

certainly, very distinctly informed me could not be recognized by the President, but you added, what had great weight in my mind, that you did not see why any great importance should be attached to such a recognition; because it would be impossible that a citizen of the United States could prefer a complaint to his government on account of the capture of his vessel while engaged in a trade absolutely interdicted by the laws of his country."

This was certainly granting the right by implication. But is it true that Mr. Jackson was bound to insist on the three conditions. Let the correspondence answer the question. I know that Mr. Smith to the end insisted that he was; but in my judgment it is another of his mistakes.

Mr. Smith in his first letter of the 9th of October, states among other things, that the President had learned with surprise and regret, that Mr. Jackson had avowed "that, at all events, it is not the disposition of the United States to accede to the following terms and conditions, viz:

1. That the act of Congress, commonly called the Non-Intercourse law, be continued against France, so long as she shall continue her decrees.

2. That the navy of Great Britain be authorized to aid in enforcing the provisions of the said act of Congress.

3. That the U. States shall explicitly renounce, during the present war, the right of carrying on any trade whatever, direct or indirect, with any colony of any enemy of Great Britain, from which they were excluded during peace; and that this renunciation must extend, not only to the trade between the colony and the mother country, but to the trade between the colony and the United States," and requests Mr. Jackson to correct this statement if he had been misapprehended.

Mr. Jackson in his answer of the 11th of October, says:

"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 United States certain proposals founded upon principles, some of which were understood to originate in American authorities and others to be acquiesced in by them—and having afterwards ascertained, in a manner mentioned in a former part of his 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."

In this sentence, as I read it, there is a sufficient negative to the statement of our Secretary. The proposals with the three conditions were made originally. Mr. Jackson says, because they were supposed acceptable to our government, but as this was discovered to be founded in mistake, he was instructed not to renew them. Does this look like an adherence to the "three conditions" as the basis of a treaty? But Mr. Jackson is still more explicit, he was not only instructed not to renew those proposals, but he was even directed not to press upon this government the acceptance of an arrangement which it had declined. And yet, sir, in contradiction to this statement it is insisted that though Mr. Jackson was not instructed to renew the proposal or press its acceptance, yet he was bound not to form a treaty which did not embrace the three conditions. Is this a fair deduction? But in the latter part of the same letter, as if afraid that he might still be misapprehended, Mr. Jackson goes on to say:

"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 authorized to make to me on this head.

"As no disposition has hitherto been shown on your part to make any such proposal, it has been impossible for me to state 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 record 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 United 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 the 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 United 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."

Now, sir, how is this received by our government? Are they satisfied with this correction of their statement, and do they proceed to specify their terms? Let Mr. Smith answer. In his letter of the 19th of October he speaks thus:

"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 arrangement 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. S. 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. S."

It is not charitable to think the Secretary could entertain a wish, that Mr. Jackson should have authority to discuss on the terms of a treaty without a power to conclude, and that such discussion must be made a mere play of words, by the introduction of "the three conditions." And yet why this renewed statement against the obvious meaning of the terms of Mr. Jackson's last letter; but I will not further consume your time by reflections which must suggest themselves to every mind.

Mr. Jackson in his letter of the 23d of October, repeats that he was not authorized to renew proposals already declared unacceptable. "Beyond this point, (says he) my instructions are prospective; they look to substituting for 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. S. 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."

Here, again, we find Mr. Jackson repeating that he did not come to renew proposals which had been declared unacceptable. But it has been remarked, that he speaks not of making other proposals, but of receiving propositions from our government, and that the usual course of negotiation required him to take the first step. I will not stop to ascertain this point, but you will recollect that by the disavowal the arrangement was considered by the British government as at an end, and according to Mr. Jackson's statement he did not come to form another arrangement adjusting our differences partially; but to conclude a convention whereby there might be a real reconciliation of all differences between the two countries. Now as the "three conditions" had been deemed inadmissible by the President, it does not appear to me to have been very exceptionable in Mr. Jackson to say, that not wishing to propose to us what might be deemed improper, he desired the propositions to come from us originally.

