force certain parts of the act entitled "An act to interdict the commercial intercourse between the United States and Great Britain and France and their dependencies, and for other purposes," passed on the 28th day of June, is therefore in every respect applicable to Great Britain and her dependencies, as well as to France and her dependencies; any thing in my circular of 29th June last, to the contrary notwithstanding.

It results that from the receipt of this, you must in every instance, except as hereinafter expressed, refuse clearances for British ports, requiring as usual, bonds from all vessels bound to permitted ports, in the manner provided by the 3d section of the act abovementioned. But as many British vessels have or may come into the ports of the United States in consequence of the President's proclamation of the 19th of April last, he directs that you will permit such British vessels to depart without giving bond, either in ballast, or with the cargo on board when notified of the enclosed proclamation: it being however understood that this indulgence shall not be extended to any other vessels than such as are now in the ports of the United States, or such as may hereafter arrive, having sailed from a foreign port before information of the enclosed proclamation shall have been received at such port.

The President also directs that, until a decision from Congress on that unexpected point shall have been obtained, or until otherwise instructed, seizures or prosecutions for supposed contraventions of either the abovementioned act or of the non-intercourse act of 1st March last, arising from acts which would in conformity with his proclamation of the 19th April last, have been considered as lawful, shall be suspended in the following cases, viz.

1. All vessels which have entered a British port since the 10th of June last, or which may hereafter enter such port, having sailed for the same, before information of the enclosed proclamation had been received at the port of departure; so far as relates to any forfeiture or penalty which may accrue or have accrued by reason of their having thus entered a British port.

2. All vessels which have arrived, either from British ports or with British merchandize in the United States subsequent to the 10th of June last; and also all vessels which may hereafter thus arrive, having sailed for the United States, before information of the enclosed proclamation shall have been received at the port of departure; so far as relates to any forfeiture or penalty accruing from having arrived or arriving in the United States from British ports or with British merchandize.

3. All vessels now owned by citizens of the United States, and sailing under the American flag, which, being in a foreign port at the time when the enclosed proclamation will be made known at such port, shall with all due diligence depart therefrom, and return without delay to the United States; so far as relates to any forfeiture or penalty accruing from their arriving in the United States from British ports, or with British merchandize.

In the abovementioned cases of vessels arriving in the United States, and which are for the present exempted from seizure, the vessels and cargoes may be admitted to entry.

The time when the enclosed proclamation shall have been known at the ports of departure respectively, must be ascertained by the best means in your power; and you may refer doubtful cases to this department.

Application may of course still be made in all cases for an absolute remission of the forfeitures and penalties in the manner provided for by law; the instruction herein given to abstain from prosecutions and seizures in the abovementioned cases, being only intended to prevent the expences and inconvenience to which the parties concerned would otherwise be exposed.

I am, respectfully,
Sir,
Your obedient servant,
ALBERT GALLATIN.

The Collector of

Whether the agreement made by Mr. Erskine with our government be in any or what degree binding on the British government has occasioned much discussion. The solution of this point certainly depends on the powers vested in Mr. Erskine. If those powers were such as Mr. Erskine most unequivocally alleges them to be, the agreement would have been absolutely binding in all its parts. In his correspondence with Mr. Smith he declares every step taken to have been in consequence of full power from the king of England; power, not to form the article of an ordinary treaty, subject to the confirmation or rejection of each sovereign that was a party to it; but an agreement absolute, unconditional, final, and to take effect in both countries at the same time, and particularly in the U. S. before any measures taken by England should be known here. On this point the writers on the laws of nations use a language altogether unambiguous—Vattel says;—

"Sovereigns treat with each other by their proxies, who are invested with sufficient power, and who are commonly called plenipotentiaries. We here apply all the rules of the law of nature, to things that are done by commission. The rights of the proxy are expressed in the instructions that are given him: he ought not to deviate from them: but every thing he promises within the terms of his commission and the extent of his powers, bind his constituent."

Again—

"But to refuse with honor to ratify what has been concluded on, by virtue of a full power, it is necessary that the sovereign should have strong and solid reasons, and that he shew in particular, that his minister had deviated from his instructions."

Martens says—

"The treaty must have been contracted in the name and by the authority of the sovereign power. Any thing that has been promised by the chief, or his agent, beyond the limits of the authority with which the state has entrusted him, is at most, no more than a simple promise (sponsio) which only obliges the person who promises, to use his endeavors to procure its ratification, without binding the state, which of course, may refuse its ratification. On the contrary every thing that has been stipulated by an agent in conformity to his full powers, ought to become obligatory for the state, from the moment of signing, without even waiting for the ratification. However, not to expose a state to the errors of a single person, it is now become a general maxim, that public conventions (but not simple military arrangements in time of war) do not become obligatory till ratified. The motive of this custom clearly proves that the ratification can never be refused with justice, except when he who is charged with the negociations, keeping within compass with respect to his public full powers, has gone beyond his secret instructions, and consequently has rendered himself liable to punishment."

