DOCUMENTS

Reported by the Secretary of State, on the last day of the session,

In pursuance of a call for that purpose.

(A)

Extract of a letter from Gen. Armstrong to M. Champagny.

"*Paris, Sept.* 8, 1809.

"I had the honor of receiving your Excellency's letter of the 22d of August last, in exposition of the principles adopted by his Majesty with regard to neutral commerce. I shall hasten to transmit a copy of this note to my government."

(B)

The Secretary of State to Gen. Armstrong

Department of State, Dec. 1, 1809.

SIR—Inclosed you have five copies of the President's Message and of its accompanying documents. They will afford you a view of the existing state of things here, and particularly of the ground taken in the correspondence with the British Minister. You will perceive that the deliberations of Congress at their present session cannot but be embarrassed by the painful considerations that the two principal belligerents have been for some time alike regardless of our neutral rights, and that they manifest no disposition to relinquish, in any degree, their unreasonable pretensions.

You will also herewith receive a copy of a letter to Mr. Pinkney which will shew the light in which M. Champagny's letter is viewed by the President, and at the same time the course of proceeding prescribed to our Minister in London. You will of course understand it to be wished that you should ascertain the meaning of the French government as to the condition on which it has been proposed to revoke the Berlin decree. On that ground which seems to be assumed by M. Champagny, nothing more ought to be required than a recal by Great-Britain of her proclamation of illegal blockades which are of a date prior to that of the Berlin decree, or a formal declaration that they are not now in force. Should this be done and be followed by an abandonment of all the decrees and orders in chronological order, on the part of France, it would afterwards put in force of her proclaim new blockades contrary to the law of nations, it would produce questions between her and the United States which the French government is bound to leave to the United States, at least until it shall find it necessary to bring to bear complaints of an acquiescence on our part not consistent with the neutrality professed by us.

You will yourself, and if necessary you will let the French government understand, that we do not consider ourselves bound to contest the legality of a blockade, which may be conformable to the definitions heretofore maintained by the U. S. and particularly to the definition contained in the treaty of June and October, 1801, between G. Britain and Russia. However, should the definition of M. Champagny may be in fact and general utility, and consequently however desirable to be made the established law on the subject of blockades, a different practice has too long prevailed among all nations, France as well as others, and is so strongly authorized by the writers of admitted authority to be combatted by the U. S.

If you should receive from the French government explanations proper to be communicated to Mr. Pinkney, you will not fail to transmit the same to him without delay. And should they be such as to make it important that Mr. Pinkney should immediately urge thereon an application to the British government to prepare the way for a repeal of the Berlin decree, you will be pleased to hasten the communication to him by a special messenger. Whatever the explanations may be, you will of course transmit them to this department, with such other information as may be interesting. With great respect, &c.

R. SMITH.

Gen. John armstrong, &c.

(C)

Mr. Smith to Mr. Pinkney.

Department of State, Nov. 11, 1809.

SIR—From the enclosed copy of a letter from Mr. Champagny to Gen. Armstrong, it appears that the French government has taken a ground in relation to the British violation of our neutral rights, not the same with that heretofore taken, and which it is proper you should be acquainted with. You will observe that the terms stating the condition on which the Berlin decree will be revoked are not free from obscurity. They admit the construction however, that if G. Britain will annul her illegal blockades, as distinct from her orders in council, such as the blockade from the Elbe to Brest, &c. prior to the Berlin decree, and perhaps of subsequent date, but still distinct from her orders in council, that France will put an end to her Berlin decree, or at least the illegal part of it. Whilst therefore it becomes important to take proper steps, as will be done, through General Armstrong, to ascertain the real and precise meaning of Mr. Champagny's letter, it is important also that your interposition should be used to ascertain the actual state of the British blockades distinct from the orders in council, whether merely on paper or otherwise illegal, and whether prior or subsequent to the Berlin decree, and to feel the pulse of the British government on the propriety of putting them out of the way in order to give force to our call on France to prepare the way for a repeal of the orders in council, by her repeal of that decree.

In the execution of this task I rely on the judgement and delicacy by which I am persuaded you will be guided, and on your keeping in mind the desire of this government to entangle itself as little as possible to either belligerent as to the course to be taken with the other.

