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## Political!

### BERLIN AND MILAN DECREES.

In Senate of the United States, March 2, 1812. Mr. Lloyd presented the following memorial which was read, and on his motion, ordered to be printed for the use of the senate:

#### MEMORIAL.

To the honorable Senate and honorable House of Representatives of the United States of America, in Congress assembled, HUMBLY SHUNTS:

JOHN PARKER, of Boston, in the county of Suffolk and State of Massachusetts, merchant, and a native citizen of the state aforesaid, as well in his own behalf as also in the capacity of agent for the owners of the brigantine called the Catherine, David Oskington master, and her cargo, all of whom are also citizens of the United States, that the said brigantine sailed from the port of Boston on the 10th day of April, laden with a cargo of coffee, sugar, cocoa, dye woods and cotton, bound to Gottenburg in Sweden, and from thence to any other port in the Baltic, which, on her arrival at Gottenburg, should appear to offer the most advantageous market: that the said vessel and cargo was wholly owned by American citizens; was furnished with every document required by our laws, or by the laws and usages of nations, including the most ample certificates from the consul of his imperial majesty of France: that on her passage to Gottenburg she was captured by a Danish privateer, and carried into Fahrensund, where, after a detention of 10 months and 5 days, she was liberated (subject, however, to the payment of costs) by a solemn decree of the Danish courts on the ground that she was bona fide American property, and had not contravened either the law of nations or the modern law set up by the government of France and enforced under its influence and authority in other countries of the continent of Europe.

Thus liberated after so long a detention, and at an expense of more than 400 dollars, and thus furnished with the opinion of a vigilant court that she was liable to no suspicion, the said brigantine departed from Fahrensund and proceeded to Gottenburg, her original port of destination, where, finding that her cargo could not be sold, she proceeded towards St. Petersburg; that she entered the port of Elnesneur, and paid the Sound dues, in order that there might be no pretext either that she availed herself of enemy's convoy, or that she had any wish to elude the laws of Denmark;—that having complied with all the regulations both of the said Denmark, having also had the good fortune to escape being visited by British cruisers, the said brigantine sailed from Elnesneur towards St. Petersburg, destined for that port, and the 3rd day of May, 1811, she was captured by a privateer duly commissioned by his majesty the emperor of France, and carried into Dantzic; that on her arrival at said port she was put under the control of the consul of France, and all her papers were forcibly taken by the said consul, and sent to Paris, in order that legal process might be there instituted against her. Your memorialist does not think it of importance to detail the illegal and improper measures adopted by the said consul of France in the unloading of said vessel and cargo, the utter contempt of the usages of civilized nations in those proceedings; the imprisonment of several of the crew for the service of his imperial majesty, and the impediments thrown in the way of the supercargo, which prevented his arrival in Paris in season to defend the said vessel and cargo. These measures, constituting a series of injustice unknown in any other country, are of small importance, compared with the flagrant injustice of the final decree of the imperial council of prizes at Paris. The supercargo of said vessel, at a very early moment, by letters from Hamburg, made known to Jonathan Russell, esq. the charge d'affaires of the United States at Paris, the circumstances of said capture, and the said Russ applied to the French minister of foreign relations on that subject, and received assurances that he had made a favorable report of said case to the emperor. It is apparent therefore, that the case was fully understood, and that the proceedings which were afterwards had, were taken with a knowledge of all the circumstances of the case. Nevertheless your memorialist begs leave to state, that on the 10th of September last, the said council of prizes, without hearing the pleas and allegations of the owners of said vessel and cargo, did proceed to make a definitive decree in the said case, a copy of which is herewith transmitted to the honorable congress of the United States; in which, after reciting that the vessel and cargo had been captured by the French armed ship, *Jeune Adolphe*, and that she had been libelled, on the ground "that part of the cargo came from Spanish and Portuguese colonies; and that, moreover, it consisted in colonial articles, whose importation was forbidden by his majesty's decrees." After reciting the capture by the Danes, and the acquittal by the Danish courts; the arrival of said brigantine at Gottenburg, in which an English cutter was then lying, but which had not hoisted said vessel; but that another vessel had, the officers of which had spoken the English language; that the captain, supercargo and two marines had all concurred in the facts. After reciting, moreover, a complete list of all the papers found on board said brigantine, which consisted of every document required by the law of nations, and even the modern usages of France, all certified by the French consul at Boston: the said council of prizes proceeded to condemn the said vessel and cargo on the following pretences, if such they can

be called: that "as the said brig Catherine had anchored at Gottenburg, at which port there was an English armed packet, which was an indication or proof (the cargo also consisted almost wholly of colonial articles) that the same was in the interest of the enemy's commerce; and moreover since there is no reason to believe that she entered the Baltic without convoy, and that, if she was not disturbed by the numerous vessels of the enemy, it is because she was an enemy's ship under American mask; and therefore the council decide the said capture to be good and available.

