

The National Intelligencer,

A N D

WASHINGTON ADVERTISER.

VOL. I. WASHINGTON CITY, PRINTED BY SAMUEL HARRISON SMITH, NEW-JERSEY AVENUE, NEAR THE CAPITOL. No. VI.

FIVE DOLLS. PER ANN.

WEDNESDAY, NOVEMBER 12th, 1800.

PAID IN ADVANCE.

In the violence of party animosity the sincere attachment of Mr. Jefferson to the pure principles of republicanism has been denied; and it has been asserted that his sentiments were once very different from those which he now professes. How true this ascription is, let the following extracts from his "Notes on Virginia" decide.

Page 181, after stating the defects of the Constitution of Virginia, he observes:

"In enumerating the defects of the constitution, it would be wrong to count among them what is only the error of particular persons. In December 1776, our circumstances being much distressed, it was proposed in the House of Delegates to create a dictator, invested with every power legislative, executive and judiciary, civil and military, of life and death, over our persons and over our properties; and in June 1781, again under calamity, the same proposition was repeated, and wanted a few votes only of being passed.—One who entered into this contest from a pure love of liberty, and a sense of injured rights, who determined to make every sacrifice, and to meet every danger, for the re-establishment of those rights on a firm basis, who did not mean to expend his blood and substance for the wretched purpose of changing this matter for that, but to place the powers of governing him in a plurality of hands of his own choice, so that the corrupt will of no one man might in future oppress him, must stand confounded and dismayed when he is told, that a considerable portion of that plurality had meditated the surrender of them into a single hand, and, in lieu of a limited monarchy, to deliver him over to a despotic one! How must he find his efforts and sacrifices abused and baffled, if he may still by a single vote be laid prostrate at the feet of one man! In God's name from whence have they derived this power? Is it from our ancient laws? None such can be produced. Is it from any principle in our new constitution expressed or implied? Every lineament of that expressed or implied is in full opposition to it. Its fundamental principle is, that the state shall be governed as a commonwealth. It provides a republican organization, proscribes under the name of prerogative the exercise of all powers undefined by the laws; places on this basis the whole system of our laws; and by consolidating them together, chills that they should be left to stand or fall together, never providing for any circumstances, nor admitting that such could arise, wherein either should be suspended, no, not for a moment. Our ancient laws expressly declare, that those who are but delegates themselves shall not delegate to others powers which require judgment and integrity in their exercise.—Or was this proposition moved on a supposed right in the movers of abandoning their posts in a moment of distress? The same laws forbid the abandonment of that post, even on ordinary occasions; and much more a transfer of their powers into other hands and other forms, without consulting the people. They never admit the idea that these, like sheep or cattle, may be given from hand to hand without an appeal to their own will.—Was it from the necessity of the case? Necessities which dissolve a government, do not convey its authority to an oligarchy or a monarchy. They throw back, into the hands of the people, the powers they had delegated, and leave them as individuals to shift for themselves. A leader may offer, but not impose himself, nor be imposed on them. Much less can their necks be submitted to his sword, their breath to be held at his will or caprice. The necessity which should operate these tremendous effects should at least be palpable and irresistible. Yet in both instances, where it was feared, or pretended with us, it was belied by the event. It was belied too by the preceding experience of our sister states, several of whom had grappled through greater difficulties without abandoning their forms of government. When the proposition was first made, Massachusetts had found even the government of committees sufficient to carry them through an invasion. But we at the time of that proposition were under no invasion. When the second was made, there had been added to this example