If it should be found that no illegal blockades are now in force and so declared by G. Britain, or that the British government is ready to revoke and withdraw all such as may not be consistent with the definition of blockade in the Russian treaty of June 1801, it will be desirable that you lose no time in giving the information to Gen. Armstrong, and whatever may be the result of your enquiries, that you hasten a communication of it to me.

Writing on short notice of the present conveyance, I have only to add the assurance of my esteem and great consideration, &c.

R. SMITH.

(D)

Extract of a letter from Gen. Armstrong to Secretary of State.

"*Paris, Jan.* 28, 1810.

"In conformity to the suggestions contained in your letter of the 1st December, 1809, I enquired whether if G. Britain revoked her blockades of a date anterior to the decree commonly called the Berlin decree, his Majesty the Emperor would consent to revoke the said decree. To which the Minister answered that "the only condition required for the revocation by his Majesty, of the decree of Berlin will be a previous revocation by the British government of her blockades of France, or ports of France, such as that from the Elbe to Brest, &c. of a date anterior to that of the aforesaid decree; and that if the British government would then recal the orders in council which had organized the decree of Milan, that decree should also be annulled."

(E)

Extract of a letter from Mr. Pinkney to the Secretary of State.

"*London, Feb.* 28, 1810.

"I have received from Gen. Armstrong a letter of which a copy is enclosed, and have in consequence made a written application to Mr. Wellesley (with whom I had before communicated previously on the subject) as to the existence of the blockades to which it alludes. I am without hopes that the application will amount to a good thing, and I fear that the opinion which I entertained in relation to General Armstrong's letter will be found to be correct, that these blockades are not in force; and if it should, I will send him immediate notice to Gen. Armstrong. I have prepared an official letter to you on this head which, with such additions as circumstances may enable me to make, will be sent by the corvette" (the John Adams.)

Document (F) consists of a letter from Gen. Armstrong to Mr. Pinkney, with the Answer of the Emperor respecting the revocation of the Berlin decree, which were given in our last.

LIBERTY OF THE PRESS.

Court of King's Bench, Saturday, February 24.

KING vs PERRY & LAMBERT.

This was an information against the defendants, tried by the Attorney General, for a libel upon his Majesty, which appeared in the Morning Chronicle of which Mr. Perry is proprietor, and Mr. Lambert is printer, of Oct. 2, 1809.

The libelous paragraph, the subject of the information was as follows:

"What a crowd of blessings rush upon our minds which might be bestowed upon the country, in the event of a total change of system. No monarch indeed, since the revolution, will have so fine an opportunity as the successor of George the 3d of becoming nobly popular."

The *Attorney General*, in his address to the jury (which was a most respectable special jury) labored much to show the libelous & malicious aim—the disloyal and dangerous tendency of the above paragraph. It was a most malicious and malignant insinuation against his majesty, charging him, by obvious and crafty implication, of interposing himself between his people and their best interests, and cutting off from them those political advantages which were to be deemed blessings. Its aim was to disparage the person and government of the King; to break the link of allegiance between the sovereign and his subjects; to alienate from him the affections of his people, to sow discontents and make the people look forward to the commencement of those blessings (which in truth they already enjoyed) to the reign of his majesty's successor.—The learned gentleman dwelt very powerfully upon the malignity of this libel, and expressed that he had no doubt but that the jury would pronounce the defendants guilty.

Mr. *Perry* stood forward in his own defence, and addressed the jury from the floor of the court, in a very acute, able and eloquent speech. He endeavored to prove, with great acuteness, the innocent meaning of the paragraph in question, and pointed out to the Court and Jury other parts of the same paper in which certain loyal and respectful passages were addressed to his Majesty, which precluded the libellous and malicious construction put upon this innocent paragraph by the Attorney General. Mr. Perry spoke a full hour.

The Attorney General replied in a speech of great length.

Lord ELLENBOROUGH addressed the Jury in a most eloquent and impressive manner.

"It was for them to consider what meaning the paragraph would *bona fide* bear; what was its rational and honest import. That it was the undoubted right of every subject to give a critical and, as it were, historical opinion, on the political system and administration of every government. That by the liberty of the press and opinion, which was interwoven in the very frame of the constitution—not written perhaps in any statute, but legible and deducible by necessary analogy from the whole body of the law; that from this liberty, every man had an undoubted right to impute *honest error*—error of judgment, to every personage, however high his rank, inasmuch as such imputation could in no way be a personal injury; every creature necessarily partaking of the fallibility of our common nature.

