

Gazette of the United States, & Philadelphia Daily Advertiser.

By JOHN FENNO, No. 119 Chestnut Street.

NUMBER 1478.]

PHILADELPHIA: SATURDAY EVENING, JUNE 3, 1797.

[VOLUME XI.]

For Sale or Charter,
The Schooner
Fair American,
Virginia built—about 750 barrels flour—
two years old—and can be sent to sea immediately.
Thomas & Joshua Fisher,
No. 5, Dock-Street.
May 29.

For Sale or Charter,
THE SHIP
WARREN,
Benjamin Church, Master.
OF about 280 tons burthen. En-
quire of
Jesse & Robert Wal-
May 26.

For Hamburg,
THE SHIP
AERIAL,
John Tarris, Master.
A GREAT part of her cargo is engaged, and
she will sail in ten days. For freight or pas-
sage apply to Capt. Tarris, at Whillings & Francis'
Wharf, or to
GURNET & SMITH.
May 25.

For London,
THE SHIP
WILLIAM PENN,
James Josiah, Master.
WILL sail with all convenient speed. For
freight or passage apply to
Jesse & Robert Wal-
May 19.

For Freight or Charter,
To any port of Europe,
The Swedish Ship
Alexander Magnus,
Capt. CARL G. EHRMAN;
ABOUT 350 tons burthen, in this port; and
also the Danish Ship **FREDERICK JULIUS**
KAUS, of 450 tons, now lying in Hampton Roads.
Apply to
JOHN VAUGHAN,
tuchfit

For Sale,
The cargo of the brig *Enterprise*, Captain
Langdon from Bourdeaux, now landing at
Morton's wharf,
CONSISTING OF
544 bbls. of Claret
247 cases of ditto
100 cases of Sweet Oil
110 pipes London proof
10 pipes of Holland proof
Apply to
Wharton & Lewis,
No. 115, South Front St.
Said Brig,
WILL take a FREIGHT for
the West-Indies or Europe, fails
fall, burthen about fifteen hun-
dred barrels, in its complete or-
der, and will be ready to receive a cargo in a
few days.
Apply as above.
May 24.

By order of the Board,
SOL. MAKACHE, Treasurer.
May 27.

Wharton & Lewis,
No. 115, South Front St.
Said Brig,
WILL take a FREIGHT for
the West-Indies or Europe, fails
fall, burthen about fifteen hun-
dred barrels, in its complete or-
der, and will be ready to receive a cargo in a
few days.
Apply as above.
May 24.

The Gazette. PHILADELPHIA, SATURDAY EVENING, JUNE 3.

A CHARGE,
delivered to the Grand Jury of the United
States, for the District of Virginia, in the
Circuit Court of the United States, held at
Richmond, May 22d, 1797, by
JAMES IREDELL,
one of the associate Judges of the Supreme
Court of the United States.
(Published at the request of the Grand-Jury.)
[Concluded from Their Friday's Gazette.]

Considerations like these are calculated to
impress upon the mind that salutary caution
with which all public measures ought to be
discussed. If it be a point of duty or jus-
tice we need enquire no farther: Policy is
out of the question. The duty must be
performed. Justice must be satisfied, at all
risques. Men would be forever unjust, and
morality would be a name, if exceptions were
once admitted upon any principle whatever,
to a strict observance of it. If a subject
of policy is in question, nothing affords
greater room for real differences of opinion.
The wisest men, with the best motives, have
been always divided on such questions, and
always will be—because nothing is more fal-
sible than human judgment when it extends
its views into a futurity, for the greatest
part, so imperceptibly hid from the sight of
man. All political measures must be ground-
ed on such views, and consequently must
partake of the imperfection of the grounds
on which they are adopted. Diffidence,—
therefore, as to any point of policy, is be-
coming the ablest men, and they are gene-
rally the best disposed to entertain it. Some
mode of decision however must take place.
Can we desire a better than that it should be
such a decision as the people themselves

