Swann, deceased.

IN CHANCERY.

THE defendants not having entered their appearance agreeably to an act of assembly and the rules of this court, and it appearing to the satisfaction of the court that the said defendants are not inhabitants of this state: On the motion of the complainant, by his counsel, it is ordered, that the said defendants do appear here on the second Tuesday in December next, to answer the bill of the said complainant, and that a copy of this order be forthwith inserted in the Farmer's Repository, published in Charlestown, for two months successively, and published at the court house door of Jefferson county.

A copy. GEO. HITE, Clk.

RAGS.

The highest price given for clean linen and cotton rags at this Office.

Best Writing Paper For sale at this Office.

JACKSON'S CORRESPONDENCE. Continued.

I touch with considerable and very sincere reluctance upon that part of your letter, in which you state that I had not assigned "any reason whatever why the reasonable terms of satisfaction tendered and accepted have not been carried into effect."

I believed that I had observed to you, in the words of my instructions, that if His Majesty were capable of being actuated by any desire to retract an offer of reparation which he had made, His Majesty might be well warranted in doing so both by the form in which his accredited Minister had tendered that reparation, and by the manner in which that tender had been received. I believe that I elucidated this observation by a reference to the particular expressions, which made the terms of satisfaction appear to be unacceptable even to the American government, at the very moment when they were accepted, and which at all events put it totally out of His Majesty's power to ratify and confirm any act in which such expressions were contained.

On the subject of His Majesty's Orders in Council, I have had the honor of informing you that His Majesty having caused to be made to the government of the U. States certain proposals founded upon principle, some of which were understood to originate in American authorities, and others to be acquiesced in by them; and having afterwards ascertained, in the manner mentioned in a former part of this letter, that the sentiments of the American government were so different from what they were at first understood to be, I was not instructed to renew to you those proposals, nor to press upon your acceptance an arrangement which had been so recently declined, especially as the arrangement itself is become less important, and the terms of it less applicable to the state of things now existing.

Those considerations which were first intimated in Mr. Canning's official letter to Mr. Pinckney of the 23d Sept. 1808, and which, in the process of the following six months, acquired greater weight and influence, induced His Majesty, before the result of Mr. Erskine's negotiation was known, to modify the Orders in Council of Nov. 1807, by that of the 26th of April, 1809.

The effect of this new order is to relieve the system under which the former orders were issued, from that which has always been represented in this country, as the most objectionable and offensive part of it—the option given to neutrals to trade with the enemies of G. Britain through British ports on payment of a transit duty. This was originally devised and intended as a mitigation of what is certainly more correct but more rigid in principle—the total and unqualified interdiction of all trade with the enemy. If, however, this mitigation was felt as an aggravation, and, as has been sometimes warmly asserted, as an insult, that cause of complaint is now entirely removed. By the order in Council of the 26th April, 1809, all trade with France and Holland, and the ports of Italy, comprehended under the denomination of the kingdom of Italy, is simply prohibited altogether. No option is afforded, and consequently no transit duty is required to be paid. In another respect the order in Council of the 26th April must be admitted to be more restrictive than those of Nov. 1807.

The trade with enemies colonies which was opened to neutrals at the commencement of the present war by the order in Council of the 24th June, 1803, was continued to be left open by those of Nov. 1807. The order in Council of the 26th April retracts this indulgence. But it is to be observed, that, since the period, when the orders in Council of Nov. 1807 were issued, the opening of the ports of Spain, of Portugal, of the south of Italy and of Turkey has afforded a more ample scope to neutral com-

merce, and that by the capture of Martinique, in addition to that of almost all the colonies of the enemies of G. Britain, together with the blockade of Guadalupe, the extent to which the liberty of commerce with enemies' colonies applied has been so far narrowed, that there is little of practical hardship in recurring to the rule which, however occasionally mitigated in its application, Great Britain can never cease in principle to maintain. It is farther to be observed, that the Order in Council of the 26th April has this operation highly favorable to neutrals, that restricting the regulations of blockade to France, Holland and their colonies, and to the territories denominated the kingdom of Italy, it lays open to the direct trade of neutrals the ports of the north of Europe. Under the Order of the 26th April, therefore, while there are on the one hand fewer points of difference to stand in the way of a satisfactory arrangement between G. Britain and the U. States; it is possible that there may be less temptation to the latter, to enter into such an arrangement, as the extent of their commerce may be, if they please, nearly as great under the Order in Council of the 26th April, as it would be under any arrangement which should effect the indispensable objects, to which that order applies, or as it would be even without any such order so long as France and the powers subservient to France continue to enforce their decrees. It is, in the same proportion, matter of indifference to G. Britain, whether the Order in Council be continued or an arrangement by mutual consent substituted in its room.

Such, Sir, are the grounds on which it has appeared to His Majesty to be unnecessary to command me to propose to the government of the U. States any formal agreement to be substituted for that which His Majesty has been under the necessity of disavowing; but I am directed to receive and discuss with you any proposal which you may be authorised to make to me on this head.

As no disposition has hitherto been shewn on your part to make any such proposal, it has been impossible for me to flatter by anticipation (nor was I instructed so to do) what might be the answer that I should eventually think it my duty to return to you; consequently I could not have made with that view the statement contained in the 4th section of your letter, and the three subdivisions of it. Such a statement, would have been obviously inconsistent with the former part of my overture, which you very correctly regard in the 3d section, viz. that I was not instructed to make to you any proposal whatever upon this subject. I must necessarily reserve, until I hear from you what proposals it may be deemed proper to make on behalf of the U. States, to state in how far they do or do not accord with the instructions, which it has pleased His Majesty to give me for my guidance in this negotiation.

I will only add, sir, in conclusion of this letter, that His Majesty is very sincerely desirous of maintaining a perfect and cordial understanding with the U. States, and of bringing to a complete and satisfactory adjustment, all the points of difference that have arisen between the two governments; and that, agreeing as I do with you, most heartily, as to the interest which both nations have in fostering a mutual and solid friendship and cordiality, no zeal or exertions shall be wanting on my part to carry into effect His Majesty's commands for this most salutary purpose.

I have the honor to be, with great respect, Sir, your most obedient humble servant,

F. J. JACKSON.
The Hon. Robert Smith, &c. &c. &c.

MR. SMITH TO MR. JACKSON.
Department of State, Oct. 19, 1809.

SIR,

I have had the honor of receiving your letter of the 11th inst.

Before I proceed to the more material topics, which it embraces, it is proper that I should take some notice

of your construction, which has unhappily converted an intimation of the expediency of conducting in a written form our further discussions, on this particular occasion, into a general prohibition of all verbal communications whatever, and into an unprecedented violation of the most essential rights of public minister, requiring a formal protest and a resort to the commands of your sovereign.

A recurrence to that intimation cannot fail to shew that its sole object was to avoid, in the further discussions of a case of unusual delicacy and importance, the misconceptions well known to be incident to oral proceedings, and of which the diplomatic intercourse between the two governments had furnished so many and such serious proofs,—nay, of which your letter itself is an additional illustration. That a change in diplomatic discussions from an oral to a written form is not without precedent I cannot refer to you which will be more satisfactory to you than the intimation recently given by Mr. Canning, in the case of the proposal by Mr. Pinckney on the subject of the Orders in Council and the Embargo, that the discussions which had been previously verbal must thenceforth take a written form. And with this view I take the liberty of recalling your attention to the subjoined extracts (See A and B.) of letters that passed on that occasion.

On the present, as on that occasion, the change from verbal to written communications was requested after two conferences, and when the subject appeared to one of the parties to have, by those verbal discussions, been brought to a point, which required a precise understanding of the views and propositions of the other.