"That the contrary opinion would render all history a libel, that the best as well as the worst of kings, had fallen into erroneous conceptions of foreign and domestic policy; that a fair criticism and a reasonable judgment, unmixed with personal disrespect or undutiful animosity, imputing only error of judgment, and not corruption and partiality (in plain words, a judgment of the system, and not a calumny of the person, that all this was allowed by the first right of our nature, and recognized by the constitution. There was one being alone who could not err, and to impute error to whom, as a crime against his and our own nature, was punishable by human and divine laws; but no king has a prerogative not to err, and therefore no subject was necessarily guilty of an injury in imputing such error to him."

The foreman of the jury stood forward, and after a short consultation with the rest of the jury, performed his duty on the acquittal of the defendants in a manly manner.

The *Attorney General*, in a voice of evident professional disappointment, withdrew other records for the same paragraph.

CHARACTER OF PAINE.

The Answer to the following letter from John Montgomery, Esq. of Chatham County, North Carolina, to Joel Barlow, Esq. the celebrated author of "The Columbiad," gives the mixed character of the late Thomas Paine a truer light, than, perhaps, his Friends or Enemies have hereto fore viewed it. It also discloses a fact, which cannot but be pleasing to the Friends of Liberty throughout the World, that Mr. Barlow is actually engaged in writing a History of the United States:

To Joel Barlow, Esq. near Washington City.

HONORED SIR,

Under the sanction of the Republican Banner, one of the numerous admirers of your transcendent abilities and zealous exertions in vindicating the *Rights of Man*, by the support you have given to the Republican cause in these United States (of which the tone and design of your celebrated "Columbiad" gives a sufficient evidence) takes the liberty of writing to you—Yet, sir, your humble addresser is at a loss for an apology for this freedom of writing to a Gentleman of such superior rank in life, without having a previous acquaintance; yet the pressure on his mind impels him to seek some relief from your benign disposition to inform the ignorant, who have an honest solicitude to enquire after Truth. Sir, this is my case—and the plain facts are, that after reading the grand, poetical and noble description given in your Columbiad, of our Patriots, Statesmen and Warriors, during the Revolutionary War, your friend was very much disappointed in not finding the name of *Thomas Paine* mentioned, from first to last. A character so conspicuous [and in my mind so worthy] to be totally omitted in the annals of the Revolution, that it indicates some defect, that such shallow politicians as myself cannot see into—unless, dear sir, your tender regards for the feelings of your fellow men will induce you to favour a '76 Whig with some relief from his anxiety.

Sir, I am a plain farmer, have lived 38 years on the banks of Deep River, Chatham county, have spent little of my time in classical learning, but have taken some pains to read, enquire and think for myself.

I am, sir, with the highest sentiment of esteem, your very obedient servant,

JOHN MONTGOMERY.

Chatham County, N. C. Oct. 1, 1809.

ANSWER.

Washington City, Oct. 28, 1809.

SIR,

Your very flattering letter of the 1st inst. has recalled to mind a subject which has before given me some uneasiness. I have regretted that I could not, as I thought, with propriety notice as you would wish the character of Thomas Paine. I knew him well; and no man has a higher opinion of the merit of his labors in the cause of Liberty, in this country and throughout the world—But he was unjust to himself. His private life disgraced his public character. Certain immoralities, and low and vulgar habits, which are apt to follow in the train of almost habitual drunkenness, rendered him a disgusting object for many of the latter years of his life, though his mental faculties retained much of their former lustre.

Among the distant friends of his fame and admirers of his talents, like yourself, these objections would not strike the mind so forcibly. They will justly demand why he is not grouped in the constellation of our luminaries, among the Patriots and Sages who have their places in the poem you mention—Those who have contemplated him only in private life, who have either not read his writings or have chosen to forget them, of which classes there are too many among my readers, would be highly offended to see his name treated with any respect or approbation—While those who have known him, as I have done, among the most illustrious & most contemptible of human beings, must be afflicted at the contrast, and grieve that they cannot snatch him from among the last and fix him in that place alone where his good genius ought to have preserved him.

