

Denom.	Vessels Name.	Captains Name.	Where Belonging.	Where Bound.	CARGO.
Brig	Three Friends	John Endicott	Salem (Mass.)	Salem	Molasses, cotton, coffee, sugar, &c.
Ditto	Sally	John Hemstead	Hartford (Conn.)	Hartford	Salt
Ditto	Hope	John Prince	Boston (Mass.)	Boston	Sugar, coffee and cocoa.
Ditto	Hannah	Rufus Eames	N. London (Conn.)	Wilmington, N. Car.	Molasses.
Ditto	Mary & Caroline	Samuel Robinson	Portland (Mass.)	Portland	do.
Ditto	Harriet	John Hathaway	Savannah (Geo.)	Havanna	Negroes and ballast.
Ditto	Joseph	John Owens	Norfolk (Virg.)	Norfolk	do.
Ditto	Union		Portsmouth (N.H.)	Portsmouth	do.
Schooner	Two Brothers	Samuel Daniels	N. Haven (Conn.)	Newhaven	Ballast.
Ditto	Prudence	Moses Montague	Hartford	Georgia	do.
Ditto	Columbia	John T. Boucher	Georgetown (Mar.)	Georgetown	do.
Ditto	James	Elkanah Cook	Kingstown (Mass.)	Plymouth, (Mass.)	Molasses.
Ditto	Federal	Elias Williams	Wethersfield (Conn.)	New London, (Conn.)	Molasses and Rum.
Ditto	Fish-Hawk	Joseph Mofs	Somerlet (R. Ill.)	Rhode-Island	Molasses.
Ditto	Germantown	Edward Lewis	Marblehead (Mass.)	Marblehead	do.
Ditto	John	William Ruffel	Salem do.	Salem	do.
Ditto	Avery	Zadock Bradford	Duxbury do.	Plymouth (Mass.)	do.
Ditto	James	Samuel Phillips	N. Haven (Conn.)	St. Thomas's (W.I.)	Ballast.
Ditto	Industry	John Butler	Boston (Mass.)	Charleston (S.C.)	Molasses.
Ditto	Hero	Moses Cohoon	Baltimore	Baltimore	Rum.
Ditto	Polly	John Tongue	Biddeford (Mass.)	Savannah	Rum and Sugar.
Ditto			Plymouth	Plymouth	
Sloop	Romeo	Joseph Ranfom	New-York	New-York	Molasses.
Ditto	Charlotte	George Nichols	do.	do.	Ballast.
Ditto	Minerva	Charles Treat	Hartford (Conn.)	Middletown	do.
Ditto	Anna	Elihu Hickok	N. Haven do.	New-Haven	Rum and Ballast.
Ditto	Two Brothers	John Grimes	Barbadoes	Savannah	Rum and Molass.
Ditto			Antigua	Continent of Amer.	Unknown.
Schooner	Unknown	Unknown	Unknown	Unknown	

A CHARGE

To the Grand Juries of the County Courts of the Fifth Circuit of the State of Pennsylvania, at December Sessions, 1798:

By ALEXANDER ADDISON,

President of those Courts.

(Concluded from yesterday's Gazette.)

But this law is said to be contrary to the express words of the Constitution, because the Constitution declares, that "the trial of all crimes shall be by jury."

There is one general observation, which applies to all the objections to this law drawn from the Constitution. It is this; that aliens are not parties to this instrument, and, therefore, can claim no benefit under it, unless they are expressly named. The constitution is made by "the people of the United States." And for whose benefit? For the benefit of the people of the United States surely. It is the charter of the privileges of the citizens of the United States, to which none but citizens of the United States can thereby claim title. The people of the United States therein limit the power of their government over themselves; but lay no restraint on their government over aliens. This was not in their view at all. Until aliens become citizens, they are in the power of the ordinary legislature. The legislature may receive them, and admit them to become citizens; or may reject them, or remove them, before they become citizens. When they come here, they know, that they come at the discretion of the ordinary legislature, can claim no privileges as citizens, and have no reason to complain, if this legislature remove them, before they become citizens. The legislature may refuse to admit them to become citizens, by enacting, that citizenship shall be acquired only by birth.—If the legislature receive them, retain them, and admit them to become citizens; then, and not before, have they a right to claim the benefit of the Constitution made for citizens. This is clear reasoning. The constitution, bargained for themselves, and all who after them, should become citizens; but did not bargain for aliens. Would an American citizen, removing into France, claim, as a citizen, the benefit of the French Constitution, against an act of the legislature? Would a man received, under the laws of hospitality, into the house of another, tell the master of the house, when he orders him to depart, because he suspects him of ill designs; "I will not go, you have a lease of this house, you have admitted me, I will continue in it under your lease?" Aliens are tenants at will, and may be removed at the discretion of the owner. When they become citizens, they become tenants on fixed terms, and cannot be removed, but according to those terms: they are freeholders, and cannot be deprived of their rights, but on a known forfeiture regularly ascertained.