You will, sir, hence perceive, that in maintaining the right, which every government has as to the rules of intercourse with foreign functionaries near it, no encroachment has been made or intended on any right or customary privilege belonging to you in that character, nor any thing done to impede the proper and usual course of negotiation.

You have been sufficiently apprised, by my letter of the 9th, of the light in which the President views the arrangement lately made by your predecessor with this government, and of the grounds on which he has expected a formal and satisfactory explanation of the reasons for the refusal of his Britannic Majesty to carry it into effect. He persists in that expectation, and in the opinion, that there has been given no explanation that is adequate, either as to the matter, or as to the mode.

When one government has been solemnly pledged to another in a mutual engagement by its acknowledged and competent agent and refuses to fulfill the pledge, it is perfectly clear, that it owes it, both to itself and to the other party, to accompany its refusal with a formal and frank disclosure of sufficient reasons for a step, which, without such reasons, must deeply injure its own character, as well as the rights of the party confiding in its good faith.

To refuse with honor (says a high authority on public law) to ratify what has been concluded on by virtue of a full power, it is necessary that the government should have strong and solid reasons, and that he flew in particular that his Minister has violated his instructions.

Although it is particularly incumbent on the Sovereign in such case to shew that his instructions have been violated, yet it is not a mere violation of them on immaterial points that will be sufficient. It is indispensably requisite, moreover, that they manifestly weigh not only the general obligation to abide by what has been so done, but also the disappointment and injury accruing to the other party. And it is worthy of notice that the case under discussion is of a higher character, and appeals with greater solemnity to the honor and justice of the refusing party, than the case stated in *Mattel*, inasmuch as the transactions now disavow-

ed, was not a treaty or convention to be ratified by both parties, previous to an execution by either. It had according to the terms of it (and this peculiarity appears to have been contemplated by your government) been actually and immediately carried into execution on the part of the U. States. The refusal of his Britannic Majesty is, therefore, not simply to ratify what had been ratified by the other party, but to carry into effect on his part an arrangement which had been carried into full effect with good faith on the part of the U. States. Nay, the case is strengthened by the further peculiarity, that some of the circumstances attending the execution of the arrangement on the part of U. States render it unsusceptible of a full equivalent for the refusal to execute it on the other side.

It has not escaped observation, that the obligation of your government to tender explanations on this occasion is admitted by your attempt to shew that it has been sufficiently done in what passed in conversation between Mr. Canning and Mr. Pinckney, and by the instructions given to Mr. Erskine to communicate such explanations.

With every disposition to view in the most favorable light whatever may affect the relations between the two countries, it is impossible to mistake the conversations of those ministers for a discharge of such a debt to the good faith and reasonable expectations of the U. States. Besides that they were mere conversations in a case requiring the precision and respect of a formal communication, it is certain, that it was neither understood by Mr. Pinckney, nor intended by Mr. Canning, that those conversations were so to be regarded. Mr. Pinckney is explicit on this point. And Mr. Canning himself, after declining to recapitulate in writing what he had verbally remarked, signified to Mr. Pinckney in a letter dated May 27th, that his observations on the subject would be more properly made through the successor of Mr. Erskine, who was about to proceed to the U. States.

With respect to the instructions on this point, given to Mr. Erskine, it might be sufficient to remark that they were never carried into execution; but it may be asked, whether it was a mark of friendly respect to the U. States to employ for such a purpose, a minister from whom his government had thought proper publicly to withdraw its confidence, and to the peculiar delicacy and embarrassment of whose situation you have yourself referred, as accounting for his not having executed the task imposed upon him.

I must here repeat, what was suggested in my former letter, that the successor of Mr. Erskine is the proper functionary for a proper explanation. Nor can I perceive the force of your remark, that the delay incident to your arrival in the U. States rendered it more consistent with the friendly sentiments of his Majesty to prefer the other channels for communicating the motives for his disavowal. To your own reconsideration I appeal, whether the course most consonant to those friendly sentiments was not the obvious one of employing the new organ, guarding at the same time against any misconstruction of the cause of it. The supposition, that the delay incident to your mission gave rise to the conversation of Mr. Canning and Mr. Pinckney, is not reconcilable to the correspondence of the letter, which contains no such indication. On the contrary it distinctly shews that he was apprised of the intention to replace Mr. Erskine by a successor, whom he regarded as the proper channel for the explanatory communications, that he understood Mr. Canning to be under the same impression, and that he learned from yourself, not more than two days after his conversations with Mr. Canning, that you were to sail for the U. States within three weeks.

Although it may not have been your intention to have given to this subject a posture which it would not have nature

(Continued on the 4th page.)

(Continued from the 4th page.)

Had none of those obstacles presented themselves to the course corresponding with the sentiments and dispositions of the President, I should have felt great pleasure in giving you formal assurances of his readiness to execute the conditional authority with which he is invested for restoring in its full extent, as far as it may depend on the U. States, the commercial intercourse of the two countries, and that he would, moreover, be disposed to extend the experiment of a friendly negotiation to every point of difference and of mutual interest between them. If, indeed, in the event of a successful termination of what relates to the case of the Chesapeake, it be thought that a removal of the difficulties arising from the orders in council might be facilitated by comprehending them in a general negotiation and the operation of the orders can in the mean time be suspended, the door might be considered as immediately open to that course of proceeding.

To such a suspension no reasonable objection can be made, if, as you have stated, the orders in council as now modified leave the trade of the U. S. nearly as great as it would be without the existence of such orders, so long as France and the other powers shall continue their decrees, and inasmuch as a discontinuance of their decrees by those powers confessedly requires an immediate and entire revocation of the orders in council.

That a suspension of the orders with a view to their being brought into a general negotiation is more reasonable than a temporary submission to their authority, by the U. S. with that view, is obvious from the reflection that such a submission would necessarily involve a relinquishment of the principle which they have steadfastly asserted, whereas a discontinuance of the orders in council in the present actual state of things would not be incompatible with the principle on which they were originally founded.

This principle was, as you well know, the necessity of retaliating, through neutrals, injuries received through a violation of their rights by another belligerent. In the actual state of things, and under the actual modification of the orders in council produced by it, it is admitted by you, that the orders have no practical effect in abridging the commerce of neutrals, and can of course have no retaliating effect on the other belligerents.

Although it cannot be allowed to be true that the orders in council are no longer injurious to the commerce of the U. States, it is certainly true that they produce no degree of injury to the enemies of G. Britain that can counterbalance the retaliating plea alleged in support of them.

What, permit me to ask, is the degree of injury actually accruing to the enemies of G. Britain from her retaliating orders? According to those orders, as now modified, and more especially taking into view along with them the prohibitory law of this country in relation to France, the essential difference between their repeal and their existence consists in this—that in the case of their repeal, as pledged by the arrangement of April, the trade of the U. States might be carried on directly with the ports of Holland, whilst during their existence, as at present, it is to be carried on through the contiguous and neighboring ports. To your own calculations, sir, I submit whether the inconsiderable effect of this circuit on the prices in Holland and in the countries supplied through her, can any longer sustain the plea of inflicting distress on any enemy, or palliate the injuries done to a friend by a proceeding so contrary to his sentiments of justice, and which subject his regular commerce not only to inconvenient channels, but to all the abuses which may result from the suspicions, real or pretended, of interested cruisers. You cannot but be sensible that a perseverance under such circumstances in a system, which cannot longer be explained by any explanation by some object not avowed. What object might be considered as best explaining it is an enquiry into which I do not permit myself to enter further than to remark, that in relation to the U. States it must be an illegitimate object.