Perhaps these reasons will not be satisfactory to you—They are scarcely so to me.—But in the History of the United States, on which I am at present occupied, he will find his place. It is his most proper place, where strict and ample justice must be done him, as one of the most able & efficient defenders of our rights—one of the surest guides that led us to Independence and Peace.

With the greatest respect both for the motive of your letter and for your patriotic sentiments, I am, Sir,

Your ob't servant,

JOEL BARLOW.

Mr. Montgomery, &c.

From Cobbett's Register.

SPANISH REVOLUTION,

OR

TURTLE-PATRIOT WAR.

So, it seems, that the French, in spite of that "*defeat*," for which we are praising and rewarding Baron Douro and Viscount Talavera, have reached Seville; and that the Junta, the "Supreme Central Junta," who (having *good advisers*, I dare say) began their labors by putting down the small degree of the liberty of the press that had risen out of the absence, of the momentary absence, of despotism; yes, it does seem, from the newspapers of this morning, that this Junta, though they had taken the precaution to fortify their "regular government" by putting down the liberty of the press, have been obliged to quit Seville, and to flee towards Cadiz; that is to say, to get as far out of the reach of their pursuers as the sea will let them go.—Well; let that stand there. And when we have leisure, let us look back a little, and see what this war in Spain; this war for Ferdinand, this war for a King, this war for the prevention of change, this war for the support of the old order of things, this war, as the pastry cook called it, for the holy altars of Spain, this war, the object of which was first openly avowed at the dinner of the *turtle patriots*, where the Lord Chancellor, he who had been one of Pitt's Attorney Generals made a most flaming speech against Bonaparte's villainous attempt to rob the Spaniards of their freedom; yes, let us look back only for a moment, to the time when the turtle-meeting took place, and see what this war has cost us, how large a portion of our means, how many thousands increased taxation. Numerous as the German troops in our pay are, we have, upon a moderate computation, less more of our troops in Spain and Portugal than we have of German troops. Would it not, then, have been better to have kept their own men at home, and have left the Germans in their own country? What have we to show for all this loss? What have the Ministers to tender the burdened country in lieu of all the money, and life that has, in this war, been expended? Nothing; for not only have we, thus far at least, failed in our attempts at keeping the French out of the Peninsula; but, if we fail in the end, as there is now reason to believe we shall, we shall have assisted the French in the subjugation of the country; because when the people of Spain see us driven out of the field, they will no longer entertain any hope from resistance, & indeed will not wish to resist. It was, from the beginning, the opinion of thousands, amongst whom I was one, that if we gave our aid to a revolution in Spain, we should succeed; but that if we made war, and incited the Spaniards to make war, for a choice of masters for Spain, we should fail, and, in the nature of things, we must fail. How severely were those opinions reprobated by the partizans of the Ministry? They had the charity to represent me as being "truly instigated by the devil." They asserted, in opposition to my opinions, the people of Spain were *devoted* to the "*amiable* monarch," Ferdinand VII. that it was for the interests of the world that no revolution should take place in Spain; that the people of England view the possibility of such revolution with horror; and that they at the same time, were so very candid as to assert, that I and those who thought with me, were grieved to the soul to see that the people of Spain loved their monarch, and that Bonaparte would at last, be beaten by the "loyal and religious." Their hope was, or seemed to be this: that the Spaniards would repel Bonaparte's attacks, and finally beat him, and that they would afford (for the benefit of "regular government") an instance of a people, *under a despotic government*, having risen in defence of their country, & succeeded in their object.

This was the darling hope of our political opponents. They were very anxious to have it in their power to say to us, "Look, here are people living under a *despotism*, who have been able and willing to defend their country against France." Their motives for this were not easily mistaken; and if the French had, no matter by what means, been driven out of Spain, we should never have heard the end of it; morning, noon and night it would have been dinned in our ears, that a people, under a despotic government, had succeeded in defending their country against France, when the people of states comparatively free, had made little or no resistance against her. This hope, however, this *heart cheering hope* of our political opponents, has, it seems, now vanished; for if the Junta have decamped from Seville, there can be no doubt of the whole Kingdom's being upon the eve of submission.

