

was the duty of the first consul to accept of them, that the first consul could not, in consequence, give ear to any proposition, relative to the independence of the order of the island of Malta, without previously being apprized with respect to this independence, of the intentions of the government, which had authentically guaranteed it.

That a small corps of French troops was still at the time of the message, stationed in Holland in virtue of a convention concluded between that republic and France; and that the first consul had not the least hesitation in saying, he would cause Holland to be evacuated, the moment the stipulations of the treaty of Amiens were carried into effect on the part of England.

To this note which, in expressions and exactitude, and above all in the precision of its motives, breathed nothing but justice, peace and moderation, his excellency lord Whitworth replied, by a peremptory demand of passports, stating at the same time, that he intended leaving Paris on Wednesday the 4th of May, at 5 o'clock in the morning.

The French government deeply feels the contrast, which a determination so absolute presents to the character of decorum, of justice and of conciliation; which in all circumstances, and principally in the last, it has made a point of giving to all its measures.—Nevertheless, it deemed it incumbent upon itself to make a sacrifice to the interests of humanity. It was not willing to abandon till the last moment all hopes of peace, and the undersigned transmitted to his excellency lord Whitworth, a new note, in which France made the offer to give its assent, that Malta should be placed under the guardianship of one of the three guaranteeing powers, viz. Austria, Russia and Prussia.

This proposition appeared to lord Whitworth himself such as ought to satisfy the pretensions of his court; he suspended his departure, and received the note of the undersigned.

At the same time the ambassador of the republic at London being apprized of the demand, which his excellency lord Whitworth, had made at Paris for his passports to return to England, received orders to hold himself in readiness to depart.—He accordingly demanded his passports, which were instantly granted.

The *terminus* proposed by the French government was a deviation from the *letres* of the treaty of Amiens; but it had the double advantage to assimilate, to the greatest degree possible, with its *spirit*, that is to say, to place Malta in the independence of the two nations, and to offer this guarantee so much insisted upon, and which the British ministry pretended constituted the sole object of its alarms.

The British government comprehended the force of these reasons, and the unhappy fatality which induced it to was, offered to it no other, than a false allegation.—The 21st of this month lord Whitworth transmitted a note in which he declared, that Russia had refused to accede to what was proposed of her.

The guaranteeing powers being three in number, if Russia had given a refusal, still there remained the emperor of Germany and the king of Prussia. But how was it possible for Russia to make known its sentiments on the subject of new propositions, and which had been made only a few days? It was in the knowledge of England that Russia and Prussia had proposed to guarantee the independence of Malta with some slight modifications, and that the French government had willingly accepted of the said proposition; and that judge of the genius, the consistency, and the fidelity, to his engagements, which characterize the emperor Alexander, there was not the smallest doubt, that he would assent to the proposition which had been made to him; but Providence, who takes a pleasure in confounding had not, caused, at this late hour, any of the said states in which lord Whitworth transmitted his note, a Russian courier to arrive, addressed to the plenipotentiaries of the power, at St. Petersburg, at London, by virtue of which his majesty the emperor of Russia, manifested with a most marked and touching energy, the pain he experienced in carrying the resolution of his British ally, to grant the island of Malta; he renewed the assurance of his guarantees, and made it known, that he would accept of the demand of his mediation which had been made by the first consul, if the said power had recourse to him. The undersigned hastened, on the 22d, to present lord Whitworth, by a note of the emperor, in which his majesty had been so graciously pleased, that he had made to him, in the name of his ally, the emperor of Russia, and used on the said day, the following expressions:—

ta into the hands of one of the three powerful guarantees. What they must have been the astonishment of the undersigned, when lord Whitworth, without entering into any explanation, or seeking to contradict or discuss the declarations made to him by the undersigned, made known by a note written on the same day, that by his instructions, he had received orders to depart within thirty-six hours after the delivery of his last note, and repeated his demand for his passports. The undersigned was obliged, in consequence, to cause them to be delivered to him immediately.

Would the English ambassador have conducted himself in a different manner, if the French government had been besieged in a place battered in breach, and that the point in question had been—not the most important interests of the British Cabinet for these eight hundred years, but a simple capitulation?

The commencement of these negotiations was preceded by armaments pompously announced. Every day, every hour the signal was given for the commencement of hostilities.

And what is this *Ultimatum* that is presented to the French government, and requires to be signed in the course of a day?