Your memorialist forbears to remark upon the principles set up in this decree because it must occur to the honorable legislature of the United States that they are much more dangerous to the rights of the United States, and more affrontive to their honor than any which are contained in the Berlin and Milan decrees; while, at the same time, the allegation of the captors, and some of the reasons urged by the council itself, conclusively prove that both the captors and council considered those decrees as in full operation, on the tenth day of September last. The captors allege, that the cargo consisted of "colonial produce, the importation of which is prohibited by the decrees of his majesty." But your memorialist would ask, by what decrees is such importation forbidden? He knows of none but the Berlin and Milan decrees. It may be alleged, perhaps, that the Emperor had a right to interdict the importation of such goods into his own territories; but it will recollect that this vessel was taken in the Baltic, over which his majesty does not claim jurisdiction; and that she was bound to the territories of a sovereign who has not interdicted this trade, but who has given every degree of encouragement to it during the last year. The council admit, in the process verbal, that they interrogated the crew as to the fact of their having been visited by a British cruiser; but they failed in establishing either that fact, or that of having taken convoy. Your memorialist would remark, that this fact could be of no moment, unless the Berlin and Milan decrees were in force; because the ships of all the belligerents have undoubted right to visit the ships of neutrals, who are bound to submit to such search, on pain of condemnation in case of resistance. This principle, it is well known the United States have explicitly admitted; why then the interrogation and recital in the process verbal, as to the fact of visit by a British cruiser?

Your memorialist would further call the attention of congress as to the reasons assigned by the council of prizes, for the condemnation of this valuable vessel and cargo. Among them we find that the coming to anchor in a port in which there happened to be an English cruiser is enumerated among her offences. Now, if it be said, that this is no made the express ground of condemnation, but is only stated as an inducement to the conclusion that she was in the enemy's interest, your memorialist would remark, that the commerce of the United States is vastly more exposed under the pretended relaxation of the decrees, than it was under their most severe operation. By them the act of visit, alone, caused the condemnation. Now, by this decree, the being in a situation liable to, or exposed to the danger of being visited, is conclusive evidence against the most abundant and plausible proof of the vessel and cargo being in the enemy's interest. It will be observed, by a recurrence to the decree, that the vessel was not condemned as enemy's property; but trifling and innocent circumstances are accumulated in order to found a conclusion, that she was in the enemy's commerce.

There is another reason stated by the council of prizes, which is still more alarming, and in comparison of which, the principles of the decrees ought to be considered as favors and indulgences, which is that if this vessel had had the good fortune to escape "the enemy's numerous cruisers, it is because she is an enemy's ship under American colours." The unflinching injustice even of the imperial court, did not hazard the assertion, that she was a British vessel under American colours. Now your memorialist cannot conceive a case in which the American ship could escape condemnation upon the principles here set up, unless the United States contrive to drive all the English ships into port: this is the last and weightiest reason stated in the decree of the council of prizes.

Your memorialist would not have entered into his detailed examination of the decree, if it had been the act of a subordinate and inferior tribunal. Sovereigns cannot always regulate and control; but the first instance, the conduct of their officers; but in the present case, a direct appeal had been made to the sovereign prior to the decree, and a favorable decision had been expected and promised by the secretary of foreign affairs. The decision took place at Paris, by the highest prize court, and it was confirmed with all its imperfections, and its unheard of principles, by the emperor himself, on the 14th day of September last. Thus your memorialists, and the other parties concerned, have been deprived of property amounting to eighty five thousand dollars as valued in Denmark, upon principles unknown to the law of nations, and which strikes at the root of all the commerce of the United States; for if the being in sight of British armed ships, and the eluding a visit by them (while the sea is covered with their cruisers) is to be conclusive evidence of neutral vessels being in the interest of British commerce; and therefore, cause of condemnation, a case cannot be conceived, which would escape the cupidities of the cruisers, and the scrupulous and conscientious decrees of the tribunals of France.—Your memorialist is not disposed to advance the broad principles formerly supported by great statesmen, that the representatives of the nation are bound in all cases to compensate those citizens whom they refuse or neglect to protect, but he thinks the claim of the owners of this vessel and cargo is one of a peculiar nature. The supercargo of said brig Catherine, appears to have placed a strong reliance on the accommodation made between France and the United States. In consequence of which, probably, and a full belief of the repeal of the Berlin and Milan decrees, he departed from Gottenburg in April 1811, without convoy, which he could easily have obtained from cruisers of Great Britain. In the same confidence, he entered the Sound and paid the Danish duties for the passage of that strait. The loss of this very valuable vessel and cargo, may therefore be attributed solely to the arrangement by which the French decrees were said to have been repealed; for unless that measure had been announced, no captain or supercargo would have attempted to pass the Sound, without British convoy. Under these peculiar circumstances, your memorialist relies on the justice of Congress, that he and the other parties concerned will be reimbursed, out of the national treasury the amount of the losses which they have sustained, by reason of their confidence in the official declaration of the president, and not through or by any neglect or default of your memorialist, his agents or any others interested or concerned in the said brig Catherine, or her cargo.

