

THE RALEIGH MINERVA.

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THURSDAY, NOVEMBER 22, 1810.

No. 764.

State of Tennessee, third circuit, Smith county, September Term—1810.
William T. Lewis, Complainant,
vs.
William Graves, David Graves, Peyton Graves, John Graves, Mary Swanson, William Swanson and Ann his wife, Joseph Terrel, William M'Quisten and Susannah his wife, Henry Terrel, Lydia and Nancy Ferguson, Defendants.

THE object of the plaintiff's bill is to obtain a decree of this court, vesting in him the title to a hundred and forty acres of land, part of a 2560 acre tract, in Jackson county, granted to Francis Graves : Which part of 640 acres the said Francis Graves sold to William Terrel, but before making such conveyance, died; Whereby the said tract descended or was devised to his heirs, and the complainant, by virtue of an execution against the property of the said William Terrel and heirs, sold 640 acres of land, became the purchaser, and claims title.

It appearing to the satisfaction of the court that the defendants are not inhabitants of this state, it is therefore ordered, that the said defendants appear at the next term of this court, to be held at the Court House in Carthage, on the fourth Monday in March next, and answer the bill of the said complainant. Otherwise the same will be taken, *pro confesso*, against the said defendants. It is further ordered that a copy of this order be twice published in the *Minerva*, printed at Raleigh, in the state of North Carolina, and twice in the *Parthian Review*, printed in Nashville, in this state, and that the last publication be made two months previous to the next term of this court.

A Copy, TESTE.
ROBERT ALLEN, *clerk.*
Smith circuit court of equity.

CHEAP GOODS, (FOR CASH) Southy Bond

HAS just received from New York and Petersburg a large and handsome Assortment of FALL AND FANCY GOODS :
Also, Glass and Queen's Ware; Cutlery and Hardware—A large assortment of Shoes; Coffee, Teas and Chocolate; Loaf and Brown Sugar; Spanish & common Segars; Cherry Wine, Rum, Rye Whiskey, Peach and Apple Brandy, &c. &c. All the above assortment he offers for sale on the most reasonable terms for CASH, or on a short credit to punctual customers.
Raleigh, November 13, 1810.

Now offered for Sale, 16,500 Acres of Land,

In sundry surveys, all adjoining, situate on both sides of Lumber river, above and below the town of Lumberton, including fourteen separate Plantations; on the whole of which are between 7 and 20 acres of cleared ground, and upwards of 5000 each and Apple Trees, and most of the plantations improved, with comfortable Buildings:—Among which is that handsome and well-known plantation, *Elysium*, whereon I now live, including the Saddle tree Mills, which work two saws, a run of stones, and a cotton machine, all in complete order; and a merchant mill and rice machine now erecting.

The salubrity of the place, the situation and quality of the lands, the immense quantity of timber they abound with, the convenience of bringing to the mills by water, the quantity of lumber annually made, and the convenience of getting it to market from the mills, all combine to make this far the most desirable property in this part of the country.

7 Lots in the town of Lumberton, four of which are improved with comfortable buildings, and situate in the most eligible parts of the town. To give a more minute description of the above premises I presume would be unnecessary as a purchaser would of course wish to view them. The conditions of the sale will be, one tenth part of the purchase money paid in advance. A credit will be given, if required, any number of years not exceeding twelve for the balance, on having undoubted security and the interest paid up annually.

Robeson county, N. C. Sep 3m.
September 17, 1810. J. RHODES.

BOOK BINDING. SAMUEL COMBS & Co.

HAVE established a BOOK BINDERY in the front part of the Minerva Office, where Mr. Boylan lately kept his Book-store.

SAMUEL COMBS has conducted a Bindery for Messrs. Somervell & Conrad of Petersburg and is emboldened to say that he is a complete master of the Business. The Merchants of Raleigh and the adjoining towns, can be furnished with Ledgers, Journals and Day-Books, made of good, thick paper of any size. Clerks of Courts can be supplied with Record Books; and Old Books will be rebound in handsome and durable covers, on the shortest notice. The prices for all kinds of work will be as low as at Petersburg and Richmond. Gentlemen coming to the Courts and the General Assembly, will afford opportunities for orders from a distance. Orders for rebinding books, &c. received by D. M'Rae, Esq. Postmaster, Fayetteville.

