

clearly the Mote that is in thy brothers eye." We search the works of authors, (Vattel, Blackstone, Puffendorf,) who have laid down the law of nations, and make large quotations from them, professing to govern our conduct in all cases by them, where treaty does not interfere, and we are the first to give to the world an example of a violation of all national law, in one of its most essential articles, "We have (to use the Secretary's own words) done what is un stipulated in our own treaties, and unfounded in the practice of France, or in that of any other nation," and this we call neither "aiding nor assisting any."

† Far be it from me to detract from the merit of Mr. Jefferson's writings, they would do honor to any man in any age or country—but these contradictions are additional evidence how liable to err, the most knowing of us are.

The following was omitted yesterday for want of room.

For the Gazette of the United States.

Mr. FENNO,

In this alarming crisis when war is so much talked of that it is almost become familiar to our ears, it is the duty of every good citizen to weigh well the causes of the present uneasiness in the public mind, and the consequences of an improper direction being given to it. The injuries and aggressions of the British government, which have excited the most lively sensations among us are, 1st. The detention of the Western Posts—2d. The truce between Portugal and Algiers—3d. The seizure of vessels carrying provisions to the ports of France—4th. The piratical conduct of British cruizers in the West Indies—5th. The instructions of 6th Nov. and the consequent seizure and condemnation of our vessels in the West-Indies.

1st. The detention of the Posts. This is deemed by us a violation of the treaty of peace; Great Britain attempts a justification by alledging that the United States have also violated it by laws of the states, and decisions of the state courts, restraining the recovery of British debts; it is answered on the part of the United States, that even admitting this to have been the case, yet the detention of the posts was an infraction of the treaty, antecedent to any such laws or decisions. It must in candor be admitted, that the conduct of some of the states, with respect to debts, may be viewed in some measure as a departure from the rigid construction of the treaty; at the same time, candor ought to make allowances for the situation of this country, and to suggest many causes of justification. The state laws were in general favorable to the mass of British creditors, for had the debts been thrown open immediately after the peace, not above one in a hundred of those creditors would have been paid, and the debtors would all have been ruined: no discrimination was made in any state against British creditors, but they were always placed on the same footing as American creditors. Still however, there may exist some doubt on the subject, and it may not be so clear a case as to justify a war. It is true the courts are all open at present to the recovery of debts, but if there has been an infraction of the treaty on our part at any time since the peace, it may furnish a pretext on the other part for not immediately fulfilling it. The fur trade is not an object in itself of sufficient magnitude to indemnify us for a war; the bravery of our frontier people and our western army, which has lately been successful, will keep the Indians quiet, notwithstanding the British may continue for a few years to hold those posts: it is not in the nature of things that they should be able to hold them much longer: The extension of our settlements, in their vicinity, the bold and enterprising disposition of the settlers, and the frequent desertions of the troops which garrison the posts, will soon induce the British government to abandon them.

2dly. The truce between Portugal and Algiers.—In moments of passion when our sympathy is justly excited for the dreadful sufferings of our unhappy countrymen, it is natural for us to execrate and swear vengeance against those who have in any respect been accessory to their misfortunes. But we should view the subject, as between the United States and Great Britain. To say that Great Britain has let loose the Algerine pirates upon us, is a figure of speech which is incorrect. Had Britain felt a very friendly disposition towards this country, it is probable she would not have made that truce for Portugal without stipulating

a security for us; but are there any ties which connect us with Britain? Are there any existing causes of obligation on her part? Has our conduct been such for some years past, as to authorize us to expect on the part of Britain, partiality, preference and favor? Let us examine our public prints; the incessant torrents of abuse against Britain, the accounts of toasts, processions, and rejoicings for the defeat of her armies, will immediately satisfy us that we had no right to expect that Great Britain should digress from the strict line of her own policy to accommodate herself to ours: our partiality for France, however natural it may be, has led to such open and avowed animosity against the British nation, that it would have been folly to have expected in return from Great Britain, proofs of kindness and friendship.

Our government indeed, with one exception, has been neutral: Mr. Jefferson in his correspondence with Mr. Genet, makes a merit of deviating from our neutrality in allowing the sale of prizes not warranted by treaty; and boasts of our exertions to pay our debt to France.

These deviations might excite umbrage in the other belligerent powers; but upon the whole, the federal government, considering the bias of the people, has been highly meritorious, and their conduct should have a due effect on the British cabinet. A law has passed one branch of the federal legislature, to prevent the sale of prizes; if it passes the other, then the decided neutrality of the government will be an offset against the decided partiality of a considerable part of the people.