This, then, if the news be true, will soon have closed the famous war, of which Mr. Canning was the official originator, and thus will Englishmen know, and that too in the best possible way—by their *feelings* will they know, what it is to have an Anti-Jacobin Minister. Aye, Aye, we have not felt all that we had to feel from Anti-Jacobinism. It is only now beginning to work upon us. To acknowledge the son as a king, while the father was alive; to espouse the cause of that son in a war, carried on against his own published declaration; to send an Ambassador *near* his august person, at Madrid, when it was notorious that his august person was in France; to send a second army into the heart of Spain after the fate of the army of Sir John Moore; to send out Ambassador after Ambassador, with expence upon expence; to send out another new Ambassador just now, too, with all the enormous expence therefrom arising;—to do all these things, and a hundred others of the same description, was reserved for the Anti-Jacobins, whom, for many years, a majority of the people of this infatuated country extolled as their protectors. But we have as yet merely had a taste of what is to be endured as the consequence of that infatuation.—Amongst the minor consequences of the subjugation of Spain by the Emperor Napoleon, will be that of giving him the exclusive possession of all *fine wools*, without which, it is well known, that superfine cloth cannot be made. No wool of this sort shall we in future have, without his consent: and tho' he may find it sound policy to give that consent, still our supply, depending solely upon his will, must be precarious. As connected with this topic, I will just inform my reader, that if Mr. Cochrane Johnstone had been permitted to export arms to Spain, upon his first arrival in England, early in December last, and if proper assistance had been afforded him, he would have had safe in England the famous Negretti flock, consisting of from 14 to 15 000 sheep and lambs!—A full account of all the transactions relating to these sheep will hereafter be given. Well, but after all, how stand the Wellesleys? How stand the questions between them and Bonaparte?—They have all been in Spain—they have all been employed against him. Well, Brave and Accomplished Generals and Statesmen, what have you done with him, or *to* him, or *against* him, or *about* him?—Can you give us no account of him?—and shall we have you *all* home again, leaving him as he was before you went out? What—Douro and all!—ALL come home again, and leave Bonaparte untouched——untouched did I say——nay, *unseen* by any one of you? At any rate, whatever may become of the Junta, and whatever may be the result of war in Spain, I shall always bear in mind, that under the Junta, the *liberty of the Press* was forbidden. This is a fact, which I hope the whole nation will remember.

THE CELEBRATED RACER,

SIR ARCHIE,

A FINE BAY, 5 feet 4 inches high, gotten by old Diomed, out of Castrania, who was imported by Mr John Taylor of Mount Airy, Virginia, and sent over to him as the best bred stock in England; she was got by Rockingham out of a Trentham, &c.—WILL STAND at Newhope, two miles from the town of Halifax, N. C. the ensuing season, which will commence the 10th day of February and end on the 1st day of August, to cover mares at Forty Dollars the season; which may be discharged with the payment of Ten Pounds Virginia currency, by the first day of January, 1811.

Good and extensive pasturage and servants board, gratis; the mares will be fed with corn at a low rate, and every possible attention paid to them, but I will not be accountable for accidents of any description.

As a racer or a blood horse, SIR ARCHIE is inferior to no horse ever bred or imported in this or any other country. At Newmarket and elsewhere, he has beaten the following famous horses: Wrangler, Pot-8-os, Flying Fox, Minerva, Ratray, Gallatin, Sir Harry, Carney's celebrated racer Blank by Citizen, never beaten before or since.

The above will appear by reference to a letter now in my possession from Mr. William R. Johnson, who formerly made his own of him, and from which the following is an extract:

"I have only to say, that in my opinion Archie is the best horse I ever saw, and I do know that I never had any thing to run against one that was at all his equal, and that I will back, for if any horse in the world will run against him at any half way good, four mile heats, according to the rules of racing, you may consider me five thousand dollars winner on him. He was in good condition when I got him, and has not run with any horse that could put him at half speed towards the end of the race.

Yours, W. R. JOHNSON."

Mares now in foal, should be sent previous to the time of foaling, to avoid travelling the colts too young. One dollar will be expected by the groom, for each mare.

ALLEN J. DAVIS.

Halifax, Jan. 1st, 1811.