The binding force then of the agreement on Great Britain must depend on the instructions given to Mr. Erskine. If those instructions did not authorise the course pursued by him, it instantly became the duty of the British government to do every thing in its power to prove that no such authority was given, "to shew in particular," in the language of Vattel, "that its minister had deviated from his instructions." Has this been done? A solitary dispatch, of old date, has been published. Other instructions are referred to on its face. Various letters must have passed between Mr. Erskine and his government. These documents, essential to a clear understanding of the subject, and to the shewing, to the satisfaction of our government, that Mr. Erskine really deviated from his instructions, are all suppressed. We repeat the question, why are they withheld, but, because, if published, they would give the whole affair a different complexion from that attemped to be stamped upon it by the note of the 23d of January? Under circumstances so extraordinary as those involved in the agreement a government, anxious to avoid imputations unfavorable to its reputation, would not have hesitated to make a frank and full disclosure of every thing. The objection to this arising from a pending negociation is altogether lame, as the injury from such a disclosure would be infinitely less than the continuance of the obscurity. Besides, if a negociation be still pending, what serious inconvenience could be suffered by England by such a disclosure? It could only expose the terms which she was disposed to come to under particular circumstances. If those circumstances are altered, the obligation to comply with them no longer exists, & if they remain the same, an honest government would not hesitate to comply with them.

But, should it be admitted that the stipulations entered into by Mr. Erskine were totally unauthorised, inasmuch as he was possessed of the full powers of a minister of the highest standing, and as the American government had a right to consider him as acting strictly in obedience to the views of his government, there can be no doubt but that that government, on disavowing his act was bound to indemnify those who had reposed their confidence in it. "A nation," says a writer on this head "is bound in honor, and by the principles of justice and the duty of self-respect, to see that those governments who treat with her accredited agents, shall sustain no detriment by their mistakes or misconduct." This is so obvious, that we find it admitted even by Mr. Canning himself on the face of the order of the 24th of May. Let us examine whether this indemnity has been made.

By the agreement with Mr. Erskine all the British orders were stipulated to be revoked, so as, in the language of the act of Congress authorising a renewal of commerce, "to cease to violate the neutral commerce of the United States." Thus revoked the trade of America was free to take any destination, except to ports actually blockaded. Every other restriction upon it was dependent upon our own laws, which of course we might enforce or relax at pleasure. By the order of May 24th American vessels sailing from the United States to Holland between the 19th of April and the 20th of July are permitted to pursue their voyage. American vessels sailing from the United States during the same period for any other *permitted* ports (under the orders of April we presume) which shall have changed their destination and are proceeding to Holland, shall not be molested, unless informed of this order and warned not to proceed. American vessels clearing after the 9th of June for Holland from ports, permitted by the order of April 26th, shall not be molested, unless advised of this order, or during the periods fixed for constructive notice by the previous orders. American vessels may clear out from Holland to any ports not declared to be under the restriction of blockade between the 9th of June and the 1st of July.

From these provisions it appears that the *time*, no less than the *degree*, of the suspension of the order of April, is extremely limited and narrow. To extend an adequate indemnity to our merchants it was essential to have been liberal in both these respects.

With regard to *time*, as the order, disavowing the arrangements, only reached this country on the 21st of July, and must have taken a considerable time to be known throughout the United States, even taking the widest latitude allowed, a large number of vessels must have cleared out in violation of it, and thereby subjected themselves to capture and condemnation. Another description of vessels are allowed the periods fixed for constructive notice by the order of 11th November, thus subjecting to like capture and condemnation all those which shall not have completed their voyages within the narrow limits assigned. While all vessels clearing from *permitted* ports for Holland are restricted to the 1st of July. This *liberal* indulgence applies to the trade between the ports of Britain and Holland!

