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TERMS.

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Our Relations with Spain.

Extract of a letter from Mr. Forsyth
to the Secretary of State, dated Ma-
drid, Jan. 3, 1820.

"A few days after the date of my last
number 10, I had a visit from the Count
Bulgary, the Russian Charge d'Affaires;
he came to see me in consequence of a
conversation he had just had with the
Duke of San Fernando, respecting my
official letter of the 18th of October, and
the subsequent correspondence in rela-
tion to it. He stated to me, that the
Duke regretted the necessity of sending
back the letter, but that it was so harsh
in its terms, he could not place it before
the King; to this was added a great ma-
ny assurances of personal kindness and
good will, not necessary to be repeated.
I replied that it was very mortifying to
me, to be obliged to send the letter in the
first instance, and not less so, to insist
on its being received; that the Duke had
put it out of my power to act otherwise
than I had done; but there was no diffi-
culty in avoiding the unpleasant conse-
quences likely to ensue. The Duke had
nothing to do but give me such assur-
ances in regard to the grants, as would
render it superfluous for me to say any
thing about them. His answer was at
once curious and dissatisfactory. He said
that the Duke could not give me any assur-
ances, such as the predominating influ-
ence of the grantees with the King. He
was sincerely disposed to settle all the
differences with the United States, and
hoped, in a short time, to have power to
effect it; had authorized Count Bulgary
to say to the Russian government that
General Vives was going immediately to
the United States, and would have com-
petent powers; and that every thing
would be amicably arranged.—I made
the Russian Charge d'Affaires sensible
that one part of this statement contra-
dicted the other. General Vives could
not receive powers competent to the pur-
pose of amicable settlement, if the Sec-
retary of State's despatch was unable, from
the influence of the grantees, to say any
thing about the large donations. This
was a subject upon which the American
government would listen to no terms;
and friendly arrangement was out of the
question, General Vives's visit to the U-
nited States useless, unless the Spanish
government was prepared to abandon
their pretensions in favor of the grantees.
On the subject of the mission of General
Vives, desired the Count to remind the
Duke, that I knew nothing of it. The
general and loose declarations made
months before, that the King would au-
thorize some person to ask explanations
at Washington, was all that the Spanish
government had chosen to communicate
to me. The Count had assured me of
the personal anxiety of the Minister to
arrange every thing satisfactorily between
the two countries; that his hopes were
strong of being able to effect it; that this
business of the returned note was embar-
assing, and if I went away in consequence
of its not being received, that what he
believed to be the wish of the United
States and of his government, and al-
most all other powers, might be frustra-
ted. Matters were in a bad state at pres-
ent, and this would make them worse.
To this, I answered, in general terms,
that matters must become worse, before
they became better; that the govern-
ment of the United States had every dis-
position to be friendly with Spain, and
had evinced it in a variety of modes: for
myself, I had personally, every wish to
be the instrument of promoting good will
between the two nations. He said this
government had a different impression.—
I was very sorry for it; unfortunately
the conduct of the Spanish government
had a different impression. I was very
sorry for it; unfortunately the conduct
of the Spanish government had compelled
me to speak with a plainness & open-
ness which was disagreeable, as they
were not accustomed to it. In the course
of a long conversation, it occurred to me,
that this dispute about the note might be
made useful, as I found the Spanish go-
vernment anxious to avoid receiving it,

and, contrary to my expectation, desir-
ous that I should remain here. I be-
lieved it practicable to accelerate their
movements in our affairs without yield-
ing the point in dispute. With this be-
lief, I stated to Count Bulgary, that, if
the Duke of San Fernando would official-
ly say to me, at once, that General Vives
was going immediately to the United
States, with ample authority to arrange
the business of the convention, and that
it was the particular wish of his Majes-
ty's government, that the letter of the
8th should be withheld, and that all mat-
ters relating to the convention, should be
discussed in Washington, notwithstanding
I had positive instructions to remon-
strate on the subject of the grants, and
the conduct of Spain in relation to them,
I would take the responsibility of re-
taining the obnoxious paper in my hands,
until compelled by events to deliver it, or
until I should receive further advices
from the President.

