[illegible] by the words of Mr. Jackson himself, for, in his letter to Mr. Smith of the 23d of October, he says, "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;" which is a clear admission that Mr. Smith was anxious for some friendly proposal, but that Mr. Jackson had none to offer him. The *appeal* establishes another very material and unfortunate fact, if Mr. Jackson can be relied on; he declares that his "*duty* imperiously enjoined him to act as he has done:" if this be so; if it was *imperiously enjoined on him* to act thus, the evil goes further than Mr. Jackson; it is in the British government. A melancholy truth; but which has been long suspected.

Must all hope of peace be relinquished? Must war be prepared for? Congress alone can decide the question.—The legislative body is the Alexander to cut the gordian knot of perplexities that compress the energies of the nation. The writer of this production is the friend of peace; but he is also the friend of American rights and honor. He cherishes the idea of tranquility, but would blush to discourage a war in a pre-eminently just cause, either on account of its expence or its hardships.—If no other reason induced the despair of a restoration of a good understanding with England, sufficient cause can be discovered for it in the appointment and conduct of Mr. Jackson. Independent of other circumstances, already adverted to, he was selected by the British cabinet with the full knowledge, communicated by Mr. King whilst minister in London, that he was odious to the government of the United States. His behavior here has been a tissue of insolence and absurdities; and the very law of nations to which he so cavalierly applied in behalf of his rights, he has himself palpably violated.

In a *commercial* aspect, France and England stand very much in the same hostile relation towards us. The affair of the Chesapeake, however, magnifies the conduct of the latter to an infinitely more warlike attitude than the former. The outrage upon our national flag, had it been avowed by the British government was good cause of war.—For *more than two years* that great indignity has remained unatoned: and every proposition to make reparation except the one so scandalously disavowed after completion has been attended with some demand that has aggravated the insult.—France is not so *tangible* to our force as Great Britain. Shall we *fight both?* The choice between them would, indeed, be difficult. But if we do strike, let us *strike where we can be felt.* May the decision of our rulers be wise, and propitious to the prosperity of the republic.

PUBLIUS.

BALTIMORE, December 19.

CASE OF THE SUSQUEHANNA.

MR. IRVINE,

The capture and condemnation of this vessel, afford a memorable instance of robbery under colour of foreign orders in council, and a solemn warning to the government (if it had none before!) to lose no time in resorting to EFFICIENT means for the protection of our fair commerce. Perhaps a more undisguised case of fraud and tyranny, was never exhibited, even in a British prize court, than in the condemnation of the Susquehanna. A concise narative will best explain both.

The ship Susquehanna, John Brown, master—a new ship on her first voyage, sailed from Baltimore Sept. 3d, bound to Tonningen; owned by Mr. James Biays of this city, and cost to fit her for sea upwards of $20,000. Her cargo consisted of articles noted below, with the owners names. The papers and documents were all regular, accompanied with the usual certificates; shewing the whole of the BONA FIDE American property, and the cargo principally domestic produce. She proceeded on her voyage until the 29th same month, when in lat. 39 long. 46, was captured by the British sloop of war. SWIFTSURE, captain Conn, and ordered for Halifax.—The captain and crew were taken out, and put on board the schooner Thistle, and arrived at Halifax in company with the ship the 22d of Oct. where the ship was libelled.

The brig American, of Baltimore, that had been captured some time before bound on a similar voyage, was tried by Judge Croke, a few days after the Susquehanna arrived, and was condemned. He said the ship might be considered as in the same condemnation, but the captain insisted on a trial, which was granted; When the court met, the attorney for the captain insisted that the capture was illegal, and which he would prove. The Judge replied, that he would not hear one word on the subject, as he had made up his mind! And, so, condemned both vessel and cargo, together with costs $1053, to be paid by the claimants!

The captain of the Swiftsure shewed the Judge a letter, which he SAID he had received from A FRIEND IN BALTIMORE, purporting to contain the names of vessels said to be FRENCH and DUTCH property, and the Susquehanna one of the number! The ship and cargo were sold; the former for $18,500.