have deliberately thought best adapted to
the case? It is indeed, as well as all other
political subjects, a natural and proper ob-
ject of their review. For their own sake,
that review ought to be conducted with
temper and moderation, lest they should
themselves suffer by a precipitate and erro-
neous judgment. Before they condemn any
one measure, where some measure was ne-
cessary, they ought to be very sure that a
better could be adopted. None can be ad-
opted without some inconveniences. Few
perhaps, without some advantages. It is
the part of wisdom to weigh one against the
other, and decide in favor of that measure
where the advantages are greatest, the in-
conveniences fewest. Any other mode of
considering great questions of public policy
is idle and insignificant. If after all, any
individual disapproves of the voice of his
country, what does duty and common sen-
se require of him? To be perfectly con-
fident he is right in his opinion, and those
entrusted to decide are wrong? Who is
the man entitled to so arrogant an estimation
of his own abilities? Is he rashly to deter-
mine, that the measure has been adopted
from some dishonest motive? What right
has any one man to charge another with di-
shonesty without proof? Let him prove &
punish if he can. If he can do neither, but
will indulge in atrocious calumny, he must
stand in the view of his fellow citizens as a
slanderer, and incur the suspicion, that his
readiness to suspect others of dishonest
intentions has probably arisen from some-
thing in the texture of his own mind which
led him to ascribe worthless motives as the
most natural inducement of action. The
part, surely, for every man who loves his
country, but who disapproves of any public
authoritative decision, is to submit to it
with diffidence and respect, considering the
many chances there are that his own opinion
may be really wrong, though he cannot
perceive it to be so—that whether it be or
not he does not live in a despotic govern-
ment where any one man's opinion, not
even his own, is to decide for all others; and
that the very basis of all Republican Govern-
ments in particular is, the submission of a
minority to the majority where a majority
are constitutionally authorized to decide.—
For a man to call himself a Republican,
without entertaining this sentiment, is folly.
To be one, without acting upon it is impos-
sible.

Since, therefore, the plainest dictates of
duty, and the principles of republicanism
itself, which, in their due application, en-
oble the human mind, though nothing can
more disgrace it than the abuse of them, re-
quire of us all to obey the laws of our
country, it is incumbent on us to take care
that an obligation so important be not rendered
merely nominal, but that every individual
shall perform his share of the common trust,
or answer for his neglect of it. Many in-
stances of neglect or indifference towards it,
which may have great effects on the happi-
ness of his country, are of a nature not
punishable by human laws, and the punish-
ment of them therefore, must be left to the
conscience of the individual, and the re-
proach which a violation of the rules of mo-
rality, though unaccompanied by any hu-
man sanction, seldom fails to draw upon it.
There are, however, others of so serious a
nature, and so directly tending either to
destroy or injure the society at large, that
laws are provided by it for their punishment,
and without such laws, and a due execu-
tion of them, no society could subsist, for
an idea that all men will support voluntarily
any government however excellent, or cheer-
fully obey any laws however wise, is ridicu-
lous. But as it is of great moment to es-
tablish some laws containing penal sanctions,
so it is also of the highest importance that
the execution of these should be provided
for in such a manner as to secure as much
as possible the conviction only of the guilty,
leaving innocent nothing to fear. The mode
of prosecution so long adopted in our
country, probably contains this security in its
utmost extent. Accusation of one injury—
trial by another—the trial being altogether
public—witnesses adduced face to face—the
prisoner under no restraint but from mere
confinement—challenges to a considerable
number, in all capital cases, to set aside ju-
rors even for momentary dislike. The jury
not being a permanent, but an occasional
body, liable to be affected either as mem-
bers of the community, or as individuals who
may be subject to a similar prosecution, by
their own precedents. All these circum-
stances probably provide as great a security
for innocence as is compatible with avoiding
a total impunity for guilt. With us
happily this is no theoretic speculation.—
None of us can remember a time when these
privileges were not in a great degree familiar
to us. So familiar indeed, that knowing
scarcely any thing of oppressive prosecutions
but from the history of other countries, we
are too apt to undervalue this inestimable
blessing in our own.