If, therefore, aliens have no right to remain, it is no deprivation of right to order them to depart; and, if it be no deprivation of right, it can be no punishment; and, if it be no punishment, this order may be made, without any crime, on the mere suspicion or arbitrary will of the legislature, which, with respect to them, is sovereign, as, with respect to citizens, the Constitution is sovereign. Even a citizen may be deprived of his right to personal liberty, without any actual crime, on the mere suspicion of another, on which a magistrate deems it necessary to require security of the peace. So may an alien be deprived of our indulgence to remain among us, on the mere suspicion of the legislature, that his residence here is dangerous to the public peace. This, being no deprivation of right, but a mere denial of a favor; is no punishment, but a mere exercise of the right of self-defence, which the government of the United States, like that of every other nation, may exert at discretion, without any crime or trial.

All that is said of a right to trial by jury is out of the question. That refers to an investigation of offences previous to punishment, or a deprivation of a right.—Here there is no offence, but a suspicion, alleged; and, as, even in the case of a citizen, he may be imprisoned, for the security of an individual; so, in the case of an alien, he may be removed, for the security of the nation. And in this, there is no punishment, because there is no deprivation of a right. It is neither an injury nor a punishment; it is a measure of self-defence, inherent in

every owner of a house, to turn out of his house a stranger, whom he does not chuse to entertain longer.

I will again put the case of a stranger admitted, under the laws of hospitality, into a house. The owner thinks he has reason to suspect, that this stranger intends to rob or murder him; or to assist a gang of thieves, whom he suspects of this intention. He tells the stranger, that he has such suspicion; and desires him to depart. If the stranger say, "Your suspicions are wrong, you must prove them, carry me before a magistrate, and let me be tried and convicted, before you take upon you to turn me out of your house;" would this be an answer? Shall the master of the house, in order to give the stranger the privilege of being tried and convicted, give him and his associates an opportunity of accomplishing the wicked purposes suspected? Suppose the master of the house reply, "I am not well acquainted with your character, but, whatever it be, I have a right to turn you out; go to my steward, and, if you can so explain yourself to him, as that he chuse to permit you to remain, I agree; but, if he order you to depart, you must go;" would not this be reasonable? Would this be any punishment of the stranger? No; it is the right of self-defence. But, as a right to exercise this power will not authorize the master of the house wantonly to beat the stranger, or violently to take his money from him; so a right, to remove any alien from our territory, does not authorize a power to punish him without a trial by jury.

That aliens, before they can be punished, or deprived of any right, for an offence, must be tried by a jury, results not from the express words of the Constitution, which refer not to them but to citizens. It results from this, that our Courts know no other mode of trial, and have no authority to adopt any other.

2. But, if this law should not be contrary to the express words, it is objected, that it is contrary to the principles, of the Constitution, which distributes the legislative, judicial, and executive powers into three departments; while this law confounds them all in the executive; and this, it is said, establishes despotism.

I might rest the answer to this objection, of a confusion and accumulation of powers being a violation of the Constitution, on the observation already made, that this law operates upon none; for whose benefit the Constitution was established; or whom the Constitution was intended to affect; and cannot, therefore, be a violation of the Constitution. It operates only on aliens. No citizen has any despotism to fear from this law. Any citizen may, notwithstanding this law, plot as many "treasons, stratagems, and spoils," as he pleases; and, if he can escape the judiciary, may bid the President defiance.

But, the fact is, there is no confusion of powers in this law, but such as convenience or necessity, consistently with the principles of the Constitution, introduces into many other laws, to which no man would dream of objecting.

