

marks the satisfaction for the injury received, is always on the defensive. There are a great many unjust acts which may kindle a war, and which however are not the war itself—as the ill treatment of a prince's ambassadors, the plundering of his subjects, &c.

“If therefore we take up arms to revenge such an unjust act, we commence an offensive but a just war; and the prince who has done the injury, and will not give satisfaction, makes a defensive but an unjust war.”

“We must therefore affirm, in general, that the first who takes up arms, whether justly or unjustly, commences an offensive war, and he who opposes him, whether with or without reason, begins a defensive war.”

France then being on the offensive in the war in which she is engaged, and our alliance with her being defensive only, it follows, that the *casus faderis*, or condition of our guarantee, cannot take place; and that the United States are free to refuse a performance of that guarantee, if demanded.

Those who are disposed to justify indiscriminately every thing in the conduct of France, may reply, that though the war in point of form may be offensive on her part, yet in point of principle, it is defensive—was in each instance a mere anticipation of attacks meditated against her, and was justified by previous aggressions of the opposite parties.

It is believed, that it would be a sufficient answer to this observation to say, that in determining the legal and justice obligations of the United States, the only point of inquiry is, whether the war was in fact begun by France, or by her enemies—but all beyond this would be too vague, too liable to dispute, too much matter of opinion to be a proper criterion of national conduct; that when a war breaks out between two nations, all other nations, in regard to the positive rights of the parties, and their positive duties towards them, are bound to consider it as equally just on both sides—that consequently in a defensive alliance, when war is made upon one of the allies, the other is bound to fulfil the conditions stipulated on its part, without inquiry, whether the war is rightfully begun or not—as, on the other hand, when war is begun by one of the allies, the other is exempted from the obligation of assisting; however just the commencement of it may have been.

The foundation of this doctrine is, the utility of clear and certain rules for determining the reciprocal duties of nations—that as little as possible may be left to opinion, and to the subtleties of a refining or unfaithful casuistry.

Some writers indeed of great authority affirm, that it is a tacit condition of every treaty of alliance, that one ally is not bound to assist the other in a war manifestly unjust. But this is questioned on the ground which has been stated by other respectable authorities. And though the manifest injustice of the war has been affirmed by some, to be a good cause for not executing the formal obligations of a treaty, I have no where found it maintained, that the justice of a war is a consideration which can oblige a nation to do what its formal obligations do not require; as in the case of a defensive alliance, to furnish the succours stipulated, though the formal obligation did not exist, by reason of the ally having begun the war instead of being the party attacked.

But if this were not the true doctrine, an impartial examination would prove, that with respect to some of the powers, France is not blameless in the circumstances which preceded and led to the war with those powers; that if she received, she also gave causes of offence, and that the justice of the war, on her side, is in those cases not a little problematical.

There are prudential reasons which dissuade from going largely into this examination, unless it shall be rendered necessary by the future turn of the discussion.

It will be sufficient here, to notice cursorily the following facts.

France committed an aggression upon Holland in declaring free the navigation of the Scheldt, and acting upon that declaration; contrary to Treaties in which she had explicitly acknowledged and even guaranteed the exclusive right of Holland to the navigation of that river, and contrary to the doctrines of the best writers, and the established usages of nations in such cases.

She gave a general and just cause of alarm to nations, by that decree of the 19th of November, 1792, whereby the Convention, in the name of the French nation, declare that they will grant *fraternity and assistance to every people who wish to recover their liberty*, and charge the executive power to send the necessary orders to the generals to give assistance to such people, and to defend those citizens who may have been, or who may be vexed for the cause of liberty; which decree was ordered to be printed in all languages.

When a nation has actually come to a resolution to throw off a yoke, under which it may have groaned, and to assert its liberties, it is justifiable and meritorious in another nation to afford assistance to the one which has been oppressed, and is in the act of liberating itself; but it is not warrantable for any nation beforehand to hold out a general invitation to insurrection and revolution, by promising to assist every people who may wish to recover their liberty, and to defend those citizens of every country, who may have been, or who may be vexed for the cause of liberty: still less to commit to the GENERALS of its armies the discretionary power of judging, when the citizens of a foreign country have been vexed for the cause of liberty by their own government.