J. PARKER.

Boston, February 19th. 1812.

### THE CONSPIRACY!

[The following is the examination, promised in our last, of the Count de Crillon, before the Committee of Foreign Relations.]

Friday, March 13.

Count Edward de Crillon sworn.—This deponent knows Mr. Henry; he dined with him at Mr. Wellesley Pole's in September, and afterwards at Lord Yarmouth's; met with him also at different fashionable clubs; deponent fell in with Mr. Henry subsequently by accident; deponent had ordered his servants to procure him a passage for America; they met with captain Tracy, of the ship *New Galen*, of Boston, at the New London Coffee House—after agreeing with him on the terms of the passage, capt. T. applied to deponent to know if he was ready to embark the next day, as the ship would sail on the following morning; deponent said no—that he should send his servants on board, but should take a postchaise for Portsmouth and pass over to the Isle of Wight, where he should wait for the vessel. On the day following he went accordingly to Portsmouth, but before his departure he received a letter from capt. Tracy couched in the following terms: "Sir, you must go to Ryde, where you will find a gentleman, called capt. Henry, waiting for the *New Galen*; I shall send a boat on shore for both of you." Deponent went to Ryde, but did not find capt. H. there; thence he proceeded to Cowes, and enquired of the American consul "if the *New Galen* had passed?" fearing that she had sailed without him.

The consul informed him that the ship was detained in the Downs by head winds; deponent returned to Ryde and remained there three weeks a lone before capt. H. arrived. Capt. H. came to him and told him that his ship was badly found, and advised him to go to Liverpool and take the packet; deponent refused, having paid his passage and his trunk being on board—capt. H. three days after his arrival fell sick, he kept his bed twenty two days, during which time he was often delirious frequently uttering the name of Lord Liverpool. The deponent having two servants, one of them attended on Mr. H. during his illness—he was visited by Mr. Powell of Philadelphia, a Mr. Wilkinson or Dickson, of the British army, and a Mr. Perkins of Boston; he received upwards of two hundred letters from a Boston house (Mr. Higginson) in Finley Square that has lately stopped payment. He refused to take the letters, giving them to the captain. Mr. H. was also visited by a Mr. Ragbolt, who brought him letters from Sir James Craig—Henry refused to receive those letters—he recovered from his sickness—deponent occupying the most agreeable house in the place, Henry's physician asked the favor of an apartment for him till he was ready to embark. After 8 weeks detention the wind became fair and the vessel sailed. The day before her departure Mr. Ragbolt arrived at Ryde, with letters from Lord Liverpool to Sir George Prevost, and to Mr. Henry, who, when he saw the seal of the letters addressed to him, said, throwing it on the table, "that is a letter from Liverpool; what more does he want of me?" He appeared to be much agitated and retired to his room. Mr. Ragbolt returned that night to London without taking leave. But the wind coming fair the next morning the ship sailed, Mr. Edward Wire and Mr. West both of Boston, and a Mrs. Thompson of London, were passengers in the ship—Henry at first appeared very low spirited, took a cabin to himself and mostly dined alone. In good weather he employed himself in shooting pistols, at which he was very expert. One dark night about ten o'clock, the witness was walking on deck much dejected, when Henry accosted him—"Count Crillon (said he) you have not confidence in me: you are unhappy; confide your sorrows to me." He spoke so kindly that the deponent made him in part acquainted with his situation.—He replied, "One confidence deserves another; I will tell you my situation. I have been very ill treated by the British government; I was born in Ireland, of one of the first families in that