It remains to make a few observations which are due to the just interests of the U. States, and which are invited by yours relating to the order in council of May last.

You seem to consider that measure as comprising the utmost precaution that was in the power of his Britannic

majesty to take, for preventing losses, from his disavowal of the engagement of your predecessor, to citizens of the U. States, who had resumed their commercial pursuits on the faith of that act.

Without entering into a full view of the inadequacy of the order in that respect, I take the liberty of pointing out the following instances in which it falls essentially short of its declared intention.

1. The order does not provide for the important case of vessels returning with cargoes from the ports of Holland.

2. The exception from interruption of vessels by the U. States to Holland, should have departed prior to the 20th July, at which date it is not certain that the order, which was not officially communicated until the 31st of that month, had even reached any one point of the U. States. So that some vessels may have sailed between the limited date and the arrival of the order in the U. States, and many from distant ports must have done so after its arrival, but before a knowledge of it had become general; all proceeding on the faith of the arrangement, yet all left by the order exposed to capture and condemnation.

3. The order does not provide for the important case of vessels which had sailed on the like faith for Dutch ports other than those of Holland.

4. It does not include in its provisions the extensive list of vessels going indirectly from the U. S. but directly from foreign ports to Holland, nor vessels trading entirely from foreign ports to Holland; and in both of these instances proceeding on faith of the arrangement professed to be respected within the defined period.

It is true, in these last instances the vessels were not to be captured without an attempt, after contrary warning to proceed to those ports. But I need not remind you that the injuries incident to the delay and to the breaking up of such voyages cannot but have been considerable, and will have resulted as manifestly from the disappointed faith in the arrangement, as in the cases specially provided for, and consequently with all other losses fairly resulting from the same bonafide confidence in that act; they will fall within the just indemnification for which the principle, assumed in the order, is a formal pledge.

I conclude, sir, with pressing upon your candid attention, that the least which the President could have looked for in consequence of the disavowal of a transaction such as was concluded by your predecessor and carried fully into effect by this government, was an explanation from yours of the disavowal, not through his successor—an explanation founded on reasons strong and solid in themselves and presented, neither verbally, nor vaguely, but in a form comporting with the occasion, and with the respect due to the character and to the good faith of the disappointed party—that it has been found with much concern and with no less surprise, that you are charged with no such explanations,—that you have apparently wished to bring the subjects, which have been formally and definitely arranged, into fresh negotiation, as if no such arrangement had taken place; that one of the cases thus slighted, viz. that of the frigate Chesapeake, is a case for which reparation, not deemed to be due, had been previously so long withheld, or rather in which the aggression itself had been spou out, to the present moment, by the continued detention of the mariners, whose seizure, making a part of the original hostility committed against the American frigate, must be regarded in a light analogous to a continued detention of the ship itself;—that in the other case, viz. that of the orders in council, you are not authorised to tender explanations for the disavowal, or to propose any new arrangement, nor to conclude any agreement, but solely to receive and discuss propositions which might be made to you, not concealing at the same time, that to be satisfactory, they must include two conditions, both inadmissible,—one altogether irrelevant to the subject, and the other requiring nothing less than a surrender of an inalienable function of the national sovereignty.

Notwithstanding these repulsive considerations, such is the disposition of the President to facilitate a final and comprehensive accommodation between the two nations, that he is ready, as I have already had the honor of signifying to you, to favor any mode of bringing about so happy an event that

may be found consistent with the honor and the essential interests of the U. States.

I have the honor to be, &c.
(Signed) R. SMITH.
The hon. Francis J. Jackson, &c. &c.

(A.)
Extract of a letter from Mr. Pinkney to Mr. Canning, dated London, Oct. 10, 1809.

"At our first interview (on the 29th June) verbal communication was not discontinued, but commended: For, after I made myself understood as to the purpose for which the interview had been requested, you asked me if I thought of taking a more formal course, but immediately added that you presumed I did not, for that the course I had adopted was well suited to the occasion. My reply was in substance, that the freedom of conversation was well adapted to our subject and more likely to conduct us to an advantageous conclusion, than the constraint and formality of written intercourse, and that I had not intended to present a note. At the second interview (on the 22d July) it did not occur to me that I had any reason to conclude, and certainly I did not conclude, that verbal communication had not continued to be acceptable as a preparatory course, and it was not until the third interview (on the 29th July) that it was rejected as inadmissible."

(B.)
From Mr. Canning to Mr. Pinkney, dated, Nov. 22, 1809.
"It is highly probable that I did not (as you say I did not) assign to you as the motive of the wish which I then expressed, my persuasion that written communications are less liable to mistake than verbal ones; because that consideration is sufficiently obvious, and because the whole course and practice of office is, in that respect so established and invariable, that I really could not have supposed the assignment of any specific motive to be necessary, to account for my requiring a written statement of your proposals, previous to my returning an official answer to them.

"I had taken for granted all along that such would, and such must be the ultimate proceeding on your part; however you might wish to prepare the way for it by preliminary conversations."

(C.)
Extract of a letter from Mr. Erskine to Mr. Smith, dated Washington, July 21st, 1809.

"Neither the present time, nor the occasion will afford me a favorable opportunity for explaining to you the grounds and reasons upon which I conceived I had conformed to his majesty's wishes; and to the spirit, at least, of my instructions upon that subject, nor indeed would any vindication of my conduct (whatever I may have to offer) be of any importance further than as it might tend to show that no intention existed on my part to practice any deception towards the government of the U. States."

FROM THE SAME TO THE SAME-DATED August 14th, 1809.

"Under these circumstances, therefore, finding that I could not obtain the recognitions specified in Mr. Canning's dispatch of the 23d of January (which formed but one part of his instructions to me) in the formal manner required, I considered that it would be vain to lay before the government of the U. States the dispatch in question, which I was at liberty to have done in extenso had I thought proper. But as I had such strong grounds for believing that the objects of his majesty's government could be attained, though in a different manner, and the spirit at least, of my several letters of instruction be fully complied with, I felt a thorough conviction upon my mind, that I should be acting in conformity with his majesty's wishes, and accordingly concluded the late provisional agreement on his majesty's behalf with the government of the U. States.

"The disavowal by his majesty is a painful proof to me that I had formed an erroneous judgment of his majesty's views and the intention of my instructions; and I have most severely to lament that an act of mine (though unintentionally) should produce any embarrassment in the relations between the two countries."

(To be continued.)

CONGRESS.

IN SENATE—Dec. 4.

Mr. Pope offered the following resolution, prefacing it by observing that in several courts of the U. S. business had been interrupted and delayed by the consequence of the age and infirmities of the judges presiding in them. At the last session of Congress an attempt had been made to permit the retired foreign judges from the bench with moderate compensation; but it appeared that there could be no other remedy for the evil but an amendment to the constitution. He had therefore been induced to make the motion, which was loudly called for by the existing state of things.

Resolved by the Senate and House of Representatives of the U. States of America in Congress assembled, That the following section be substituted for the section of the act of the 13th of February, 1802, relating to the judges of the several States, which when ratified and confirmed by the Legislatures of three-fourths of the States shall be valid and binding as a part of the constitution of the U. States, in lieu of the first section of the third article thereof.

"The judicial power of the United States shall be vested in one supreme court and in such inferior courts as Congress may from time to time ordain and establish. The judges both of the supreme and inferior courts shall hold their offices during good behavior, or until they shall have attained the age of sixty-five years. But no person shall be appointed who shall not hold sufficient ground for impeachment, the President shall remove any of them on the address of each House of Congress: Provided however, That the cause or causes for which such removal may be required, shall be stated in such address or on the journal of each house. They shall at stated times receive for their services an adequate compensation to be fixed by law.

