

...to be sure is without remedy. If they chafe fools, they will have foolish laws. If they think knaves they will have knavish ones. But this can never be the case until they are generally fools or knaves themselves, which, thank God, is not likely ever to become the character of the American people.

Having said what I thought material to the alien laws, upon the subject of the particular objections to them, I now proceed to discuss the objections which have been made to what is called the sedition act, one of which equally applies to the alien laws as well as to this. But I think it proper previously to read the law itself.

The objections (so far as I have heard them) to this act are as follow: 1 (And this applies to the alien law also) That there is no specific power given to pass an act of this description, though in the particular specific powers given, there is authority conveyed as to other offences specially named.

2 That this law is not warranted by a clause in the constitution, conveying legislative authority, which after designating particular objects adds:

"And to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof."—Because it is not necessary and proper to pass any such law in order to carry into execution any of those powers.

3 That admitting the former positions are not maintainable, yet the exercise of this authority is incompatible with the following amendment to the constitution, viz: "Congress shall make no law respecting an establishment of religion, or prohibiting the full exercise thereof; or abridging the freedom of speech, or of the press, or the right of the people peaceably to assemble, and to petition the government for a redress of grievances."

With regard to the first objection, I readily acknowledge, that soon after the constitution was proposed, and when I had taken a much more superficial view of it than I was sensible of at the time, I did think congress could not provide for the punishment of any crimes but such as are specifically designated in the particular powers enumerated. I delivered that opinion in the convention of North Carolina, in the year 1788, with a perfect conviction, at the time that it was well founded. But I have since been convinced it was an erroneous opinion, and my reasons for changing it, I shall state to you as clearly as I am able.

It is in vain to make any law unless some sanction be annexed to it, to prevent or punish its violation. A law without it might be equivalent to a good moral sermon, but had members of society would be as little influenced by one as the other. It is, therefore, necessary and proper, for instance, under the constitution of the United States, to secure the effect of all laws which impose a duty on some particular persons, by providing some penalty or punishment if they disobey. The authority to provide such is conveyed by the following general words in the constitution, at the end of the objects of legislation particularly specified: "To make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this constitution in the government of the United States, or in any department or officer thereof." A penalty alone would not in every case be sufficient, for the offender might be rich and disregard it, or poor, though a wilful offender, and unable to pay it. A fine, therefore will not always answer the purpose, but imprisonment must be in many cases added, though a wife and humane legislature will always dispense with this, where the importance of the case does not require it. But if it does, from the very nature of the punishment, it becomes a criminal, and not a civil offence; the grand jury must indict, before the offender can be convicted.

This general position may be illustrated by a variety of instances under the penal code of the United States, which have, I believe, never been objected to as unconstitutional, though there have never been wanting penetrating and discerning members who were ready enough to take exceptions where they found any plausible ground for them. I shall enumerate a few.

In the act entitled, an act for the punishment of certain crimes against the United States (vol. 1. Swift's edition, p. 100) among other crimes specified, are the following:

Murder or larceny in a fort belonging to the United States, Misprision of felony committed in any place under the sole and exclusive jurisdiction of the United States. Stealing or falsifying a record of any court of the United States. Perjury in any court of the United States. Bribing a judge of the United States. Obstructing the execution of any kind of process issuing from a court of the United States.

In the collection act, 1 vol. p. 237, it is provided, that in all cases where an oath is by that act required from a master or other person having command of a ship or vessel, or from an owner or affreight of goods, wares and merchandize, his or her factor or agent, if the person so swearing shall swear falsely, such person shall, on indictment and conviction thereof be punished by fine or imprisonment or both, in the discretion of the court, before whom such conviction shall be had, so as the fine shall not exceed one thousand dollars, and the term of imprisonment shall not exceed twelve months.

In the act laying duties on distilled spirits, (vol. 1. p. 324) in the 39th section it is provided as follows:

"If any supervisor, or other officer of inspection, in any criminal prosecution against them, shall be convicted of oppression or extortion in the execution of his office, he shall be fined not exceeding five hundred dollars, or imprisoned not exceeding six months,

or both, at the discretion of the court; and shall also forfeit his office."

These instances deserve great consideration; because I believe no candid man will deny that these provisions were constitutional exercises of an authority, within the scope of the general authority conveyed, tho' not specially named as objects which it should be competent for Congress to provide for. And they certainly derive weight from the consideration, that the principle of them (which I believe was the case) was never objected to, tho' the expediency of some of the provisions may have been.

(To be continued.)