Let us now attend to the reply of

Mr. Smith of the 1st of Nov. After speaking of the disavowal and the reasons assigned for it he adds, that he has "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 United States, an entire relinquishment of the right to trade with enemies' colonies; & also a 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 United States or by his Britannic Majesty."

I will close this examination of the correspondence by presenting you with a part of Mr. Jackson's last letter of the 4th of Nov.

"You say "that it is understood 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 the enemies' colonies, and also a permission to the British navy to aid in executing a law of Congress."

"This same statement is contained in your letter of the 9th inst. and represented as the substance of what had fallen from me in our previous conferences. In my answer to that letter I took the liberty of shewing that such a supposition was erroneous, and I have looked in vain to my letter of the 23d, to find in it any suggestion of a similar tenor. I believe, therefore, that by reference to my two letters you will find, that the statement now again brought forward is contained in neither of them, that it made no part of my previous conversations with you, and that I have in no way given room to suppose I ever made any such statement at all.

"That before the orders in council can be revoked, their object must be obtained in some other way, is unquestionably true; but you may be assured, sir, that there is no wish whatever entertained in England, that the British navy should be employed in executing a law of Congress. If the proposal that was made upon that subject, and made, as you now know, because it was believed to be acceptable here, had been adopted, & had become a matter of compact between the two countries, and thereby a part, not of the law of Congress, but of the public law binding upon both parties, and which both would have had a common interest in seeing duly executed; in that case the agency of the British navy, would not have had the invidious aspect, which is now attempted to be given to it. At present there is no engagement between the two countries, no laws of Congress which bear a reference to any such engagement, & consequently it cannot be wished to take any share whatever in the execution of those laws.

"In regard to the colonial trade I need only observe, that all, or nearly all the enemies' colonies are blockaded by British squadrons; it cannot, therefore, be so much an object of solicitude, as you imagine, to obtain the relinquishment of the trade of any country to those colonies. On the contrary, you will find it stated in my letter of the 11th ultimo, to be a "matter of indifference whether the order in council (on this subject) be continued, or an arrangement by mutual consent substituted in its room."

In this letter Mr. Jackson is full and precise; he declares that he has been misapprehended by Mr. Smith as well in the conferences as in his letters, and states in terms "that there is no wish whatever entertained in England that the British navy should be employed in executing a law of Congress." Thus then this offensive condition is most explicitly given up. As to the colonial trade, he observes, that its relinquishment by us is not a matter of much solicitude to G. Britain at this day, but yet that his government is willing to form an arrangement relative to it. Does he mean by this, to be understood as requiring us to make perpetual by treaty, what is now temporary; to recognize as right in all its extent the British rule of 1755. I do not so understand him. You will recollect the arrangement on this subject in Monroe's treaty. By that the English government consented to recognize our right to the indirect trade on our relinquishing the direct trade. And certainly what was conceded to us at a period when the colonial trade was of greater importance than it now is would not at this time be refused in an arrangement.

Is it not then to be regretted that at the moment when our Executive had ascertained Mr. Jackson had power to make a treaty, and that his instructions were not limited by the "three conditions," the negotiation should be broken off under pretence of an insinuation which, to say no more of it, is doubtful—did not the interest of the people point to a different course of proceeding?

One part of this letter I think has not been fairly understood. I mean the declaration "that before the orders in council can be revoked, their object must be obtained in some way." The object of those orders we have been informed is to retaliate on France the effect of her own system by refusing to her those advantages of commerce which she had forbidden to England. Now without enquiring who was the original aggressor in this warfare on neutrals, or in any manner attempting to justify the orders in council; let me ask, what has been the understanding of our government on this subject. When the arrangement was made with Mr. Erskine, was it not understood that the non-intercourse law was to take the place of the orders in council, and did we not in some degree by the law of the last session, give effect to this system as against France. (Speech to be concluded in our next.)