To you, gentlemen, are committed pro-
secutions for offences against the United
States. The object is the preservation of a
union, without which undoubtedly we
should not now be enjoying the rights of an
independent people, and without the sup-
port of which it is in vain to think we can
continue to enjoy them. This country has
great energies for defence, and by support-
ing each other might defy the world. But
if we dissent, if we suffer differences of
opinion to corrode into enmity, jealousy to
rankle into distrust, weak men to delude by
their folly, abandoned men to disturb the
order of society by their crimes, we must ex-

pect nothing but a fate as ruinous as it would
be disgraceful, that of inviting some foreign
nation to foment and take advantage of our
internal dissensions, first making us the dupe
and then the prey of an ambition we excited
by our divisions, and to which those divi-
sions, if continued, must inevitably give suc-
cess. So critical and peculiar is our situa-
tion, that nothing can save us from this as
well as every other external danger, but con-
stant vigilance to guard against even the most
distant approaches of it, and being at all
times ready to provide adequate means of
defence. Our government is so formed,—
that that vigilance can always be exerted,
and those means, when necessary, be drawn
forth. To rely upon these is not only our
indispensable duty, but the only chance of
securing that union of spirit and exertion,
without which in a moment of danger no
efforts can be of any avail. For twenty-
one years that union has preserved us thro'
multiplied dangers, and more than once re-
scued us from impending ruin. I trust it will
still display itself with its wonted efficacy,
and that no threats, no artifices, no idle
devotion to names without meaning, or to pro-
fessions without sincerity, will be capable of
weakening by any impression on a sensible
people a cement essential to their existence.

I deliver this general address, not know-
ing of any particular offences likely to come
before you. The sentiments have flowed
warmly from my heart, and I flatter myself
are not uncongenial to your own. The
present situation of our country is such as
requires the exertion of all good men to
support and save it. I enter into no parti-
culars, as the Legislature of the United
States are now assembled, and for whose de-
cision every worthy citizen must wait with
solicitude and respect. In the mean time
it is of the utmost consequence that every
man should sacredly obey the laws of the
country actually in being. They cannot be
altered, nor the observance of them in any
instance dispensed with, without the autho-
rity of the Congress of the United States,
in any exigence however great, in any situa-
tion however alarming. There is no occasion
to doubt but that the whole proceed-
ings of that most respectable body, will be
conducted with a degree of temper and firm-
ness, suited to the important and trying si-
tuation which called them together, and
that the great object of all their deliberations
will be, if possible, to preserve the peace, at
the same time that they maintain inviolably
the honor, the interest, and the independ-
ence of their country.

CONGRESS. HOUSE OF REPRESENTATIVES, Wednesday, May 21.

(Mr. Livingston's Speech concluded.)
But it is said that Mr. Pinckney probably
had power to negotiate upon all their com-
plaints; he thought he had not; he had
powers of this remarkable character—"to
remove complaints by showing they were ground-
less"—is this the language of investigation
or of sturdy and fallacious pertinacity?—is
it the language of conciliatory power? But
what does Mr. Pinckney himself say on this
subject:—I am thoroughly convinced that
"the sentiments of America and its govern-
ment, for they are one, are misunderstood,
and that I am not permitted even to at-
tempt to explain them, or, in the terms of
my letters of credence, endeavor to offer
unfavorable impressions, to banish suspicions,
and to restore that cordiality which was at
once the evidence and pledge of a friendly
union.—Devoted as I am to the liberty,
prosperity, and independence of my coun-
try, the freedom, happiness, and perfect
establishment of the French republic have
always been dear to me, and to have been
instrumental in cementing the good under-
standing, which from the commencement
of their alliance has subsisted between the
two nations, would have been the height
of my ambition. I must fervently pray
"that there may be a speedy and candid inves-
tigation of those points in which you differ
from us, that affection may banish distrust,
and that the alliance of the two republics
"may be perpetual." Had Mr. Pinckney
been vested with any powers which would
enable him to enter upon a candid investiga-
tion of the points of difference, would he
have thus expressed a wish instead of perform-
ing what he so much desired and would have
been his direct duty; no, his letters were those
of an ordinary minister, a mere successor to
the power of his predecessor and no more; and
therefore another assertion that had been made
of their refusal to treat was not a fact.