The Constitution has not established, and no human constitution can establish, a perfect, but only modified, separation of powers. What work of man is perfect?—It is very common, and it is convenient and necessary, for the legislature to pass a law fixing certain principles, and leaving it to some other part of the administration, the executive or judiciary, to ascertain the cases to which such principles shall be applied, to detail the minute modifications, which no foresight can suggest, and experience alone can disclose; or to pass a law, which shall operate on a certain contingency, leaving it to some other part of the administration, to declare when this contingency occurs, and the law begins to operate. This lessens not the authority of the legislature; for such discretion cannot be exercised by any other part of the administration, without the authority of the legislature; may be restrained, corrected, or suppressed, whenever the legislature thinks fit; and is, therefore, altogether under the control of the legislature. The legislature, therefore, only determines something, which it is necessary for them to determine; and leaves it to some other part of the administration, as cases shall occur, to determine something else respecting this, which the limited powers of man, the principles of just discrimination, and public convenience, render it impossible for them, to determine.

Were the legislature to take upon them to modify their laws to every case, they must be constantly in session; and human capacity would render it impossible for any one body of men to discharge their task. Therefore, the legislature wisely contents itself with establishing general rules, and leaves to some other part of the administration, authority to ascertain the modifications and exceptions. Thus the legislative power determines, that certain actions shall be punished; but, as there may be degrees of such actions, more or less aggravated, leaves it to the judiciary to ascertain the degree of punishment; and, as, in some cases, all punishment may be dispensed with, leaves it to the Executive to pardon, at his discretion. All this is necessary for the sake of humanity, justice, and public convenience; and it seems absurd to say, that the principles of the Constitution are thereby violated.

On such principles this alien act is framed. It establishes an authority in the President "To order all such aliens as he shall judge dangerous to the peace and safety of the United States, or suspect are concerned in any treasonable or seditious machinations against the government thereof, to depart out of the territory of the United States." But, as a general exertion of this authority may not be necessary, it provides, "That if any alien, so ordered to depart, shall prove to the satisfaction of the President, that no injury or danger to the United States will arise, from suffering such alien to reside therein; the President may grant a licence to such alien to remain within the United States."

What more prudent or proper method could the legislature have adopted? While they were in session, and a war was in view; must they wait till there was a declared war, or an actual invasion, before they established the principle that aliens might be removed in a certain manner? When they established this principle, were they obliged to establish it without any exception? Or must they sit, or be convened, to decide on every case proper as an exception? This would seem, if not absurd and impracticable, at least, very inconvenient. Surely the legislature did better. Congress has, by this law, declared, that aliens are removable; and has said, that the President may choose, out of all, what aliens shall be removed, just as he may choose out of all, what offenders shall be punished. The President may tell any alien, "I will permit or license you to remain;" as he may tell any offender, "I will pardon you." And, in doing this, Congress has violated no principle of the Constitution.

3. Left this law, when tried by the words, and by the principles, of the Constitution, should appear unexceptionable, and escape censure; it has been endeavoured to excite a clamour against it, by drawing a melting picture of the distress of aliens, who may thus be ordered to depart out of the country at the will of one man.

This is all work of imagination. It cannot be denied, that there is a right in the United States, as in every other nation, to remove aliens; and that there may be cases, in which the safety of the nation will render it necessary to exert this right.—And, I think, it cannot be denied, that, in the last session of Congress, the United States were, if any nation ever was, in a condition that required it, as a solemn duty, to exert this right. The rights and safety of individuals must never be put into competition with the rights and safety of a nation. Aliens have but an imperfect right, the right of hospitality and civility, to remain in any nation, to which they are not bound to perfect allegiance. And if the rulers of the nation, in which they have a temporary indulgence to reside, suspect any danger to the nation, from their residence, and order them to depart, they have no right to remain. The United States were threatened with danger from France, and by the same means which France has uniformly adopted, to bring danger and destruction on other countries; intestine divisions. Aliens having the least interest in the prosperity of this country, and owing the least duty, only a temporary duty, to it, were the most likely to yield themselves the readiest agents of France. And the like respect, which, in this country, is paid to the rights of election, gives them here, an opportunity of mischief, which they could, in no other country, enjoy. Though some of our own citizens may be base enough to yield themselves as instruments of a for-

