# National Intelligencer.

## & WASHINGTON ADVERTISER.

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[BY AUTHORITY.]

*An act making appropriations for opening and improving Streets and Avenues and for other purposes.*

SEC. 1. BE *it enacted by the First and Second Chambers of the City Council of Washington,* That for the purposes hereinafter mentioned, the following sums be and the same are hereby appropriated, viz.

For opening and improving Virginia avenue, from Maryland avenue to New Jersey avenue, six hundred dollars:

For opening and improving Virginia avenue, from New Jersey avenue to Fourth street east, one hundred dollars:

For opening and improving Second street east, from Maryland avenue to Pennsylvania avenue, one hundred dollars:

For opening and improving Virginia avenue from Seventh to Eleventh street east, two hundred and fifty dollars:

For improving South K street from Seventh street to Seventeenth street east, eight hundred dollars:

For opening and improving Eleventh street from the Eastern Branch to Pennsylvania avenue, eight hundred dollars:

For improving South L Street from Jersey avenue and thence along Georgia avenue to south K street, three hundred dollars:

For opening and improving Eleventh street east from the Eastern Branch to Pennsylvania avenue, three hundred dollars:

For improving South M street from Seventh to Eleventh street east, one hundred dollars:

For repairing East Capitol street from Second to Twenty-second street east, one hundred dollars:

For opening Second street east from Pennsylvania avenue to Virginia avenue, three hundred dollars:

For paving gutters on Pennsylvania avenue between Sixth and Seventh streets west, fifty dollars:

For building an addition to the Eastern Branch Market-house, thirteen hundred dollars:

For repairing Twentieth street west from Pennsylvania avenue to northern boundary of the city, fifty dollars:

For opening and repairing South B street between New Jersey and Pennsylvania avenues, one hundred and fifty dollars:

For improving Seventh street east, from M street south to Pennsylvania avenue, one hundred and fifty dollars:

For improving and opening gutters on Eighth street east, between M and Ninth streets south, one hundred dollars:

For repairing Maryland avenue from the Capitol Square to Third street east, one hundred dollars:

For improving and gravelling Fourteenth street west, from North F street, to the Northern boundary of the city, one hundred and fifty dollars:

For improving South N street, from Third street east to Second street east, one hundred dollars:

For improving Third street east, between Virginia avenue and South L street, one hundred dollars:

SEC. 2. *And be it enacted,* That the Mayor be authorised to appoint three inhabitants of the neighborhood of that part of Pennsylvania avenue, which lays between Ninth and Fourteenth streets west, who, when appointed are hereby authorised to convey water from the spring, commonly called "Caffrey's Spring," (or from any other spring which may be more convenient) to Pennsylvania avenue, and to continue the same on said avenue, as far as the funds hereinafter provided for will enable them.

SEC. 3. *And be it further enacted,* That the sum of three hundred and sixty-six dollars be, and the same is hereby appropriated for the above object, *Provided however,* that the Treasurer shall not pay the same until the Mayor is satisfied, that the inhabitants of the aforesaid neighborhood, have subscribed and paid into the hands of the commissioners appointed as aforesaid the sum of five hundred and forty dollars.

SEC. 4. *And be it further enacted,* That the Mayor be and hereby is authorised to borrow on legal interest in the name of the Corporation, and for the before-mentioned purposes, any sum not exceeding five thousand dollars, which shall be repaid out of the first money received into the Treasury after the first day of December next.

SEC. 5. *And be it further enacted,* That there shall be appointed by the Mayor, three inhabitants of the neighborhood of said streets and avenues, and Market house, whose duty it shall be to contract for and superintend the expenditure of the aforesaid appropriations.

SAMUEL N. SMALLWOOD,
*President of the First Chamber.*
JAMES S. STEPHENSON,
*President pro tem of the Second Chamber.*

APPROVED,
August 4th 1809.
ROBERT BRENT, MAYOR.

*An act to remunerate John T. Frost, for expences attending the removal of a nuisance.*

BE *it enacted by the First and Second Chambers of the City Council of Washington,* That the Treasurer be hereby authorised to pay John T. Frost out of any money in the treasury not otherwise appropriated, the sum of Ten Dollars for removing a nuisance on North B street.