From the Norfolk Public Ledger. THE PROCLAMATION.

In a late number of our paper, we expressed an opinion, that without some other, and more satisfactory assurances from the French government, than were contained in the Duke de Cadore's letter to General Armstrong, that the President would not issue a proclamation, such as he has since done.—From the articles which have since appeared in the *National Intelligencer*, and other papers, usually employed in defending, and sometimes in dictating, the measures of administration, it is evident that upon the letter above mentioned, the Proclamation has been issued. The opinion which we had formed, was founded upon what we considered a fair and candid construction of the law, as applied to the facts, or circumstances, stated in the French minister's letter, and to the existing state of things.

The words of the act, are,—“that in case either Great Britain or France, shall before the third of March next, so revoke, or modify her edicts, as that they shall *cease to violate* the neutral commerce of the United States, *which fact*, the President of the United States shall declare *by Proclamation*.”

The Duke de Cadore's letter, says:—“In this new state of things, I am to declare to you, sir, that the decrees of Berlin and Milan are *revoked*, and that from the first of November, they will cease to be in force, *it being understood*, that in consequence of that declaration, the English shall revoke their orders in council, and renounce their new principles of blockade, which they have endeavoured to establish, or, that the United States, conformably to the act aforesaid, [alluding to the act of May last] shall cause her rights to be respected.”

We understand, by this letter, that the revocation of the Berlin and Milan decrees on the first of November, are conditional, and not unconditional.—The conditions are three: First—That England shall revoke her Orders in Council. Secondly—That she shall renounce her new principles of blockade; or, failing to do both, the United States shall cause her rights to be respected. The first condition will be attended with no difficulty; tho' it is not less a condition to be performed, before the Milan and Berlin decrees are to be revoked. The second condition is liable to much difficulty.—England must renounce her new system of blockade.—Who is to judge whether what she may do in this respect, is a renunciation of her principle, or not? Shall the French government judge, or shall the United States?—If it was intended that the United States should judge, the French government should have left her to perform her own duties; but, assuredly, the French government does reserve to itself the right of judging, and if England does not conform to the Napoleon code, it will be considered, that this condition is broken; and, therefore, that the decrees are not to be revoked, unless the United States cause her rights to be respected, which is the third condition.

Having given the law an attentive, and, we trust, a candid consideration, we were not able to discover in the letter of the Duke de Cadore, any thing more than the promise of a conditional revocation of the Berlin and Milan decrees, and not a positive revocation, contemplated by the law.—“OR, that the United States shall cause her right to be respected.”—There is something insulting in this expression, because it goes to dictate in what manner, and upon what occasion, the United States shall cause her rights to be respected. Calling to our recollection, the extreme sensibility, which was discovered by our government, upon an occasion analogous to the one under consideration, we had not calculated upon the forbearance which is now exhibited, under circumstances infinitely more calculated to wound the pride and dignity of the nation, than the one which we are about to notice. We must solicit the patience of our readers, while we digress from the subject, in order to present the case to which we allude.

It will be recollected, that in the year 1806, Messrs. Monroe and Pinkney on the part of the United States, and Lords Holland and Auckland on the part of Great Britain, concluded a treaty, dated the 31st of December. On the 21st of November of the same year, Bonaparte issued his much noted Berlin decree, but which was not known when the treaty was agreed upon. When it came to be finally executed by the parties, the British government made a reservation, which is contained in a note of the British commissioners appended to the treaty. The note itself is too long to be here inserted, indeed it will be in the recollection of most persons, and is of ready reference. This note, in substance, expressed an expectation that the American government would resist the pretensions of France contained in the Berlin decree, or that the British government reserved to itself the right of retaliating on France. We shall now see in what manner the United States, resented this proposition, or insult, as it was by many considered. We shall first hear what Messrs. Monroe and Pinkney said, when the subject was first started by the British commissioners:

“We replied in very explicit terms to the British commissioners that we considered their proposition altogether inadmissible on our part, and not likely to accomplish, if we could agree to it, the object which they contemplated by it: that such a proposition to our government, under the circumstances attending it, would amount, in

substance, to an offer to it of the alternative between the treaty, and a war with France, since if our government refused to give the satisfaction which they desired, the treaty would be lost: and if such satisfaction was given and the treaty concluded, and France should persist to execute her decree, according to the construction given of it here, war seemed to be inevitable: that if it should happen that our government should approve the treaty, it was not to be presumed that it would make any sacrifice, or stipulate any thing not contained in the instrument, especially so very important an act as that alluded to, as the condition on which it was to be obtained; that the arrangement of our differences and other concerns with Great Britain, was an affair which rested on its own ground, and had no connection with our relations with France; that his majesty's government ought to suppose that the United States would not fail in any case to support with becoming dignity their rights with any power, and that it must be sensible that it would be more at liberty to enter into suitable friendly explanations with the government of France, on the subject of a decree in question, after the adjustment of their differences with Great Britain, than while they existed, as it likewise must be, that the prospect of obtaining satisfactory explanations on that point, of France, would be better while they acted under their own impulse as an independent and friendly power, than it would be in case they entered into an engagement of the kind proposed with her adversary.”

[Vide Monroe and Pinkney's letter to Mr. Madison of 3d January, 1807.]

Hear what Mr. Madison himself says, in stating his objections to this treaty, and the note appended:

“No treaty can be sanctioned by the United States under the alternative presented by the declaratory note on the subject of the French decree of November 21. It is hoped that the occasion which produced it will have vanished, and that it would not be renewed in connection with a future signature on the part of Great Britain. The utmost allowable in such a case would be a candid declaration that in signing or ratifying the treaty, it was understood on the part of Great Britain, that nothing therein contained would be a bar to any measures which, if no such treaty existed, would be lawful as a retaliation against the measures of an enemy. And with such a declaration, it would be proper, on the part of the United States; to combine an equivalent protest against its being understood, that either the treaty or the British declaration would derogate from any rights or immunities, against the effect of such retaliating measures, which would lawfully appertain to them, as a neutral nation, in case no such treaty or declaration existed.”

[Vide Madison's letter to Monroe and Pinkney, of 20th May, 1807.]

“No treaty can be sanctioned by the United States under the alternative, &c.—Then we would ask how the President can consider the Berlin and Milan decrees as revoked, when that revocation is presented under the alternative that the United States shall cause their rights to be respected,—or, in other words, go to war with England. The British commissioners asked no more, than that we would resist the operation of the Berlin decree, which we did admit, if persisted in by France, would be a violation of our neutral rights, or permit England to retaliate on France. Messrs. Monroe and Pinkney, declared the proposition amounted to an ‘alternative between the treaty, and a war with France.’ And what, we ask, is the proposition of the Duke de Cadore, but an alternative between the revocation of the Berlin decrees, and a war with England?”

Why it may be asked were the United States not permitted to discuss with Great Britain the principles of blockade? Certainly as Messrs. Monroe and Pinkney said in the case we have cited the prospect of obtaining satisfactory explanations on that part of Great Britain would be better while the United States acted under their own impulse, as an independent and friendly power, than to be forced into demands upon Great Britain, by conditions prescribed by France.

From what has been said, we think that the Berlin and Milan decrees are not revoked, except upon conditions, to the performance of which the United States are not, nor ought not to be pledged, not being parties. Ingenuity may torture the meaning of the French minister's letter into any shape, but the plain meaning of it is, that unless Great Britain does certain things, the United States must engage to adopt certain measures of hostility against her. If the United States ought to give this assurance in the present case, were they not bound to pursue the same course upon the occasion we have cited? National dignity and duties are always the same, they do not change with the nation with whom we are treating.

But we contend, that the French decrees are not even conditionally repealed, from any thing which is before the public, and that the duke de Cadore's letter does not promise their revocation on the first of November. In a late number of the *National Intelligencer*, we notice this remark.—“A feeble stand has indeed, been made by some warm partisans, who have contended, that so long as the French government, retained the sequestered property of our merchants, she evinced an indisposition to cease to violate the neutral commerce of the United States.” We will not undertake to say, to whom this paragraph alludes, but we will go much further than to say, that France has evinced an indisposition to cease

“to violate,” &c. and do say that at the date of the French minister's letter, and subsequent thereto, France continued “to violate the neutral rights of the United States,” as contemplated by the law of May last. We had thought that a detention of the property sequestered under the Milan, Berlin, and other decrees, was a violation of our neutral rights, and that the aggressions continued as long as the property was retained, or compensation withheld—that the sale of American property subsequent to the duke de Cadore's letter was a violation of our neutral rights. These propositions appeared to us so clear that we did not expect to hear them controverted. We shall fortify our opinion by an authority which will not be questioned by the *National Intelligencer* until it assumes a tone of independence not often found in its columns.