It requires no great mercantile knowledge to estimate the immensity of the loss that will be incurred by our merchants from these unjust and narrow limitations in point of time. The greater part of our property embarked was destined in the first instance to England, on which, as soon as it gets there, she violently shuts the door, gains a monopoly, creates a glut, and brings down the prices, as actually ascertained in some important articles, above a hundred per cent. Such goods as are shipped to Holland are obliged to be carried off with the greatest haste, instead of being exported as a favorable market offered, and thus exposed to all the risques and dangers of precipitation; vessels bound from Holland to permitted ports are exposed to still narrower periods, and in many cases advice being given them of the new order is sufficient to stop their voyage on the pain of capture and condemnation. Can any thing exhibit a livelier mockery of justice? Every place to which our vessels are permitted to go from the limited time allowed becomes a trap to the unsuspicious confidence of our citizens, and just in proportion to our loss is the gain of G. Britain. As well might a highway-man offer to indemnify the victim of his robbery by returning to him a portion of his spoils. Had a solid indemnity been intended, such a time would have been allowed as would have enabled our merchants to have carried into full effect their adventures. For this purpose a year would scarcely have been adequate.

But the *degree* in which the orders in council have been suspended, independent of the limitations of time, still more forcibly proves the hollowness of the indemnity offered. The order of April 26th, more injurious to our commerce than the preceding orders, is re instated with only a few exceptions. The trade to Holland is tolerated under conditions which, connected with subsequent events, make it a mockery; for we learn that the ports of that kingdom are declared to be under strict blockade, and all intercourse consequently inhibited, unless, indeed, that under British licenses; thus, annihilating our resources for the sale of our goods on the continent, at the very moment their own subjects are licensed to play the part of smugglers, and in this ignominious character to build up their fortunes on our ruin.

With the exception of Holland, which from the blockade of its ports, is a perfect nullity, the order of April is enforced, an order, which we have in preceding articles shewn to be more rigorous, more invasive of neutral commerce than even the orders of January and November, 1807. So far then from our trade experiencing a temporary relief from the arrangement of Mr. Erskine, and the *indemnifying* order of May 24th, the dangers to which it is now exposed are greater than those which sprang from the celebrated orders of November, which produced our non-intercourse law, which was solely removed on the stipulation to annul them. Such are the tender mercies of the British government!

It is not however, on account of the depressed price of our exports, occasioned by this iniquitous order that we have the greatest reason to complain. It may be assumed as generally correct that our importations are equal to our exports. This order confines almost entirely our importations to the British market, and altogether destroys those circuitous voyages, which, it is well known, have proved the greatest sources of our gains. If it be computed that our exports amount to fifty millions, by being limited to the British market an immense demand will be created for her goods, which will have the inevitable effect of raising their prices, and of producing a correspondent loss to this country. We shall thus be losers in every way, as well from the diminished value of our exports as from the augmented value of British fabrics, which, if we compute at only 20 per cent. will saddle us with a loss of at least twenty millions, a sum double the amount of our annual commercial profits. With what color of truth, then, can it be contended that the order of May indemnifies us?

We have, as yet, abstained from one consideration still more important than any touched upon. The disavowal of Mr. Erskine's arrangement, and the iniquitous refusal to indemnify us for our confidence in it, does not merely affect the commercial capital afloat; but it likewise deeply affects the whole internal commerce of the U. States; every sale that has been made either of the products of the soil, or the soil itself. Such was the universal confidence and animation inspired by that event, that our produce rose, our property rose, new directions were given to our wealth and the labor of our citizens, under the liveliest expectation of remuneration and profit. The order of May, by its instantaneous operation, by its cruel operation indeed in many cases before it was known, blasts all these hopes, and in one fatal moment destroys the property and comfort of thousands, annihilates millions at a blow, and scatters the remaining wealth with the fickleness of fortune.

Yesterday the United States' frigate the PRESIDENT, *Capt. Bainbridge*, dropped down below the bar at the mouth of the Eastern Branch, whence she will shortly proceed on a cruize. We understand that this frigate has been fitted out in the highest stile in every respect, being, at this moment, greatly superior to what she was when originally fitted out; and is equal, if not superior to any vessel in the world carrying the same weight of metal.

Our national Constitution provides, that no state shall coin money; emit bills of credit; or make any thing but gold and silver coin a tender in payment of debts. Would it not be a good amendment if it were also added —*And no State shall establish any Bank for the emolument of any man or set of men in the state; nor shall they allow of the circulation of any paper currency whatever, except such as may be issued by the authority of the union.*—Patriot.

The Right Rev. *John Randolph*, late Bishop of Bangor, has been translated to the metropolitan See of London, vacant by the death of Dr. Bielby Porteous.

From a London Paper.