those of Rhode-Island, New-York, New-Jersey, and Pennsylvania, in all of which the republican form had been found equal to the task of carrying them through the severest trials. In this state alone did there exist so little virtue, that fear was to be fixed in the hearts of the people, and to become the motive of their exertions and the principle of their government? The very thought alone was treason against the people; was treason against mankind in general; as riveting for ever the chains which bow down their necks, by giving to their oppressors a proof, which they would have trumpeted through the universe, of the imbecility of republican government, in times of pressing danger, to shield them from harm. Those who assume the right of giving away the reins of government in any case, must be sure that the herd, whom they hand on to the rods and hatchet of the dictator, will lay their necks on the block when he shall nod to them. But if our assemblies supposed such a resignation in the people, I hope they mistook their character. I am of opinion, that the government, instead of being braced and invigorated for greater exertions under their difficulties, would have been thrown back upon the bungling machinery of county committees for administration, till a convention could have been called, and its wheels again set into regular motion. What a cruel moment was this for creating such an embarrassment, for putting to the proof the attachment of our countrymen to republican government! Those who meant well, of the advocates for this measure, (and most of them meant well, for I know them personally, had been their fellow-labourer in the common cause, and had often proved the purity of their principles,) had been seduced in their judgment by the example of an ancient republic, whose constitution and circumstances were fundamentally different. They had sought this precedent in the history of Rome, where alone it was to be found, and where at length too it had proved fatal. They had taken it from a republic rent by the most bitter factions and tumults, where the government was of a heavy-handed unfeeling aristocracy, over a people ferocious, and rendered desperate by poverty and wretchedness; tumults which could not be allayed under the most trying circumstances, but by the omnipotent hand of a single despot. Their constitution therefore allowed a temporary tyrant to be erected, under the name of a dictator; and that temporary tyrant after a few examples, became perpetual. They misapplied this precedent to a people mild in their dispositions, patient under their trial, united for the public liberty, and affectionate to their leaders. But if from the constitution of the Roman government there resulted to their senate a power of submitting all their rights to the will of one man, does it follow, that the assembly of Virginia have the same authority? What clause in our constitution has substituted that of Rome, by way of residuary provision, for all cases not otherwise provided for? Or if they may step ad libitum into any other form of government for precedents to rule us by, for what oppression may not a precedent be found in this world of the bellum omnium in omnia?—Searching for the foundations of this proposition, I can find none which may pretend a colour of right or reason, but the defect before developed, that there being no barrier between the legislative, executive, and judiciary departments, the legislature may seize the whole: that having seized it, and possessing a right to fix their own quorum, they may reduce that quorum to one, whom they may call a chairman, speaker, dictator, or by any other name they please.—Our situation is indeed perilous, and I hope my countrymen will be sensible of it, and will apply, at a proper season the proper remedy; which is a convention to fix the constitution, to amend its defects, to bind up the several branches of government by certain laws, which when they transgress their acts shall become nullities; to render unnecessary an appeal to the people, or in other words a rebellion, on every infraction of their rights, on the peril that their acquiescence shall be construed into an intention to surrender those rights.

MADRID, Sept. 28.

The affair of the capture of the two frigates at Barcelona, has been taken up very seriously by our government. Every one is indignant here at the event, and we know not how to characterize the spirit which influenced the English on this occasion.

Our state of warfare not permitting the king's ministers to address complaints directed to the court of London, they have confined themselves to denouncing the fact by a circular letter to the ambassadors of all the foreign powers, who reside at Madrid, and to inform them of it, more particularly the ministers of his Swedish Majesty, whom that event concerns more than any other, exhorting him to require from the British government a satisfactory reparation for the outrage done to his flag, and the punishment of the officers concerned. The following are the papers mentioned above:

Circular letter to the ambassadors and foreign ministers to the Court of Spain.

SIR,

I have the honour to communicate to you a copy of the memorial which the king, my master, has ordered me to send to his minister at Stockholm, in order to be transmitted to the ministry of his Swedish majesty.

The principles which are established in it, and the event which has given rise to it are of a nature to interest all the commercial nations of Europe, particularly the neutral powers.

His majesty is persuaded that your government will see the affair in the same point of view, and he flatters himself that he will concur in effacing, as much as possible, from the annals of war, an attack so destructive of the confidence and hospitality, which neutral and friendly flags enjoy.

I repeat the assurances of my consideration and esteem, and I am, sir, &c.

(Signed)

CHEVALIER D'URQUIJO.
St Ildephonso, Sept. 17, 1800.

Letter to the Minister of Foreign Affairs of the King of Sweden.

SIR,

The King my master has seen with the greatest indignation, by a report which the Consul of his Swedish majesty at Barcelona has transmitted to the consul-general of Catalonia, containing the declaration of captain Rudbart, of the Swedish galliot the Hoffnung, that on the 4th of September last, in the afternoon, two English ships of the line and a frigate forced the said captain after having examined and found his papers according to rule, to take on board English officers and a considerable number of sailors, and to suffer himself to be towed at night-fall by several English shalops to the harbour of Barcelona, and under the cannon of its batteries.

