

accountability of the present government for the acts of the former, the undersigned presumes the Marquis di Circillo will not hesitate to admit that it is complete.

The undersigned having thus briefly explained to the Marquis di Circillo the nature of the claim, which the government of the U. States has demanded him to submit to the reflection of the government of his Sicilian majesty, forbears at present to multiply arguments in support of it. He feels assured that the equitable disposition of his majesty renders superfluous the further illustrations of which it is susceptible.

WILLIAM PINKNEY.

The next paper is a letter from Mr. Pinkney, to the Secretary of State, dated September 25, 1810, stating that all his exertions have failed to obtain an answer to his official note of August 24. The following is an extract from Mr. P.'s letter.

It has been mentioned to me by those in whom I have confidence, that this government has been extremely perplexed by the demand contained in my note, and has it under constant and anxious consideration; that fearing after much consultation to take the ground (suggested for it, as I think, in America) of irresponsibility for such acts of Murat's government as my note set forth, it has been and still is searching for information as to facts; that diligent inquiry, for example, has been made, and is yet making, for the original papers of the different vessels and cargoes, for which we require compensation, or for such evidence as might supply their place; and that it is probable that in the end an attempt will be made to encounter at least a part of our demand with proof (good or bad) that our case is not altogether such as we supposed it to be, in its circumstances.

I am told their search after the papers of the vessels and cargoes is not likely to be very successful; very few, perhaps none, remain; and it is not easy to conjecture what satisfactory or even plausible substitutes they can procure.

The next document is "Extracts of a letter from Mr. Pinkney," &c. dated Naples, October 15, stating various interviews and conversations between himself and the Marquis di Circillo, the Neapolitan Minister in the course of which Mr. P. announced his intention of departing for St. Petersburg without an answer, if not immediately received—and the Marquis intimated his regret at Mr. P.'s intended departure, but stating that the answer should be forwarded to him, as soon as the government could possibly act on it, wherever he might direct. This letter concludes as follows:

"Having received my passports, my intention is to commence my journey for St. Petersburg in a very few days. Mr. King left me for Russia about a fortnight ago, as my letter of the 18th September informed you he would, and the gentlemen attached to my legation have gone before me to Rome, where I hope to arrive on Thursday or Friday next.

"Of the manner in which my negotiation has been conducted, I have little to say. Avoiding extremes of every kind, I have sought to write and speak with politeness, but at the same time, explicitly and firmly. My object has been, to let the king and his ministers understand, that the claim must be settled, and to place it upon such ground as to convince them that we are in earnest in considering them as our debtors. Without being studiously conciliatory, I have forborne all menaces.

"They have indeed treated me and my errand with so much respect, that it would have been difficult for me, even if it had been wise and honorable, to endeavor to force the claim upon them, by arrogance and harshness.

"The reasons suggested by this government for a short postponement of its decision, are such as I suppose I could not have quarrelled with, without putting myself in the wrong. They are perfectly respectful to the United States, and of real weight in themselves.

"In not consenting to receive the answer of this government after my departure from Naples, I was a good deal influenced by the apprehension, that they might possibly give me such an answer when absent, as they would not give me if present. I desired, moreover, to ensure my government a just control over the subject, and to the claimants a clear stage for their own private exertions."

The next letter from Mr. Pinkney, at St. Petersburg, of date February 27, 1817, commences as follows:

"Notwithstanding the explicitness of my answer of the 30th of September of the last year, to the proposal contained in the note of the Marquis di Circillo of the 27th of the same month, I had scarcely quitted Naples, when he sent after me his reply to my note of the 24th of August. The obstacles which, while I was present, threatened to retard that reply for many a week, and even for months, disappeared with a marvellous rapidity, after I had departed; for the reply passed me on the road to St. Petersburg, and arrived there long before me."

Mr. P.'s letter goes on to state that, when this reply was tendered to him at St. Petersburg by the Duke of Serra Capriola, the Neapolitan Minister at that Court, he refused to receive it, his functions having ceased as special Minister to Naples. Being entreated to receive it, he at length consented to receive the packet, and transmit it to his government.

There are four notes which passed between Mr. Pinkney and the Duke of Capriola, respecting the difficulty which thus arose.

Next comes the following extract of a letter from Mr. Gallatin, our Minister at Paris, dated

PARIS, 10TH NOV. 1816.

"I received on the 16th inst. a note from the Neapolitan ambassador, enclosing, by order of his court, the copy of an official note, dated 15th October last, and addressed by the Marquis di Circillo, to Mr. Pinkney, after his departure from Naples. In answer to a verbal

inquiry, the ambassador told me, that he did not know whether that note had been directed to Mr. Pinkney, at St. Petersburg, or at any other place on the road. He also said, that his government had authorized him to add to that communication to me any further observations, which he might deem proper, but that he had abstained from it, knowing that neither honor myself had any powers on that subject, & wishing therefore to avoid an unprofitable discussion.