ign power, the government of the United States has no authority to remove them. But it has, like every other government, in time of danger, authority to expel and expel aliens; and the right and duty of common defence, and protection against invasion and domestic violence, require, that this right of expulsion should be exerted. Nor was the exertion of this right proper only against French aliens. The principles professed by the government of France have excited through the world an enthusiasm, which nothing, but the experience of their destructive consequences, can correct. There is, in all nations, a number of warm speculative men, combined together, to promote the diffusion and prevalence of this theoretic liberty. Many of these, either expelled or flying from their own country, reside in the United States; and are, here, it seems, systematically united, not in support of the principles of our government, but, of an imaginary political millennium, a government which never existed, and, while man remains as he is, never can exist; in support of the fanciful principles, which, in the progress of its revolution to anarchy and despotism, have brought so much misery on France, and on every country where the arts and arms of France have prevailed. These dogmatists, invincible by reason or experience, united in principles, however dispersed in place, as a nation of themselves, are enemies to all governments; and, like the preachers of a new religion, think all other rights and duties ought to yield to the great duty of establishing their principles. To this duty, they will sacrifice all other considerations; and nothing, however cruel or destructive, that can promote this, will, in their eyes, be a crime. Such men will be dangerous to any country, in which they reside. Infligated by the zeal of proselytism, the apparent benevolence in their principles will give them an irresistible influence on the young and unexperienced. And no country, in which such men prevail, can hope for safety against the arts of France. Nor can any Frenchman more earnestly promote the views and success of France, than any native of any country, who, by adopting her principles, has brought himself within the pale of this new political church. Inseparable of error, and deaf to instruction, they are borne forward with the courage of conscience, the ardor of inspiration, and the obstinacy of impotence, by an impetuous enthusiasm, to all the mischiefs, which guilt could effect.—And, wherever there is no hope of conversion, while we are in danger, the exertion of the right of expulsion becomes a duty, which the rulers owe to the safety of the nation.

If there may be cases of humanity, which may make this exertion, where not absolutely necessary, favour of severity; the question is, with whom the power of indulgence may be best lodged, so as best to accomplish the great object, public safety, and most to favor humanity.

As a measure of national defence, this discretion, of expulsion or indulgence, seems properly vested in the branch of the government peculiarly charged with the direction of the executive powers, and of our foreign relations. There is in it a mixture of external policy, and of the law of nations, that justifies this disposition.

It was never known, that a numerous and complex body of men had a more tender conscience, than an upright individual. Where many do wrong, each can cast the censure from himself upon others. But a responsible individual must take all the burden of the blame. Any man, with any claim to tenderness, would rather risk the success of that claim to an impartial and humane individual, than to a numerous body of men.

It remains, therefore, only to determine, whether the character of the President be such, as to render him a proper depository of this power of indulgence. Has the President no feelings of humanity? Is a life of piety and justice no ground of confidence? The character of the President is well known. And no alien, who meddles not with politics and plots, who favors not the views of our enemies, and injures not the peace, safety, or defence of the country, has any thing to fear from this law. Even with respect to dangerous aliens, Congress has provided, that the rights of humanity (so far as, consistently with the supreme law, the safety of the people, they can) shall be secured to them. For it is enacted, that it shall be lawful for any alien, who may be ordered to be removed from the United States, to take with him his property; or, if he leave any of it, that it shall remain subject to his order and disposal.

But is all our pity to be extended to strangers; and shall we extend no care to ourselves, our wives, and our children? The French have threatened us with pillage, plunder, and massacre. Such threats they have carried into execution in other countries. They have threatened us with a party among ourselves, which will promote their views. Some of them, it is said, have told us, that we dare not resent their injuries; for there are Frenchmen enough among us, to burn our cities, and cut our throats. And, it seems, we dare not remove those gentle lambs! Gracious Heaven! are we an independent nation, and dare we not do this? Shall our Constitution, intended as a shield to defend, become a sword to wound us? Have we made a Constitution, to restrain our administration from oppressing ourselves, and so refrain it, as to submit our cities to alien incendiaries, and our throats to alien assassins?

Vain is all our defence against our enemies without, if we guard not against enemies within. If we leave an Achan in the camp, can we hope for victory? If we leave a band of traitors in the fort, can we hope to defend it? If we suffer French spies to stroll through our cities, our harbours, our shores and our country, and give information of all our strength, and all our weakness; how can we be guarded against attacks? If we suffer them to remain here, to give information of every ship that sails, that it may fall

into the hands of French privateers; how can we protect our trade? If we suffer French agents to remain here, to corrupt the minds of our citizens, our printers and our officers, to pry into our councils, purchase our arms and ammunition, influence our opinions and elections, render our people careless, and our administration weak; what have we to expect, but all the horrors of a French invasion? What have we to expect, but to see our houses in flames, and our families in blood?