It is required that the French government should consent to give an island, which does not belong to it, that it should itself commit, even to its own injury, a violation of the solemn treaty, under the pretext that England stands in need of a new guarantee against hers, that it should be wanting in all the regard due to the other contracting powers, by destroying, without their consent, the article which, with respect to themselves, was discussed longer than any other, at the period of the conferences; that it would be equally wanting in the regard due to the guaranteeing powers, to consent that an island, which they wished to be independent, should remain for ten years under the authority of the British crown; that it took away from the order of Malta the sovereignty of the state which had been restored to it, and that the sovereignty be transferred to the inhabitants; that by this spoliation it would give offence to all the powers, which had sanctioned the re-establishment of this order, which had guaranteed and which, in the arrangements of Germany, had assured to it indemnities for the losses it had sustained.

Such is the basis of this *Ultimatum*, which presents a series of pretensions, always increasing in the same proportion, as the government of the republic displays its moderation. At the first, England gave its consent to the preservation of the order of Malta, but wanted to subject this order and its states to the British authority.

At present, and for the same time, the abolition of the said order is demanded, and that it should be consented to in the space of thirty-six hours.

But, were the definitive conditions proposed equally as conformable to the treaty of Amiens, and to the interests of France, as they are contrary to them, the simple forms of these demands, the period of thirty-six hours, pretended for giving the answer, cannot leave any doubt, as to the determination of the French government.—No, never will France recognize in any government the right of annulling by a simple act of its pleasure, the stipulations of a reciprocal engagement. If she has permitted that, under appearance, which announced direct menace, a *verbal Ultimatum*, of seven days, should be presented to her, an *Ultimatum* of thirty-six hours, and treaties concluded, without being negotiated, she could have no other motive, than to recall the British government, by the example of her moderation; but she cannot consent to any thing, which compromises the interests of her dignity, and her power.

The undersigned therefore charged to declare to his excellency lord Whitworth, that any communication, the sense and form of which do not accord with the orders observed among the great powers, and with the principle of the most perfect equality between all states, and the other, can no more be admitted in France.

That nothing could induce the French government to dispose of countries, which do not in the least appertain to her, and that it never will recognize the right of England to violate in any point whatever, the treaties into which that power has entered with France.

Finally, the undersigned repeats the proposition of placing Malta under the guarantee of one of the three powers, and as to every other object foreign to the treaty of Amiens, he renews the declaration, that the French government is ready to open a negotiation on these points.

If the English government gives the signal of war, nothing will remain

to the republican government, but to confide in the justice of her cause, and in the God of armies.—

The minister for foreign affairs.  
(Signed)  
CH. M. TALLEYRAND.

The Senate, after hearing this message, charged its vice-president and secretaries, and the senators Joseph Buonaparte, Laplace, Lepinasse, Jacqueminot, and Roederer, to be the bearers to the first consul of its thanks for the communication made to the senate by his orders.

In its deliberation the senate says "that it cannot but applaud the moderation and firmness which characterize the negotiations opened with the British government; that it feels impatient to give to France the signal of acknowledgement, if peace accords with the wishes of the first consul, and of devotedness, if the national dignity calls for war." The first consul received at St. Cloud on Sunday the 25th May, the deputation of the senate.

A similar communication was made on the same day to the legislative body and the tribunate. These two authorities have likewise each separately sent a deputation to the first consul.

Mr. Talbot, secretary of the British legation, leaves Paris this day. M. Portalis the younger returns from England.

Lauriston, aide-de-camp to the first consul, has been at Brest since the 14th May.

Yesterday (20th May) the legislative body and the senate have had an extraordinary sitting. Orders of the government transmitted to these two authorities, all the papers relative to the negotiation with England. The negotiations are at an end, said they; if we are attacked we are ready to fight; and we will combat to maintain the faith of treaties and the honor of the French. The result of this struggle shall be such as we have a right to expect from the justice of our cause and the courage of our warriors. The presidents of the legislative body and of the tribunate have answered to the communication of the government by speeches in which they have paid to the chief consul the tribute due to his moderation, his firmness, and his respect for the majesty of the French people which he represents.

The legislature has formed itself into a secret committee, and has appointed a select number of its members to report the project of a message to government; and then adjourned to this day. The tribunate has appointed a committee of seven of its members to make a report for Monday next, on the official papers of the negotiation.

The senate is also assembled under the presidency of consul Cambaceres. The official papers, which have been laid before the first authorities of the republic, make a volume of 276 pages in two of which we shall to-morrow give as copious extracts as the limits of this journal will admit of. In the mean time we present to our readers the truly curious *Ultimatum* of the British, such as it was transmitted on the 10th May by the English ambassador.