That the English having reduced the said captain and his crew to silence, by holding a pistol at his breast, got possession of the helm, and made at 9 P. M. by means of the galliot and the shalops surrounding it, an attack upon two frigates under the Spanish flag, who were at anchor, who not suspecting that this friendly and neutral ship concealed enemies on board, and could be made use of for the most—attack, were taken almost by surprise and forced to surrender.

I refer you for the other particulars, and for the violence committed by the English on the Swedish ship, to the declaration of the captain hereunto annexed.

The king my master could not consider that event but as interesting the rights, and wounding the interests of all the powers of Europe, without excepting England; and above all, as the heaviest insult to the flag of his Swedish majesty.

In fact, it is evident that the belligerent powers, by admitting neutral ships into their harbours and ports, wished to soften the scourge of war, and to preserve those commercial relations between the people of different nations, which their mutual wants require.

Every thing therefore that tends to render the navigation suspected and dangerous, injures in an equal degree the rights and interests of all nations.

But in the present case, the rights and honour of the Swedish flag have been violated in so outrageous a manner, that few ex-

amples of such a violation can be found in the Naval History of Europe.

The attack, if it were to remain unpunished, would tend to embroil two friendly powers, annihilate their commercial relations, and cause the flag which should suffer it to be considered as the secret auxiliary of the enemy's power, and would thus force Spain to take such measures as the interest of her vessels and the security of her ports should command.

Yet the king, my master, wishes still to believe that the Swedish captain has not been guilty of the least connivance with the English, and that he yielded only to their force and their great number.

Under this supposition, the king has ordered me to lay before his Swedish majesty, this grievous insult committed against his flag; and not doubting the repentment which he will feel at a procedure equally low and disloyal on the part of some officers of the British navy, he expects that the court of Stockholm will make to the English ministry the most serious representations, in order that the officers who have rendered themselves culpable upon this occasion, be punished severely, and that the two Spanish frigates surprised and carried off from the harbour of Barcelona by a stratagem equally contrary to the rights of nations and the rules of war, be immediately restored with their cargoes, as having been illegally surprised by means of a neutral ship, which served as an instrument to the assailants.

His Catholic majesty thinks himself so much the more entitled to consider the success of this reclamation as certain, as the English government even cannot dissemble that its enemies, by following a similar example, might themselves also make use of neutral vessels to infect its harbours, and do in its ports all possible damage.

But if, contrary to all expectation, the steps of his Swedish majesty, at the court of London, to obtain reparation for the injury done to his flag, as well as the restitution of the two Spanish frigates, should not have the desired success before the end of this year, his majesty will be obliged, though with much regret, to adopt towards the Swedish flag, measures of precaution which shall in future shelter his harbours and ports from an abuse as dangerous and revolting, as that which the English have just committed.

I have the honour to be, &c.

[Signed]

CHEVALIER D'URQUIJO.
St. Ildephonso, Sept. 19, 1800.

Note.—The declaration of the Swedish captain gives an historical recital of the transaction.

Note communicated by the Minister of the Interior to the Citizens assembled in the Temple of Mars, for the purpose of celebrating the Festival of the Republic.

The First Consul to the Public Functionaries, sent from the Departments.

"Preliminaries of peace were signed at Paris on the 28th of July, between Citizen Talleyrand, minister of Exterior Relations, and the Count St. Julien. These were ratified within 24 hours by the consuls. Citizen Duroc was charged with conveying them to Vienna. The intrigues of the faction hostile to peace, which still appeared to enjoy some credit there, prevented the Emperor from ratifying them. The motive of this refusal was stated to be that of a note from the king of England, demanding to have his Envoys admitted to the Congress of Luneville, conjointly with the plenipotentiaries of the Emperor. From that moment the government was obliged to break the armistice, that the remainder of the autumn might not be lost in idle conferences. Gen. Moreau was ordered to acquaint the General of the enemy with the preliminaries, the same that appeared in the Official Journal; and to inform him that if they were not ratified within 24 hours, or if the Emperor wanted further explanations, the three garrisons of Ulm, Ingolstadt and Philipsburg, should be given up to the French army, otherwise hostilities should be re-commenced. The government has also informed the king of England, that it sees no inconvenience in admitting his Envoys to the congress of