Another ground, the deceptions on our
commerce; this must be confessed to be a
great and just cause of offence; but it is a
cause that cannot itself, without applying to ne-
gotiation, justify a war; in this place he felt
it incumbent on him to notice a singularity that
the sense of dignity and love of justice should
have so much occupied the mind of the Presi-
dent in regard to the French deceptions, as
to shut out all reflection, to suppress all
indignation which in the natural order of
reasoning might have been expected to be ex-
cited by the deceptions of other nations;
France alone appears capable of crimes—
her offences only are we awakened to the call
of dignity and roused to indignation; over
others a Lethæan mist is drawn, and an irri-
tation of the sense and feeling are rendered
avoided—whence does this emphatic silence
arise—surely it does not proceed from any
kindness to us at the hands of Britain—it
cannot be concealed that Britain has com-
mitted enormous deceptions on our commerce,
not perhaps to the same extent in value as

those of France, but surely when the nation
is called to consider its situation and to pro-
vide for its security, the deceptions of Brit-
tain were worthy of the nice regards of na-
tional dignity and executive protection; there
is one species of atrocity practised by that
nation, which France has never been so much
as accused of—the imprisonment of our seamen
—our fellow citizens have been forcibly ta-
ken on board British ships of war, and com-
pelled to fight in a cause which they abhor-
red and against a nation to whom they bore
the best grounded affection; nay, more they
have been compelled to assist in deceptions
on their own country; another violence which
France has never pretended to offer, is the
declaration of unalienable allegiance, the sei-
zure of vessels belonging to persons who have
become citizens of these states since 1783;
and confiscating them as good prize; France
has not done either of these acts of violence
upon us, and yet we have heard of no remon-
strance, we are not even told of the indignity
nor alarmed at the humiliation.

We would not impeach gentlemen's mo-
tives for their conduct in that House then
any more than on former occasions; but at
a time not long since, attempts were made
to drive members from their right of opinion,
by the terrors of impending war; while we
exercised an undoubted right to reject a treaty
acknowledged to be bad, and which none
of us even now perhaps entirely approve.—
A preposition was excited and panthoms
raised up to appal us from solemn and pru-
dent deliberation—every terrific image was
employed to display the horrors of war—the
ocean was represented to us as forming with
the pressure of a thousand paws ready to dis-
gorge upon our shores all the furies and pas-
sions of war—the earth was made to groan
with the trampling of the hosts of cavalry,
spreading desolation and blood far and wide—
our woods were described as in one immense
imense blaze with the scalping-knives reek-
ing in the blood of our simple husbandmen—
the heavens were depicted as filled with pro-
diges and portentous omens, warning us of
our impending danger—and hell itself was
described as already yawning ready to receive
and punish us for our prodigality and rash-
ness, in rousing up the resentments of an in-
dignant nation! Was it not singular that
all these chimeras should so soon vanish?—
and now we should be told by the same per-
sons who conjured up these delusive threat-
nings to shake our opinions, that because we
seek for peace and negotiation we are betray-
ing our country and laying at the feet of a
foreign nation: but if it was right and pru-
dent at that time to avoid the remote chances
of those horrors to disarming, at the immense
sacrifices we made; is it not much more so
now? He would beg gentlemen to contrast
the consequences of the two chances of war
—and to consider that the adoption of the
address, as it stands without the amendment,
most obviously leads to war.

