or at the instance of the French government must be combined with a repeal of the French edicts with a view to a nonintercourse with G. Britain," yet it is a fact that before he passing of the nonintercourse law of the last session, viz. on the 23d February, 1811, the French government o'd officially and formally. thro' their minister Mr. Serrurier, communicate to this government helr fixed determination not lo restore the property that had been so seized ! And moreover, from the information which had been received by Mr. Madison, prior to the date of the non-intercourse law, it was at the time of passing it evident to my mind that the Berlin and Milan decrees had not been revoked, as had been de-

clared by the proclamation. Art. 5th. At the session of Congress, 1809-10, a faw was passed making some new regulations as o ministers and Barbary consuls. To this law Mr. Madison saw strong objections-so strong indeed that he has hitherto unerly disregarded its provisions. Not having deemed it advisesble, at the time this bill was submitted to him for his approbation, to re turn it with his negative, and not having considered it expedient at the last session to recommend, as the constiturequires, its repeal or its modification, he at a late period of the session, pressed me much to prevail upon some member to introduce with that view a bill into Congress. I remarked to him as respectfully as I could, hat I had powerful objections to every kind of p i vate intermeddling with the business of members of the Legislature, and especially to such secret modes of recommending public measures to the consideration of Congress. He received my remark with great perturbation and was evidently much displeased.

Owing to the untoward provisions of this law and to the unfortunate rules of Mr. Madison's calculating policy, six at least of our functionaries abroad, not helding their appointments as this law directs, are not entitled to and cannot receive the compensation provided by law for their services.

6th. Sensible as Thave ever been to the insults and injuries which the U States have received, again and again, from Great-Britain, I have at no time been blind to the reiterated outrages of France, And whatever may have been my view of the edicts and proceedings of either of these powers, compared with those of the other, I, in my discussions with their respective functionaries, have invariably had my eye steadily on the rights, the interests and the honor of the United States. Nover have I felt a disposition to iden ify my country with either of the belligerent nations. Never did I abstain from asserting the rights or from vindicating the honor of the United States, from an apprehension that either France or Great-Britain might thereby be exhibited to the world in an odious point of view. The following draught of a letter to General Armstrong was accordingly prepared by me immediately after the letter of the Duke of Cadore, to which it refers, had been received. It was in the usual form laid before the President for his approbation. He, however objected to the sending of it. And as there is reason to believe that this very letter constituted part of the ground of the hostility of Mr. Madison to me, it is but proper to give it publicity. Copy of the draught of the letter proposed to be

sent to General Armstrong. Department of State, June -. 1810.

General Armstrong-Your letters of the -, with their retrospective enclosures, were received on the 21st of May.

In the note of the Dake of Cadore nothing can be perceived to justify the seizure of the American property in the ports of France and in those of her allies. The facts, as well as the arguments which it has assumed, are confu ed by events known to the world and particularly by that moderation of temper, which has invariably distinguished the conduct of this government towards the belligerent nations. After a for bearance equalled only by our steady observance of the laws of neutrality and of the immutable principles of justice,

\* The letter of February 14th, 1310, from which the following is an extract:-" His Majesty can place no reliance on the proceed ings of the U. States, who having no ground of complaint against France, comprised her in their acts of exclusion, and since the month of May, have forbidden the entrance of their ports to French vessels under the penalty of confiscation. As soon as his Majesty was informed of this measure, he considered himself bound to order reprisals on American vessels, not only in his territory, but likewise in the countries which are under his influence. In the ports of Holland, of Spain, of Italy, and of Naples, American vessels have been seized, because the Americans have seized French vessels. The Americans cannot hesitate as to the part which they are to take. They ought either to teur to pieces the act of their Independence, and to become again, as before the revolution. the subjects of England, or to take such measures as that their commerce and industry should not be tariffed by the English, which renders them more de pendent than Jamaica, which, at least, has its assembly of representatives and its privile ges. Men without just political views, without honor, without energy, may alledge that payment of the tribute imposed by England may be submitted to, because it is light-but why will they not perceive that the English will no sooner have obtained the admission of the principle, than they will raise the tariff in such way, that the burthen, at first light, becoming insupportable, it will then be necessary to fight for interest, after having re-

fused to fight for honor !"