How then does this question stand as between the United States and Great Britain; the latter makes a truce in behalf of an old friend and close ally with a formidable adversary, without stipulating a security or a participation in that truce for a nation, the inhabitants of which have manifested the most decided partiality for her most bitter enemies, and the government of which has not required such a security or even her mediation. Where then is the cause of hostility?

3. The seizure of vessels laden with provisions for France. This measure was adopted in pursuance of a stipulation entered into between Great Britain, Russia, Spain, &c. All those powers are answerable for it, & war against one on that score, would be war against all. The British Minister attempts a justification of it from the authority of writers on the law of nations, particularly 2 Vattel, 72, 73, and urges, that by the doctrine, there laid down, they have not gone so far as they would have been justified in proceeding, considering the prospect they have of reducing their enemy by such means, the instructions not extending to all kind of provisions, rice being excepted, nor to confiscations; that the existing circumstances justify them in considering grain as among contraband articles, and therefore coming within the President's proclamation, that the French government (and not individuals) are the only importers of grain into that country, that the measure was so guarded by directing the property to be paid for, together with the freight, that the owners could suffer no loss, a liberal price being always allowed in the cases.

Whether this explanation be or be not consistent with the law of nations, it is not perhaps necessary to explore; these remarks, however occur:

1st. That it is not probable any act of our government would produce a departure from a system established by all the combined powers as one deemed by them indispensable for their own safety.

2d. That it is as little probable, any further inconvenience will result to us, from this system, as the conduct of the French government, by payments in assignats, embargoes, and other acts of violence, will be a sufficient restraint on our merchants, from sending provisions to France in American bottoms: It is more probable, that the French government, aware of this, will continue to pursue the wise policy they have adopted of sending their specie, ships and convoys to our ports for grain.

3d. The piratical conduct of the commanders of British cruizers in the West-Indies. A complaint having been made on this head to the British Government, Lord Grenville requested our Minister Mr. Pinckney, to select some instances where the evidence was clear, in order to institute criminal prosecutions against the offenders and promised the fullest support of the law-officers of the crown. Mr. P.

informs our executive, that he was endeavouring to fix upon some strong cases where the evidence might be sufficient to ensure conviction: He adds in the same letter that he believes it to be the desire both of the British government and the people in general, to be upon good terms with us; this being the case, no just cause of war can arise until it be known, that the promise has not been observed.

4th. The instructions of the 6th of November, signed H. Dundas, and the consequent seizures.

The true import of these instructions must be first considered, independent of the proceedings in the West-Indies. The instructions direct that our vessels under certain circumstances shall be carried into the British Islands "for certain adjudication." What is the meaning of the words "legal adjudication?" Civilians say they imply nothing more than an adjudication by law whether a vessel or cargo is or is not liable to condemnation; lawyers of eminence in this city have given the same opinion, the law officer of the crown in Jamaica, gives the same opinion; he says that to guard against the irregular conduct of commanders of cruizers, they are directed to carry neutral vessels suspected of having enemy's property or contraband goods on board into port for trial, and that the instructions mean nothing more; Lord Grenville, who probably drew up the instructions, in a note to Mr. Pinckney, speaking of some American vessels in London, which had been libelled in the Admiralty Court, says they were in a course of legal adjudication, meaning only that they were under trial. So far then it is clear that the instructions, in themselves, do not breathe hostility.

As to the proceedings in the vice-admiralty courts in the West-Indies, information varies; by some accounts it is said, that there have been no condemnations, except in Montserrat, by others we are informed, that they have taken place in some other Islands.

The Judges of these Courts may have proceeded to condemnation from ignorance or corruption; it is well known that the persons sent out to the British colonies as Judges, are not generally the best lawyers or the best men; they are frequently dissipated, extravagant, debauched, and ignorant persons of influential connections, who have interest enough to get their appointments. This was generally the case with us while colonies, and was one of the curses we got rid of by our independence; it is among the curses which the remaining colonies groan under. No one will deny that the conduct of some of these Judge-lings has been infamous and abominable, and that the British government ought upon information of their proceedings, to dismiss and punish them. But is their conduct a cause of war? We are precluded from saying that it is. When the British government complained that some of our inferior Courts had established decrees which were an infraction of the treaty of peace, what was the answer of our Executive? "No nation, says Mr. Jefferson, in his letter to Mr. Hammond, page 56, can answer for perfect exactitude of proceedings in all their inferior Courts: It suffices to provide a supreme judicature, where all error and partiality will be ultimately corrected." We cannot then complain of a refusal to do justice on the part of the British Cabinet, until an appeal has been made from the Vice-Admiralty Courts in the West-Indies, which are inferior Courts, to the Admiralty Courts in England. This is certainly a grievance of no inconsiderable magnitude to the parties, and many of them will probably be induced by the trouble and expence to abandon their vessels to the captors. But, in a case like the present, our government should interpose its aid and assist the sufferers. The Executive would be fully authorized, under such circumstances, to advance money to the Captains or owners of the condemned vessels for the purpose of prosecuting appeals: If the Supreme Court of Admiralty, as Mr. J. says, corrects the error of partiality of the inferior Courts and awards restitution and damages, we are bound by our own doctrines, to be content: If the iniquitous sentences be confirmed, and the Cabinet of St. James's, on a demand, refuse full compensation for the vessels and cargoes which have been unjustly seized, then hostility and retaliation against that nation will be justifiable, and all parties will be united in the most vigorous efforts to obtain redress for our violated rights.