He had already sufficiently proved that the
alleged refusal to treat on the part of France
was unfounded; there was yet one other
cause of irritation of which we complained;
it was the alleged interference of France
between our people and the constituted au-
thorities; what evidence have we of it; he
would examine the foundation of this allega-
tion; in Mr. Pinckney's letter he says—
"as thus who regard us as being of some con-
sequence, seem to have taken up an idea,
that our government acts upon principles
"opposed to the real sentiments of a large
majority of our people, and they are will-
"ing to temporize until the event of the
election of the President is known, think-
"ing that if one public character is chosen,
he will be attached to the interests of Great
Britain, and that if another character is
elected, he will be devoted to the interests
of France;"—and he there proceeds to
say, that they think more homely of us than
we deserve, they think "that we are regard-
"less of our national character, honor, and
interests, and subjoin these remarkable
"words—"To eradicate this ill conceived
and unfounded opinion, will be a work of
time and labor, so greatly have they been
prejudiced by misrepresentations." So the
opinions entertained by the people of France,
and these acknowledged by our minister,
actually exist upon the basis of misrepresenta-
tion; do they form a just ground of war; the
speech of Barras is considered as insulting, but
shall gentlemen say that speech is a just ground
of war? he confessed the incivility and the
unfounded nature of the assertions contained
in that speech, but shall we go to war as some
wicked nations have done to control and
overturn opinion; are we sure we could re-
move prejudice or convince the French na-
tion or an individual of that nation of its er-
ror, by a war?—and what should we profit
by the effort?—That speech, insulting as it
is, concludes with assurances of good will to
the people of America; it is rather remarka-
ble that the representatives of the American
people should entertain resentments because a
foreign nation has expressed an affection for
their constituents!—The American people
and the government are one, fir, and it is
impossible to divide them; the American
people have demonstrated to the world their
attachment to the government by an unani-
mous obedience to many laws which they have
not approved;—as well might the Batavian
republic declare war against us for the asper-
sions cast upon it by Mr. Quincy Adams, our
minister resident near that republic; in his
letter the 4th of November, 1796 to the se-
cretary of State, he says—"The general
disposition, even of the patriotic party, in this
country, favors cordially and sincerely the
neutrality of the United States;"—after flat-
ting his opinion why, he adds—"But at the

same time the patriotic party can have no a-
voided will, different from that which may
give satisfaction to the government of France.
They feel a dependence so absolute and irremov-
able upon their good will, that they sacrifice
every other inclination, and silence every other
interest, when the pleasure of the French go-
vernment is signified to them; in such a man-
ner as makes election necessary."—When a
minister of ours writes and our Executive
publishes such a letter and such insinuations
as these, it should seem a most extraordinary
example of inconsistency in us to take offence
at the opinions of an agent of the republic for
a similar licentiousness; can we wonder when
our minister speaks thus contemptuously of a
nation, that others should make use of a
similar freedom with us.