"It may be presumed that the Neapolitan government delayed that note, in order to prevent the possibility of a reply; and that their intention in communicating it to me was to hasten its transmission to you. Copies of the official note itself, and of that of the ambassador to me, are enclosed.

The Official Reply of the Neapolitan Minister concludes the series: the following passages are extracted.

The Marquis di Circillo, Minister of Foreign Affairs, at Naples, to Mr. Pinkney, Special Minister of the United States.

NAPLES, 15TH OCTOBER, 1816.

It is among the principles of reason and justice, that a sovereign, who never ceased to be in a state of war with the usurper of his dominions, and who, very far from having afforded grounds for presuming that his rights were waived, as is asserted in the note of the 14th of August, carried into effect, in concert with his ally, England, a powerful expedition in the islands of Procida and Ischia, nearest to the capital of his usurped kingdom, in the year 1809, precisely that in which the confiscation of the American ships at Naples took place.—It is among the principles of reason and justice, that he should not be, on regaining his dominions in process of the war which had compelled him to absent himself from them, held responsible for the excesses of his enemy.

Let then the relations of the usurper, with the powers friendly or allied to France, have been what they may, the inferences which the American merchants may have drawn from them, in relation to the prosecution of their trade at Naples, should not be made to recoil upon the treasury of a sovereign, who not only did not show any, the least, acquiescence in the usurpation; but did all that was in his power, and all that circumstances would permit, to vindicate his abused rights. There is still less foundation for the arguments brought forward in the note of the 24th August, to prove that the Neapolitan nation was in some sort a party to the measures, by which the Americans suffered, and therefore liable, in *solidum*, for the consequences.

If the inhabitants of the kingdom of Naples could only have signified their wishes, these would undoubtedly have been for the maintenance of relations of justice and friendship with the Americans, the only nation, which, by means of its neutrality, might provide a vent for the commodities accumulated through so many years in the kingdom, under the operation of the noted continental system, of ruinous memory.

But every body knows that the Neapolitan nation, prostrated by a foreign domination, was but the mournful spectator and first victim of the arbitrary acts which were daily committed; so far, then, from being able to indemnify others, it would be exceedingly fortunate if she could find means of compensating herself for the losses and immense injuries which she sustained during the occupation of the kingdom.

These considerations would be more than sufficient to prove, that the claims of the American merchants cannot reach either the actual government of his majesty or his people.

But, to make the demonstration complete and to exhibit the question under all its aspects, the undersigned will admit for a moment the absurd hypothesis, that the present government of Naples stands in the place of that of Murat, & has succeeded to all his obligations.

The demand of Mr. Pinkney would not be, on this account, the less unsustainable, since the confiscation and sale of the American vessels and cargoes were acts which proceeded directly from the power and from the will of Bonaparte.—There exists, in fact, in the archives of the treasury, a report of the minister, Agar, who presided over that department in 1809, addressed to Murat, who was then at Paris.

The minister relates, in this report, that two American ships had arrived at Naples, one from Salem, the other, last from Algiers, laden with colonial produce, and that the necessary order had been given to put the same under sequestration, conformly to the direction antecedently issued from higher authority, with respect to the other vessels arrived at Naples before the departure of Murat, for Paris.

He proceeds then to point out the great benefit which the treasury would derive from opening the market to the colonial produce lying on board those ships, or in the custom house of Naples; by the duties which would be collected upon the sale of it, and upon the export of the oils which the Americans would take as return cargoes.

The minister remarks, in fine, that the confiscation itself of the American vessels and cargoes was but an inconsiderable resource, compared with the very great advantage which would have resulted to the treasury from an active American trade, could it have been tolerated into the ports of the kingdom. Murat did not deem himself authorized to

decide in any way, and submitted the report to his brother in law, Napoleon, who decreed, in margin, that the vessels and cargoes in question should be confiscated, because the embargo laid in the ports of the United States induced him to believe that the produce must be British property, and its introduction into the continent a breach, therefore, of the infamous Berlin and Milan decrees.

On the disclosure of this decision of Bonaparte in Naples, it was ordered also that the proceeds of the sales should not be paid over to the treasury of the state, but that a separate and special account should be opened for them, which was done accordingly. In order to understand well this distinction, and to be able to draw from it the consequences applicable to the case, it is useful to note, that during the military occupation of the kingdom, there existed a treasury, so called, destined to receive the public revenues, and defray the public charges; and as, among the latter, the support of the luxurious household of Murat, was not the least onerous, accordingly the sums allotted to this purpose were paid into the hands of a particular treasurer, who disposed of them as his master directed.

