

Before the call is complied with it may not be improper to consider the nature of the right, and the reasonableness of the demand on the United States to assert it on their behalf.

1st. No right to follow the course of air, wherever the wind blows, has yet been pretended, but to go with the waters, wherever they run, is held by the Church of Kentucky, to be *jure divino*, & therefore rivers are a common right—but leaving the spiritual doctors as unsafe guides in things terrestrial, and looking into the world, we shall find that things are there otherwise ordered—and that the sovereignty and exclusive use of a river changes with the property of the country through which it happens to run, and that where the use is not exclusive, consent or stipulation has been understood.

I cannot say this point has been invariably agreed—the late Emperor, Joseph the Second, contended for the navigation of the Dutch part of the Scheldt, under the laws of God and nature, against human convention—but the sovereigns of Europe, boding no good to her own corps from the allowance of such authority in their affairs, objected to the precedent—the Emperor's plea was over-ruled, and it was adjudged that neither God nor nature should direct in the navigation of rivers, but that it was an affair belonging to men or rather to kings.

Indeed it is difficult not to allow that the common use, of different people, to the same waters, under whatever principles, would produce nearly the same uncertainty, and disorder in the police and economy of a country, as it would in the case of a road.

Under this impression of inconvenience the use is seldom a mixt property—The Rhone the Po and the Rhine all take their rise in Switzerland—but the people of the Cantons do not therefore traffic, in their boats, along the whole course of these rivers to their issues in the Mediterranean, the Adriatic or the fens of Holland? Do the Germans pursue the Danube from Suabia, through Hungary and Turkey, into the Black sea, or the Spaniards followed down the Tagus to Lisbon in Portugal.

No matter! The people of Kentucky have another count in their declaration—the hole in the heavenly title is patched by an earthly document, supplied by the treaty made with the king of Great-Britain. I have not looked into it—but if as I suspect his own title was not good, there must be a link fatally wanting in the chain—and if he has given only a common warranty they may go whistle for the right.

2ndly. Having already remarked that a state assumption of the Kentucky lands, in particular, was in derogation of Continental right—and that the premature settlement, occasioned thereby of such distant regions, operated greatly to the best interests of the United States, it could hardly be expected of them, even were the title indisputable, that they should in complying with the call labour at a point, which if gained would but the more enhance the evils they already complained of—but as the title appears at least doubtful let us hope that the public peace or general prosperity may not be disturbed or put to hazard by our contests with the kingdom of Spain on that account.—And that if the Kentuckians attempt alone to redress what they call a grievance, they may, being disowned by the general government, be left alone to the consequences of their own presumption and iniquity.

EXAMINER.

UNITED STATES.

NEW-YORK, March 7.

By the Akny, in 68 days from Cadiz, we learn, That about the latter part of November, Colonel Lindsey, by order of the Commandant of Toulon, made a vigorous sortie from the fortress of Malgue—but after exhibiting prodiges of valour, was repulsed with great loss: The next day, on the parade, he was bitterly reproached by General O'Hara, for misconduct; but conscious of having done his duty as a brave officer, and unable to exist under infamy, however unmerited, instantly shot himself. O'Hara, to evince the facility of the enterprize, sallied out next day, with a force considerably inferior to the former; and, after a warm action, in which he lost an arm, was made prisoner, with all his surviving army: That the command then devolved upon

General O'Reilly, an Irish officer in the Spanish service: it is added, that General O'Hara was permitted by the French commander to have two eminent physicians from the garrison, and two of his favorite servants, to attend him.

In addition to the foregoing, we learn, by the arrival yesterday of Capt. Neil, in the Morning Star, in 47 days from Carthage: That Toulon was evacuated on the 19th December, by the British, after burning all the French ships in the harbor, excepting 2 of the line and 2 frigates, which they took away, together with a number of Royalists: that after the French had got possession of the place, they ordered all the remaining inhabitants into the large square, and shot them all without distinction.

By a letter from Albany, we learn, that about five o'clock in the morning of the 1st instant, a fire broke out in the south part of the city, which, after consuming three houses, was happily suppressed. The letter is silent as to the occasion of this misfortune, which renders it more likely to have arisen from accident, than the design of evil disposed persons.