SAML. N. SMALLWOOD,
*President of the First Chamber,*
JAMES S. STEPHENSON,
*President pro tem of the Second Chamber.*

APPROVED,
August 4th, 1809.
ROBERT BRENT, MAYOR.

FOR THE NATIONAL INTELLIGENCER.

## ORATION

*Delivered by* JOHN NICHOLAS *of the state of New-York, on the 10th June.*

[CONCLUDED.]

Having ascertained the temper and views of Great Britain so late as last September, and indeed so late as the middle of February, when these topics were discussed in the British Parliament, we will now enquire what they have gained by the laws of the last session of Congress and by the agreement lately made with the President.

In considering how far the measures of the last session of Congress were the inducement to the settlement, we are to guard against one deception, as to the "early proceedings" of Congress spoken of by Mr. Erskine, which has been successfully practised on many people. The federalists say that there was a change in the measures of government, produced by their energy, that this change appears in the non-intercourse law. Now Mr. Erskine says that it was the non-intercourse law, which induced his overtures; and of course, at first view, if the federalists can establish that they caused the non-intercourse law, and that the British have been reconciled by the concessions of that law, it will be easy for them to establish that they have produced the settlement. To be sure it will be pretty difficult for them to prove that they caused the non-intercourse law, or that G. B. has been gained by concession at all; but two or three objections are so much less than have usually opposed their claim to good works, that I am not surprised they should undertake to get over them. But the deception which I said has been practised shews that they have a great stumbling block at the threshold. The messenger by whom Mr. Erskine received his instructions must have left England in February in all probability. The proceedings in Congress to which his correspondence relates, must have had time to reach England and to produce its effect, so that we are carried back at least to the middle of January, if not to the beginning of the month, for "those early proceedings." At this time both Houses of Congress had refused to take off the embargo, and it had been recommended in both Houses to add a prohibition of all imports from G. B. and France, and to exclude the armed vessels of both nations from our waters. The report made to the House of Representatives by Mr. Campbell, which we know was in England, because it was referred to in Parliament, stated our injuries with great force, relied on the embargo as the means of compelling the offending nations to return to justice, and recommended the additions before mentioned as useful aids in the same work. Here was an increased portion of compulsory measures, proposed avowedly to coerce G. B. and this is certainly the only state of things known to the government of that country when they directed the overtures. The state of things which they consider as the result of federal energy was certainly not known when the messenger left England. It is true that in the measures there proposed there is the extension of the prohibition which existed against British ships of war to French ships of war and a general non-importation law as to both, which virtually swallowed up the partial non-intercourse law against G. B. which existed in our statute book. These ought to silence the claim to the credit of them, when they were proposed, at a time when the federalists do not pretend they had any influence. A moment's attention will shew that the changes were of so little consequence in themselves and so little flattering in their manner to the pride of G. B. that they will not even serve for the covering for which they are seized on.

In the then state of things a prohibition of imports operated more unfavorably to G. B. than France. There were some importations from G. B. and none from France. At any time a non-importation operates more unfavorably to G. B. than France. France is more interested in our export than import trade, and G. B. more interested in our import than export trade. We ship to France to find means to import from G. B. Of course an embargo is a measure more favorable to G. B. than a prohibition of imports, and if there was inequality in our embargo, that inequality was increased either by exchanging it for a non-importation or by joining them together. It was viewed in this light by the opponents of government last winter, who, from its unequal operation, ventured to predict war as its inevitable consequence, although the same prediction as to the embargo had failed. The partial non-intercourse law had existed from the winter of 1805-6—had existed before the treaty was signed—had never been treated by the British government as the cause for any of her measures; and although the embargo had co-operated with it in reducing importation from G. B. yet there was still considerable business done with G. B. and none with France. There could be nothing in this measure to soothe G. B. and induce her to make proposals of accommodation.