December 5.

Mr. Giles from the committee appointed on the first instant, reported in part the following resolution; which was read the first time and passed in the second reading:
Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the expressions contained in the official letter of Francis James Jackson, Minister Plenipotentiary of his Britannic Majesty near the United States, dated the 23d day of Oct. 1809, and addressed to Mr. Smith, Secretary of State, conveying the idea that the executive government of the United States had a knowledge that the arrangement lately made by Mr. Erskine, his predecessor on behalf of his government, with the government of the United States, was entered into without competent powers on the part of Mr. Erskine for that purpose, were highly indecorous and insolent; that the repetition of the same insinuation in his official letter dated the 4th of November, 1809, after he was apprized by the asseveration of the Secretary of State that the executive government had no such knowledge, and that if it had possessed such knowledge such arrangement would not have been entered into on the part of the United States, and after also being officially apprized that such insinuation was inadmissible, was still more insolent and affronting; and that in refusing to receive any further communications from him in consequence of these outrageous and premeditated insults, the executive government manifested a just regard to its own dignity and honor as well as to the character and interests of the American people.

That the letter signed Francis James Jackson, headed "Circular" dated the 13th of November, 1809, and published and circulated through the country, is a still more direct and aggravated insult and affront to the American people and their government, as it is evidently an insidious attempt to excite their resentments and diffidus against their own government by appealing to them, through false or fallacious disguises, against some of its acts; and to excite resentments & divisions amongst the people themselves, which can only be dishonourable to their own interests; and the Congress of the United States do hereby solemnly pledge themselves to stand by and support the executive government in its refusal to receive any further communications from the said Francis James Jackson, and to call in

action the whole force of the nation if it should become necessary in consequence of the conduct of the executive government in this respect, to repel such insults and to assert and maintain the rights, the honor, and the interests of the United States.

Mr. Giles from the same committee also reported the following bill, which was read and passed to a second reading:
A bill to prevent the abuse of the privileges and immunities enjoyed by foreign ministers within the United States.
Be it enacted, &c. That if any foreign ambassador, minister, or other person, entitled to enjoy within the U. States, the privileges and immunities of a foreign minister, shall have committed, or may hereafter commit, any such act as by the laws and usages of the United States in ordering such person as aforesaid, out of the District of Columbia or out of the territories of the U. States; or in sending him home to his sovereign, or to some place or territory within his sovereign's jurisdiction; in every such case where the President of the United States shall deem it proper and expedient to exercise his constitutional authority, in case of these respects, he shall be, and he is hereby authorized and empowered to cause a warrant to be issued and signed by the Secretary of State, directed to any civil officer of the U. S. authorized to serve process, or any military officer under the authority of the United States, commanding him to provide for and enforce the departure of such ambassador, minister or other person offending as aforesaid, taking due precautions to avoid improper or unnecessary violence in executing such warrant. And all officers civil and military, under the authority of the U. States are hereby required and enjoined to be obedient to such warrant. And in case any officer, civil or military, to whom such warrant shall be directed, shall fail, refuse, or unreasonably delay to execute the same, every officer so offending shall be deemed guilty of a high misdemeanor, and shall be punished by fine and imprisonment before any court of the United States having cognizance of the offence—Provided, that the fine shall not exceed dollars, nor the imprisonment be for a longer time than years.

Mr. Giles gave notice that he should call for the consideration of this subject on Thursday next.

December 6.

The resolution offered yesterday by Mr. Giles was read a second time.
The bill to prevent the abuse of the privileges and immunities of foreign ministers within the U. States was read a second time and made the order of the day for to-morrow.

The bill authorising the transmission of the message of the President of the U. S. and documents, free of postage, was read a second time.
Mr. Pope's motion to amend the Constitution of the U. States was read a second time.

December 7.

Mr. Leib gave notice that he should to-morrow ask leave to bring in a bill to repeal the law suspending the recruiting service.

On motion of Mr. Pope, the consideration of the resolution and bill reported by Mr. Giles was postponed till to-morrow.

The resolution for amending the constitution with respect to tenure of office of the judges of the U. States, was, on motion of Mr. Pope, referred to a select committee. The following gentlemen compose the committee: Messrs. Pope, Crawford, Goodrich, Brent and Lloyd.

HOUSE OF REPRESENTATIVES.

Monday, December 4.

Mr. Nicholson laid on the table the following resolution which was ordered to be printed:
Resolved, That provision be made by law for a general national establishment of banks throughout the U. S. and that the profits arising from the same, together with such surplusses of revenue as may accrue, be appropriated for the "general welfare" in the construction of public roads and canals, and the establishment of seminaries for education throughout the U. States.

Mr. Truitt submitted the following resolutions:
Resolved, That it is expedient to authorise the President by law to instruct the commanders of the armed vessels of the U. States to stop and

bring into the ports of the same, all ships or vessels with their cargoes, the property of the subjects of the king of Great Britain and of the emperor of France, bound to ports other than those within the dominions or colonies of either.

Resolved, That it is expedient further to authorise by law, the detention of all ships or vessels, with their cargoes, the property of the subjects of the king of Great Britain, until the duties to be regulated and ascertained by law, shall be first levied and collected upon the goods and merchandise whereof the said ships or vessels shall be laden, according to the rate or tariff therein prescribed, and until the said ships or vessels shall have received due licence to depart.

Resolved, That it is expedient further to authorise by law the detention of all ships or vessels, with their cargoes, the property of the subjects of the emperor of France, brought within the ports of the U. States, there to abide the final decision or order of the government in relation to the same.

Resolved, That an ad valorem duty of on all goods, wares, or merchandise of British product or manufacture.

Resolved, That it is expedient further to authorise the President, on payment of the duties authorised to be levied and collected on the goods laden on board vessels the property of the subjects of the king of Great Britain, forthwith to grant a licence to such vessels to depart and to proceed to the port of original destination without further hindrance or molestation.

Tuesday, December 5.

Mr. Gold presented the petition of the widow of Gen. Alexander Hamilton, deceased, praying to be allowed the amount due for half pay to her deceased husband, which in his life time had never been applied for. Referred to the committee of Claims.

Wednesday, December 6.

Disabled Soldiers.
Mr. Nelson said he had at a former session had the honor to submit a motion which had for its object the relief of the infirm and disabled soldiers of the U. States. He now again submitted it, deeming it unnecessary to enlarge upon the subject, as follows:
Resolved, That a committee be appointed to enquire into the expediency of making provision by law for the relief of the infirm, disabled and superannuated officers and soldiers of the late revolutionary army of the U. S. and that the committee have leave to report by bill or otherwise.

The resolution was agreed to, and the following gentlemen appointed a committee accordingly; Messrs. Nelson, Hufty, Talmadge, Clay and DeWitt.

Thursday, December 7.

Mr. Seybert observed that on the 5th day of Dec. 1791, that the original report of the Secretary of the Treasury (Gen. Alexander Hamilton) on the subject of manufactures was ordered to lie on the table. He said it was a document which contained much important matter and did honor to its author. He conceived it might be made the basis on which an important superstructure might be raised. He therefore moved that it should be printed for the use of the members of the House.—Agreed to.

Challenges, Duels, &c.

Mr. Bacon submitted the following resolution:
Resolved, That the committee appointed to report on the rules and orders for the government of the House, do report a rule declaring, "That if any member in the course of debate shall make use of opprobrious or vilifying language with respect to any member, or call into question the integrity of his motives, or those of either branch of the government in relation to the discharge of his official duties, except on a motion for impeachment or for other interposition of the constitutional powers of this House—or apply to either indecorous or reproachful expressions—it shall be deemed a breach of the orders of the House."