PHILADELPHIA,

MARCH 10.

The Naval Armament bill passed the House this day—50 to 39.

The National Convention of France, have passed a decree, granting to James Thayer, a citizen of the United States, the sum of 40,751 livres 8/4, as an indemnification for losses sustained in consequence of his goods being damaged by a shot fired into a Genoese vessel from one of the French fortresses—the decree also provides for indemnifying the expence incurred in repairing the Genoese vessel.

It is reported, that the intended expedition to the Mississippi, under General Clark, is given up.

We hear that the Democratic Society of Norfolk, Virginia, have elected *James Madison Esq.* an honorary member of that institution.

The German republican Society of this city, have addressed the Democratic Society, to which address they have subjoined the following resolutions—

Resolved, That it is the natural privilege of every free citizen, to give his sentiments on all public measures, and not only on those which have operation, but on those also that are pending.

Resolved, That this society highly approves of the resolutions proposed to Congress, by James Madison, and that it entertains the most pleasing presage of the present majority of Congress.

Resolved, That as republicans, and friends to universal liberty, that this society views with concern, the attempts which are making to depress the French character in this country: That when we see men, insidiously endeavouring to produce an abhorrence of a principle, because the actors have gone to imagined excess, that when we see men, who, under the guise of patriotism, enter into a defence, nay a panegyric upon the perfidious, insolent, and tyrannical conduct of Great Britain, every freeman ought to express his abhorrence of such dark policy, and declare, that the true and unbiassed American, has different sympathies.

By order of the Society,
HENRY KAMMERER,
President of said Society.

Feb. 20th, 1794.

Democratic Society of Pennsylvania, held in Philadelphia, March 6th, 1794.

Resolved unanimously, That this Society heartily concur in the resolutions proposed by the German Republican Society, and that they will unite with them in any measures which shall be judged proper to promote the public welfare.

By order of the Society,
BLAIR McCLENNEN, President.

IMPORTANT!

Extract of a letter from a Gentleman in Boston to his friend in this city, dated 3d. March. A vessel arrived here yesterday from Bermuda, and brings intelligence of the release of American vessels both there and at New-Providene. Mr. H. who had a vessel carried into the latter place, has news of her discharge and 1000 Dollars paid for detention. Mr. T. who had a ship carried into Bermuda (being bound from the French W. Indies to Europe) has advice of her discharge.

THEATRE.

OBSERVER No. VIII.

Mr. FENNO,

Friday and Saturday last the Comedy of "Every one has his fault," was performed at the New-Theatre.—It was gratifying to the Observer, that the exhibition of Saturday was much the best: this circumstance strongly evinces the industry of the performers.—The characters were supported with propriety, especially those of Capt. IRWIN, and Lady ELEANOR IRWIN, by Mr. Fenno and Mrs. Whitlock.—A detail of particulars in favor of any Actor, would trespass too much on your paper; but the Observer thinks, the Company have never done themselves so much honor, as in this exhibition.

The Observer takes this opportunity to hint to A SUBSCRIBER, in your paper of March 7th, that he had better read with more attention, his remarks, before he animadverts with such severity.

Has He asserted that many of the Players have not left Superiors, and some of them not equals in Europe? Or has he said, such was his information? Whenever that writer, or any other, will fairly attempt a correction of the Observer, he will not only thank his corrector, but profit by it, and if in an Error, reform. If it is not too much trouble, your Subscriber is requested to look over what he himself has written; not with such *curjory reading*, as he says he has the Observer's numbers, and if he wishes to throw down his *Gloves*, the Observer will then accept his challenge and go into a detail of names and characters of European and American theatric performers; and give their relative merits, and then call upon Mr. SUBSCRIBER, to meet him with a refutation if he dares. In the mean time, the Observer means to continue his remarks, upon the actors at the New Theatre, (if you will print them) without *changing his signature*.

CONGRESS.

House of Representatives.

Monday, March 10.