We must again trespass upon the patience of our readers, with a short narrative as necessary to introduce the authority which we have to offer.

It will be remembered that a considerable difficulty was made by Mr. Rose respecting the Proclamation of the President, interdicting the ships of war of his nation the entrance of our waters. He urged that “the Proclamation was a hostile measure, and that a discontinuance of it was due to a discontinuance of the aggression which led to it.” Mr. Madison answered this objection—He first insisted that the Proclamation had not been issued in consequence of the affair of the Chesapeake, but for many causes, of which, that aggression, he admitted was the most prominent. But as if aware that this ground could not in point of fact be very well supported, Mr. Madison added what follows:

“Had the proclamation been founded on the single aggression committed on the Chesapeake, and were it admitted that the discontinuance of that aggression merely, gave a claim to the discontinuance of the proclamation, the claim would be defeated by the incontrovertible fact, that that aggression has not been discontinued. It has never ceased to exist; and is in existence at this moment. Need I remind you, Sir, that the seizure and transportation of the seamen belonging to the crew of the Chesapeake, entered into the very essence of that aggression, that (with an exception of the victim to a trial forbidden by the most solemn considerations, and greatly aggravating the guilt of its author) the seamen in question are still retained, and consequently that the aggression, if in no other respects, is by that act alone continued and in force?”

[Vide Mr. Madison's letter to Mr. Rose, dated March 5, 1808.]

Now as advocating our construction of the law, can we not say that the original aggression by violating our neutral rights has not been discontinued? It has never ceased to exist; and is in existence at this moment? Need we remind Mr. Madison, that the sequestration and sale of American vessels and their cargoes under those decrees was part and continuation of the original violation of our neutral rights, that it was the most substantially injurious to our interests, and that by those acts, and still retaining the property, the original aggression is continued and in force at this very moment?

We have already extended this article greatly beyond what we had intended, and shall therefore conclude for the present.

[From the Political and Commercial Register.]

LUCIEN BONAPARTE.

When the information reached this country that Lucien Bonaparte had placed himself and his treasure under the protection of the British government at Malta, we deemed it an improbable story. But the following extract, which has been communicated to us by a respectable gentleman, leaves no doubt that he embarked on board the ship *Hercules*, ostensibly bound to Philadelphia, and under the pretence of coming hither.—But we think, with our correspondent, that three months have elapsed since the *Hercules* is said to have sailed from Naples, and no Lucien Bonaparte has arrived here, unless incoog. that he secretly engaged with the captain to land him at Cadix or Gibraltar, whence he proceeded to Malta, preferring the safeguard of an enemy, to the love and protection of his imperial brother.

Private correspondence of the Register.

Extract of a letter from an American gentleman at Naples to his friend here, dated 12th Aug. 1810.

I last wrote you per ship Francis, capt. Haskill, a vessel which left this in June last, and on board of which were many of our unfortunate countrymen who had lost all their property by the villainy and perfidy of the Neapolitan government. I informed you, by her, of the situation of my business, and of the numerous and incredible hardships and disappointments I have met with, in the transactions of last voyage. Since then, they have been increased by some new infernal decrees of the Corsican tyrant; but I hope soon to have every difficulty set aside, and be able to hasten my way home. Should I succeed in saving some of this property, it will be a miracle worth recording. My vessel has been given up, and has been so far repaired as to be able to leave this infernal hole of tyranny and oppression. I only wait an order from Paris for the payment of one fourth of the proceeds of my cargo, as agreed with by the captors and approved by the emperor. I wish, my dear sir, I had some of the hot headed democrats of our country, now here, under the Jack screws of the emperor. I'll engage we should be able to screw all the love they bear their dear