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UNPUBLISHED LETTERS
OF MR. ERSKINE, LATE BRITISH ENVOY.

(Concluded.)
No. 10.

Dispatch from the Honorable David Erskine to Mr. Secretary Canning, dated Washington, 16th March, 1809—received 15th April.

SIR,

Since the arrival in the Delaware river on the 10th inst. of the American dispatch vessel the Union from England and France, I have had an interview with the President (Mr. Madison) and the Secretary of State (Mr. Robert Smith) who expressed their sentiments to me very freely relative to the intelligence which was brought by that vessel.

The President observed, that the alteration in his Majesty's Orders in Council by the recent Order which had been communicated by you to Mr. Pinkney, suspending "the operation of the acts as to any duties on exportation granted by the said acts as far as relates to articles being the growth, produce, or manufacture of any country being in amity with his majesty," &c. did not in fact remove the objections entertained by the United States against the Orders in Council in any degree worthy of notice. That they still violated the neutral rights of this country, as they made it necessary for American ships to pass through England, which was not only an infringement of the independence of the United States, but was completely destructive of their commerce, since the American vessels were prohibited from going to the continent after they had been forced to touch in England.

He remarked also upon the circumstance of Russia and Denmark being comprehended in the operation of the orders in council, which he said was assuming a new principle, as the orders had been hitherto rested upon the ground of a right of retaliation, whereas Russia and Denmark have never issued any decree violating neutral rights. He complained severely of this, and went over the same arguments upon these points which he had made use of while he was Secretary of State, and seemed to be greatly disappointed and vexed that no change in the relations of the United States with the belligerents seemed likely to take place before the meeting of the new congress in May next, as he foresees the serious difficulties and embarrassments in which the United States will be then involved in determining upon the course of conduct which it will be expedient to pursue, as it is universally thought that the non-intercourse law cannot last longer than the next session of Congress, and it will become necessary at that time either to abandon all idea of resistance, or to determine to adopt measures of hostility against both belligerents, which could not be carried in the last Congress, and therefore are still less likely to be adopted in the new, which will consist of a larger number of members averse to such a desperate and unavailing course.

The Secretary of State (Mr. Robert Smith) repeated the sentiments which he had often expressed to me, when Secretary of the Navy, of regret that his majesty's government seemed not to believe that the United States would resist the decrees of France. He thinks the correspondence between the American minister at Paris (General Armstrong) and the French government, prove the determination of this government not to submit to them, he declared to me also that he knows that war would have been instantly declared against France, upon Great Britain's relaxing her orders, which he said were issued before the United States had an opportunity of ascertaining the illegal interpretation which France means to put upon her decrees; he added, that he was convinced, that even now measures of actual hostility would be adopted against France, without hesitation, should Great Britain relax in her orders so as to afford the United States an opportunity of doing so with honor; but that it would be impossible that they should single out France as an opponent while G. Britain, contrary to her own declarations, enforced her orders before any acquiescence on the part of the United States in the French decrees had been proved.

He acknowledged that it might be difficult to bring on a state of actual hostility

between this country and G. Britain upon the grounds of any subsisting differences, but that he was desirous that an amicable understanding should prevail between the two countries, which the present state of their relations would entirely prevent.

He added, that he was afraid the irritations which were likely to be produced by capture under his majesty's orders in council might lead to serious consequences, which he said he should deprecate, as he was unwilling to see the United States thrown into an alliance which he thought already too powerful for the interest of the world. He did not pretend to entertain any partiality towards England, but considered that the interest of the U. States was the same at the present moment with that of Great Britain.

These sentiments, as expressed to me by Mr. Robert Smith, are, I believe, very sincere. I have been much acquainted with him and cannot I think be mistaken in the opinion which I have formed of his disposition and feelings upon that subject.

Both the President and Secretary of State, are, I understand, much offended at the appointment of admiral Berkley to a high command pending the serious complaint preferred against him by the United States; they have not mentioned the subject to me, as no authentic account of the fact has been yet received; but I expect to hear strong representations upon the subject, should it prove well founded.

As I have already had the honor to convey to you my sentiments upon the subject of the non-intercourse law, in several preceding numbers of my dispatches, as also upon the general aspect of affairs in this country, I will not trouble you with any further remarks, but beg leave to refer you to the enclosed extract from my No. 12, which was sent in his majesty's packet with the mail of last month, as it contains my opinion upon those topics, which are unchanged.

