

WILMINGTON GAZETTE.

Published weekly by ALLMANN HALL, at THREE DOLLARS A YEAR.]

TUESDAY, JULY 19, 1803.

[Vol. 7, No. 340.]

NEW-YORK, July 1.

WAR.

We are at length enabled to relieve the public mind from that state of suspense under which it has for some time laboured. The arrival of the ship Morgan, captain Howard, from London, has furnished the editor of the Mercantile Advertiser with a regular series of London papers, to the 20th of May. On the 16th an order of council, directing letters of marque and reprisal against ships, vessels, and goods of the republic, and another laying an embargo on all vessels belonging to the citizens of the French and Batavian republics, were issued by the English government. The reasons for adopting these measures are explained in the following official declaration.

To-morrow we shall commence the publication of the documents respecting the negotiation, which by the king's orders have been laid before the parliament. Mr. King, our ambassador to the Court of St. James's, came passenger in the John Morgan.

HOUSE OF LORDS, May 16.

Lord Pelham brought down the following message from his majesty, which was read first by the lord Chancellor from the woolsack, and next by Mr. Rose, the clerk, at the table:

"G. R.
"His Majesty thinks it proper to acquaint the House of Peers, that the discussion which he announced to them in his message of the 8th of March last, as then subsisting between his majesty & the French government, have been terminated; that the conduct of the French government has obliged his majesty to recall his ambassador from Paris, and that the ambassador from the French republic has left London.

"His majesty has given directions for laying before the House of Peers, with as little delay as possible, copies of such papers as will afford the fullest information to his parliament at this important conjuncture.

"It is a consolation to his majesty to reflect, that no endeavours have been wanting on his part to preserve to his subjects the blessings of peace; but under the circumstances which have occurred to disappoint his just expectations, his majesty relies with confidence on the zeal and public spirit of his faithful commons, and on the exertions of his brave and loyal subjects, to support him in his determination to employ the power and resources of the nation, in opposing the spirit of ambition and encroachment which at present actuates the councils of France, in upholding the dignity of his crown, and in asserting and maintaining the rights and interests of his people."

LONDON, May 17.

His majesty's message delivered to both houses of parliament yesterday afternoon, puts an end to the uncertainty which many were under respecting the issue of the negotiation which was carrying on between this country and France.

At the privy council which sat at the queen's house yesterday, and at which his majesty presided, the message to parliament was settled, and orders issued to the lords of the admiralty to grant letters of marque and reprisal against all vessels belonging to the French and Batavian republics, and to lay a general embargo on all ships bound to any of their ports.

The renewal of the war between this country and France, has proved essential service to America. Private letters from Paris, state, that the American minister, Mr. Monroe, has completely succeeded in the object of his mission, and that within these three days the French government has ceded to the Americans the possession of Louisiana.

It is further stated, upon the same respectable authority, that a sum of 5,000,000 of dollars due from France, to individuals of the United States, to obtain the payment of which was one of Mr. Monroe's principal objects, has been given up by the latter, the American minister having consented, that the government of the United States shall take that debt upon itself.

DECLARATION.

His majesty's earnest endeavours for the preservation of peace having failed of success, he entertains the fullest confidence that he shall receive the same support from his par-

liament, and that the same zeal and spirit will be manifested by his people which he has experienced on every occasion when his crown has been attacked, or the essential interests of his dominions have been endangered.

During the whole course of the negotiations which led to the preliminary and definitive treaties of peace between his majesty and the French government, it was his majesty's sincere desire, not only to put an end to hostilities which subsisted between the two countries, but to adopt such measures, and to concur in such propositions, as might most effectually contribute to consolidate the general tranquillity of Europe. The same motives by which his majesty was actuated during the negotiations for peace, have since invariably governed his conduct. As soon as the treaty of Amiens was concluded, his majesty's courts were open to the people of France for every purpose of legal redress; all sequestrations were taken off their property; all prohibitions on their trade which had been imposed during the war were removed, and they were placed, in every respect on the same footing with regard to commerce and intercourse, as the inhabitants of any other state in amity with his majesty, with which there existed no treaty of commerce.