it is with no little surprize that the Pre- Hour citizens so unjustly seized, and a law sident discerns in the French government a disposition to represent the U. States as the original aggressor. An act of violence, which under existing circumstances is scarcely fess than an act of war, necessarily required an explanation which would satisfy not only the United States but the world. But the note of the Duke of Cadore, instead of a justificatio, has not furnished even a plausible palliation or a reasonable apology for the seizure of the American

There has never been a period of time which the U. S. have ceased to protest against the British orders in council. With regard to the resistance which the United States may have deemed it proper to oppose to such unlawful re strictions, it obviously belonged to the American government alone to prescribe the mode. If a system of exclusion of the vessels and merchandize of the belligerent powers from our ports, has been preferred to war, if municipal prohibition has been resorted to instead of invasive retaliation, with what propriety can the Emperor of the French pretend to see in that method of proceeding any thing else than allawful exercise of sovereign power? To construe the exercise of this power into a cause of warlike reprisal is a species of dictation, which, could it be admitted, would have a tendency to subvert the sovereignty of the United States. France has converted our law of ex-

clusion into a pretext for the seizure of the property of the citizens of the U. States. This statute was also in force against the vessels of Great-Britain .-If its operation had been considered by the F ench government as of sufficient efficacy to justify this pretended reprisel, that very operation, as it would have been more severely felt by Great-Britain, ought also to have been considered as constituting a resistance to her orders, the non-existence of which resistance has been stated by the Duke of Cadore as the pretext for the act of violence exercised on the American property. The United States having resisted the British orders, the real ground of complaint would seem to be. got so much that the American government has not resisted a tax on their navigation, as that it has likewise resisted the French decrees, which had assumed a prescriptive power over the policy of the United States, as reprehensible as the attempt of the British government to levy contributions on our trade was bnoxious. Placed in a situation where a tax was proclaimed on the one hand. and a rule of action prescribed on the other, the United States owed it to their own honor to resist with corresponding measures the cupidity of the one, and the pre-umption of the other. When he American government sees in the provisions of the British orders an assumption of maritime power in contravention of the law of nations, how can it fail also to perceive in the French decrees the adoption of a principle equally derogatory and injurious to the neutral character of the U. States.

The pretension of subjecting Amerian navigation to a tax, as advanced by the British order of November 1807, was in reality withdrawn by the order of the 26th April, 1869. Yet ten months subsequent to the recal of that pretension, its alledged existence is made the basis of reproach against the American government by the Emperor of the French. It would be fruitless to comment on the disposition to insist upon the prevailing influence of a fact which no long rexists; which, when it did exist, was uniformly combated; and the final extinction of which was the man fest consequence of the measures

of this government. If the American government had seized French vessels, as erroneously asserted in the note of the duke of Cadore, the occurrence could only have been attributed to the temerity of their owners or commanders, who, after a previous notification, from the 1st of March to the 20 h of May, of the act of exclusion, would have strangely presusumed upon impunity in the violation of a prohibitory municipal law of the U. States. H d France interdicted to our vessels all the ports within the sphere of her influence, and had she given a warning of equal duration with that given by our law, there would have been no cause of complaint on the part of the United States. The French government would not then have had the op. portunity of exercising its power, in a manner as contrary to the forms as to the spirit of justice, over the property

of the citizens of the United States. It was, at all times, in the power of France to suspend, with regard to herself, our acts of exclusion, of which she complains, by simply annulling or modifying her decrees. Propositions to this effect have been made to her government through you. They were not accepted. On the contrary, a policy was preferred which was calculated to produce any other result than that of a good understanding between the two countries. By the act of Congress of the last session an opportunity is again afforded to his imperial Majesty to establish the most amicable relations between the United States and France .-Let him withdraw or modify his decices; let him restore the property of

of the United States exists, which authorises the President to promote the best possible understanding with France, and to impose a system of exclusion against the ships and merchandize of G. Britain in the event of her failing to conform to the same just terms of conciliation. In fine, as the Emperor will now be acquainted with the fact that no French vessels have been unlawfully seized in the ports of the U. States, as the law of exclusion against the commerce of France is no more in operation, there can be no longer a solitary reasonable pretext for procrastinating the delivery of the American property, detained by the French government, into the possession of the respective

These observations you will not fail to present to the view of the French government, in order that the Emperor may learn that the United States insist upon nothing but their acknowledged rights, and that they still entertain a desire to adjust all differences with the government of France upon a basis equally beneficial and honorable to both nations. I have the honor to be, &c. R. SMITH.