Besides this particular chest, into which moreover all the proceeds of the private domain were emptied, Murat established another, by the name of separate account of fund, (containing a parte) as a receptacle for the sums arising from the sale of the vessels and cargoes confiscated in 1809 and 1812, and also for the profits of the licentias, which, in imitation of England and France, he sold to the vessels entering and leaving the ports of the kingdom. The new fund was always considered as appertaining to the extraordinary and private domain of Murat himself. An irrefragable proof of this may be offered. The first article of one of his decrees 25th April, 1812, is conceived in the following terms; "the commission established by our decree of November 30th, 1811, for the purpose of liquidating the accounts of our royal household is, in addition, charged with examining the accounts of the vessels sequestered in our port regarded by us as the property of our extraordinary and private domain."

Besides, it is enough to read the account current, of the cashier of the separate fund, to know that the sums paid into it were dissipated in largesses to the favorites of Murat, in marriage portions to some of his relatives, and other licentious expenses of Murat, and of his wife, especially during their visit to Paris. It appears moreover, that Murat having anticipated, on said fund, a sum of two hundred thousand livres on account of the treasury, towards the cost of the expedition with which, during several months, he menaced Sicily with an invasion from Calabria, the minister of the finances lost no time in reimbursing the fund with proceeds of the public taxes.

From the foregoing statement, two important and obvious consequences are to be drawn. The first is, that Murat only lent his name in the confiscation of American ships as he did in nearly all the other measures pursued in Naples during the occupation of the kingdom. This was no mystery, nor could foreign nations be ignorant of it. Still less could they be unacquainted with the extent of the power which Bonaparte usurped, in order to give all possible latitude effect and to his decrees of Milan and Berlin, into countries over which he exerted his fatal influence.

Obstinate in his fantasies, absolute in his will, he studied only to enlarge the sphere of his favorite plan. A mere remonstrance on this head, had Murat allowed himself to prefer (on would have cost the latter his crown. Hadina furnished an incontestable example of truth.

Murat, then, let it be repeated, was but the passive instrument of the will of Bonaparte, in the confiscation of the American ships, and if they could give birth to responsibility, such responsibility should no longer be imputed to the country over which he signed, and still less to the government which has there resumed its lawful authority.

The other, and not less important consequence is, that the treasury, which was the fund of the state, never enjoyed the proceeds of the confiscations, and that, instead of being employed to alleviate the burdens of the people, or applied to the improvement or embellishment of the country as is supposed in the note of the 26th of August, those proceeds only served to feed the caprices and the oriental pomp of the family of Murat and his adherents.

STATE OF SOUTH AMERICA.

Report of the Secretary of State, transmitted by the President to the House of Representatives, on the 25th inst.

The Secretary of State, to whom has been referred the resolution of the House of Representatives of the 10th of December, has the honor of submitting the documents herewith transmitted, as containing the information possessed at his department, requested by that resolution.

In the communications received from Don Manuel H. de Aguirre, there are references to certain conferences between him and the Secretary of State, which appear to require some explanation.

The character in which Mr. Aguirre presented himself was that of a public agent from the government of La Plata, and of private agent of that of Chili—his commissions from both simply qualified him as agent; but his letter from the Supreme Director Pueyrredon, to the President of the United States, requested that he might be received with the consideration due to his diplomatic character. He had no commission as a public minister of any rank, nor any full power to negotiate as such. Neither the letter, of which he was the bearer, nor he himself, at his first interviews with the Secretary of State, suggested that he was authorized to ask the acknowledgment of his government as independent—a circumstance which derived additional weight from the fact, that his predecessor, Don Martin Thompson, had been dismissed by the Director Pueyrredon for having transcended his powers; of which the letter brought by Mr. Aguirre gave notice to the President.

It was also stated, that the communication, in the form of a message, that he made this demand, as was seen by the dates of his written communications to the Department. In the conferences had with him on that subject, among other questions which it naturally suggested, were those of the manner in which the acknowledgment of his government, should it be deemed advisable, might be made? And what were the territories which he considered as forming the state of nations to be recognized? It was observed, that the manner in which the United States had been acknowledged as an independent power by France, was by a treaty concluded with them, as an existing independent power, and in which each one of the states then composing the nation, was distinctly named: that something of the same kind seemed to be necessary in the first acknowledgment of a new government, that some definite limits might be fixed, not of the precise boundaries, but of the general extent of the country then recognized. He said, the government of which he spoke the acknowledgment was of the country which had, before the revolution, been the Vice-Royalty of La Plata. It was then asked, whether that did not include Montevideo and the territory occupied by the Portuguese, the Banda Oriental, understood to be under the government of General Artigas, and several provinces, still in the undisputed possession of the Spanish government. He said he did not observe, that Artigas, though in hostility with the government of Buenos Ayres, supported, however, the cause of independence of Spain—and that the Portuguese could not ultimately maintain their possession of Montevideo. It was after this that Mr. Aguirre wrote the letter, offering to enter into a negotiation for concluding a treaty; though admitting that he had no authority to that effect from his government. It may be proper to observe, that the mode of recognizing by concluding a treaty had not been suggested as the only one practicable or usual, but merely as that which had been adopted by France with the United States, and as offering the most convenient means of designating the extent of the territory acknowledged as a new country.