I trust to God, that this will not happen. I trust the measures adopted by our administration, with cordial union among ourselves, will preserve us from this calamity. But if it should come upon us, we will curse those, who have lulled us with a sweet song of security, and gentle fraternity of the French; who professing motives of economy, have endeavored to tie up the hands of the administration from effectual measures of defence, and, under the pretence of valuing and feeling peace, do, in the surest manner, invite war.

We are, at present in a perilous state, and it is to be feared, on the brink of some calamity. Menaced with the resentment of a foreign nation, we are distracted among ourselves. In proportion to our dissensions, will be our danger; and our safety lies in love to our constitution, and confidence in our administration. If the people will cordially unite in supporting active measures of the administration, France will change her tone, from resentment to complacency. But experience of her conduct towards all other nations must convince us, that it is her means only, and not her object, that she will change. Her object will remain the same, to reduce us to a subjection to her will. Let us beware, therefore of supposing, that when she speaks peace, she means peace. She will speak peace while we support our administration; and again war, whenever she can persuade our people to oppose the administration of their government. Divide and subdue is her maxim.

With a view to lessen the grounds of distrust in our administration, so fatal to our own interest; and to increase that confidence in it, so essential to our safety; I have endeavored, with candor and care, to examine the principles of a law which has been made a pretext for vehement clamour. I have, I think, shown that it is constitutional and necessary. I have laid (what is well known) that there is such ground of confidence in the President, that there is no fear that he will suffer it to operate against any alien, who comes and remains honestly and innocently among us; and that he will exercise his authority only against aliens, who use the opportunity of their being here, for the purpose of disturbing our peace, alienating the minds of our citizens from our government, betraying our situation, corrupting our measures, or weakening our defence. And I hope it will appear, that, if our rulers had not exerted their authority, we should have had just reason to say, that they had betrayed their trust.

O! if the people would but love their Constitution, and confide in its wise and honest administration, and turn away from those who harass their minds with vain suspicions; how happy might we be! May the God of Wisdom open our eyes to the excellence of our Constitution, and the purity and prudence of our administration; and to the folly, madness, and wickedness of those demagogues, who mislead this people from their interests and duties, and glory in their guilt. May he warn us from all partialities and prejudices towards any foreign nation; unite our hearts in love; and support of our government; and preserve us from the machinations of a government, ambitious, desperate, faithless, and corrupt; which flatters only to deceive; and carries only to destroy.

A quantity of Russia Hemp

Cordage and bar Iron
25 hogheads Tallow
Platillas, Royal Britanias
Checks &c in cases

Now landing from the ship Four Friends, Capt. Hubber, from Hamburg, at Jello and Robert Wain's wharf, and for Sale by

THOMAS & JOHN KETLAND,
Who have on hand,

Crates of Earthen Ware
Cannon and Carronades of various sizes
Dry white Lead
Guns and Pistols assorted in cases
Gun Flints in kegs
Ships' Muffets
Claret of a superior quality in cases of 1 to 3 dozen each.

Feb. 13. dicit

Just Received,

By the ships Juno, Walters, and Four Friends, Hubber, from Hamburg,
AND FOR SALE,

By THE SUBSCRIBERS,

460 pieces 6-4 quadruples Elfish
35 do. 8-4 do.
139 do. cressa la Morlaix
24 do. 9-8 cutails
3 do. 4-4 do.
44 do. 6-4 guingas
250 do. Russia fail-duck
10 pipes Ricarlo wine
25 hogheads French brandy
80 do. claret
100 cases, at 4 doz. bottles each 7 claret of super-
228 do. at 1 do. do. do. 3 or quality.

Also on Hand,

11 hales ticklenburgs, at 23 to 28 cents pr. ell
12 do. Water linnen, at 16 to 20 cents pr. yard
1 box paterbornes
5 boxes hollow glass ware
5 casks Russia bristles (first quality)

Erick & Lewis Bollmann,

no. 100, Spruce street

Feb. 13

Attention, Cavalry.

Gentlemen of the city and liberties of Philadelphia, desirous to become members of the Volunteer Troop of Cavalry, commanded by Capt. Robert Wharton, are informed that there are several vacancies in the Troop; and that a committee consisting of Henry Mierken, Jno. R. Taylor, James Hamilton, Owen Foulk and James Simmons, will attend at Wm Ogden's tavern, Chestnut-street, every Monday evening, 6 o'clock for the purpose of receiving applications.

JAMES SIMMONS, Sec'y.

Feb. 6.