country, poor, because a younger brother; I went to America with expectations from a noble Daniel McCormick, Esq. of New York, who possesses a large fortune, is old and unmarried. French persecution having exiled from that country many of the respectable families of France, I married a lady of that description, who died and left two daughters without fortune; I applied to the American government and through the influence of the British minister I was appointed captain of artillery during Mr. Adams's administration. I had command at Portland and at the fort near Boston, and while in commission I was employed in quelling a meeting or insurrection among the soldiers, and during my continuance in office I gave general satisfaction. But perceiving there was no field for my ambition I purchased an estate in Vermont, near the Canada line, and there studied law for five years without stirring from home. I detested republican government, and I filled the newspapers with essays against it.

Saturday, March 14, 1812.

Count C. in continuation.—Deponent says, that Henry told him in the course of his interview, which he mentioned yesterday, that the severity of his strictures in the public prints against republican government, attracted the attention of the British government "Sir James Craig," continued he, "became desirous of my acquaintance. He invited me to Quebec, where I staid some time. Hence I went to Montreal, where every thing I had to fear and all I had to hope, was disclosed to me. I went afterwards to Boston, where I established my usual residence. I was surrounded by all the people pointed out to me by the agents who were under my orders. I lived at the exchange coffee-house, gave large parties, made excursions into the country, and received an order extraordinary from Sir James Craig, to dispose of the fleet at Halifax, and of the troops, to further the object of my mission, if required. My devotion to the cause was extreme. I exhausted all my funds, I spent many precious years in the service; and was advised to proceed to London. The government treated me with great kindness. I was received in the highest circles; was complimented with a ticket as member of the *Pitt Club* without being balloted for. And when I had spent all my money and presented my claims for retribution, the government attempted to cheapen my services, (as marchander) to beat me down. My claims were to the amount of 52,000 pounds sterling. I was told, however, that I should be provided for by a recommendation to Sir George Prevost, in case I would return to Canada, and continue my mission and services, as before; and to exercise the same vigilance over the interests of the British government. At the same time, the government appointed a friend of mine, an Irish gentleman, attorney-general for Canada, through my influence." [Deponent saw this gentleman at Mr. Gilbert Robertson's in New York.] Henry continued "Disappointed in my expectations, I was impatient to proceed to Canada, to sell my estates and my library, and take my revenge against the British government. I knew that if I went to Canada, I must deliver up my dispatches, and that I should afterwards be put off by the government. I therefore determined to retain the documents in my own possession, as the instrument of my revenge. Determined to extricate myself from my embarrassing connexion with the British government, I refused the offer of a passage to Halifax in one of their ships of war; and determined to live privately and retired at Ryde, and take passage in the first vessel that should sail for the United States. This is the cause of your meeting me at Ryde."

Deponent represents to Henry, "That England was his legitimate government; that he would render himself the most odious of all characters by betraying it; that his (deponent's) government had treated him harshly, and that he then labored under its displeasure but no consideration should induce him to act against it; that we must not resent a parent's injuries; tells him to have patience and wait for his reward." Henry then pleaded in his justification the wrongs of his native country, Ireland, inflicted by the British government.

Henry came down to Washington, and stopped at Tomlinson's deponent saw him. He afterwards removed to George Town, to the house of one Davis, an auctioneer, where the deponent visited him every day, and found him always occupied. Deponent waited for his disclosures, not having any disposition to pry into his secrets, but Henry was entirely silent and incessantly sighing very deeply. On the day of Gen. Broune's funeral, deponent took Henry down to Alexandria, in expectation that he might communicate his projects; but he was still reserved. After dinner they returned, and whilst in the carriage, Henry tells deponent "that he has great confidence in him; that he (deponent) has been some time and asks his opinion of Mr. Monroe." Deponent answered that he was very little acquainted with any body, but thought Mr. Monroe was a most virtuous and respectable man.

Deponent remained several days without hearing any thing more until one morning at 7 o'clock, Henry came into his apartment and said, "Crillon! you must sell me *St. Martial*," (an estate of the deponent's in Lebeuse, near the Spanish frontier.) "you have the title papers with you. My name will be rescued from oblivion by living near Crillon, the habitation of your ancestors, and of a man who has been my friend." Deponent answered that he had no objection; and if Henry on seeing the property was not satisfied, he would give orders to his agent in France to cancel the