These are the measures which ought immediately to be pursued, and while the issue of them remains uncertain, the country ought to be put in a condition to defend itself against invasion, and to assert its dignity.

A MODERATE MAN.

CONGRESS.

House of Representatives.

Wednesday, January 29.

The SPEECH of Mr. SMITH, of South Carolina, in reply to Mr. MADISON, on the subject of the Commercial Regulations.

[CONTINUED]

The gentleman had been much displeas'd at his having commented on the omission of the Secretary of State to mention that while the tobacco of the United States

paid in Great Britain a duty of 1/3, all other foreign tobacco paid 3/6. As an apology for that omission, (which Mr. Smith could not but deem material, especially as the Secretary laid great stress on other duties,) the gentleman had alledged that the circumstance was perfectly immaterial, inasmuch as the duty of 1/3 was itself so high as to diminish the consumption, and inasmuch as there was no other country which could be our competitor in that article. To this he answered, first, that tobacco being an article not of necessity but of caprice, and being consumed in small quantity by each individual a high duty could not be felt; secondly, that tobacco was obtainable from other countries; it appeared from documents of authority, that in the years 1744, 5, 6, the imports of tobacco into Great Britain had been annually about 62,000 hogheads, of which only 44,000 were from the American colonies, the residue, 18,000 being from other countries. From the same documents it further appeared that in 1774 Great Britain imported from the American colonies 96,000 hogheads which was nearly the whole of the tobacco she imported that year: The inference resulting from this circumstance was, that the difference of duty in favor of American tobacco had then destroyed a competition which did before exist. He admitted that this discrimination of duties in our favor was a relic of her colony system, but it's object was to encourage the growth of tobacco in this country, by giving to it a monopoly of the British market, and it appeared that this object was obtained; and it was to be inferred, that a continuance of the effect was procured by a continuance of the system. If we have not much competition now, it does not follow that it might not arise. What was there to hinder it's being raised on equally good terms in any quantity in any of the southern ports of this continent in possession of the different powers of Europe, Spain, Portugal, Holland? Portugal, it had been said, could not be our competitor, for she received our tobacco; the report says that it is prohibited; he understood some small quantity had been smuggled to that country; it was certain that only 62 hogheads had been exported thither the year before last, and only 5 the last year. In comparing the footing on which our commerce stood with France and Great Britain, the gentleman had dwelt on particular circumstances; that was not a fair mode of comparison, the question ought to be an aggregate one; are we as well upon the whole with this or that country? If we are, we ought not to deal out a worse measure to one than to another. The indirect commerce which Great Britain denies us, and which France till lately granted us, is not at present very material to us, as we could not multiply our navigation enough to derive great benefit from it, without injury; to divert our capital from more profitable branches to the mere carrying trade would be unwise; 'tis desirable only to a country, like Holland, of little production and great capital; but even France now excludes us from the indirect commerce with her by her late navigation act: The systems of the two countries, then, in respect to the navigation in Europe, stand precisely on the same footing; and in respect to their West-Indies, the war has let our vessels into the British as well as the French Islands, and there can be little doubt that our right to send our vessels to the French Islands will terminate with the war.

(Speech to be continued.)

Foreign Intelligence.

NATIONAL CONVENTION.

December 27.

Carnot, in the name of the committee of Public safety, read the following letter, Salicetti, Richard, Ferron, Robespierre and Barras, to their colleagues, composing the committee of Public Safety.

Head-Quarters, Toulon, Dec. 20.

Second year of the Republic, One and indivisible.

"The army of the Republic, dear colleagues, entered Toulon yesterday, at 7 in the morning, after 5 days and 5 nights fighting and fatigue; it burnt with impatience to give the assault; 4,000 shells were ready; but the cowardice of the enemy, who had evacuated the place after having spiked all their cannon on the ramparts, rendered the scaling useless.

"When the enemy knew the capture