This dispatch, as also my Nos. 14 and 18, will be carried to England in the American dispatch vessel Pacific, which will sail from hence in a few days with a messenger, Lieut. Read: another vessel is going at the same time to France, with a messenger and dispatches. Mr. Coles the private secretary of the late President, is to be the bearer of them.

(Inclosure referred to in No. 10.)
Washington, 15th Feb. 1809.

As the ruling party perceive that it would not be in their power to carry the Eastern states along with them in a war with Great Britain, on the grounds of any subsisting differences between the two countries they hope that the frequent captures of the vessels belonging to the Eastern states, which are likely to take place in consequence of his majesty's orders in council continuing in operation may excite irritation in the minds of the people of those states, and lead them to take a part in the next Congress in any measures which might be pointed against Great Britain.

I continue to be firmly persuaded that Mr. Madison, who has now been pronounced to be the next President, would most willingly seize the first opportunity of recommending to the next Congress to assert the neutral rights against France, should his majesty deem it to be just or expedient to cause his orders in council to be withdrawn in consequence of a determination being evinced by the U. S. not to submit to the aggressions of France. And I conceive that it is not at all improbable that he might authorize Mr. Pinkney to make a communication to you to that effect, as he has frequently in conversation said to me, that no hesitation would be felt in this country of entering upon hostilities with France, if she did not recal her decrees, but he always added, that it was impossible the United States could take such a step while his majesty's orders were in force, because their justification could only be attempted upon the grounds that the United States had acquiesced in the decrees of France, which he uniformly contends has never been the case.

It is evidence to me that he will be supported in this sentiment by his own party in Congress, and in the country generally so far as to prevent his feeling himself compelled to single out France as an enemy, while his majesty's orders in council continued to force; but I am perfectly confident that it would be impossible that they could bring on a war with England, unless it should be occasioned, as I have before mentioned, by an irritation produced in the minds of the people of the Eastern states, by the losses which might be sustained by them in their ships and commerce by captures under his majesty's orders.

The weight and influence of the Eastern states has been sufficient to force the ruling

party to abandon their favorite system of Embargo, and that too without the "painful alternative" of President Jefferson of war being substituted; but I doubt extremely how far they can compel the Congress & President into a war with France, unless the United States could be called upon to assert its neutral rights by the temporary removal of his Majesty's Orders in Council to give them that opportunity.

It appears by the result of the state of the votes for President and Vice President which was declared in the senate yesterday, that Mr. Madison had 122 votes out of 175, and that all the votes except three in the Southern and Western states, were in his favor, besides Pennsylvania; and that two-thirds of the votes of the state of New-York were given to him. He had also all the votes of Vermont, but that was in consequence of the votes being given by the legislature of that state, which happened to be democratic; besides having nine out of twelve votes of the State of Maryland.

This vast majority would enable the President elect, and his party to resist the solicitations of the four Eastern states, should they urge the next Congress to single out France as an enemy, because the same power which has proved incompetent to enforce an illegal, oppressive and ruinous law, would still be sufficient to withstand a requisition to wage a war, which, however just, would not be likely to be attended with any profit or advantage.

It is true that a non-intercourse law may be considered by the eastern states as very objectionable, but as it would be rather a nominal prohibition than a rigorous enforcement, a resistance to it would be less likely to be made, and of less importance if it should take place.

The ultimate consequences of such differences and jealousies arising between the Eastern and Southern states, would inevitably tend to a dissolution of the union, which has been for some time talked of, and has of late, as I have heard, been seriously contemplated by many of the leading people in the Eastern division.

I will not however trouble you with any observations upon that important topic at present, but confine myself to the consequences of the measures about to be adopted in Congress, affecting his majesty's interest.

Whatever may be the motives of the congress for the passing a non-intercourse law with England and France, I conceive at great advantages may be reaped from by England, as she has the command of the seas, and can procure through neutrals the immense quantity which will be brought direct to Great Britain, under various pretences; whereas France will obtain but little, at a great expence and risk, and will get that little in consequence of the high prices in their market.

This measure will operate in so partial and discouraging a manner upon the Eastern States, which are commercial, that it would not be submitted to very long, and its effects in preventing the introduction of British manufactures would be trifling, as they would be smuggled into the country with the greatest facility, since the people who alone could interfere with effect, would encourage such a traffic between his Majesty's dominions in Canada, and the adjacent territories of the United States, and in various other ways.