The exclusion of French armed ships from our waters is the other effect of the system which the British government had reason to anticipate and of the system which took place (for they wholly agree in their aspect towards foreign nations). For the offence committed in the case of the Chesapeake, British ships of war had been prohibited the use of our waters, and G. B. had refused to make amends, saying that she would not act under coercion, and that as long as we kept our own measures of retaliation in existence we must be satisfied with them. The misconduct of France made it necessary to treat her in the same manner, and the exclusion is extended to her ships and confirmed as to G. B. If the fact stood alone, how, I ask, is the coercion removed from G. B. or the satisfaction of our own planning at an end? Say if you please, that it was desirable while her ships were excluded that those of France should be, (which however I cannot perceive it to be, when scarcely a French armed ship is found on our coasts)—but it must be admitted that it is infinitely less important than taking off the restriction on their ships which is attended with great inconvenience, and while it continues is a censure on their government. It is probably the just construction of the act of Congress, that the President had no power to take off this restriction and of course that it is not taken off; but that is not the enquiry, for they might have had it removed long before on tendering the satisfaction they have now given. The question is, has the non-intercourse law so far changed the attitude of the government as to enable them to make satisfaction consistently with the demands made by Mr. Rose. It is to be remembered, that when it was proposed in "the early proceedings of Congress," the prohibition was to be enforced against G. B. and extended to France as part of a system which was to bring out our whole force against both countries. But this change, unsatisfactory as it must have been, is the foundation not only of satisfaction for the affair of the Chesapeake, but of the revocation of her orders in council, which had been artfully kept separate from the affair of the Chesapeake by dating them the day after Mr. Rose left England, and the very complaisant and unusual procedure of sending a minister to treat in this country. But you will be told that the orders have effected their object by leaving our laws to operate on France, while they are at an end with respect to G. B. So it would have been under the offer made in relation to the embargo. How naturally does the declaration of the President to the present Congress meet us in this stage of the enquiry and receive its confirmation! He has considered himself bound to declare that the like terms had been before offered by our government. Might he not have said greater, if delicacy to G. B. had not restrained him. How much more honorable as well as useful would have been the arrangement he had offered in the affair of the Chesapeake! The exclusion of French ships was made under circumstances which could not possibly leave a doubt whether it was a sacrifice to British pride, and its operation in practice was nothing. Then in truth this country had done nothing calculated to affect the temper of G. B. and (if she had obtained the use of our waters by the settlement) it is in consequence of previous reparation for the attack on the Chesapeake. The offer before made to G. B. was that both nations should go hand in hand to the altar of peace, and there sacrifice together. Now she has made the whole offering.

It is a very important enquiry what Great Britain has obtained by the settlement as to things for which her orders in council were issued. For its importance I must beg your attention, wearied as you must be, promising that it shall require but little more of your patience, which I am sensible I have tried very severely.