[Continued in our fourth page ]

## Foreign Intelligence.

Very Late from England.

New York, July 1. Yesterday arrived at this port, the fast sail. ing ship Elizabeth, Morrison, from Liverpool, from whence she sailed on the evening of the 25th of May. Capt. Morrison, and a gentleman passenger have obligingly favored the Editors of the Mercantile Advertiser with London papers to the 23d of May and Liverpool of the 25th, being seven days later than

We learn verbally, that the king was daily growing worse-that the markets, in Liverpool for cotton and tobacco, were low and dull safe, that the prospects of a war between Russia and France had nearly vanished, and that accounts hadreached the British government, of a severe battle having been fought near the walls of Almeida, between the armies of Lord Wellington and Massena, in which the latter were defeated with great slaughter, leaving 4000 men on the field of battle and 700 prisoners.

A letter from Liverpool, dated 24th May mentions that a bill was before Parliament, for increasing the duty on cotton, 1d per lb. and on ashes 4s, and 8d per cwt. and it was thought it would pass on the 23d.

The following are the only articles in these papers possesing any interest :

LONDON, MAY 18.

The cause of Sir Francis Burdett, vs. the Speaker of the House of Commons, for committing Sir Francis to the tower, was decided on the 17th of May, in the court of King's Bench, in favor of the defendant.

The change which lately took place in the American councils, by the appointment of Mr. Monroe to be Secretary of S:ate, is still thought to be favorable to the amicable adjustment of the difference between America

In a Paris paper of the 6th inst. it is stated, that the division of the army lately under the command of the duke of Eichingen (Ney) is to be put under the orders of the Duke of Ragusa (Marmont.) This appears to us to confirm the long reported recal of Ney from his command in Spain.

Government have as yet received no official confirmation of the defeat of Massena under the walls of Almeida, but no doubt is entertained of the general correctness of the account which has reached us from Oporto. French papers to the 13th, and letters from the Dutch coast of the 8th inst have srrived. The former state the arrival of Ney at Paris, but assign no reason for his return. By an article from Vienna it appears that the Grand Vizier has been deprived of the command of the Ottoman armies, on account of his age and infirmities. His successor is said to be a man of ability and courage.

The letters from Holland state, that the French troops were expected to be withdrawn from that country, but whether they would be marched to Spain or the north of Europe was uncertain.

The Minister opened what is called his annual budget on Monday last, and this important day, once the object of so much dread to the British nation, passed over without exciting any alarm or uneasiness. Nothing was said about new taxes, but on the contrary, an old tax was taken off, against all ordinary precedent and general expectation.

The King of England rode out on horse back on the 20th of May. King Joseph has fled from Spain, for France. He arrived at Valladolid on the 27th of April, and set out again on the 28th with his suite for France. An action was fought on the 13th of March, off the Island of Lissa, between a French and

Italian fleet, of five frigates, one corvette, one brig 2 schooners, one gun boat, and one zebec; and the British frigates Cerberus, Amphion, Active and Volage, which lasted 6 hours; one of the French frigates was burnt, and 2 were taken-the remainder escaped. The British lost in officers and seamen, 50 killed, and 150 wounded.

THE LATE BATTLE.