Another advantage arising to Great Britain from the non-intercourse law would be, that the interdictions of ships of war from entering the ports of the United States would be general, instead of being directed solely against his Majesty's ships. The non-importation law would be also general, and the consequence would be, that his Majesty's subjects would get a great quantity of goods into the United States, but French subjects could not introduce any.

Should his Majesty deem it proper to consider the non-intercourse law in the light of a municipal regulation, which the United States had a right to establish, and not as a measure of hostility, I am persuaded that it would not be in the power of any party in this country, even if they wished it, to bring on a war with Great Britain.

(Signed)

D. M. ERSKINE.

GOVERNMENT ACCOUNT.

From the National Intelligencer.

We are informed that on the 24th June 1810 the United States brig Vixen, Lieut. Trippe, carrying fourteen guns, on her way to New-Orleans under orders from our government, near the Bahamas, was

in a wanton and unprovoked manner, fired into by the British sloop of war, the Moselle, capt. Boyce, rating 20 guns, 32 pounders—a 32 pound shot carried away the main boom of the Vixen within a short distance of Col. Poindexter, a member of Congress, who, with his family, had taken passage on board on his return from Congress; and a splinter from the boom wounded slightly Master Rodney, son of the attorney general of the United States, who likewise was on his way to N. Orleans.

The subjoined extract of a letter from a gentleman of great respectability on board the Vixen to his friend in this city will give a detail of circumstances; and on the conduct of Lieut. Trippe, we will forbear to make a comment, because in our war with Tripoli, this officer signalized himself; but more especially as we are informed that he has been ordered by the Secretary of the Navy to repair immediately to Washington, for the purpose of an enquiry into his conduct, in not returning the fire of the Moselle.

On the 24th inst. (June) an occurrence took place which was equally unpleasant and unexpected. The character of the affair, however, corresponds with the treatment which we have so often received from British commanders on former occasions. The Moselle, and a 20 gun brig, carrying 32 pounders, was lying at anchor under the Stirrup Key, near the Bahama Bank. The Vixen approached her under full sail, with her pendant and ensign hoisted. The commander of the Moselle hoisted French colors, and exhibited several private signals. Capt. Trippe, on perceiving a boat which he supposed wished to speak his vessel, hauled up and received the officer, who requested him to go down to the British vessel. With this request capt. Trippe declined a compliance, furnishing the officer, at the same time, with the name of the vessel, and her destination. Captain Boyce, who commands the Moselle, fired a shot at us as we passed, which capt. Trippe considered as an intimation, that he wished to speak with us. Several musket balls were fired from the boat into the vessel; and at the moment the British officer was politely received on board the Vixen, and before he had taken a memorandum of the reply, which was given by captain Trippe to the message which was delivered—Capt. Boyce fired a round shot which came over the quarter deck, and penetrated the main boom of the Vixen. Capt. T. immediately discharged the British officer, and prepared for action. The English brig slipped her cable, and got under way, menacing an attack on our vessel. So soon as she approached within a proper distance, captain Trippe dispatched a boat, with his first lieutenant, to demand of the British officer an explanation of his conduct; who sent his lieutenant on board the Vixen, with various apologies, which were not understood in a satisfactory manner; and captain Trippe addressed a note to captain Boyce, requiring a written statement of the reasons which had induced him to fire two shot at his vessel. Captain Boyce returned for answer, that he recognized, with pleasure, the existing amity between the two countries, and was extremely sorry for having fired at us—that the reasons which induced him to fire, were, that he could not distinguish our colors, and saw no preparations for taking in sail—that he had been informed that two French privateers were fitting out in the United States, and supposed we might probably be one of them. He also pledged his honor that his shot was not aimed at our vessel. The explanation was deemed by capt. Trippe sufficient to prevent any further conflict; and we instantly made sail, and proceeded on our course. The injury we sustained was trifling. Mr. Rodney's son was struck by a splinter from the boom, which occasioned his mouth to bleed a short time—no other person was touched.

The conduct of capt. Trippe in this affair was highly honorable to himself, to the American navy, and to his country. The Vixen was prepared for action with the greatest promptitude and order, and the explanation demanded in a manner which left no doubt as to his determination to vindicate the honor of the national flag, or perish in the attempt. The official assurances of captain Boyce could not be questioned in an official form, but I feel the most perfect conviction that he knew the Vixen to be an American man of war—that he fired the second shot directly at the vessel, with a view of provoking a return of the fire, and thereby furnish him with an excuse for going into action with a vessel of inferior metal, and then shift the responsibility from himself by declaring that his shot was fired through mistake, and without any intention of injuring the