That said committee be instructed further to report a rule declaring, "That if any person during the session of Congress, whether a member of the House or not, shall give or send to any other member during his actual attendance at the seat of government, a challenge to fight a duel, or if the member so challenged shall accept the same, it shall be deemed a breach of the privileges of the House, as well on the part of such members as on that

of any other person whether a member or not, who shall be aiding, abetting or assisting in giving or sending such challenge, or in carrying the same into effect, and every such member shall be held liable to be expelled from the House therefor.

That said committee be further instructed to report a rule declaring— "That if any person during the session of Congress, whether a member of the House or not, shall commit personal violence or assault upon any member during his actual attendance at the seat of government, it shall be deemed a breach of the privileges of the House, as well on the part of the person so assaulting, as on that of the other person who shall be aiding, abetting, or assisting, therein, and such person, if a member, shall be held liable to be punished therefor, at the discretion of the House."

Ordered to lie on the table.

Mr. Macon observed that the committee appointed to draft rules and regulations for the government of the House would sit on Saturday.

Mr. Bacon then said he should call for the consideration of his motion to-morrow.

sen in ARLES-TOWN, Dec. 15.

been made.
If an American vessel had sailed from America for Holland in time of profound peace, or in time of war, the ports of Holland not being at the date of sailing open.

Extract of a letter from a gentleman in the city of Washington, to his friend in this county, dated Dec. 7.
On the morning of the 4th instant, at eight o'clock, the affair of honor between Mr. Pearson and Mr. Jackson, was determined. The ground upon which they fought is without the territory, about one mile of Mrs. Diggs's, to whose house Jackson was carried, and where he still is. They had two fires, the first without any effect, neither being touched. On the second fire the ball of Mr. Pearson entered the upper part of the left hip bone (for Jackson fought with his left hand, he being left handed) and penetrated so deep that the ball cannot be extracted. Mr. Jackson's life is certainly in great jeopardy. The first physicians in this place say that unless they can keep down the fever for several days yet, that the wound must prove mortal.—At present they are bleeding him very freely.—Mr. Jackson behaved well on the ground, in fact, he fought with great firmness.—Mr. Pearson was cool and deliberate."

The president of the U. States, has recommended an immediate attention to the militia; this has been so often done by his predecessor, without success, that we fear the nation may afford another illustration of the fable of Esop, that of the sheep and the wolves; the wolves will come at last and our constitutional safeguards will be just well enough qualified—to suck their thumbs and look on.

Mr. Jackson, the disgraced British minister, is like an exhausted comet. At Copenhagen he appeared in the diplomatic atmosphere with a terrible flaming tail; but at Washington, in his approaches towards the great republican luminary, his fire has been entirely put out. Virg. Argus.

General Wade Hampton has contradicted the account which had been published of his death.—As the General is a man of truth, we think his statement may be relied on!

Died, in the city of Washington on Wednesday the 29th ult. Caleb Swan, late Paymaster general to the United States' army.

Mr. Price, an Episcopal Clergyman, will preach in the court house, in Charles-Town, on Sunday next, at 12 o'clock.

To be Hired,

AT Leetown, on Friday the 29th instant, between twenty and thirty NEGROES, consisting of men, women, boys and girls. Bond and approved security will be required. All persons indebted to me for the hire of Negroes, or otherwise, are requested to make payment, as those for whom I have been acting, cannot wait longer.

R. BAYLOR.

December 13, 1809.

N. B. I shall offer for sale on said day, one or two negro men, and a small boy.

R. B.

Negroes and Pork!

THE subscriber would hire, for the ensuing year, 20 able Negro Men, to cut wood, raise ore, &c. and wishes to purchase ten thousand weight of good corn fed pork, deliverable at this place, the first week in January, for which cash will be paid at the current price.

F. FAIRFAX.
Shannon Hill, December 11, 1809.

NOTICE.

THE Court of this county have, at their last sessions, (agreeably to the laws of this commonwealth) ordered me to take possession of, and administer the estate of Mary Ridgway, deceased, late of this county. All persons having just claims against the said estate, are requested to exhibit them to me duly authenticated—and all such as are indebted to the same are also requested to make prompt payment, as no indulgence can or will be given.

GEO. NORTH, Sheriff.
Jefferson county, Virginia,
December 14, 1809.

Ten Dollars Reward.

STRAYED from the subscriber on the 8th day of this month, on the road between Charlestown, Berryville and Springbury farm, a DARK BAY HORSE, about 15 hands high, 8 or 9 years old, a natural trotter, very well made, and in good order, has a blemish on his right eye, thod all round, hanging mane, and his tail trimmed close—he has also a scar or sore on the back of his right hind foot; accustomed to the geers or harness.

Whoever will return the above horse to the proprietor at Springbury Farm, near Berryville or Battletown, will be entitled to the above reward, and all just charges paid.

JOHN HOLKER.
December 10, 1809.

Negroes for hire.

I wish to hire out to the highest bidder, on Christmas day, two Negro women, and a negro girl about 15 years of age. They may be seen at Anderson's tavern, on that day.

J. SAUNDERS, Agent
for M. D. Saunders.
Charlestown, Dec. 15, 1809.

Deed of Trust.

IN pursuance of a deed of trust executed to the subscriber by Griffin Smith, and Mary his wife, to secure the payment of a certain sum of money due from said Smith to Messrs. Holloway and Hauser, merchants of the town of Petersburg, will be sold to the highest bidder, on the 30th day of December instant, at the plantation of the late Gerard Alexander, dec'd, in the county of Jefferson, a certain tract or parcel of land, containing 135 acres, seventy acres of which are cleared, and the balance well clothed with fine timber; being a part of the land of said Gerard Alexander, dec'd, and lies adjoining the lands of John M'Pherson, Bataille Musc and others.

SAM. WASHINGTON,
Trustee.
December 8, 1809.

Public Sale.

WILL be sold on Monday the 18th instant, at the late residence of George S. Washington, deceased, the remaining part of the personal estate of said dec'd, consisting of Horses, Waggon, Gears, and a number of Farming Utensils. Also a quantity of

CORN AND RYE.

Nine months credit will be given—the purchaser giving bond and security. At the same time will be hired out for the ensuing year, a number of Negroes, consisting of men, women, boys and girls. The sale to commence at ten o'clock in the forenoon.

LUCY WASHINGTON, Ex'trix
of G. S. Washington, dec'd.
December 5, 1809.

Deed of Trust.

BY virtue of a deed of trust executed to me by Edward Gantt, for the benefit of Elijah Chamberlin, I will offer for sale, on Saturday the 6th of January next, before the door of John Anderson's tavern, a valuable Negro man.

JOSEPH FARR, Trustee.
December 8, 1809.

Best Writing Paper

For sale at this Office.

Farmer's Repository.

VOL. II.

CHARLES TOWN, (Jefferson County, Virginia,) PRINTED BY RICHARD WILLIAMS.

No. 91.

TWO DOLLARS PER ANNUM,

FRIDAY, DECEMBER 22, 1809.

PAYABLE ONE HALF IN ADVANCE.

(Continued from the 1st page.) rally assumed, yet such has been the tendency of some of your remarks, and particularly of the conclusion you have drawn from the two circumstances, 1st. That no trace of complaint from this government against the disavowal appears in the records of the British mission, or was distinctly announced by me in our conferences, and 2d. that from the official correspondence of Mr. Erskine with his government, it appears, that although he did not communicate in extenso his original instructions, he submitted to me the three conditions therein specified and received my observations on each.