The Duke must understand, that this
was done with a perfect understanding
that I insisted upon the right of returning
the paper, and should exercise that right,
whenever I deemed it necessary. The
count left me with the expectation of mak-
ing this arrangement. A few days af-
terwards we had another interview; he
told me, that the Duke would write to
tell me of the appointment of General
Vives, and of the intention of sending
him immediately to Washington; that he
could have full powers, &c.; but that the
Duke thought he could not advert particu-
larly to the remonstrance, or the corres-
pondence in relation to it, and this he
desired to avoid; I answered, that I could
not tell how I should act until I saw the
Duke's note; if I found in it a sufficient
justification for detaining the remon-
strance, I would do so, and would look
at it, with a view to find that justification.
The Duke knew from me, that I was in-
structed to remonstrate earnestly on the
subject of the grants, & might judge from
my manner of performing duty of the
sentiments of the American government.
A week elapsed after this last conversa-
tion without my hearing from the Sec-
retary of State. I called on the Russian
Charge d'Affaires to say, that I was sur-
prised at this delay, and that I should
certainly return the remonstrance, if I
did not hear from the Duke in a few days.
He saw the Secretary of State, in con-
sequence of this visit, who assured him
that his personal indisposition had pre-
vented him from sending me the intend-
ed note. On the 18th December, I re-
ceived the Duke's note, a copy of which
is inclosed, marked No. 1; you will see
that it is not what I had reason to expect.
He does not request a suspension of any
correspondence, or say that it is the wish
of the Spanish government that every
thing should be left to the negotiation
of General Vives. He merely states,
that, in his view to continue discussion
here would be superfluous, and likely
to embarrass the direct negotiation.
Perhaps, considering their peculiar mode
of doing business, I had no right to cal-
culate upon any thing more.

Nevertheless, I am not at all satisfied
with it, and had I consulted my own
inclinations only, I should immediately
have sent back the note of the 18th Oc-
tober with the translation. What has
occasioned me to delay and deliberate,
and still keeps me uncertain how to act,
is the apprehension that my judgment
of what is proper might be involuntarily
influenced by my own wishes. I need
not conceal from you, that my situation
here is unpleasant, and that I find no
sufficient consolation for my personal
mortification in the consciousness of being
useful to the United States, feeling as
I do, that I am almost, if not altogether
useless. The very awkward state of my
private affairs in Georgia, in consequence
of my unlooked for detention here in-
creases my anxiety to leave Spain. What
I fear, and I hope it is not an unworthy
apprehension, is, that these circumstan-
ces may unconsciously induce me to be-
lieve, that the more energetic course is
the best. What I have at last resolved
upon, is, to delay my answer until I see
the President's message. It will then
be sent, before General Vives leaves Eu-
rope. He is still in Madrid, goes in a
coach and colleras to Bayonne, a jour-
ney of twelve or fifteen days, thence to
Paris, from Paris to England, and from
England to the United States.—His rap-
id journey to Washington may proba-
bly be finished in May. My answer will
be regulated by the advices I hope soon
to receive from Washington. I shall
certainly not go further, in any event,
than to say, that I shall retain the letter
of the 18th October for a short time, un-
der the hopes that his Majesty will render
it unnecessary to make any remonstrance
on the subject of it."

The Duke of San Fernando and Quiroga
to Mr. Forsyth.

[TRANSLATION.]

To the Minister of the United States.

SIR: In consequence of the decision
of the King, my master, and in conformity
with the communications which my pred-
ecessor and I have had the honor to make
you, the moment has arrived when the per-
son of whom his majesty had made choice
is about to proceed to America, for the
purpose of asking of your government the
explanations which His Majesty has judg-
ed to be indispensable, previous to the rat-
ification by His Majesty of the treaty con-
cluded and signed by Don Luis de Onis.

The Plenipotentiary appointed is the
Marechal de Camp Don Frisco Dionisio
Vives; a distinguished person, in whom
the King, my master, has the fullest con-
fidence, and to whom he has given the
most ample powers to settle all the dif-
ficulties he so earnestly wishes to see re-
moved, and succeeded by the establish-
ment, on a solid basis, of that harmony
between Spain and the United States to
which their mutual interests so strongly
invite them.

As Don Francisco D. Vives will set
out immediately on his journey, and pro-
ceed expeditiously, I consider the measure
now communicated to you, and which
you will be pleased to make known to
your government, as dispensing with
any further discussions here of the points
which formed the objects of the above
named gentleman's present mission, as a
continuance of it would only tend to em-
barrass the course of the direct negotia-
tion about to be established.

I renew to you, sir, the assurances of
my distinguished respect, and pray God
to preserve you many years!

The Duke of SAN FERNANDO & QUIROGA.
Palace, 16th Dec. 1819.

Extract of a letter from Mr. Gallatin to
the Secretary of State, dated Paris,
January 22, 1820.

"According to some accounts the in-
tended Minister to the United States left
Madrid on the 9th. The British Amba-
sador here told me that he was still there
on the 11th."

Extract from Mr. Everett, Charge d'Aff-
airs at the Hague, to the Secretary of
State, dated Hague, Jan. 25, 1820.

"I stated in a late letter, upon the au-
thority of the Spanish Charge d'Affaires
here that Mr. Onis's successor, General
Vives, was at Paris on his way to Amer-
ica. It appears however that he has not
yet left Madrid."