Among the various conjectures on the late mysterious conduct of the British Cabinet, we have perceived none more candid and natural than that of Earl GREY, in the House of Lords. He says—

"From the arrangement, as published in the newspapers, it seems as if the measures adopted had been preconcerted, for every thing followed in such order, that it was almost impossible to believe but what Mr. Erskine, of whose ability he had the highest opinion, conceived that he was acting strictly according to his instructions. It must be evident that by the disavowal of this arrangement, the difficulties in the further negociation with America would be materially increased, and when known in America, *it might give rise to some imputations against the character and good faith of this country, under the impression that a TRICK* had been resorted to for the sake of obtaining a little temporary advantage for ourselves. A *fearful responsibility*, therefore, rested upon *ministers*, and investigation must take place."

LATEST FROM PORTUGAL.

Boston, July 5.

Our correspondent, at Gloucester under yesterday's date, says:—"The schr. Jane, Webber, has just arrived, in 37 days from Lisbon. I send you some Lisbon papers. The verbal intelligence he brings is—that the English and Portuguese had marched against Madrid."

Philadelphia, August 7.

A passenger in the Mentor has publicly declared that the day on which they sailed from L'Orient, they had received advices from London to the 30th of June, which brought information that the king of England had by and with the advice of his privy council issued a proclamation confirming the agreement entered into between Mr. Erskine and the government of the United States.

As this information receives credit from many of our mercantile men, and may therefore be the ground of much speculation, we have thought it our duty to publish it, and at the same time our declaration, that it is not entitled to any credit, and that no such proclamation or ratification ever has, *or ever will* be, issued by the British government.

Democratic Press.

A letter from Paris dated 3d July, 1809, from an American gentleman well informed, says;

"The emperor has appointed a minister to arrange with gen. Armstrong the points in dispute between the two countries, in order to form the basis of a new treaty—and I can assure you that our affairs with this country look better than for this eighteen months past—it will, however, be some time before all is settled, as the emperor continues with the army, and after it is arranged here, it will require time before it can be confirmed by him."

New Orleans, June 24.

To his Excellency Governor Claiborne,

SIR,

The attention which you never cease to shew towards the unhappy refugees of the island of Cuba, has already induced them to offer to your Excellency their grateful acknowledgments; but in allowing them to land their negroes, by giving bond, your Excellency has completed what only could be expected from a sympathizing and generous heart. Permit us, sir, in the name of our unfortunate fellow citizens, publicly to make known those sentiments of gratitude and esteem with which we are animated towards you.

By a perfect submission to the orders of government, whatever they may be, we will prove that we are not unworthy of the protection you have extended towards us.

If Congress designs giving their definitive sanction to the provisional measures which humanity has suggested to you, it will be very consoling for us to remember that your goodness had anticipated the period at which we were called to enjoy this favor; and if the interests of the state prevent the generous confirmation of your disposition, we pray you to believe that we nevertheless will preserve the remembrance of your benevolent intentions. The sweet recollection which we will keep in our hearts, would continue in this case to soften the bitterness of this new disappointment.

Be pleased to accept of our sincere wishes for the preservation of the health of your Excellency as well as the assurance of the most profound and respectful consideration with which we have the honor to be,

Sir,
Your most humble and devoted servants,
Ste. Geme,
P. Rossignol de Grandmont,
Camfrancq,
J. Bayard,
Jh. Trippier.

New-Orleans, June 20, 1809.

SPIRITS OF TURPENTINE.
A few Barrels of excellent quality
FOR SALE,
At H. CATLETT's Drug Store, F street next door to the Bank.
August 10—3t

FOR SALE,
FOUR handsome BAY COACH HORSES well broke, perfectly sound, and go steady together in Harness—Price for the sett 900 dollars, or a choice of pairs at 500 dollars.
Apply to JOHN TAYLOE.
Mount Airy, August 11—3t

DUPORT'S BALL,
IS fixed on Tuesday the 15th instant at Mr. WM. CRAWFORD's Long Room—Tickets to be had at Joseph Milligan's Book-Store, and at the bar of the Union Tavern.
**** The Ball will commence at 8 o'clock, with a set of New Cotillions.*
August 11—2t

COMMERCIAL COMPANY.
In store, and landing from on board the Ceres, capt. Weeks, and for sale on the usual terms,
MUSCOVADO Sugar, Rum, Gin, Cogniac Brandy, Coffee, Imperial, Hyson & Y Hyson Tea, Almonds Nutmegs, Cloves, Mace, Cinnamon, Pepper, Ginger, Spermaceti and Tallow Candles, Soap, Fig Blue—Mess and Prime Pork, Corks, Sheet Iron, Tin, and a few boxes of Pipes—Gunpowder and shot. Also, Maderia, [illegible] Lisbon, Sherry, Catalonia & Claret Wine.
JOSEPH FORREST, Prest.
Aug. 11—eop3w.