The latter part of the decree amounted exactly to what France herself had most complained of—an interference by one nation in the internal government of another.

Vattel justly observes, as a consequence of the liberty and independence of nations—

“that it does not belong to any foreign power to take cognizance of the administration of the sovereign of another country, to set himself up as a judge of his conduct, or to oblige him to alter it.”

Such a conduct as that indicated by this decree, has a natural tendency to disturb the tranquility of nations, to excite fermentation and revolt every where; and therefore justified neutral powers, who were in a situation to be affected by it, in taking measures to repress the spirit by which it had been dictated.

But the principle of this decree received a more particular application to Great-Britain, by some subsequent circumstances.

Among the proofs of this are two answers, which were given by the President of the National Convention, at a public sitting on the 28th of November, to two different addresses; one presented by a deputation from “The Society for Constitutional Information in London”—the other by a deputation of English and Irish citizens at Paris.

The following are extracts from these answers:

“The shades of PENN, of HAMBLEN and of SYDNEY, hover over your head; and the moment, without doubt, approaches, in which the French will bring congratulations to the National Convention of Great-Britain.”

“Nature and principles draw towards us England, Scotland and Ireland. Let the cries of friendship resound through the two REPUBLICS.” “Principles are waging war against tyranny, which will fall under the blows of philosophy. *Royalty in Europe is either destroyed, or on the point of perishing, on the ruins of feodality; and the declaration of rights placed by the side of thrones, is a devouring fire which will consume them.*—WORTHY REPUBLICANS, &c.

Declarations of this sort cannot but be considered as a direct application of the principle of the decree to Great-Britain; as an open patronage of a revolution in that country; a conduct which proceeding from the head of the body that governs France, in the presence and on behalf of that body, was unquestionably an offence and injury to the nation to which it related.

The decree of the 15th of November is another cause of offence to all the governments of Europe. By that decree “the French nation declares, that it will treat as enemies the people, who refusing or renouncing liberty and equality, are desirous of preserving their prince and privileged cast—or of entering into an accommodation with them, &c.” This decree was little short of a declaration of war against all nations having princes and privileged classes.

The incorporation of the territories, over which the arms of France had temporarily prevailed, with and as a part of herself, is another violation of the rights of nations, into which the convention was betrayed by an intemperate zeal, if not by a culpable ambition.

The laws of nations give to a power at war nothing more than a usufructuary or possessory right to the territories which it conquers; suspending the absolute property and dominion till a treaty of peace or something equivalent shall cede or relinquish the conquered territory to the conqueror. This principle is one of the greatest importance to the tranquility and security of nations—facilitating an adjustment of their quarrels and the preservation of ancient limits.

But France, by incorporating with herself, in several instances, the territories she had acquired, violated this important principle and multiplied infinitely the obstacles of peace and accommodation. The doctrine, that a nation cannot consent to its own dismemberment, but in a case of extreme necessity, immediately attached itself to all the important territories: while the progressive augmentation of the dominions of the most powerful nation in Europe, on a principle not of temporary acquisition, but of permanent union, threatened the independence of all other countries and gave to neighboring neutral powers the justest cause of umbrage and alarm. It is a principle well agreed and founded on the best reasons, that whenever a particular nation adopts maxims of conduct contrary to those generally established among nations, calculated to disturb their tranquility and to expose their safety, they may justifiably make a common cause to oppose and controul such nation.

Whatever partiality may be entertained for the general object of the French revolution, it is impossible for any well informed or sober minded man not to condemn the proceedings which have been stated; as repugnant to the general rights of nations, to the true principles of liberty, to the freedom of opinion of mankind: and not to acknowledge as a consequence of this, that the justice of the war on the part of France, with regard to some of the powers with which she is engaged, is from those causes questionable enough to free the United States from all embarrassments on that score; if it be at all incumbent upon them to go into the inquiry.