But admitting for a moment that an appeal
had been actually made to the people of the
United States, and even that an attempt had
been made to obtain influence with the people
contradistinguished from the government,
would the government have any thing to fear
from such attempts—are the people so little ac-
quainted with their own interests and means of
happiness—or have the government so much to
apprehend from their measures, that they could
have to fear an issue of such efforts; No I
every appeal which you make to the people
more you strengthen the hands of the govern-
ment. It is in perfect union with the practice
of all nations to reject the people with whom
we are about to negotiate in our favour; it has
been our own conduct repeatedly, and it ought
to be our conduct now again, we ought by the
propriety and temper of language, and by the
most sincere demonstrations of our regard for
our engagements and neutrality to remove the
prejudices which the French people have been
injustly led to entertain concerning us;—
our present President when in the character of
minister in Holland found the happy advan-
tage which resulted from prepossessing that na-
tion in our favour; it was by obtaining the
good opinion of the people thro' the medium
of letters written by him and published with
his consent, that our revolution derived such es-
sential support and our negotiations proved so
successful; and who will attempt to rob him
of the well merited praise due to his patriotic
efforts on that important occasion. It has been
our uniform practice to make use of appeals
to the people of other nations, and that distin-
guished from and in opposition to their several
governments, we appealed to the people of
England, and to the people of Ireland during
our revolution, and we went so far as to tell
them, of the injustice and oppression of their
own government, and to hope for their sup-
port; he had lately read as a reason for our
forbearance that the people would take a decid-
ed part against hostile measures; he did not
think this reason was founded on any facts or
on any basis of declared and assured evidence,
but in whatever light it might be viewed,
it could not be considered as a reasonable ground
for pursuing hostility or provoking it by hostile
language; however, serious some of the mat-
ters in difference between the two republics
and many of them were obviously trifling, he
thought the house should pause before they adopt
expressions encouraging irritation and provo-
king open hostility;—we should weigh the im-
portant question whether—if even all that is
charged against France is true and unprovoked
on our part, that there is still a possibility that
we may be compelled to concession, and to re-
tract our charges; in suspending the balances
of war we should not calculate upon a positive
and inevitable preponderancy in our favor;—
but in the address we are told to adopt strong
language;—if we adopt the language of the
report we shall follow that rash counsel—and
the issue no man could foresee;—he would there-
fore prefer the amendment which defrayed our
measures of that fashion of words only suited to
war;—but the amendment was objected to and
upon very singular and indeed upon contradi-
ctory grounds, let us examine these objections.
One gentleman said it was too humiliating and
another that it was incorrect—one opposed it
because it said too little another because it said
too much—and again one because it was too
mild and another because it was too strong; but
one of those gentlemen after expending a vol-
ume of breath upon the violent consequences of
the amendment, at length condescends to qual-
ify its vehemence with an if—it is a useful
particle, and he would say say with Shakespeare,
"Your if is a great peacemaker."

But the great objection to this amendment is
that we interfere with the executive declaration;
and by implication—That we propose three
things, an apology to France, dislate to the
Executive, and rely on France.

To these he would reply, that no apology is
proposed, and even if there were that such a
step would be preferable to a war; to the se-
cond he would compare the strong case of the
king of Great Britain, who although an heredi-
tary monarch, and possessed of the legal right
to declare war, that it is never done without
previous notification and without a thorough
discussion and the delivery of advice from the
representatives house, when deemed proper;
justly our constitution does not preclude the re-
presentatives of the American people from de-
claring their sentiments on a question involving
their dear interests; he did not think such
arguments could be entertained in that house
he believed the President himself desired it, that
he waited for our opinion, and that if we echo-
ed his speech we should not afford him that in-
formation which he sought; on the third point
a reliance upon France, he would not encoun-
ter it because it was an airy nothing having no
foundation in the amendment.

Upon the whole, if we reply as is desired
by the report of the committee, we put an end
to negotiation, because it precludes all discus-
sion by insisting on the maintenance of all past
errors, we are therein positively declared to be
incapable of mistake, is it not then desirable
to remove an obstacle fatal to free negotia-
tion, which decides by anticipation discussion on
the complaints of France, and assumes the monop-
oly of wisdom and perfection the rights of de-
manding redress to ourselves, is it not indis-
pensibly required by prudence and good sense
that we should extricate whatever negotiator we
may send from a dilemma so clumsy and forb-
idding.

One gentleman has dissented upon the mild
style of our address of last session, and he fees,
or thinks he fees, for it is second sight, in it the
true cause of the diminution of our minister
from France, and he considers it as rough in
terms even more humiliating than those of Mr.
Jay's letter to Lord Grenville, he wished not