Of the letter produced on the trial, or rather the condemnation, of the Susquehanna,—what should we think?—Whether it was forged for the purpose at Halifax; or was really written in Baltimore, by a lying agent of Britain stationed and skulking among us the injury is the same to

AN AMERICAN MERCHANT.

Cargo of the Susquehanna.

Domestic Produce.

416 hhds. Tobacco.
593 11 lb. Tobacco stems.
92 bales Cotton.
9 do. Peltry.

Foreign Produce;

86 bags and 5 hhds. Coffee.
9 boxes Sugar.
9 hhds. and 50 bbls. Sugar.
50 boxes Segars.
16 tons Logwood.
35 do. Fustick.

SHIPPERS' NAMES:

John Goddard, C. F. Falkman, Labes and Co. Basil, S. Elder, Jno. Trimble, F. R. Glavery, P. H. Terme, Stewart and Montgomery Jno. Goodwin, Goodwin Hutchins & Co. Geo. C. Muller, Fred'k Focks, A. Soekamp, Jno. Sperry, Hollingsworth, and Sullivan, James Williams, Tho. Poultney, Geo. F. Warfield, and James Biays.

N. B. The subjoined extract of a letter, with its inclosures, from the counsel for claimant at Halifax, to the owner of the Susquehanna, in Baltimore, will give more explicit information to those who can feel for the manifold wrongs heaped upon this country, its independence and commerce.

Halifax, 31*st Oct.* 1809.

SIR,

"At the request of capt. Brown, master of the ship Susquehannah, lately sent into this port for adjudication, I inclose you a short statement of the difficulties in which the ship and her cargo are involved by the severe construction which the judge of our court of vice admiralty has thought fit to put upon the king's order of the 26th April last, UNDER WHICH, no doubt, you and the shippers of the cargo have undertaken the voyage in question*—The brig American, of your port, having been tried and condemned upon the very same grounds which will be adopted against the Susquehannah, I have submitted to the treatment she had met with, that it may be communicated to the many merchants who must, of course, be interested in what I conceive to be *a fair, legal trade warranted by the express orders of our government.*"

COPY OF DECREE.

Nova Scotia Court of Vice Admiralty.

L. S. Thursday the twenty-third day of November, in the year of our Lord one thousand eight hundred and nine—Before the Worshipful Alexander Croke, Doctor of Laws, Judge and Commissary of his Majesty's Court of Admiralty for the province of Nova Scotia, and the maritime parts thereof, and for carrying into effect the several provisions of an act passed in the forty-first year of the reign of his present majesty, for the better regulation of the prize courts in the West Indies, America, &c. And also to hear and determine all and all manner of causes, and complaints as to ships and goods seized and taken as prize, specially constituted and appointed in the court house in the town of Halifax.—Present the honorable Charles Morris, notary public and registrar.

The ship Susquehannah, John Brown, Master.

Our sovereign lord the king, against the said ship and goods laden therein taken and seized by his majesty's ship of war Swiftsure, John Conn, esquire, commander, and brought to Halifax, and also against John Brown, the master and claimant of the said ship and cargo.

Steward prayed the claim by him given to be admitted, and the ship and cargo to be restored as claimed.

Uniacke prayed the said claim to be rejected, and the said ship and cargo to be condemned.

The judge having heard the said claim and proofs read and the advocates and proctors on both side thereon, rejected the said claim, and by interlocutory decree pronounced the said ship and cargo to have belonged at the time of the capture and seizure thereof, TO ENEMIES OF THE CROWN OF G. BRITAIN, and as such, or otherwise subject and liable to confiscation, and condemned the same as good and lawful prize taken by his majesty's ship of war Swiftsure, John Conn, esq. commander—and condemned the claimaint in costs.

A true Copy.

CHARLES MORRIS,
Registrar.

THE AMERICAN, WORTHINGTON, MASTER.