The policy of a defensive alliance is so essentially distinct from that of an offensive one, that it is every way important not to confound their effects. The first kind has in view the prudent object of mutual defence, when either of the allies is involuntarily forced into a war by the attack of some third power. The latter kind subjects the peace of each ally to the will of the other, and obliges each to partake in the wars of policy and interest, as well as in those of safety and defence of the other. To preserve their boundaries distinct, it is necessary that each kind should be governed by plain and obvious rules.

This would not be the case, if instead of taking the simple fact of who began the war as a guide, it was necessary to travel into metaphysical niceties about the justice or injustice of the causes which led to it. Since also the not furnishing a stipulated succour, when it is due, is itself a cause of war, it is very requisite, that there should be some pal-

table criterion for ascertaining when it is due. This criterion, as before observed, in a defensive alliance is the commencement or not of the war by our ally as a mere matter of fact.

Other topics calculated to illustrate the position, that the United States are not bound to execute the clause of guarantee; are reserved for another paper.

PACIFICUS.

Philadelphia, July 3.

TO-MORROW being the Anniversary of Independence, the Day will be celebrated through the Union—

Preparations are making at Gray's Gardens and at Harrowgate—where refreshments will be found in abundance for the numerous companies which are expected to assemble at those delightful retreats.

By Capt. Edes, in the schooner Dion, who arrived at Boston last week, in 22 days from Demarara, we learn, that when passing the island of Martinica, he saw the white flag flying on one of the heights—but the English fleet, which appeared round the island, would not permit him to land.

The Bank of North America has declared a dividend of six per cent, for the half year ending July 1—to be paid after the 10th instant.

A letter from Carlisle Pennsylvania of 2d ult. gives an account of a duel between Major James Lamberton and Mr. John Duncan; the dispute originated at an election of militia officers, and terminated in the death of Mr. Duncan who was shot through the head.

Extract of a letter from Boston, June 23.

“By arrivals from the West India Islands we find that the seas swarm with privateers; and that almost every American vessel is boarded, and on the least suspicion of their having French effects on board are carried in to port for investigation. A brig arrived to day which had been carried into St. Kitts and about 30 blds. sugar, belonging to French passengers were detained, though I believe they are not yet condemned—and it is said judgment will be suspended till further orders from Europe.—The Captain of this brig was obliged to pay £50 charges, and lost his freight, besides a detention of 20 days.—'Tis highly probable that this procedure of the British will be painted in strong colours by a certain class of malcontents amongst us, but to avoid a misconstruction of their conduct it ought to be known that the expence and trouble that the American Captain was put to, arose from his prevarication, and putting the captors to the utmost difficulty in proving the property; however I do not suppose that it depends on the whim or generosity of the captors whether we as a neutral power are not entitled to the freight of the goods which has always been the custom of nations—if so, I should think means would be found to obtain it.”

An extract of a letter from Manchester, to a gentlemen in Philadelphia, as published in Mr. Dunlap's paper of yesterday, says—“This [speaking of England] is undoubtedly the most wretched country in the universe; and from its situation when you left it, though but four months ago, you can form no idea of its present distresses. The war has caused so great a scarcity of money as was never before known, and has so completely destroyed that confidence which is the life and soul of trade, that there are but a very few mercantile houses in the kingdom capable of supporting their credit.”

On the 25th April a debate took place in the British House of Commons, on a motion made by Mr. Sheridan, that the House should pass a vote of censure, preparatory to an impeachment against Lord Auckland, British Minister at the Hague, for signing and presenting a memorial to the States General, which contains in substance, a proposition for delivering up to the sword of the law all members of the national convention who voted for the king's execution, which may fall into the hands of the combined powers—This motion was finally negatived 211 to 36—In the course of this debate the partition of Poland was brought on the carpet, and reprobated both by the Minister, Mr. Pitt—and by the opposition.