The intelligence given in our last paper of an obstinate and sanguinary battle between the French and allied armies, near Almeida, is confirmed by accounts since received via Boston, N. York and Charleston. These accounts do not vary materially from that already published. It is stated that Almeida had surrendered to the allied army, and that Badajoz was completely invested by them.] The following is an extract from General

Blake's dispatch to the Council of Regency : Most excellent sir-I have the satisfaction to announce to you that the allied Spanish, British and Portuguese army have completely and gloriously beaten, in the camp of Al. buhera, yesterday the 15th May, the army of the enemy, which was marching under the command of Marshal Soult to the relief of Badajoz and the conquest of New Estremadura. But we have defeated his and he is rapidly retreating, pursued by our cavalry, who are supported by our van-

guard and some British infantry

We have not gained an easy victory. The Battle has been very obstinate and sanguinary on both sides; but the loss of the enemy greatly exceeds ours. Their loss is certainly 7000 men. Our army fought for many hours without giving an inch of ground which enhances the glory of our victory. Soult had united extraordinary forces with activity proportionate to the grand object he had in view. We were equal in force as to infantry, but his cavalry and artillery far exceeded ours in number; but such was the ardor with which the allied army fought against the common enemy, their noble emulation to distinguish themselves and the mutual support which they afforded to each other, that they defeated 30,000 of the tyrant's satellites; and such was their enthusiasm, that they would have conquered any number, in defence of the liberties of Europe.

## Domestic.

THE LAST INSULT.

New-York, June 28. The subjoined is a more particular account of the wanton, unprovoked and murderous outrage committed on a defenceless and unspicious pilot boat, by the British frigate Melampus. Will the President tamely submit to such insults? And must the U. States be attacked in this manner? Or are all the shores of this country to be crimsoned with the stains of the Chesapeake?

Reports of the pilots belonging to the pilot-boats Brothers, of this port, and sundry gentlemen on and the same, as to the capture of the brig Tamaahmaah off Sandy Hook, by the British frigate Melampus, and the daring insult committed by said frigate on the pilots and passengers of the said Brothers on Friday the 21st inst. viz: That on the said Friday, about half past 7 o'clock, P. M. while coming in from sea, they descried a brig which proved to be the Tamaahmaah, standing in from the eastward, and in pursuit of her was a frigate supposed by them to be the U. States frigate President, as she had the American ensign flying; then supposing the said brig wanted a pilot, stood for her, and while in chase, saw 12 cannon shot fired from the frigate at the brig, which caused her to heave to; on coming up she proved to be the frigate Melampus, and while in company, and within five | ments to divulge these discussions, miles of the light-house, in 8 1-2 fathoms water, and without any prevocafrom us, the said pilots or our passengers, the said frigate fired, with intent to kill, at us the said pilots and our crew, a volley of musketry; four balls therefrom went through the lower part of our mainsail about five feet from the deck; they then stood off, and we saw no more of them that evening.

From the National Intelligencer.

Review of Mr. Smith's Address.

An opinion had long prevailed with many persons both in and out of Congress that Mr. Secretary Smith, from want of capacity and want of integrity, was quite unfit for his place. And towards the close of the second year of his office this conviction became so universal as not to leave the exception probably of Mr. Smith himself. We had all been astonished at his appointmentwe all learned the history of that miserable intrigue by which it was effected; we regretted the necessity the President was under of casting him off, and and thereby offending the few friends of the family, whom he had lately gratified at so dear a rate; and we consequently looked forward with considerable anxiety to the time when the government should relieve itself from so inconvenient a burthen.

This was done in March last; and notwithstanding the clamours of two newspapers that have since been placing him daily before our eyes, we were forgetting Mr. Smith as fast as possible. He might have passed off in silence, and even have mistaken oblivion for pardon, if he had been endowed with a moderate share of prudence. But he threatened us with a pamphlet, and he has now committed the farther folly of executing the unlucky threat. His pamphlet is before the public; it must, from the nature of the subject, excite considerable attention; and though its first characteristic is weakness, yet its wickedness is of too dangerous a tendency to be passed over without a comment.

We will begin with a notice of its principle, the gross immorality of coming before the world with such a publication. It is not possible that Robert Smith, or any other man, however coarse and clumsy the texture of his mind may be, should not perceive the shock that must be given to public morals, the stab into the vitals of executive government, the violation of one of the essential provisions of the federal constitution, necessarily involved in the principle of publishing the secrets of the cabinet. The question here is not whether his statements are true or false, nor do we enquire whether they are important or unimportant; but can such statements be made without a crime? Should they be made by a clerk in the same office of state, it would be perjury -such clerks being under an oath of secrecy. But the head of the department, the Secretary, whose very title signifies depositary of secrets, is supposed to be bound in honor. And civilized society went on from its commencement to the days of Robert Smith, before that tie, in so exalted a station, was found to be insufficient.