PETERSBURG, July 17.

DELIVERED AT THE COURT HOUSE THE 4th INSTANT, BY GRIFIN SMITH.

EULOGY ON THE FEDERAL CONSTITUTION.

Friends & Fellow Citizens.

WE are not met to celebrate the birth-day of a King, or to make offerings at his throne. We are assembled for a nobler purpose—to rejoice in the birth-day of Freedom—to commemorate that epoch in our history, when a galaxy of illustrious statesmen, animated by the love of liberty, established its principles in our land, and enshrined them in the hearts of our people. And on such an occasion, what bosom feels not a glow of transports—a throb of unutterable delight! Only that which heaves with ecstasy at the disgusting sounds of Hypocrisy, Princes and Monarchs, not even which swells with the full tide of virtue. Americans in birth and in principle, excited by the same electrifying impulse, all feel the same sentiments. I am sure you would willingly hear me recount the glories of the revolution, notwithstanding they have already blazed before your view, in all the resplendent splendor of clearest and purified eloquence. But I cannot perform that pleasing task. Another subject is made the theme of this address. I stand before you, to speak of a later deed of celebrity and renown; to pourtray the features of the FEDERAL CONSTITUTION.

When nations have laid down the arms of revolutionary broil, they usually have established governments without regard to future times. Content with stopping the stream of desolation, and enjoying tranquility for the moment, they have not looked to other

norms which might obscure their political horizon. Not so with the Americans. Far different was their conduct, on the close of their struggles with Great-Britain. To plan an energetic government was their first care. For this purpose they originally formed a confederacy of the states, emphatically termed, *The Confederation*. But finding this scheme inadequate to the object it had in view on account of its weakness and inefficiency, they determined to make another effort to secure the blessings, for which they had so long and so gallantly contended. A virtuous delegation were accordingly convened in general council, and the result of their deliberations was the *Federal Constitution*. Admirable structure! Never shall thy base be washed away, but by the blood of the people thou protectest.—Work of immortal sages! Posterity will hail thy trophied walls with shouts of gratulation. Yes, fellow-citizens; the leading principles of the federal constitution, will be the lasting theme of panegyric's tongue. It was written at a period particularly propitious to freedom. Our independence recently achieved, and the angel of peace smiling upon our land, none of that malignant rancor which a disappointed party now nourish in these states, insinuated its poison into the minds of our politicians. They were actuated by one common sentiment, the love of country. Recollecting the toils and troubles, which they had encountered, the precious gore which had been spilt, the memory of their beloved compatriots who had found honorable graves by martyrdom to our cause, and that they were about to mould our future destinies, they fervently invoked the goddess of wisdom, and followed where her finger pointed.

Let us now examine the *charter*. Unlike that old tyrannic instrument, the *British Constitution*, it acknowledges no king—no hereditary right—no titles of nobility. It places all our citizens on an indiscriminate equality. It recognizes the people, as the fountain of all power, and their capability of self-government.—It reverences the elective franchise and ensures its frequent use.—It possesses balances and checks, so that the three departments of state, the legislative, judiciary and executive, cannot clash in their jurisdictions. Could a government be organized upon purer principles than these? That nature's God intended no greater privileges for one portion of his creatures, than another; that the sovereign authority should rest with the people—or, in other words, that the few should not lord it over the many; that representatives should be frequently, and immediately, answerable to their constituents; that particular duties should be assigned to particular bodies, without a collision of powers! No; never were truths more beautiful and sublime. Thirty years ago, their promulgation would have been treason, the unfortunate victim of royal resentment, torn from his family and home, chained in a ship to breathe a loathsome atmosphere, transported to the British court, and condemned to suffer death without the trial by jury. Then tyranny was secure in his seat. No murmurs of discontent had been voiced to the British throne. I thank heaven, however, that these gloomy times are now no more; that the clouds of infatuation which then enshrouded our hemisphere, have been dispersed, and that the plant of liberty, which teared its head before the cheering beams, that filled the morn of '76, still blooms and flourishes. Yes; I delight, that we may now express our honest indignation at odious principles, and find no monarch to send us to the gibbet.