Mr. Sedgwick this day gave notice that on Wednesday next he should submit to the consideration of the Legislature certain resolutions, the object of which would be the means of defence required by our present situation, and the funds which might be required to defray the expence.

This notice was introduced by Mr. Sedgwick with the follow previous observations:

He said he had heretofore done himself the honor to declare to the house, that in his opinion, it was the duty of the legislature as the guardians of the public safety, at a time when Europe was convulsed, and this country suffering many injuries, to provide for its defence, and as events might happen to avenge for its injuries. That the preservation of peace, an object so necessary to our political and individual happiness, might materially depend on the wisdom and firmness of the legislature in this respect.

That he had hoped and expected some plan for these important purposes would before this time, have been presented to Congress. That in his opinion, it would be unpardonable to leave our country in this naked and exposed situation, during the approaching recess. That it ought no longer to remain uncertain whether the property and best interests of our citizens were to remain in a situation to be insulted and injured with impunity.

He said he should forbear to give even the outlines of the system which his own mind had embraced, because he should always be willing to prefer any other more competent to the end. His only object at present, was to call the reflections of gentlemen to this important subject.

(To be Continued.)

Extract of a letter from Capt. O'Brien dated at Algiers, Nov. 28.

The Dutch truce will expire in 12 days from this date; and if Van Trump is not here in the limited time, away go the rovers in quest of Dutchmen.

The Danes, in my opinion, are on the verge of losing their peace with Algiers—Should these three nations be baffled relative to Algerine affairs, then the United States might probably have an opportunity of establishing a peace; but never on so favorable terms as they might have had 3 years past which neglect will cost them 4 millions, together with loss of trade, insurance, armaments, and peace redemptions. At all events, the United States have no alternative but to fit out 12 of the best sailing vessels that can possibly be built: these cruizers to be properly appointed and completely manned, for all depends on this measure. At the same time the door for obtaining a peace should be kept open, and care taken that the United States do not become the dupe and buffoon of all Europe.

Mr. Madison's Speech to be continued to-morrow.

NEW THEATRE.

THIS EVENING, March 10,

Will be performed,

A COMIC OPERA,

CALLED

ROBIN HOOD;

OR THE

Sherwood Forest.

Residents in the Forest.

Robin Hood, Mr. Darley
Little John, Mr. Wignell
Scarlet, Mr. Francis.
Bowman, Mr. Warrell.

Archers } Messrs. Bliffett, Warrell
jun. De Moulins, Lee,
Bafon, &c. &c.

Allen a Dale, Mr. Darley, jun.
Stella, Miss. Willems

Shepherdesses } Mrs. Bates, Mrs. Cleveland
Mrs. Rowfon, Mrs. De
Marque, Mrs. Finch, and
Miss. Rowfon.

Visitors to the Forest.

Ruttikin, Mr. Bates
Friar Tuck, Mr. Whitlock.
Edwin, Mr. Marshall.
Clorinda, Mrs. Warrell.
Annette, Mrs. Marshall
Angelina, Miss. Broadhurst

With the original Overture, by Baumgarten.

The rest of the music and accompaniments composed by Shield, with additional airs by Mr. Reinagle.

With new Scenery, Dresses and Decorations.—The Scenes, painted by Mr. Milbourn.

To which will be added,

A FARCE, in two Acts, called

Who's the Dupe?

Doily, Mr. Morrie.
Standford, Mr. Moreton.
Granger, Mr. Cleveland.
Gradus, Mr. Harwood.
Miss. Doiley, Mrs. Francis.
Charlotte, Mrs. Marshall.

Books of the Songs of the Opera to be had at the Theatre. Price 1-8th of a dollar.

Great Republica.

A Journeyman Bookbinder

WANTED,

Who can be recommended for his industry and sobriety—He may hear of employ by applying to Mr. HENRY KAMMERER, No. 24, North Third-street.

March 8.

*dst

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A few Acromatic Pocket Perspective Glasses.
A Camera Obscura.
A capital German Flute, with 6 Keys, and additional joints.
And a few elegant colour'd Prints.
Feb. 23.

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