To a system of conduct thus open, liberal, and friendly, the proceedings of the French government afford the most striking contrast. The prohibitions which had been placed on the commerce of his majesty's subjects during the war, have been enforced with increased strictness and severity; violence has been offered in several instances to their vessels and their property; and in no case has justice been afforded by those who may have been aggrieved in consequence of such acts, nor has any satisfactory answer been given to repeated representations made by his majesty's ministers or ambassador at Paris. Under these circumstances, when his majesty's subjects were not suffered to enjoy the common advantages of peace within the territories of the French Republic and the countries dependent upon it, the French government had recourse to the extraordinary measure of sending over to this country a number of persons for the professed purpose of residing in the most considerable seaport towns of Great Britain and Ireland, in the character of commercial agents or consuls. These persons could have no pretensions to be acknowledged in that character, as the right of being so acknowledged, as well as all the privileges attached to such a situation could only be derived from a commercial treaty; and as no treaty of that description was in existence between his majesty and the French republic.

There was consequently too much reason to suppose that the real object of their mission was by no means of a commercial nature, and this suspicion was confirmed, not only by the circumstances that some of them were military men, but by the actual discovery, that several of them were furnished with instructions to obtain the soundings of the harbours, and to procure military surveys of the places where it was intended they should reside. His majesty felt it his duty to prevent their departure to their respective places of destination, and represented to the French government the necessity of withdrawing them; and it cannot be denied that the circumstances under which they were sent, and the instructions which were given to them, ought to be considered as decisive indication of the dispositions and intentions of the government by whom they were employed.

The conduct of the French government, with respect to commercial intercourse between the two countries, must therefore be considered as ill suited to a state of peace, and their proceedings in their more general political relations, as well as those which immediately concern his majesty's dominions, appear to have been altogether inconsistent with every principle of good faith, moderation and justice. His majesty had entertained hopes, in consequence of the repeated assurances and professions of the French government, that they might have been induced to adopt a system of policy, which, if it had not inspired other powers with confidence, might at least have allayed their jealousies. If the French government had really appeared to be actuated by a due attention to such a system; if their dispo-

sitions had proved to be essentially pacific, allowances would have been made for the situation in which a new government must be placed, after so dreadful and extensive a convulsion as that which had been produced by the French revolution. But his majesty has unfortunately had too much reason to observe and to lament, that the system of violence, aggression and aggrandizement which characterized the proceedings of the different governments of France during the war has been continued with as little disguise since its termination. They have continued to keep a French army in Holland against the will, and in defiance of the remonstrances of the Batavian government, and in reprobation to the letter of three solemn treaties. They have in a period of peace, invaded the territory, and violated the independence of the Swiss nation, in defiance of the treaty of Lunéville, which had stipulated the independence of their territory, and the right of the inhabitants to choose their own form of government. They have annexed to the Dominions of France, Piedmont, Parma and Placentia, and the island of Elba, without allotting any provision to the king of Sardinia, whom they have despoiled of the most valuable part of his territory, though they were bound by a solemn engagement to the emperor of Russia, to attend to his interests and to provide for his establishment. It may indeed with truth be asserted that the period which has elapsed since the conclusion of the definitive treaty, has been marked with one continued series of aggression, violence and insult on the part of the French government.

In the month of October last, his majesty was induced, in consequence of the earnest solicitation of the Swiss nation, to make an effort by a representation to the French government, to avert the evils which were then impending over that country. This representation was couched in the most temperate terms; and measures were taken by his majesty for ascertaining under the circumstances which then existed, the real situation and wishes of the Swiss Cantons, as well as the sentiments of the other cabinets of Europe. His majesty learned, however, with the utmost regret, that no disposition to counteract these repeated infractions of treaties, and acts of violence was manifested by any of the powers most immediately interested in preventing them; and his majesty therefore felt that, with respect to these objects, his single efforts could not be expected to produce any considerable advantage to those in whose favour they might be exerted.