If there be no trace of complaint against the disavowal in the archives of the mission, it is because this government could not have entered such complaint before the reasons for the disavowal had been explained, and especially as the explanations were justly and confidently expected through the new functionary. And as to the supposed reserve on my part on this subject in our several conferences, I did imagine, that my repeated intimations to you of the necessity of satisfactory explanations, as to the disavowal, were sufficient indications of the dissatisfaction of this government with respect to the disavowal itself.

The stress you have laid on what you have been pleased to state as the substitution of the terms finally agreed on, for the terms first proposed, has excited no small degree of surprise. Certain it is, that your predecessor did present for my consideration the three conditions which now appear in the printed document—that he was disposed to urge them more than the nature of two of them (both palpably inadmissible and one more than merely inadmissible) could permit, and that on finding his first proposals unsuccessful, the more reasonable terms comprized in the arrangement respecting the orders in council were adopted. And what, sir, is there in this to countenance the conclusion you have drawn in favor of the right of his Britannic Majesty to disavow the proceeding? Is any thing more common in public negotiations than to begin with a higher demand, and that falling, to descend to a lower? To have, or not two sets of instructions, two, or more than two grades of propositions in the same set of instructions, to begin with what is the most desirable, and to end with what is found to be admissible in case the more desirable should not be attainable. This must be obvious to every understanding, and it is confirmed by universal experience.

What were the real and entire instructions given to your predecessor is a question essentially between him and his government. That he had, or at least that he believed he had sufficient authority to conclude the arrangement, his formal assurances, during our discussions, were such as to leave no room for doubt. His subsequent letter of the 15th June, renewing his assurance to me "that the terms of the agreement so happily concluded by the recent negotiation will be strictly fulfilled on the part of his Majesty," is an evident indication of what his persuasion then was as to his instructions. And with a view to them what his impressions have been even since the disavowal, I must take the liberty of referring you to the annexed extracts (See C.) from his official letters of the 14th of August.

The declaration "that the despatch from Mr. Canning to Mr. Erskine of the 23d January is the only despatch by which the conditions were prescribed to Mr. Erskine for the conclusion of an arrangement on the matter to which it relates" is now for the first time made hardly add, that if that despatch had been communicated at the time of the arrangement, or if it had been known that the propositions contained in it and which were at first presented by Mr. Erskine, were the only ones on which he was authorized to make an arrangement, the arrangement would not have been made.

As you have disclaimed any authority to offer explanations for the disavowal, as you have been willing to ascribe the want of such authority to the consideration that other channels had been preferred, and as you have even considered the circumstances under which the arrangement took place to be such as could only lead to a disavowal, and therefore as superseding the necessity of any explanation whatever, it is to be regretted, that you had not deemed it proper to render precise and explicit, that part of your let-

ter which seems to imply that you had in our conversations, in relation to the affair of the Chesapeake, following the words of your instructions, held out not only the manner in which the reparation had been accepted, but even the form in which it had been tendered, as warranting his Majesty in even retracting the offer of reparation, and that you had elucidated the observation by a reference to the particular expressions which, at all events, put it totally out of his power to confirm any act containing them.

Whatever may have been your intention in this part of our conversation, or whatever may be the import of the passage to which I have just alluded, I have now the honor of signifying to you, that I am authorized to receive in a proper form whatever explicit explanations you may chuse to make, with respect to the grounds of this part of the disavowal; and without enquiring whether your authority be derived from instructions that have been addressed to yourself, or that have devolved on you as the successor of the minister who had declined to execute them.

As you have, at the same time, been pleased to say that his Britannic Majesty had authorized you to render an offer of satisfaction which Mr. Erskine

accepted by the U. States, and that you would have shewn in what the reparation thus tendered differed from his instructions. And when I had the honor to intimate that in order to avoid the misconception incident to oral proceedings, it was thought expedient that our further discussions on the present occasion should be in the written form, there was no part of the subject to which that intimation applied with more force than the case of the Chesapeake; none on which it was more desirable to avoid misconceptions and to obtain a precise knowledge of the propositions which you were authorized to make, not only because I did not really understand the particulars of the offer as distinctly as you seem to have supposed, but also because on that point, and on that alone, you had expressly stated that you had propositions to make, and that you were authorized to carry them into immediate execution.

On the subject of the orders in council, the President perceives with sentiments of deep regret, that your instructions contemplate, neither an explanation of the refusal of your government to fulfil the arrangement of that branch of the existing differences, nor the substitution of any other plan of adjustment, nor any authority to conclude any agreement on that subject; but merely to receive and discuss proposals, that might be made to you on the part of the U. States; and these, it appears, must include a stipulation on the part of the U. States to relinquish the trade with the enemies' colonies, even in branches not hitherto interrupted by British orders for capture, and also a sanction to the enforcing of an act of Congress by the British navy.

Were the way properly opened for formal propositions from this government, a known determination on the part of his Britannic Majesty to adhere to such extraordinary pretensions would preclude the hope of success in such advances, whether regard be had to the conditions themselves, or to the disposition they indicate, in return for the conciliatory temper which has been evinced by the U. States.

As to the demand in relation to the colonial trade, it has been the less apprehended, as it is not in itself connected, nor has it ever before been brought into connection, either with the case of the Orders in Council, or with that of the Chesapeake. And it was reasonably to be presumed, if the idea of such a condition had in the first instance proceeded from the erroneous belief that it was not objectionable to the U. States, that it would not have been persisted in after that error had been ascertained and acknowledged.

The other demand could still less have been apprehended. Besides the inevitable and incalculable abuses incident to such a license to foreign cruisers, the stipulation would touch one of those vital principles of sovereignty, which no nation ought to have been expected to impair. For where would be the difference in principle between authorizing a foreign government to execute, and authorizing it to make laws for us?—Nor ought it to be supposed that the sanctions and precau-

tion of a law of the U. States, in the cases of the prohibited trade in question, would prove inefficacious for its purposes.

(Continued on the 2d page.)

Take Notice.

I AM going to move from this place to Battletown, in about ten days from this. All persons indebted to me are requested to call and discharge their respective balances before the ninth instant. If money is not convenient, I will receive merchantable wheat at six shillings and six pence per bushel, delivered at Mr. John Downey's or Mr. Samuel McPherson's mill. Those persons failing to comply with the above request, may rely on their accounts being put into the hands of proper officers for collection, without discrimination.

JOHN HAYNIE.

Charlestown, Dec. 1, 1809.

OFFICE OF THE SUPERIOR COURT,
Helden for Jefferson County.

I HAVE removed the office of the Superior Court, holden for Jefferson County, to the house occupied by Mr. John Haynie.

ROBERT C. LEE.

Charlestown, Nov. 24, 1809.

To Rent.

THE subscriber will rent the house which Mr. John Haynie occupies, in the back street, (except one small room, which he will occupy as an office.) The lot with all other buildings thereon, will also be rented. Possession will be given on the first of January next.

ROBERT C. LEE.

Charlestown, Dec. 1, 1809.

Forty Dollars Reward.

RAN AWAY from the Flowing Spring Farm, about a year ago, a Negro Man named WILL, about 23 years of age, light complexion, and nearly six feet high. He is supposed to be lurking in the neighborhood of Charlestown, as he was seen a few days since, at Thornton Washington's quarter, where he has a wife. The above reward will be paid for securing said negro in jail, or delivering him to John Briscoe, esq. near Charlestown.

SAMUEL BRISCOE.

November 24, 1809.

CAUTION.

WHEREAS my wife Susannah has left my bed and board without cause or provocation, I do hereby forewarn all persons from trusting her on my account, as I am determined to pay no debts of her contracting from the date hereof.

All persons are cautioned against harboring her at their peril.