The remark to Mr. Aguirre, that if Buenos Ayres should be acknowledged as independent, others of the contending Provinces would, perhaps, demand the same had particular reference to the Banda Oriental. The enquiry was, whether General Artigas might not advance a claim of independence for those provinces, conflicting with that of Buenos Ayres for the whole Vice-Royalty of La Plata? The Portuguese possession of Montevideo was noticed in reference to a similar question.

It should be added, that these observations were connected with others, stating the reasons upon which the present acknowledgment of the government of La Plata, in any mode, was deemed, by the President, inexpedient, in regard as well to their interests as to those of the United States.

FOREIGN.

New-York, March 28.

HOSTILITY OF SPAIN.

Our readers will see, by the documents published this evening, which was received by this morning's mail, by the way of Baltimore, and furnished us by the kindness of a friend, that the Spaniards have already struck the blow. The ship *Beaver*, owned by John Jacob Aster, of this city, and laden with a very valuable cargo, and the brig *Canton*, of Salem, have been seized at Talcahuana, and their crews thrown into prison, for being engaged in a trade which the mother country had deemed unlawful, but which the patriots in possession had declared free.—For trading with these ports, American vessels are seized and their crews imprisoned, while British vessels are permitted to trade unmolested. Against such an act of hostility, the governor of Chili, very spiritedly has, as will be seen, entered his protest, as a breach of the law of nations, in doing violence to a neutral port. The particulars are transmitted to congress, & will probably soon appear in an official form.

(Translated for the N. Y. Evening Post.)

From the Buenos Ayres Gazette, of the 3d of January last, we have translated an account, published in the *Chili Gazette* of Saturday, 6th of December 1817, from the territory quarter of Concepcion on the 22d of Nov. 1817.

VIOLATION OF THE LAW OF NATIONS.

By Mr. Francis Reeves, second supercargo of the American ship *Beaver*, which sailed from the port of New-York, destined to the North West Coast, the island of Japan, and Canton, who took refuge in this place the 15th instant after having escaped with five other individuals from the prison of Talcahuana, where they were confined, we have been informed, that having approached this port in search of water, wood, and fresh provisions, after a voyage of 106 days, the above ship was surprised in the vicinity of the island of Quinquimire, by an armed force, who took possession of her, & immediately began to search and plunder whatever they could lay their hands upon, without sparing the clothes, papers, and other necessaries of the officers of that ship; and after having committed the greatest excesses and insulted them in the grossest manner, carried her to Talcahuana, when having stripped the vessel of her sails and whatever was necessary to enable her to continue her voyage, they landed her crew, and adopted against them every hostile measure which nations the most inimical use against one another; endangering, at the same time, the vessel and all her cargo, which according to the invoice in the U. States amounted to more than two hundred thousand dollars.

They behaved in the same manner to the American brig *Canton*, from Salem, treating in the like manner Mr. James Janion, and her supercargo, Mr. Collins, who touched at the same port twenty days before the ship *Beaver*, as she was on her route to the North West Coast and China, which, with her cargo, worth eighty thousand dollars in goods, was declared by the governor of Talcahuana, a good and lawful prize—they also robbed him of eighty thousand hard dollars which he was conveying to China, and as Mr. Reeves thinks, they will take both vessels immediately to Puerto Gallo.

Such proceedings show, in the clearest light, the perfidy and barbarity of our enemies, who, without paying the least respect to the individuals of a neutral nation, have violated, in the most scandalous manner, the rights, laws, and conduct, hitherto respected by even the most uncivilized. I doubt not, when the government to which these injured persons belong, shall know and be informed of the injuries and insults heaped upon them, she will make them a subject of the best founded complaint, and will exercise her utmost energy and zeal to revenge such an insult, and obtain a satisfaction such as the case requires. I am also persuaded that other nations, at the mere relation of such an event, will be struck with horror, and recognize the Spanish character, in these respects, as stimulated and actuated solely by a spirit of robbery, a contempt for her equities, and a thirst for pillage, without an idea of repairing the inconveniences and evils, a conduct so unheard of and reprobate, must occasion.

The above mentioned Mr. Reeves, influenced by the most just resentment, and this day placed amongst us in perfect liberty, communicates the occurrence related, as well to his government as to the owners of the property embarked: and when an event of such a class is