#### WASHINGTON CITY.

FRIDAY, DECEMBER 29.

William Henry Harrison is reappointed Governor of the territory of Indiana.

It having been rumored that I fired into the Bonhomme Richard, commanded by captain Jones, and killed many of her men, I have deposited in the Public Library a printed Memorial to disprove this charge and to show that the capture of the Serapis, commanded by captain Pearson, was attributed by him to my ship, the Alliance. Any member of Congress or other person wishing to have accurate information respecting the engagement above-mentioned, so honorable to the American navy, will find it in the memorial above referred to presented in 1785 and never replied to.

PETER LANDAIS.

MARRIED on the 24th inst. by the Rev. Mr. Breckenridge, Saml. Burch, Esq. of the city of Washington, to Miss Susan Maria Wilson, of Prince Georges county, Maryland.

#### CONGRESS.

IN SENATE—DECEMBER 27.

The bill to authorize the surveying and making certain roads in the state of Ohio, as contemplated by the treaty of Brownstown in the territory of Michigan, was read a third time and passed.

The resolution yesterday submitted by Mr. Bradley was taken up and passed, and the Secretary of the Senate was directed to lay the same before the President of the United States.

DECEMBER 28.

Mr. Tall, a Senator from the state of Georgia appeared and took his seat.

Mr. Pope gave notice that on tomorrow he should ask leave to bring in a bill concerning canals and roads in the United States.

#### HOUSE OF REPRESENTATIVES.

Wednesday, December 27.

Mr. Burswell & Mr. Pickman yesterday appeared and took their seats.

On motion of Mr. Poindexter, Resolved, That a committee be appointed to enquire into the propriety of allowing an additional judge to the Mississippi Territory, to reside in Madison county, and to have the same powers as those granted by law to the judge of Washington county.

[Messrs. Poindexter, Seaver, Burswell, Heister and Smelt form the committee.]

Mr. Nicholson laid upon the table the following resolutions:

Resolved, That a select committee be appointed to enquire into the expediency of making permanent provision by law for constructing public canals and roads, and for the general establishment of seminaries for education throughout the United States, and that they have leave to report thereon to this House.

Resolved, That the same committee be instructed to enquire into the best means of providing by law permanent funds for the accomplishment of these objects; and that they in like manner have leave to report thereon to this House.

#### RUPTURE WITH MR. JACKSON.

The House again in committee of the whole on the resolution from the Senate.

Mr. Milnor supported the resolution in a speech of two hours.

When the question on the committee's rising and reporting their agreement to the resolution, was taken and carried 54 to 55—fifty-two members being absent.

Mr. Livermore, after a few remarks, moved to postpone the further consideration of the resolution indefinitely.

Mr. Rhea called for the Yeas and Nays on the motion.

Mr. Rhea opposed the motion in a speech of an hour and a half.

When he concluded, the House adjourned.

The bill from the Senate to authorize the surveying and making certain roads in the state of Ohio, as contemplated by the treaty of Brownstown in the Territory of Michigan, was twice read and referred to a committee of the whole.

Mr. Tallmadge presented the petition of Commodore Wadple, stating that he is infirm and disabled, & praying relief from the government—referred to a select committee.

#### RUPTURE WITH MR. JACKSON.

On motion of Mr. Goodwyn the House again resumed the consideration of the report of the committee of the whole on the resolution from the Senate approving the conduct of the executive in refusing to receive any further communications from Francis James Jackson.

The motion for indefinite postponement still under consideration.

Messrs. Stanford, Quincy, Cardeniet and Pitkin supported the motion.

When Mr. Pitkin had been speaking about an hour, a motion was made to adjourn and carried.

Philadelphia Dec. 25.

A letter received in this city from New-York, states a report that the French fleet had taken Fayol, and destroyed the shipping at that place—but little credit attaches to this report, and it is supposed to have originated in some scheme of speculation.