ARCHIBALD STEWART.

Jefferson county, Dec. 1, 1809.

NOTICE.

FOR the convenience of those persons who were purchasers at the sale of my father's estate, I have deposited their obligations with Mr. Daugherty. As the estate is indebted, promptness of payment is expected.—Those obligations were due the 25th ult.

WM. TATE.

December 1, 1809.

Five Dollars Reward.

STRAYED from the subscriber, living at Harper's Ferry, about the first of last June, a small black milch COW, about seven years old, middling small crooked horns, no ear mark recollected. The above reward will be given for the above stray, with all reasonable expenses if brought home.

WM. STEPHENSON.

November 17, 1809.

VINE COMPANY OF PENNSYLVANIA.

THE Managers of the Vineyard at Spring Mill, conceive it a duty they owe to the lovers of the VINTAGE in the United States, to inform that they have a large number of fine Plants and Cuttings of various kinds for sale, at very reasonable prices, for this autumn and next spring's planting. Orders addressed to Mr. Bernard M. Mahon, Seedsman and Flowerist, in Philadelphia, or to Peter Legaux at the Vine Yard, (post paid) shall be carefully attended to.

Printers in this and the neighboring States, friendly to the cultivation of this delicious Fruit, will confer a favor, by inserting the above once or twice in their useful papers.

November 17, 1809.

Tailoring Business.

THE subscriber informs the public that he still continues to carry on the above business in Charlestown. He returns his sincere thanks to his friends and the public in general for their past support, and hopes by assiduity and attention to merit a continuance of their patronage. He has just received the latest fashions, which will enable him to serve ladies and gentlemen in the first style. Those who may please to favor him with their custom may rely on having their work executed with punctuality and neatness.

HENRY SKAGGS.

October 26, 1809.

Stevenson & Griffith, TAILORS,

RESPECTFULLY inform the inhabitants of Charlestown and the neighborhood, that they have lately commenced the TAILORING BUSINESS in Mrs. Frame's house, near Mr. Haines' tavern, where they are ready to receive work. They will always careful to execute their work in the most serviceable and fashionable manner. They are acquainted with the newest fashions, and have no doubt but they shall be able to give full satisfaction to those who will please to patronize them with their custom.

Charlestown, Nov. 17, 1809.

Fulling and Dying.

THE subscriber respectfully informs his friends and the public, that he has taken that new and elegant Fulling Mill, the property of Mr. Benjamin Beeler, three miles from Charlestown. The mill being erected on a new plan, and water always sufficient, he hopes to give full satisfaction to all those who will favor him with their custom.

SILAS GLASCOCK.

September 22, 1809.

Jefferson, Oct.

October Court, 1809.
George Newkirk, Complainant,
against

John Maxwell Swann, William Swann, David Carothers Swann and Robert Joseph Swann, children and heirs of Joseph Swann, deceased Defendants.

IN CHANCERY.

THE defendants not having entered their appearance agreeably to the act of assembly and the rules of this court, and it appearing to the satisfaction of the court that the said defendants are not inhabitants of this State: On the motion of the complainant, by his counsel, it is ordered that the said defendants do appear here on the second Tuesday in December next, to answer the Bill of the said complainant, and that a copy of this order be forthwith inserted in the Farmer's Repository, published in Charlestown, for two months successively, and published at the court house door of Jefferson county.

A copy. Telle,

GEO. HITE, CLK.

Negroes for Sale.

THE subscriber will offer at public sale, to the highest bidder, for ready money, at this place, on the first day of January next, a number of very likely negroes, Men, Women, Boys, and Girls, including several Tradesmen, a good Cook, &c.

F. FAIRFAX.

Shannon Hill, near Charlestown,
Jefferson County, Va. Nov. 10.

House and Lot for Sale.

THE subscriber offers for sale his House and Lot, in Charlestown, on the main street leading to Alexandria. The dwelling house is two stories high, with a good cellar, kitchen, smoke-house, and stable. Back land will be taken in part payment for this property, or will be sold very low for cash. An indisputable title will be given to the purchaser.

JOHN WARE.

July 21, 1809.

JUST PUBLISHED,
And to be had at this Office,
A POLITICAL WORK, ENTITLED

THE WHOLE TRUTH.

PRICE 25 CENTS.

RAGS.

The highest price given for clean lines and cotton rags at this Office.

JACKSON'S CORRESPONDENCE. Continued.

MR. JACKSON TO MR. SMITH.
Washington, 23d Oct. 1809.

Sir, The letter, which you did me the honor to address to me on the 19th inst. was delivered to me on the following day. I shall, without loss of time, transmit it to my court, where the various and important considerations which it embraces will receive the attention due to them. In the interval, I would beg leave to submit to you the following observations, as they arise out of the communications that have already occurred between us.

In fulfilling a duty which I conceive to be due to my public character, I must never suggest, nor mean to suggest, that the mode of negotiating prescribed by you on this particular occasion—an occasion selected for the purpose of removing existing differences—was otherwise objectionable, than as it appeared to me, to be less calculated, than it does to you, to answer the professed purpose of our negotiation.

It was against the general principle of debarbing a foreign minister, in the short space of one week after his arrival, and without any previous understanding with him, from all personal intercourse, that I thought it right to protest. Since however I find by your letter that it is not intended to apply that principle to me, I will only observe, that in the case which you mention to have occurred between Mr. Canning and Mr. Pinkney, the consequences were held, under an expectation at least on the part of the former, of their leading to a written communication, whereas in ours, I, from the beginning, stated that I had no such communication to make. There is also this essential difference between the two cases; that Mr. Pinkney was charged to convey an important proposal to His Majesty's government, the particulars of which it might be very material to have correctly stated, whilst the object of that part of my conversation, to which you seem to attach the most importance, was to say, that I was not charged to make any proposal whatever.

It could not enter into my view, to withhold from you an explanation, merely because it had been already given, but because, having been so given, I could not imagine, until informed by you, that a repetition of it would be required at my hands. I am quite certain that His Majesty's government having complied with what was considered to be the substantial duty imposed upon it on this occasion would, had this been foreseen, have added to the proofs of conciliatory good faith already manifested, the farther complacency to the wishes of the U. States of adopting the form of communication ready money, at this place, on the first day of January next, a number of very likely negroes, Men, Women, Boys, and Girls, including several Tradesmen, a good Cook, &c.

Nothing can be more notorious than the frequency with which, in the course of a complicated negotiation, ministers are furnished with a graduation of conditions, on which they may be successively authorized to conclude. So common is the case which you put hypothetically, that in according to the justice of your statement, I feel myself impelled to make only one observation upon it, which is, that it does not strike me as bearing upon the consideration of the unauthorized agreement concluded here, in as much as in point

of fact Mr. Erskine had no such graduated instruction. You are already acquainted with that which was given, and I have had the honor of informing you that it was the only one by which the conditions on which he was to conclude were prescribed. So far from the terms, which he was actually induced to accept, having been contemplated in that instruction, he himself states that they were substituted by himself in lieu of those originally proposed.

It may perhaps be satisfactory that I should say here that I most willingly subscribe, on this occasion, to the highly respectable authority which you have quoted, and I join issue with you upon the essentials which he himself requires to constitute a right to disavow the act of a public minister.

It is not immaterial to observe on the qualification contained in the passage you have quoted—as it implies the case of a minister concluding in virtue of a full power. To this it would suffice to answer that Mr. Erskine had no full power; and his act consequently does not come within the range of your quotation, although it cannot be forgotten that the U. States have, on no very distant period, most freely exercised the right of withholding their ratification from even the authorized act of their own diplomatic agents, done under the avowed sanction of a full power.