The captors urged for the condemnation of this ship & her cargo, upon the ground of her having on board a certificate of origin authenticated by the French and Danish consuls, her voyage being from Tonningen. It became the sole question in the cause, whether the King's order of the eleventh of November 1807, was still in force so far as it respected the condemnation of vessels on board of which the certificate of origin should be found, and the property of the person on whose behalf the certificate was put on board. On the part of the captors it was contended, that the order of the eleventh November, was in all respects in full force, except as to an alteration of the general blockade, which by the order of the twenty-sixth of April 1809, is therein particularly defined and limited, and that no other alteration of the eleventh November was either expressed or intended by the order of the twenty-sixth of April, but that, on the contrary, the late order of the twenty-fourth of May completely recognizes that of the eleventh of November with the alteration before mentioned. On the part of the Claimant it was insisted, that by the express words of the twenty-sixth of April, the whole of the order of the eleventh of November is revoked except that part of which relates to the blockade of the enemy's ports and the trade with his colonies; the words of the order of April being, that "his majesty is pleased to revoke and annul the several orders therein mentioned except as is therein after expressed." The claimant further contended that nothing is after expressed in the order of April; but, what relates to the general blockade, & the trade of the colonies and that the provisions of that order are evident proof of its meaning and serves clearly to shew, that, if his majesty intended to have kept in force that part of the order of the 7th of November, relative to the certificate of origin the order of April would have so expressed itself.—It was also observed for the claimant that, although the order of the 24th of May mentions that of the 11th of November, it invariably talks of it as altered by the order of the 26th of April. The court however was of opinion with the captors, and a sentence of condemnation of ship and cargo was pronounced by the judge, who admitted there was an obscurity in the order of the 26th of April, as satisfactory explanation of which might be obtained by an appeal on the part of the claimant. The ship and cargo were owned by the same person, and her cargo consisted of Martinique and Havannah sugars.

THE SUSQUEHANNA,
BROWN, Master.

This ship and her cargo will be prosecuted upon the same grounds with the American, a certificate of origin having been found on board of her, but it will be contended on the part of the claimants that her case is a different one. She appears by her papers to have been bound to Tonningen and a market, and by the letter of instructions to her master, to have been going to any port in the North of Europe, to which by a fair construction of the king's order she could be allowed to go. Her cargo is altogether on freight and owned by a number of different shippers; it consists, among other articles, of tobacco and cotton, neither of which can be the product of the colonies of our enemy, & both of which are the native productions of the American states. The whole cargo, it is true, is included in the certificate of origin, but the sole object of that certificate is to ascertain that the colonial produce is not British. A question will therefore arise, whether the tobacco and cotton can be effected by the decision in the case of the American.

N. B. It was observed by the judge in the case of the American, that it might be made a question whether Tonningen is not to be considered in a state of blockade independent of the order of the 11th of November, as it was declared so to be by a proclamation issued in October 1807; which the judge had no knowledge of being revoked!

* If we were still animated by the spirit of '76, how would our indignation take fire at the arrogant pretentions of a British king to regulate our commerce——and tell us, to what port we MAY go; what we MAY carry thither—and what we shall NOT! "O tempora!"

Legislature of Maryland.

HOUSE OF DELEGATES.

FRIDAY, DECEMBER 1.

On motion of Mr. *M. Brown*, the act supplementary to an act for collecting small debts out of court, was made the order of the day for Friday next.

The house then took up the order of the day on Mr. *Brent's* resolutions.—The discussion of which lasted until 5 o'clock, when the house adjourned.

Saturday, December 2.

In the House of Delegates but little business was done, except the discussion of Mr. Brent's resolutions. Yesterday the discussion was resumed; and, after a luminous speech from Mr. Brent, the house, at two o'clock, adjourned for one hour.

The Clerk of the Senate delivered the bill to alter and change the place of holding elections in the first election district in Kent county, and the bill authorising Dr. James Cocke to remove certain negroes into the State of Maryland, severally endorsed, "will pass." Ordered to be engrossed. And the resolutions relative to weights and measures, endorsed, "assented to."