How precious is the advantage of free press; how august the tribunal of public opinion! Here is a crime that fines and halters will not reach; not because it is too small, but because it is too great; it is like parricide escaping the code of Solon; the law has not provided for it. What then, Mr. Smith Is to hinder your example from being followed by your successors in office? will tell you: your example itself will hinder it, and the indignation of your country which must now attend you, until you will consent to be forgotten.

Thus it cannot be said you will have lived in vain. The defects in human laws have usually been owing to some defect in the knowledge of human depravity. Your publication will have contributed to enlarge the sphere of such knowledge; and the method you have taken to injure your benefactor will have rendered a real service, if not to him, at least to the government he ad. ministers.

But to judge of the atrocity of the principle of divulging the secrets of the cabinet, we ought to reflect on the consequences to which it must lead. The constitution of the United States has vested the supreme executive power in the hands of one man, called President of the United States, and it has concentrated all the responsibility in him. The laws have distributed the labor of the administration into several departments, over each of which they have placed a chief, called Secretary or keeper of secrets. The President nominates these Secretaries, and removes them at pleasure; he assembles them in his cabinet for consultation, or he consults them separately; he obtains their opt. nions either in conversation or in willing; he adopts or rejects them at plcasure; for it must not be forgotten that he alone is responsible for the acts of the Executive; he alone is the Executive. Now consultation supposes discussion, doubt, different points of view, various degrees of information, change of opinion, existence of error and search after truth. All this process is confidential between him and his Sceretary; and for any of these heads of depart. without the consent of the President, is ceasing to be his Secretaries. It is a breach of the most sacred ties of honor and of trust, it demolishes the whole fabric of constituted authorities on which the nation had relied as a means of aidling its Chief Magistrate in managing its high concerns in their vast variety of details. If then his ministers have a right to publish his secrets, the consequence is, he can trust them no longer, he must do so much of the work himself as his faculties will admit, and the rest must be left undone.

But Robert Smith has asserted this as a right, and has acted upon it in a most licentious manner in the pamphlet now before us. His conduct is a breach of official and personal confidence, as much more criminal than common perjury, as a breach of parole in a prisoner of war, is worse than breaking prison. And what is sufficiently singular, he has committed this crime for the express purpose of proving to his fellow-citizens that he is a man of talents and worthy of his place. How unlucky for him that it proves the re-

verse of his own proposition!

But we will check the expression of our regret on the general character of the transaction, while we examine the internal merits of the pamphlet and compare its statements with what is known to persons out of office, or is casily collected from the broad surface of circumstances open to every eye.. We will not dwell on the insidious conduct of its author in confining his attacks as much as possible to things known only to the person whose official station absolutely prohibits a reply; we shall waste no time in noticing what must be obvious to the reader in almost every page, a long premeditated design to vent his malice on his benefactor in this way whenever the occasion should occur.-He seems to have been two years collecting weapons to fight this Parthian battle, and hurl back his arrows in retreat. But it will be like hurling them at the sun in the Zenith; they will not reach the effulgent object of his hate, but, returning earthward from their feeble flight, fall on their owner's head.

In the delirium of his desire to show us the President's opinion of his talents he lays great stress upon the offered mission to Russia. He would have made a much better thing of this if no had adhered to truth in his relation of the facts. We cannot know what really passed in that private interview between Mr. Smith and the President, since wa have only Mr. Smith to tell us; but we know what afterwards past between Mr. Smith and other people. On coming out from the President's house we know he informed the clerks in his office, and some other persons too, that he was going minister to Russia; and he did this with apparent pride and satisfaction, On the same day he handed a note to the Editor of the National Intelligencer announcing his nomination; and any other note soon after appeared in the same paper magnifying the importance of this mission, declaring it to be withe most honorable appointment abroad that is in the gift of our government"; & mere editorial declaration, which is now ridiculously attributed to Mr. Madisun. This artifice is really too little to laugh