#### AN ACT.

Extending the time for issuing and executing military land warrants.

BE it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of War be authorized to issue military land warrants to such persons as have, or shall, before the first day of March, one thousand eight hundred and thirteen, produce to him satisfactory evidence of the validity of their claims; which warrants, with those heretofore issued and not yet satisfied, shall and may be located in the names of the holders or proprietors thereof, prior to the first day of October, one thousand eight hundred and thirteen, on any unlocated parts of the fifty quarter townships and the fractional quarter townships, reserved by law for original holders of military land warrants.

J. B. VARNUM, Speaker of the House of Representatives.

ANDREW GREGG, President of the Senate, pro tempore.

December 19, 1809, APPROVED, JAMES MADISON.

#### THE STOCKHOLDERS OF THE WASHINGTON BUILDING COMPANY.

Will please to attend at Captain Chas. Jones's, near the Centre Market, Washington, on Tuesday the 23d of January, 1810, at 7 P. M. to elect officers to serve for one year; and attend to other business of special importance.

THOMAS CARPENTER, Sec.

December 29—3.

#### A NEGRO BOY FOR SALE.

HE is about 13 or 14 years old—healthy, able, honest and strong. Apply within a fortnight to

JOHN P. VAN NESS.

December 29—6.

#### PUBLIC SALE.

THE Subscriber, by virtue of a deed of trust to him from Mr. Wm. Hodgson, dated on the 10th day of November, in the year 1808, for the purpose of indemnifying Mr. John Hopkins; will, on the first day of Feb. next, at the hour of 12 o'clock of that day, if fair; if not, on the next fair day at the same hour, proceed to sell, at the courthouse, in Alexandria, at public auction, to the highest bidder for ready money, Three Thousand Acres of Land, situate on the left fork of Big Sandy Creek, which land was, at the time of the grants for the same, in the county of Monongalia, in the state of Virginia.

The above tracts of Land were granted by the state of Virginia, to John Allison by three several patents containing respectively 1000 acres, and bearing date on the first day of October, 1784, which Land has been since duly conveyed to the said Wm. Hodgson by deed dated 24 of August, 1790.

EDMUND J. LEE, Trustee.

December 29—14os.

#### PUBLIC SALE OF CITY LOTS.

BY virtue of a decree of the circuit court of the district of Columbia, in a suit in Chancery (Charles Minifie and others against George Walker). The subscribers, appointed trustees for the sale of property mentioned in said decree, will, on Monday the 15th day of January next, at 10 o'clock in the forenoon, at Long's Hotel, in the city of Washington, offer for sale the following lots in the said city, viz:

The whole of square numbered	934
Lots No. 1 and 2 in square	931
3, 4, 9, 10, 11 and 12,	963
3, 4, 5, 6, 7 and 8,	968
5, 6, 7, 8, 9 and 10,	1011
No. 1,	1012
5, 6, 7, 8, 9, 10, 11, 12, 23, 26,	1015
27 and 28,	1018
12, 13, 14, 15, 16, 17 and 18,	1019
4, 3 and 7,	1020
2, 3, 4 and 5,	1021
5, 6, 7, 8, 9, 13, 16 and 17,	1041
14, 15, 16, 17 and 18,	1047
10, 11, 12, 13 and 14,	1043
1, 2, 3, 4, 12, 13 and 14,	1062
5, 6, 7, 8, 9, 10, 14, 15, 16 & 17	1063

Containing 708,646 square feet.

The terms of sale to be, the purchase money to be paid on the ratification of the sale by the court.

P. B. KEY, Trustees.

WM. BRENT, Trustees.

December 14—30os.

#### TWENTY DOLLARS REWARD.

THE Store-House of the Subscribers, adjoining the Glass works, was broke open on the night of the 25th inst. and several boxes of Glass taken therefrom. The above reward will be given to any person who may discover the thief and bring him to justice.

EDWARDS, WAY, & Co.

Dec. 27—3s.