The house resumed the consideration of the resolutions disapproving of the resolutions of November session, 1808, relative to the embargo, and after some time spent in debating the same—adjourned till Monday morning.

Monday, December 4.

Mr. *Stevens* delivered a bill, entitled, An act for the relief of James Doores, of Talbot county; which was twice read, passed, and sent to the senate.

Mr. *Seth* delivered a petition from the constables of Talbot county, praying a further allowance, as bailiffs; which was read and referred.

On motion of Mr. C. Dorsey, Leave given to bring in a bill to repeal all such laws as require the payment to the state of twenty-five shillings for a license to marry.

Mr. Driver has leave of absence.

The house resumed the consideration of the resolutions disapproving of the resolutions of November session, 1808, relative to the embargo; and, after some time spent in debating thereon,—adjourned till 3 o'clock P. M.

Three o'clock, P. M.

The house met, resumed the consideration of the resolutions which were under discussion in the morning, and the question was put, that the house adjourn; Determined in the negative, yeas 28, nays 35.

The question was then put, that the house assent to the second resolutions; Resolved in the affirmative, yeas 39, nays 28.

The last resolutions being read was assented to.

On motion of Mr. Brent, the question was put, That the house assent to the whole of the resolutions? Resolved in the affirmative, yeas 37, nays 5.

At midnight the house adjourned.

Tuesday, December 5.

After Monday's proceedings were read, the resolutions of Mr. Brent were sent to the Senate.

The bill to incorporate a company for the purpose of building a bridge over the Susquehanna, at Havre-de-Grace, was read the second time, and passed.

On motion of Mr. *Bland*, leave was given to bring in a bill, entitled an act concerning libels and contempt of court; ordered that Messrs. Bland, Brent, and C. Dorsey prepare and bring in the same. The house then adjourned.

Wednesday, December 6.

The bill to incorporate a company to build a bridge over the Susquehanna, at Havre-de-Grace, was sent to the Senate.

Mr. *Groome* delivered a bill, entitled, an act to empower the executor of Joseph Baxter, late sheriff of Cæcil county, to collect the fees put into the hands of said Baxter for collection.

Tuesday, December 7.

On motion of Mr. *Archer*, ordered, that the resolutions for the encouragement of Domestic manufactures, have a second reading on Friday, the 15th inst.

Mr. *J. H. Thomas* delivered a bill, entitled, an act for the appointment by the people, of the justices of the Levy Courts in the several counties of this State; which was read, and ordered to have a second reading on Thursday the 14th inst.

Mr. *Bland* delivered a bill, authorising a lottery for the purpose of raising a sum of money to build a female academy in the city of Baltimore.

The House proceeded to the second reading of the bill to alter such parts of the Declaration of Rights, Constitution and form of government, as prevent persons, conscientously scrupulous of taking an oath, from serving as jurors; and, on motion of Mr. C. Dorsey, the question was put that the words "*except in criminal cases that are capital, and upon petitions for freedom,*" be inserted after the word "jurors,"—and carried, yeas 37, nays 26.

On motion of Mr. *Worthington*, ordered, that the bill concerning divorces have a second reading on Friday the 15th inst. The house adjourned.

WASHINGTON CITY, Dec. 20.

Message from the President of the United States transmitting Extracts from the correspondence of Mr. Pinkney.

"*To the House of Representatives of the United States,*

"Agreeably to the request expressed in the resolution of the 13th inst. I lay before the House extracts from the correspondence of the minister plenipotentiary of the United States at London.

JAMES MADISON.

December 16, 1809."