I conceive that what has been already said establishes beyond the reach of doubt or controversy that His Majesty's minister did violate his instructions, and the consequent right in His Majesty to disavow an act so concluded. That His Majesty had strong and solid reasons for so doing will appear not only from his instructions having been violated, but from the circumstance that the violation of them involved the sacrifice of a great system of policy deliberately adopted and acted upon in just and necessary retaliation of the unprecedented modes of hostilities resorted to by his enemy.

There appears to have prevailed throughout the whole of this transaction a fundamental mistake, which would suggest that His Majesty had proposed to propitiate the government of the U. States in order to induce it to consent to the renewal of the commercial intercourse between the two countries; as if such had been the relations between G. Britain and America, that the advantages of that intercourse were wholly on the side of the former; and as if in any arrangement, whether commercial or political, His Majesty could condescend to barter objects of national policy and dignity for permission to trade with another country.

Without minutely calculating what may be the degree of pressure felt at Paris by the difference in the price of goods whether landed at Havre or at Hamburg, I will, in my turn, appeal to your judgment, sir, whether it be not a strong and solid reason, worthy to guide the councils of a great and powerful monarch, to set bounds to that spirit of encroachment and universal dominion which would bend all things to its own standard? Is it nothing in the present state of the world, when the agents of France authoritatively announce to their victims "that Europe is submitting and surrendering by degrees," that the world should know, that there is a nation which that Divine goodness so strongly appealed to in the paper to which I allude,* is enabled to satisfy the assertion? Is it not important at such a moment, that Europe and America should be convinced, that from whatever countries honorable and manly resistance to such a spirit may have been banished, it will still be found in the sovereign of the British nation and in the hearts of his subjects?

As to the precautions taken in England to insure from injury upon this occasion the citizens of the U. States, and which appear to you to be even yet insufficient, I am confident that in every doubtful case the usual liberality of our tribunals will be exercised in de-

* Augereau's proclamation to the Catalonians.

termining upon the circumstances of it; and it was at Mr. Pinkney's express requisition, that additional instructions were given to the commanders of His Majesty's ships of war and privateers to extend to vessels trading to the colonies, plantations and settlements of Holland, the same exemption from capture and molestation, as was granted to vessels sailing for any of the ports of Holland.

On the subject of return cargoes from those ports, I must observe, that although it was intended to prevent as far as was practicable the inconveniences likely to be created by the unauthorized agreement made here in April last, yet it was not and could not be intended to obviate all possible inconveniences, even such as might have arisen if no such agreement had ever been made.

If an American vessel had sailed from America for Holland in time of profound peace, or in time of war, the ports of Holland not being at the date of sailing under blockade, it might yet have happened that, in the period between the commencement of such voyage and the arrival of the vessel at the port of destination, a blockade might have been established before that port. The vessels arriving would, in that case, have been warned not to enter the port, and would have been turned away with the loss of the whole object of the voyage. This would be no extraordinary hardship, and would afford no legitimate ground of complaint.

The order in Council is far less strict than such a blockade would be, for as much as it provides for the original voyage, commenced in expectation of being admitted to the port of destination, by permitting the entry into the ports of Holland; and it is no just ground of complaint, that it does not superadd to that permission the liberty to re-export a cargo of the enemy's goods or produce.

I beg leave briefly to recapitulate the substance of what I have had the honor to convey to you as well in a verbal, as in written communications.

I have informed you of the reasons of His Majesty's disavowal of the agreement so often mentioned; I have shewn them, in obedience to the authority which you have quoted, to be both strong and solid, and such as to outweigh, in the judgment of His Majesty's government, every other consideration which you have contemplated; I have shewn that that agreement was not concluded in virtue of a full power, and that the instructions, given on the occasion, were violated.

Beyond this point of explanation which was supposed to have been attained but which is now given, by the present letter, in the form understood to be most agreeable to the American government, my instructions are prospective; they look to substituting notions of good understanding, erroneously entertained, practical stipulations on which a real reconciliation of all differences may be substantially founded; and they authorize me, not to renew proposals which have already been declared here to be unacceptable but to receive and discuss any proposal made on the part of the U. States, and eventually to conclude a convention between the two countries. It is not, of course, intended to call upon me to state as a preliminary to negotiation, what is the whole extent of those instructions; they must, as I have before said, remain subject to my own discretion, until I am enabled to apply them to the overtures, which I may have the honor of receiving from you.

I have the honor to be,
With great respect,
Sir,

Your most obedient humble serv't,
F. J. JACKSON.

The Hon. Robert Smith, &c. &c. &c.

Mr. Jackson to Mr. Smith.
Washington, 27th October, 1809.

Sir, Finding by your letter of the 19th inst. that, notwithstanding the frequent statements made by me in our conferences of the terms of satisfaction which

I am empowered to offer to this country for the unauthorized attack made by one of His Majesty's ships of war upon the Frigate of the U. States, the Chesapeake, I have not had the good fortune to make myself distinctly understood by you. I have the honor to inclose herewith a paper of memoranda containing the conditions on the basis of which I am ready to proceed to draw up with you the necessary official documents in the form proposed in my letter of the 11th inst. or in any other form upon which we may hereafter agree.

I have the honor to be, with great respect,
Sir,

Your most obedient
Humble Servant,
F. J. JACKSON.

The Hon. of Robert Smith, &c. &c. &c.

The President's Proclamation of July 1807, prohibiting to British ships of war the entrance into the Harbors of the U. States having been annulled, His Majesty is willing to restore the Seamen taken out of the Chesapeake on reserving to himself a right to claim, in a regular way, by application to the American Government, the discharge of such of them (if any) as shall be proved to be either natural-born subjects of His Majesty, or deserters from His Majesty's service.

His Majesty is willing to make a provision for the families of such men as were slain on board the Chesapeake, in consequence of the unauthorized attack upon that Frigate, provided that such bounty shall not be extended to the family of any man who shall have been either a natural-born subject of His Majesty, or a deserter from His Majesty's service.

Mr. Smith to Mr. Jackson.
Department of State, Nov. 1, 1809.

Sir, Your letter of the 23d ult. which was duly received, would have been sooner acknowledged, had I not by sickness been rendered for several days utterly unfit for business.

Although the delay and the apparent reluctance in specifying the grounds of the disavowal of the arrangement with respect to the orders in council, do not correspond with the course of proceeding deemed most becoming the occasion; yet as the explanation has at length been thus made, it only remains, as to that part of the disavowed arrangement, to regret that such considerations should have been allowed to outweigh the solid objections to the disavowal; it being understood at the same time that his Britannic Majesty perseveres in requiring as indispensable conditions on the part of the U. States, an entire relinquishment of the right to trade with enemies' colonies, and also permission to the British navy to aid in executing a law of Congress; pretensions, which cannot but render abortive all proposals whatever upon this subject, whether made by the U. States or by his Britannic Majesty.

Whilst you have deemed it proper to offer an explanation with respect to the disavowal of one part of the arrangement, I must remind you that there is not to be found in your letter any like specification of the reasons for the disavowal, nor particularly is it shewn that instructions were violated, as to the other part, viz. the case of the Chesapeake; the case in which in an especial manner an explanation was required, and in which only you professed to have authority to make to this government any overtures.

For the first time it is now disclosed that the subjects, arranged with this government by your predecessor, are held not to be within the authority of a Minister Plenipotentiary, and that, not having had a "full power distinct from that authority, his transactions on those subjects might of right be disavowed by his government." This disclosure, so contrary to every antecedent supposition and just inference, gives a new aspect to this business. If the authority of your predecessor did not embrace the subjects in question,
(Continued on the 4th page.)