By this Day's Mail.

BOSTON, May 13. Yesterday the schooner Nancy, Capt. Huxford, arrived from Halifax, and brought papers to the 2d instant, from which we have extracted the following articles.

HALIFAX, MAY 22. Sunday morning arrived the ship Rebecca, capt. Marshall, in 28 days from Liverpool. She has brought London papers to the 27th of March. We have extracted from them the most material articles, from which it appears that hostilities had re-commenced between the emperor and the French and that in all probability, a few days from the date of our present intelligence, would bring accounts of the destructive meeting of the hostile armies.—Astonishing preparations have been made on both sides, and the ensuing, it is probable will be one of the most bloody campaigns that have taken place.

Yesterday arrived from Bermuda, His Majesty's ship Assistance, capt. Hardy. The Assistance has captured a valuable ship from Batavia. [This ship was commanded by capt. Baker, and owned by Mr. Lyman of Boston.]

LONDON, MARCH 27. The Gazette of last night contains a notification that "the King has been pleased to cause it to be signified by the Right Hon. Lord Grenville, his Majesty's principal secretary of State for Foreign Affairs, to the Ministers of neutral Powers residing at this Court, that the necessary measures having been taken, by his Majesty's command, for the blockade of the ports of the United Provinces, the said Ports are declared to be in a state of blockade, and that all vessels which may attempt to enter any of them after this notice, will be dealt with according to the principles of the Law of Nations, and to the stipulations of such Treaties subsisting between his Majesty and Foreign Powers, as may contain provisions applicable to the cases of Towns, Places, or Ports in a state of blockade.

The above notification proves that the rumour of the Dutch fleet having put to sea was unfounded; but affords at the same time an equally strong proof that it is about ready for sailing, evidently declined to co-operate with the British fleet, as we stated some days ago. Besides the ships they have repaired, the Dutch have nine ships of the line almost ready for launching, but their arsenals being exhausted, they want supplies of every kind, and this the blockade will prevent them from receiving, except at a ruinous expence.

A Cartel arrived at Dover from Gravelines has brought over sixty one masters and mates of merchant vessels, but no journals were allowed to be taken on board. It is said, however, that Ministers have received some few papers up to the 22d inst. which speak in a slight manner of the advanced guard of Massena's army having received a check, but they considered it as of little consequence, and the next day he again advanced. The passengers concur in saying that there was no news at Gravelines. It was understood to be the plan of Jourdan to press by hasty marches towards the lake of Constance to support Massena's army.

NEW-YORK, May 17. The state of Georgia some time since advertised a premium of thirty dollars for a device for a state seal, agreeably to a specific description—and in a laudable spirit of liberal patronage, prefaced their advertisement with "Premium for Genius. Artists of ALL NATIONS, attend."

The pithy Editor of the Farmer's Museum offers, gratuitously, an emblem of a man in the act of signing, with one hand, a scroll of paper, beginning with "Know all men by these presents," and with the other pointing to large tracts of land in the moon.

Captain Richards, from Curacao, informs us, there are several French privateers from Curacao, cruising off the island of Guonaves; and that a French privateer of 20 guns, sailed 10 days before him, the captain of which informed captain R. that he intended to cruise on this coast.

Capt. Richards further informs, that the Governor of Curacao, had issued a proclamation, the purport of which is, that all American vessels taken within three leagues of the island, shall be given up to the owners, and the captors condemned to pay damages: which has been done in several instances.

Yesterday's southern breeze enriched our port with number of valuably laden ships. [Vide marine department.]

The arrival of the ship Ocean, Capt Kemp, was of the number.—The hearts of hundreds leapt for joy, on the salutation from this vessel, whose crew, but very lately, was believed to have been massacred by French pirates.

A gentleman passenger on board the Nancy informs us, that Lord Mornington, Governor General of the British possessions in India, had gone from Bengal to Madras, where he had arrived, in order to settle disputes with Tipoo Saib; and it was said his embassy had terminated favorably, as he found Tipoo pacifically disposed towards the English.—It was expected Tipoo would allow the English to hold the garrison of Bangalore, which commanded the only sea port he had on the Malabar coast.

COMMUNICATION.

STATE OF MANHATTAN, ss. Interrogatories to be administered to the Lord High Chancellor of the State of Manhattan.

1st. Did you or did you not subscribe One Hundred Thousand Dollars to the Manhattan Company?

2d. Can you or can you not raise that sum and appropriate it to the purpose of the Company?