How different the case with the miserable slaves of European tyranny? In Great-Britain, the acts constituting high treason, are so numerous and so inconsiderable in their nature, that the smallest scrutiny into public measures is prevented. An inoffensive man has been suspended upon the gallows, for a dream unpleasant to the royal tribe. Sydney and Despard were led to the scaffold for their attachment to civil liberty. Immortal shades! Your fates were disastrous; but they were glorious.—You died martyrs to freedom. Altho' you fell by the hand of an executioner, your memory will be revered. The friends of liberty of your own country, approaching your sepulchres, will say—Here lie Sydney and Despard, who perished for the principles we adore: Whilst we bedew their names with our tears, let us swear eternal hatred to silly, execrable priesthood—to tyrants, and to kings. The patriots of other climes also, will pay due homage to your virtues. When thinking of the long catalogue of worthies who have avenged the wrongs inflicted by monarchs upon men, they will not be forgetful of your illustrious names.

Passing over, without farther observation, the hereditary succession, and some other intuitive absurdities of

the British constitution, I will only now notice its religious intolerance. Formerly the punishment of dissension from the established church, was death. An ample proof of this affirmation, is afforded by the sanguinary reigns of Henry the 8th, and of Mary. Then many an hoary parent saw the life of an only son flowing in a crimson current along the earth, without one charge alleged against him, save that he disbelieved in the religion of the land. By an edict of Queen Mary, even a woman, with an infant in her arms, was thrown upon a burning pile, and consumed by slow, excruciating tortures, for not assenting to the *faith*. When I relate this last unfeeling atrocious action, perhaps I may see some in this assembly, who withhold their credence. But it is a fact, a mournful fact. Neither her prayer, nor the cries of the little innocent, could save them from destruction. The celebrated Penn, the benefactor of his kind, and the settler of the virtuous state of Pennsylvania, will long remain another conspicuous imperishable monument of British bigotry. In vain did a doating wife, with a heart rending by every pang which a husband's sufferings could inflict, approach the throne, and *dilating the water of her eyes*, implore forgiveness of the law. In vain did an agonized offspring, with lamentation trickling down their cheeks, beseech the enlargement of their protector—their father. He was wrested, a bleeding member from their arms, led ignominiously through the streets of a scornful city, and confined in the solitary abodes of a nauseous jail, countenancing the mild and pious doctrines of Quakerism.

Here might I proceed with the citation of many other instances of intolerance; but as dissentions from English justice are at this day punished only an exclusion from all offices of honor and emolument, I will forego the painful task. It cannot, however, be a remark, that even their punishment, too barbarous to be contemplated, the out-mingled sensations of horror and amazement. The mind should be always left unfettered to pursue its own candid dictates in every matter of opinion.

Amid this gloom of folly and savage cruelty, how pre-eminently bright then does the federal constitution shine? which declares, that no religious test shall ever be required as a qualification to any office or public trust under the United States.

From the remarks which I have suggested on this renowned and sacred instrument, which the politician should approach with the delicate circumspection with which the mariner views his compass, and his chart, I would not be thought to give it an undivided approbation. That part of it is peculiarly exceptionable, which vests the power of making treaties with the President and Senate. The whole Legislature should participate in such an invaluable privilege. It is ridiculous to say, that a particular branch of congress is incompetent to share in the enactment of a particular law, if, after its enactment, they can arrest its operation. The President and Senate might ratify a treaty, in which it was stipulated, that money should be paid by the United States to a foreign kingdom; but the House of Representatives might suspend its taking effect, by denying appropriations. War would then ensue with its long train of evils. Those evils were beyond my power accurately to describe. Ye veterans, who have seen a town reduced to one vast heap of ruins—its inhabitants pillaged, plundered, and massacred; Ye widowed matrons, who sit in bitter agony, weep over the remembrance of a murdered husband, a whole corpse the brutal enemy refused the common claim of men—a decent burial: Ye, too, who may have been consigned to everlasting misery, for a brother or a lover slain—be yours that melancholy duty.

But infallibility is not the lot of mortals. Absolute perfection is unattainable by man; and I seriously believe, the federal constitution, to be the highest effort of human invention. Specks are sometimes seen even on the disk of the sun.

Having beheld the resplendent constellation of beauties which irradiate the great palladium of our union, I may not be improper to travel rapidly through the measures undertaken and completed by its light.—At the end of the American war, when George the Third had learnt these useful truths—that freemen were not to be subdued or overcome by hirings that the hard, unpolished sons of unsettled wilderness, with justice their rear, could humble forces "nursed on the wave, and cradled in the storm" of battle—all eyes were turned to WASHINGTON. The people, regarding him as their protecting deity as the man who had raised their country from colonial humility, to freedom and independence, were impelled by virtuous gratitude, to reward his services. Accordingly he was chosen first President of the United States. His administrations collected into one focus, are a bright orb which dazzles