You recollect the demand made upon us by the note annexed to the treaty. You recollect the uses for which Mr. Canning says (in the letter from which I have quoted so largely) they were designed, and the offices they must perform. How far are these objects obtained, and the effects secured by the settlement with us? Even our guarantee could not have been accepted in their then temper, because the ends were vastly beyond our power, and we had no prospect but of suffering to the end of their struggle with France, unless we could operate on Great Britain so as to make her change her system. She has now totally abandoned it as I shall shew—our agreement with Great Britain stipulates nothing as to our conduct towards France, but I will agree that there is an implied contract that we shall not change our course as to France but upon the principle of the non-intercourse law—until she recals all decrees which violate our neutral rights—but we are the judges of what they are, and we have openly proclaimed to the world and to Great Britain in particular, what we consider them to be. Great Britain was fully informed what the construction of our government is, and must be on that subject; not only from information to herself, but from the instructions to our minister at Paris and his conduct under them, communicated to last Congress, and made public. If she had not meant to subscribe to this construction of our neutral rights, she ought to and would have asked an explanation on that subject. This subject is so important that I will read several passages from the communications relating to it. Mr. Madison in his letter of February 8th, 1808, to General Armstrong, speaking of Mr. Erskine's communication of the orders of the 11th November, says, "Whether these intimations have any reference to the distinction between such parts of the French decree as operate municipally on shore, and such as, operating on the high seas, violate the rights of neutrals, or to distinctions between the former restriction and the late extension of the decree with respect to the United States, Mr. Erskine did not seem authorized to say. The probability is, that neither of these distinctions entered into the views of the British cabinet. But it is certainly neither less the duty nor the true policy of the Emperor of the French so to vary his decree, as to make it consistent with the rights of neutrals and the freedom of the seas, and particularly with his positive stipulations to the United States. This may be more reasonably expected, as nothing can be more clear, as has already been observed, than that the effect of the decree, as far as it can be carried into effect, would not be sensibly diminished by abolishing its operation beyond the limits of the territorial sovereignty." This or rather General Armstrong's conduct has been noticed in the British Parliament as a collusion with France. In a letter of May 2d, 1808, from Mr. Madison to General Armstrong, he says, "In every point of view therefore, it is so clearly the sound policy of France to rescind so much at least of her decrees as trespass on neutral rights, and particularly to be the first in taking the retrograde step, that it cannot be unreasonable to expect that it will be immediately taken." In another letter of July 22d, 1808, Mr. M. says to G. Britain, "If France does not wish to throw the U. S. into the war against her, for which it is impossible to find a rational or plausible inducement, she ought not to hesitate a moment in revoking so much at least of her decrees, as violate the rights of the sea and furnish to her adversary the pretext for his retaliatory measures. It would seem as if the imperial cabinet had never paid sufficient attention to the smallness of the sacrifice which a repeal of that portion of its system would involve, if an act of justice is to be called a sacrifice." Mr. Armstrong in a note to Mr. Champagny of Aug. 6, 1807, says, "that his majesty has a right to make such municipal regulations as he may deem proper with regard to foreign commerce neither is or has been denied; for example, he may forbid the entry into the ports of France of American ships which have touched in England or have been destined to England and he may either sequester or confiscate such vessels of the United States as shall infract these laws after due promulgation and notice thereof; but beyond this the United States hope and believe his majesty will not go." Nothing can be more explicit than these declarations, and I will shew you that they were known in Great Britain and to the ministry—in the sketch of Mr. Steven's speech in the the House of Commons, as it comes to us, are these words, "he now took a view of the correspondence between General Armstrong and Champagny; shewing from thence, that as France could not cope with Britain on the high seas the plan of accommodation between her and America was to do still an injury by seizing all British merchandize in continental ports by what they stiled a municipal law, &c." I quote this to shew that our construction of the law of nations and our understanding of our rights were perfectly known in Great Britain; and if so, and if they have been formally made known to them, they have virtually subscribed to them. That they have been formally declared to them, will be seen by Mr. Madison's letter to Mr. Erskine of 25th of March, 1808, in which he says—"The French decree in question has two distinct aspects—one clearly importing an intended operation within the territorial limits as a local law; the other apparently importing an intended operation on the high seas. Under the first aspect, the decree however otherwise objectionable, cannot be said to have violated the neutrality of the United States. If the governing powers on the continent of Europe choose to exclude from their ports, British property or British productions or neutral vessels proceeding from British ports, it is an act of sovereignty which the United States have no right to controvert. The same sovereignty is exercised by G. Britain at all times in peace as well as in war, towards her friends as well as her enemies. Her statute book presents a thousand illustrations."

It results from the enquiry that that part of the Berlin decree which declares the British Islands in a state of blockade is alone to be resisted according to the construction (most favorable to G Britain) of our late agreement. I have confined my attention to the Berlin decree, because it was the only decree which could have furnished a pretence for the orders in council. It has been sufficient to test our conduct towards France. Our agreement of course comprehend those parts of other decrees which rest on the same principle with the blockading part of of the Berlin decree. To shew the importance of the enquiry I will read a paragraph from a late paper called the "New York Herald." I do not attach this importance to the sentiments expressed from their appearing in this paper (although it has no little influence in misleading the public mind) but because my own acquaintance with the politics of the parties in the United States led me to expect the very effort which is now making on public opinion. The mischief which may result if the people can be brought to take a part in this system is incalculable. We shall set up claims for which there is no pretence and which we have formally abandoned, and it may be feared we shall lose that protection which has so wonderfully saved us in every time of danger and which our moderation and justice have most probably obtained us. The paragraph is in these words—"Mr. Madison has taken his own ground—he has magnanimously stamped under foot the deleterious dogmas of Jefferson; the honor of the nation is pledged to Great Britain to continue our non-intercourse with France, until the tyrant of Europe rescinds in toto his atrocious decrees against neutral commerce. Let us not rest contented with deceptive, half-way measures such as those offered by the vassal king of Holland. Before we can consent to trade with France or admit the productions or manufactures into the U. States, the Berlin, the Milan and Bayonne decrees must be formally, totally, and