[TRANSLATION.]

Extract of a despatch from Count Nessel-
rode, to Mr. Poleica, Minister of H.
I. M. the Emperor of Russia, in the
United States, dated 27th Nov. (9th
Dec.) 1819.

"You have doubtless been able to ob-
tain information how far the President's
last instructions to Mr. Forsyth were pos-
itive. The Emperor will not now take
it upon him to justify Spain, but he char-
ges you to plead, with the Government,
at Washington, the cause of peace and
concord. That Government is too en-
lightened to take hasty steps, and its
rights appear to be too solid, not to be
weakened by a violent course of pro-
ceeding; and on the other hand, such
is the character of the considerations
which command the ratification by Spain,
on the arrangement relative to the
Floridas, that it is to be hoped she will
at length yield to the force of evidence.
The United States will then have added
to the reputation of an able, that of a
moderate, policy, and will gather, with
security, the fruits of their wisdom. His
Imperial Majesty, therefore, wishes that
if there be yet time, you would engage
the Government at Washington, to give
to the Spanish Ministry a proof of pa-
tience, which its circumstances might in-
deed suggest. Nevertheless, the Empe-
ror does not interpose in this discussion.
He makes, above all, no pretension to
exercise an influence in the councils of a
foreign power. He merely expresses a
wish, dictated by his concern for the
general welfare, and worthy of the generous
good faith which characterizes the Gov-
ernment of the United States."

WASHINGTON CITY, MARCH 26.

The following important Message was
yesterday transmitted to both Houses of
Congress, by the President of the United
States:

To the House of Representatives of the
United States.

I transmit to Congress an extract of a
letter from the Minister Plenipotentiary
of the United States at St. Petersburg, of
the 1st of November last, on the subject
of our relations with Spain, indicating the

sentiments of the Emperor of Russia re-
specting the non-ratification, by the Cath-
olic Majesty, of the treaty lately conclud-
ed between the United States and Spain,
and the strong interest which his Imperial
Majesty takes in promoting the ratifica-
tion of that treaty. Of this friendly dis-
position, the most satisfactory assurance
has been since given directly to this gov-
ernment, by the Minister of Russia residing
here.

I transmit also to Congress an extract
of a letter from the Minister Plenipo-
tentiary of the United States at Madrid,
of a later date than those heretofore com-
municated, by which it appears, that, at
the instance of the Charge des Affaires of
the Emperor of Russia, a new pledge had
been given by the Spanish government,
that the Minister who had been lately ap-
pointed to the United States should set
out on his mission, without delay, with
full power to settle all differences in a
manner satisfactory to the parties.

I have further to state, that the gov-
ernments of France and Great Britain
continue to manifest the sentiments
heretofore communicated, respecting the
non-ratification of the treaty by Spain, and
to interpose their good offices to promote
its ratification.

It is proper to add, that the gov-
ernments of France and Russia have expres-
ed an earnest desire that the United
States would take no step, for the present,
on the principle of reprisal, which might
possibly tend to disturb the peace be-
tween the United States and Spain.—
There is good cause to presume, from the
delicate manner in which this sentiment
has been conveyed, that it is founded in
a belief, as well as a desire, that our just
objects may be accomplished without the
hazard of such an extremity.

On full consideration of all these cir-
cumstances, I have thought it my duty to
submit to Congress, whether it will not
be desirable to postpone a decision, on the
questions now depending with Spain, un-
til the next session. The distress of that
nation at this juncture affords a motive
for this forbearance, which cannot fail to
be duly appreciated. Under such cir-
cumstances, the attention of the Spanish
government may be diverted from its for-
eign concerns, and the arrival of a min-
ister here be longer delayed. I am the
more induced to suggest this course of
proceeding, from a knowledge that, while
we shall thereby make a just return to
the powers whose good offices have been
acknowledged, and increase, by a new
and signal proof of moderation, our
claims on Spain, our attitude in regard to
her will not be less favorable at the next
session than it is at present.

JAMES MONROE.

Washington, March 27, 1820.

SPANISH AMERICA.

Extract of a letter from a gentleman in
St. Thomas, to his friend in Balti-
more, dated the 25th of February.

"I have only time to inform you that
it is credily reported here that the inde-
pendents have gained a decisive battle
over the royalists in Venezuela, and are
by this time in possession of Carracas.—
Morillo had been so much reduced as to
order up the trifling reinforcement of 45
men from the garrison of Puerto Cavallo.
—A Danish brig of war is expected ev-
ery moment from La Guayra."

Extract of a letter enclosed from Mar-
garitta, dated Juan Griego, 8th Feb.