It was about this time that the French government first distinctly advanced the principle that his majesty had no right to complain of the conduct, or to interfere with the proceedings, of France, on any point which did not form a part of the stipulations of the treaty of Amiens. That treaty was unquestionably founded upon the same principle as every other antecedent treaty or convention on the assumption of the state of possession of engagements subsisting at the time of its conclusion; and if that state of possessions and engagements is materially affected by the voluntary act of any of the parties so as to prejudice the condition on which the other party has entered into the contract, the change so made may be considered as operating virtually as a breach of the treaty itself, and as giving the party aggrieved a right to demand satisfaction or compensation for any substantial difference which such acts may have effected in their relative situations; and whatever may be the principle on which the treaty is to be considered as founded, there is indisputably a general law of nations, which, though liable to be limited, explained or restrained by conventional law, is antecedent to it, and is that law or rule of conduct to which all sovereigns and states have been accustomed to appeal where conventional law is admitted to have been silent. The treaty of Amiens and every other treaty, in providing for the objects to which it is particularly directed, does not therefore assume or imply an indifference to all other objects which are not specified in its stipulations, much less does it adjudge them to be of a nature to be left to the will and caprice of the violent and the powerful. The justice of the law is a sufficient ground to warrant the interposition of any of the powers of Europe in the differences which may

arise between other states, and the application and extent of that just interposition is to be determined solely by considerations of prudence. These principles can admit of no dispute; but if the new and extraordinary pretension advanced by the French government, to exclude his majesty from any right to interfere with respect to the concerns of other powers, unless they made a specific part of the stipulations of the treaty of Amiens, was that which it was impossible to maintain, those powers would have a right at least, to claim the benefit of this principle, in every case of difference between the two countries. The indignation of all Europe must surely then be excited by the declarations of the French government, that in the event of hostilities, these very powers who were no parties to the treaty of Amiens, and who were not allowed to derive any advantage from the remonstrances of his majesty in their behalf, are nevertheless to be made the victims of a war which is alleged to arise out of the same treaty, and are to be sacrificed in a contest which they not only have not occasioned, but which they have had no means whatever of preventing.

His majesty judged it most expedient, under the circumstances which then affected Europe, to abstain from a recurrence to hostilities on account of the views of ambition and acts of aggression manifested by France on the continent. Yet an experience of the character and dispositions of the French government could not fail to impress his majesty with a sense of the necessity of increased diligence in guarding the rights and dignity of his crown, and in protecting the interests of his people.

Whilst his majesty was actuated by these sentiments, he was called upon by the French government to evacuate the island of Malta. His majesty had manifested, from the moment of the signature of the definitive treaty, an anxious disposition to carry into full effect the stipulations of the treaty of Amiens relative to that island. As soon as he was informed that an election of a grand master had taken place, under the auspices of the emperor of Russia, and that it had been agreed by the different princes assembled at St. Petersburg to acknowledge the person whom the court of Rome should select out of those who had been named by them to be grand master of the order of St. John, his majesty proposed to the French government for the purpose of avoiding any difficulties which might arise in the execution of that arrangement, to acknowledge that election to be valid; and when, in the month of August the French government applied to his majesty to permit the Neapolitan troops to be sent to the island of Malta, as a preliminary measure for preventing any unnecessary delay, his majesty consented without any hesitation to this proposal, and gave directions for the admission of the Neapolitan troops into the island. His majesty had thus shown his disposition not only to throw no obstacle in the way of the execution of the treaty, but, on the contrary, to facilitate the execution of it by every means in his power. His majesty cannot, however, admit, that at any period since the conclusion of the treaty of Amiens, the French government have had a right to call upon him in conformity to the stipulations of that treaty, to withdraw his forces from the island of Malta. At the time when this demand was made by the French government, several of the most important stipulations of the arrangements respecting Malta remained unexecuted; the election of a grand master had not been carried into effect. The tenth article had stipulated, that the independence of the island should be placed under the guarantee and protection of Great-Britain, France, Austria, Russia, Spain and Prussia. The emperor of Germany had acceded to the guarantee, but only on condition of a like accession on the part of the other powers specified in the article. The emperor of Russia had refused his accession, except on the condition that the Maltese Language should be abrogated; and the king of Prussia had given no answer whatever to the application which had been made to him to accede to the arrangement. But the fundamental principle, upon the existence of which depended the execution of the other parts of the article had been defeated by the changes which had taken place in the constitution of the order since the conclusion