3d. If you cannot yourself invest One Hundred Thousand Dollars in Stock for a distant profit, then must you not sell a part of your shares? Did you not know at the time of subscribing that you must sell them, and did you not buy them on speculation?

4th. Was your subscription or was it not strictly a stock-jobbing operation? If not, and if you subscribed merely to encourage the bringing of water, then wherefore did you reserve the right of abandoning your shares till the 6th May, when the state of the shares in the market would be known?

5th. Do you or do you not know that the Court of Chancery has almost exclusive jurisdiction over all large Company operations? Does not the breaking up of almost all stock-jobbing plans and speculating bubbles, end in the Court of Chancery?

6th. Is it proper that the only judge of the Court of Chancery should be the person most largely interested in such a speculation? 7th. Does not your interest in that Company in effect deprive the other citizens of the benefit of your Court, and discourage them from applying to it for relief? Do you not know that in all probability such relief will be wanted before the bursting of the bubble, but especially afterwards?

8th. Did you or your friends calumniate Mr. Hamilton while he was Secretary of the Treasury, under pretence that he was interested in the public funds? Did you not know at that time that the accusation was as false as it was malicious, and that Mr. Hamilton had too much integrity to be concerned in a property on which his official duty might lead him to give opinions or decisions? Do you not now do the same thing of which your friends then falsely accused Mr. Hamilton?

9th. Do you believe that while any remembrance of the Manhattan Company remains, either yourself or Mr. Burr will be considered as proper persons for Governors of the state of Manhattan?

10th. Do you know any other matter or thing touching the premises tending to exculpate you from the imputations under which you now lie?

SOCRATES.

SAVANNAH, April 26. On Friday last, the 19th of this month, Samuel Fowler, who had been convicted during the sitting of the Superior Court in this county, for the murder of his wife, was sentenced for execution to-morrow.

PRATT & KINTZING, No. 95, North Water-street, HAVE FOR SALE, 70 TONS HEMP, 3000 bushels low-priced salt, 14 pipes choice old port wine, 100 boxes claret, 30 tons roll brimstone, 40 kegs yellow ochre, 20 do. pearl barley, A few barrels lentils, 120 boxes Havana sugars, 1000 demy-john, 100 boxes window glass, A few chests liquor cases, 4 casks hog's bristles, 1 hhd. blocking, 2 do. fail, A few bundles German steel, Several packages staves and pencils, 3 hogheads glue, 4 packages mens slippers, 1 do. bunting for colours, 2 do. quilts, A few barrels naval stores, &c. &c. And as usual, a great variety of Ticklenburghs, hempen linens, oz-nabrigs, hellans, brown rolls, patten-burnes, checks, stripes, &c. &c. which they will sell on reasonable terms. may 18. tuth3w

NOTICE.

THE public are requested not to receive any drafts in favor of Abijah Hunt, drawn by Captain Isaac Guion on the Secretary at War—Daniel Haragan on William Bell, or Francis Jones on John Wilkins.

Those on whom they are drawn are desired to suspend acceptance until reference be had to the subscriber.

Twenty five thousand dollars of the above deferred bills have been taken from the Carrier near the mouth of Tennessee river by a party of Indians. SAMUEL MEEKER. may 18. tuth & tf

A BAYONET.

WRESTED from the musquet of a fellow in uniform, at the front of the Aurora office, by one of the Officers of the United States, on the night of the 16th inst. at the time they were assaulted in passing the street, by the mob there assembled, may be had, by proving property, at the Marine barracks. may 18. 3t

A CHARITY SERMON will be preached at St. Mary's Church on Sunday morning next, for the benefit of the Free School of said Church. May 14, 1799.

Delaware & Schuylkill Canal Office, Philadelphia, May 9, 1799.

IN pursuance of a resolution of the president and managers of the Delaware and Schuylkill Canal Company, the Stock-holders are here by notified and required to pay, on each of their respective shares, to the Treasurer of the Company, at the Company's Office in this city, 25 dollars on the 15th June next, 20 dollars on the 15th July next, and 20 dollars on the 15th August next. Wm. GOVETT, Treasurer. m2t2u4w (dir. 121015A) May 12.

The Gazette.

PHILADELPHIA, SATURDAY EVENING, MAY 18.