Brief account of an unofficial conversation between Mr. Canning and Mr. Pinkney, on the 18th of January, 1809, continued on tht 22d of the same month. [*Transmitted by Mr. Pinkney to the Secretary of State.*]

I dined at Mr. Canning's with the *corps diplomotique*, on the 18th January. Before dinner he came up to me, and entering into conversation, adverted to a report which he said had reached him that the American ministers, (here and in France) were about to be recalled.—I replied, that I was not aware that such a step had been resolved upon. He then took me aside, and observed that, according to his view of the late proceedings of Congress, the resolutions of the House of Rrepresentatives, in committee of the whole, appeared to be calculated, if passed into a law, to remove the impediments to arrangement with the United States, on the subjects of the orders in council and the Chesapeake, by taking away the discrimination between Great Britain and France in the exclusion of vessels of war from American ports. He added that it was another favorable circumstance that the non-importation system, which seemed to be in contemplation, was to be applied equally to both parties, instead of affecting as heretofore Great Britain alone.

I proposed to Mr. Canning, that I should call on him in the course of a day or two for the purpose of a free communication upon what he had suggested. To this he readily assented; and it was settled that I should see him on the Sunday following (the 22d) at 12 o'clock, at his own house.

In the interview of the 22d, Mr. Canning's impressions appeared to be in all respects the same with those which he had mentioned on the 11th; and I said every thing which I thought consistent with candor and discretion to confirm him in his disposition to seek the re-establishment of good understanding with us, and especially to see in the expected act of Congress, (if it should pass) an opening for reconciliation.

It was of some importance to turn their attention here, without loss of time, to the manner of any proceeding that might be in their contemplation.—It seemed that the resolutions of the House of Representatives, if enacted into a law, might render it proper, if not indispensible, that the affair of the Chesapeake should be settled at the same time with the orders and embargo, and this I understood to be Mr. Canning's opinion and wish. It followed that the whole matter ought to be settled at Washington, and, as this was moreover desirable on various other grounds, I suggested that it would be well (in case a special mission did not meet their approbation) that the necessary powers should be sent to Mr. Erskine.

In the course of the conversation, Mr. Canning proposed several questions relative to our late proposal; the principal were the two following:—

1. In case they should wish either through me or through Mr. Erskine to meet us upon the basis of our late overture, in what way was the effectual oration of our embargo as to France, &c. after it should be taken off as to Great Britain, to be secured? It was evident, he said, that if we should do no more than refuse clearances for the ports of France, &c. or prohibit under penalties voyages to such ports, the effect which my letter of the 23d of August, and my published instruction, proposed to have in view, would not be produced; for that vessels although cleared for British ports, might when once out go to France instead of coming here; that this would in fact be so, (whatever the penalties which the American laws might denounce against offenders) could not, he imagined, be doubted; and he therefore presumed that the government of the United States would not, after it had itself declared a commerce with France, &c. illegal, and its citizens, who should engage in it, delinquents, and after having given to Great Britain by compact an interest in the strict observation of the prohibition, complain if the naval force of this country should assist in preventing such a commerce.

2. He asked whether there would be any objection to making the repeal of the British orders and the American embargo cotemporaneous? He seemed to consider this as indispensible. Nothing could be less admissible, he said, than that Great Britain, after rescinding her order, should for any time, however short, be left subject to the embargo in common with France, whose decrees were subsisting, with a view to an experiment upon France, or with any other view. The United States could not upon their own principles apply the embargo to this country one moment after its orders were removed, or decline after that event to apply it exclusively to France, and the powers connected with her in system.

I took occasion towards the close of our conversation to mention the recent appointment of admiral Berkeley to the Lisbon station. Mr. Canning said, that whatever might be their inclination to consult the feelings of the American government on that subject, it was impossible for the admiralty to resist the claim of that officer to be employed (no other objection existing against him) after such a lapse of time since his return from Halifax, without bringing him to a court martial. The usage of the navy was in this respect different from that of the army. But I understood Mr. Canning to say that he might still be brought to a court martial; although I did not understand him to say that this *would be* the case. He said that admiral Berkeley, in what he had done, had acted wholly without authority. I did not propose to enter into any discussion upon that subject, and therefore contented myself with speaking of the appointment as unfortunate.

In both of these conversations, Mr. Canning's language and manner were to the highest degree conciliatory.