of the treaty of peace. It was to the order of St. John of Jerusalem that his majesty was, by the first stipulation of the 10th article, bound to restore the island of Malta. The order is defined to consist of those Langues which were in existence at the time of the conclusion of the treaty: the three French Langues having been abolished, and a Maltese Language added to the institution. The order consisted therefore, at that time, of the following Langues, of Arragon, Castile, Germany, Bavaria and Russia. Since the conclusion of the definitive treaty, the Langues of Arragon and Castile have been separated from the order of Spain, a part of the Italian Language has been abolished by the annexation of Piedmont and Parma to France. There is strong reason to believe, that it has been in contemplation to sequestrate the property of the Bavarian Language, and the intention has been avowed of keeping the Russian Languages within the dominions of the emperor.

Under these circumstances, the order of St. John cannot now be considered as that body to which, according to the stipulations of the treaty, the island was to be restored, and the funds indispensably necessary for its support, and for the maintenance of the independence of that island, have been nearly, if not wholly sequestrated. Even if this had arisen from circumstances which it was not in the power of any of the contracting parties to the treaty to control, his majesty nevertheless, would have had a right to defer the evacuation of the island by his forces, until such time as an equivalent arrangement had been concluded for the preservation of the independence of the order and of the island. But if these changes have taken place in consequence of any act of the other parties to the treaty; if the French government shall appear to have proceeded upon a system of rendering the order whose independence they had stipulated, incapable of maintaining that independence, his majesty's right to continue in the occupation of the island, under such circumstances, will hardly be contested. It is indisputable that the revenues of the two Spanish Langues, have been withdrawn from the order by his catholic majesty, a part of the Italian Language has in fact been abolished by France through the unjust annexation of Piedmont, Parma, and Placentia, to the French territory. The elector of Bavaria, has been instigated by the French government to sequestrate the property of the order within his territories; and it is certain that they have not only sanctioned, but encouraged the idea of the propriety of separating the Russian Languages from the remainder of the order.

As the conduct of the governments of France and Spain, have, therefore, in some instances directly, and in others indirectly, contributed to the changes which have taken place in the order, & thus destroyed its means of supporting its independence, it is to those governments, and not to his majesty, that the non-execution of the tenth article of the treaty of Amiens must be ascribed.

Such would be the just conclusion, if the tenth article of that treaty were considered as an arrangement by itself. It must be observed, however, that this article forms a part only of a treaty of peace, the whole of which is connected together, and the stipulations of which must upon a principle common to all treaties be construed as having a reference to each other. His majesty was induced by the treaty of peace to consent to abandoning and to restore to the order of St. John the island of Malta, on condition of its independence and neutrality. It is a further condition which must necessarily be supposed to have had considerable influence with his majesty in inducing him to make so important a concession, was the acquiescence of the French government in an arrangement for the security of the Levant, by the eighth and ninth articles in that treaty, stipulating the integrity of the Turkish empire, and the independence of the Ionian islands. His majesty has, however, since learnt, that the French government have entertained views hostile to both these objects; and that they have even avowed the idea of a partition of the Turkish empire. These views must now be manifest to all the world from the official publication of the report of col. Sebastiani; from the conduct of that officer and other French agents in Egypt, Syria, and the island