"There is nothing new from the con-
tinent; but it is now expected that Gen.
Bolivar would bring Morillo to action by
the 26th ult. It is well ascertained that
he (B.) commands a force of 8000 men
at least—among which are 800 effective
of the British legion—Ustler's corps of
600, and the rest Santa Fesinos and Lan-
cros (of cavalry of the plains) 7000 men
of Devereux' legion, under command of
Gen. Morillo and Col. Stopford will pro-
ceed for the main in ten days.—These
troops I am sorry to say are grossly neg-
lected as to discipline, and ill-officerd—
owing to the delay, the absence and in-
experience of Gen. D.—But they will
fight if led against the Donas."

I ought to congratulate you on the
nomination of our friend Dr. Zea, to a
diplomatic mission for the United States
and France.—A man so worthy, so ac-
complished, and yet so plain must be re-
spected every where—especially among
freemen."

FROM THE SOUTHERN OCEAN.

We have been favored, from a private
source, with a copy of the following cor-
respondence, received by a la arrival
from the South Sea, which we have pic-

sure in laying before the public, thinking
it creditable to the American naval char-
acter.

Chilian States' frigate O'Higgins,
employed in the blockade of the
port of Peru, Nov. 9, 1819.

SIR:—I beg leave to enclose you some
extracts from the Law of Nations' which
guides my proceedings. I submit them
to your inspection on our first meeting, it
being my sincere desire to avoid, as far
as is consistent with my duty, any alter-
cation or misunderstanding between the
States of North and South America,
whose interest and feelings ought to be
the same.

I shall esteem myself honored by any
observations you may judge proper to fa-
vor me with, in order that, so far as is
consistent with the rights of the indepen-
dent state of Chili, your wishes may be
complied with.

I have the honor, to subscribe myself,
sir, your most obedient humble servant,
COCHRANE.

Capt. DOWNES,
U. S. Frigate Macedonian.

[EXTRACTS.]

I call those neutrals, who do not, by
treaty, owe any thing to either party;
for if they do, they are federates or con-
federates, and not simply friends.—Byn-
kershoeck.

A nation, that without any other mo-
tive than the prospect of gain, is employ-
ed in strengthening my enemy, without
regarding how far I may suffer is certain-
ly far from being my friend and gives me
a right to consider it as my enemy, and
treat it as the associate of such enemy.
Vattel.

No one doubts that enemy's property
found in the ships of friends, may be ta-
ken and seized, because one enemy's pow-
er over the property of another his en-
emy wherever he finds it is uncontrollable.

The effects belonging to any enemy,
found on board a neutral ship, are seized
by the rights of war.—Vattel.

Enemy's goods, found on board of the
ships of friends, if there put by the con-
sent of their owners, may make the ship
lawful prize.—Burlamapue.

All commerce is entirely prohibited
with a besieged town; and if I lay siege
to a place, or only form the blockade, I
have a right to hinder any one from en-
tering, and to treat as an enemy who-
ever attempts to enter or to carry any thing
to the besieged.—Vattel.

U. S. Frigate Macedonian,
Callao Bay, Nov. 9th, 1819.

My Lord: I have had the honor to
receive your lordship's communication of
yesterday, enclosing some extracts from
the Law of Nations. I feel with yourself,
a sincere desire to avoid any altercation
or misunderstanding that may involve
the States of Chili and North-America in
difficulties. Your Lordship appears des-
irous that I should make some observa-
tions upon the extracts which you were
pleased to send me. I have only to remark
that I have received no instructions from
my government that will enable me to
give an opinion as to your lordship's pro-
ceedings. I, however, have taken the
liberty to enclose a few extracts from the
opinions of Sir William Scott.

I have the honor to be your lordship's
most obedient servant,

JOHN DOWNES.

To the Right Hon. Lord Coch-
rane, Admiral and commander
in chief of the Chilian naval
force, &c.

Extract from the Opinion of Sir Wil-
liam Scott.

Tribunals of justice have uniformly re-
quired it to be established by clear and
unequivocal evidence, that the party pro-
ceeded against has had due notice of the
existence of actual blockade.

Secondly. It is not the accidental
presence of the blockading force that will be
sufficient to remove the blockade. But if
the relaxation happen, not by such ac-
cident, but by the remissness of the cru-
izers stationed to maintain the blockade
then it is impossible for a Court of Justice
to say that the blockade is actually exist-
ing.

Thirdly. The very notion of complete
blockade includes that the besieging force
can apply its power to every point of the
blockaded state. If it cannot there is no
blockade.

Fourthly. It is at all times most de-
sirable that the blockade should be de-
clared in a public and distinct manner,
instead of being left to creep out from the
consequences produced by it."