Yesterday morning, in the Circuit Court, Mr. Lewis resumed his pleadings in behalf of a new trial for John Fries; which being concluded, after taking some time for consideration, Judge Iredell delivered his opinion on the several reasons which had been assigned by the Council of the prisoner, as a ground for their motion. He believed that though the Juror, Mr. Rhoad, might have made the declarations which had been ascribed to him by the several witnesses who had been examined, respecting the punishment which the prisoner at the bar and others deserved, without any bad intention, yet he considered them such as would have been deemed sufficient, had they been made known before the trial, to have disqualified him as a Juror, (since they were evincive of his having made up a decided opinion on the criminality of the person whom he was called upon to try) and, therefore, that his having made them, afforded a sufficient reason for granting a new trial. The Judge examined all the other additional reasons which had been brought forward in support of the motion for a new trial, which, without the first, he should have considered as unavailing.

Judge Peters declared himself to be of the same opinion with Judge Iredell, with respect to all the reasons which had been assigned for a new trial, except the first; but, in relation to that, he differed with him. Though he could not doubt Mr. Rhoad had made use of the expressions with which he was charged, yet, in forming an opinion upon so public a topic, he had done no more than most other men had done, and in doing which he did not think it appeared that he had evinced any malice against the prisoner, and therefore that the opinion could have had no influence in his decision upon this trial. Indeed it was his opinion that the trial had been perfectly fair, and that a new trial ought not to be granted; but knowing the consequence of a division of opinion in the Court, would be to defeat the motion under consideration; knowing also that the punishment which shall be inflicted upon the prisoner at the bar will have the better effect as a public example, when it shall appear that every objection to the fairness of his trial shall have been obviated, he yielded to the opinion of Judge Iredell, and consented to a new trial being had.

This new trial cannot, of course, take place till the next Circuit Court, which will be held in October next.

The persons convicted of conspiracy, rescue and obstruction of process, will receive their sentence this morning. After which, it is expected the Court will adjourn, as Judge Iredell is obliged to leave town on Monday morning to attend his duty in Virginia. [Am. D. Ad.]

To complete the character of the vagrant who calumniated the great and good Washington, under the signature of Jasper Dwight, he has avowed himself an United Irishman.

The jail-bird of the Aurora, declares that in all countries where he may be, he is resolved to devote himself to furthering the independence of Ireland. It is plain from this, that he calculates on being one day compelled to change his abode; and herein, after abusing to long our country and its citizens, does he, in one respect at least, think better of us than we have yet deserved.

MR. FENNO, Not having enquired into the legal rights and immunities of the citizens of America, I would wish to ask whether an United Irishman bound by his secret oath to serve the French Directory whenever called on, can nevertheless enjoy the privileges of a citizen of the United States. Q.

The Northampton Insurgents, lately convicted of Conspiracy, Rescue and Obstruction of Process were this day brought up to Court, to receive sentence. Imprisonment of four and eight months, in proportion to the nature of the offence, is the punishment awarded.

The memory of singular worth, and eminent services is often lost by the number and rapidity of events which succeed them. To many of these present citizens of Philadelphia, the name of the late SHARP DELANEY, Esq. conveys no other idea, than that of an upright, and respectable officer of the government of the United States; but those persons who knew him during the arduous struggle which gave liberty and independence to America, cannot permit him to descend to his grave, without an attempt to revive the knowledge of his merit in that eventful period. In 1774, he took an active part in the controversy with Great Britain, upon the subject of the claims of his country. In 1776 he bore a colonel's commission in the militia of Pennsylvania, and shared in the dangers and honors of the memorable campaign of the winter of that year on the banks of the Delaware. From a conviction that liberty could not exist without law, he was indefatigable in his exertions to obtain those forms of government which are best calculated to secure it, and under the impression of this principle, he contributed very much by his influence to the formation of the present constitutions of Pennsylvania, and of the United States. To contribute to his patriotism, it is but just to add, that in private life he was as amiable, as he was useful in public. He was useful in public. A numerous family will long remain a grateful, and affectionate remembrance of his domestic virtues. Strangers from every part of the union who have occasionally visited our capital, will long recollect with pleasure his hospitable and friendly table, while the poor (to whom his heart and hand were always open) will mourn in secret that his kindness and bounty to them, will be no more.

IMPORTANT.

Extract of a letter from Anneto Bay, Jamaica, dated Sunday evening, 22d April, received per ship Charles.

"Since writing the foregoing, an express has arrived at this bay from Kingston, bringing a proclamation by the king, declaring St. Domingo 'INDEPENDANT, and permitting British vessels to trade there from Jamaica, &c.'"

Died, yesterday, Mrs. SALLY COTT-SHALKSON, wife of Mr. Solomon Cott-shalkson, merchant, of this city.—Her loss will be sincerely regretted by all that knew her amiable character, and her memory will always be kept in that respect which none can refuse to so much virtue and real goodness of heart as she was possessed of. May 17.

Gazette Marine List.

Ship Louisa, Reilley, and brig Eliza, Peterfon, have arrived at Leghorn. Ship Dependance, Carron, arrived yesterday from La Guira, is ordered down to the Fort, by command of the Board of Health, for not waiting the customary visit from the Examining Physician. Brig American, Venn, from hence, arrived at Leghorn the 3d February. The Algerine schooner, from hence, has arrived at Algiers, after a severe action with 4 French privateers, off Tangiers, which the beat off. Ship Nancy, Saunders, 106 days from Calcutta, has arrived at New-York. Schooner Ether and Eliza, Lindley, of and for this port, sailed from Calcutta the 1st inst.

By an arrival at New-York, from New Orleans, it appears, that the ship Star, George, from hence to New-Orleans, was ashore at the mouth of the Mississippi, and it is feared will be lost. She lay in smooth water, and lighters had been sent for from N. Orleans, to take out the cargo.

New-York, May 17.

ARRIVED, DAYS. Ship Apollo, Moncreif, Liverpool 64 Ocean, Kemp, Vera Cruz 26 Nancy, Saunders, Bengal 108 The Nancy sailed from Calcutta the 22d January, and the pilot left on the 28th. The ship Pacific, of N. London, from Madras, had arrived at Calcutta. The ship Myles, Orme, had also arrived Calcutta—it was apprehended she would get the principal part of her cargo in salt-petre. On the 4th May, Capt Saunders spoke the schooner Union, from Halifax to Martinique. The schooner Enterprize, 17 days from New-York, was spoke a few days since—all well. The ship Wentworth, of 32 guns, had arrived at Madeira in 19 days from London, and loading for the West Indies. The ship Jamaica was also at Madeira. Capt. Taylor, April 27, spoke the schooner Dispatch from Bolton to Demerara. Ship Mary Ann, arrived at Surinam, 47 days passage. Schr. Betsey, Pelton, master arrived at New-Providence, with her Stock. Brig Union, is arrived at New-Orleans in 17 days. Ship Haunch, from Alexandria, is arrived. Ship Union, New-London, Ditto. Baltimore, May 16. Arrived yesterday, schooner Hannah, captain Child, from Havana, last from Charleston. Schooner Redress, captain Ogden, days from Jamaica. Schooner Eleanor, captain Groom, 16 days from Curacao. Ship Elizabeth, captain Lusher, 45 days from Leghorn, last from Gibraltar. The Elizabeth sailed in company with the brig David Stewart, of Baltimore, brig Phoenix, of Salem, schooner Taylor, of Bolton, and schooner Nancy, of Charleston.

List of American vessels in Leghorn, on the 23d February, 1799: Ship Industry, Goodwin Boston Minerva, West Salem Aurora, Spriggs, Baltimore Martha, Prince, Salem Eliza, Ballet, Bolton Holland, Goodwin New-York Herald, Daiby Salem Brig Eliza, Peterfon Philadelphia America, Penn do. Poreupine, Butler do. Eliza, Campbell New-York Prudence, Brantz Baltimore Schr America, Vibert do. Sailed from Gibraltar, on the 15th March, for Alicante: Brig Greyhound, Plummer Byfield, Kistman Governor Carver, Spooner. Left in Gibraltar, Ship Mohawk, Steel, New-York Polly, Wilder, Boston Mitchel, Philadelphia Schr. Active, Rogers, Bolton The following is taken from the log book of the Elizabeth:—

March 29th, saw the English fleet sailing down the Gut of Gibraltar, cape Spartel bearing south; on the 30th was brought to by the Northumberland, a 74 gun ship, treated politely, and after examination dismissed. The fleet was driven into Titus Bay.—A Spanish fleet taking the advantage of the absence of the British fleet from Cadiz, sailed for the West Indies. April 26th, brought to a looper from Connecticut bound to Martinico, out 24 days. April 30th, spoke, of Portsmouth, capt. Richard Parsons, from Wilmington bound to Martinico, out 12 days. May 5th, spoke the pilot boat Rebecca, 12 days out from Norfolk, bound to St. Thomas's all well.

The ship Africa, of New-York, capt. Pierce, from New-York bound to Corunna, was taken by his majesty's frigate Thetis, carried into Gibraltar, and condemned on suspicion.