Mr. FENNO, observed in your last paragraph purporting that the Custom House Revenues of the port of London had fallen fifty per cent. in the month of April; the following article is a flat contradiction of that assertion:

LONDON, April 30.

REVENUE.

Comparative totals of the several branches of public revenue, under the heads of customs, excise, stamps, and incidents, for the weeks ending April 27, 1792, and April 26, 1793:

1792. 1793.

224,125l. 7s. 11½d.—270,148l. 18. 6d.

New Duties.

11,329l. 0s. 0d.—12,161l. 8s. 7d.

The above is given as a contradiction to some recent assertion in the opposition prints, that the revenue since the commencement of war, has been so much on the decline, as to render the publication of any comparative statement of it and the last year a matter of

shame to the minister, or of great regret to the country. So far from a decrease, it appears from the above, when is a faithful statement, that there is an actual increase of more than 47,500l in the present week, compared with the corresponding week last year.

Gold Coins of France and Spain, and Dominions of Spain. Gold Coins of Great Britain and Portugal.

Table with 4 columns: Grains, Cents, Grains, Cents. Rows 1-24 showing coin specifications and values.

** TABLES for receiving and paying Gold Coins calculated by the Officers of the Bank of the United States, agreeable to the new Law—from which the Grain Tables above are extracted—may be had at BENJAMIN JOHNSON'S, High Street, near Fourth-Street.

The length of "Pacificus" excursions & postponement of the letter from Birmingham, and other favors till our next.

ARRIVED at the PORT of PHILADELPHIA. Brig Molly, Linsey, Cape-Francois. Mary, Wharton, Cadiz. Sch'r Kiley, Brinton, St. Martins. Sloop Polly, Dawson, St. Bartholomews.

PRICE OF STOCKS. 6 per Cent, 17.8. 3 per Cent, 9.10. Deferred, 10.2. Full thar's Bank U. S. 5 per cent. adv.

BANK of the UNITED STATES. JULY 1st, 1793.

NOTICE is hereby given that there will be paid at the Bank after the 10th instant, to the Stockholders of their Representatives duly authorized, FOURTEEN DOLLARS and FIFTY CENTS for each Share, being the dividend declared for the last six months. By order, JOHN KEAN, Cashier.

INSURANCE COMPANY. PHILADELPHIA, July 1st, 1793.

NOTICE is hereby given to the members of the Insurance Company of North America, that the Directors have declared a dividend (to this day) of six per cent on the amount of the first instalment, and of one per cent per month, on the sums paid towards the second and third instalments, calculating from the first day of the month following that in which these payments were made. The Dividend will be paid to the Stockholders or their Representatives, at the Company's Office, (No. 119, South Front-Street) at any time after the 7th ult.

As the members of this company are much dispersed throughout the United States, the Printers in the several States are requested to give the above place in their newspapers.

RULES To be observed in transacting Business with the Insurance Company OF NORTH-AMERICA.

1st. ALL orders for Insurance must be given in writing, signed by the applicant; and as minute a description of the vessel is expected, as the person ordering the insurance, can give, respecting her age, built, how found and fitted, and whether double or single decked.

2d. All policies will be ready for delivery in twenty-four hours after the order for insurance is accepted at the office, and the policy must be taken up in ten days.

3d. Notes, with an approved endorsement, for all premiums, must be given in ten days, payable as follows: For American and West-India risks, in three months after the date of the policy. For European risks, in six months. For India and China risks, in 12 months. For risks by the year, in eight months. For risks for six months, in four months. And for risks for any lesser time, in three months.

4th. Losses will be paid in ten days after proof and adjustment; but if the note given for the premium shall not have become due within that time, the amount of it shall, nevertheless, be deducted from the loss to be paid.

The Insurance Company of North-America hereby give notice to all whom it may concern, that, agreeable to the above rules, they are ready to receive all orders for insurance, which may be addressed to them, accompanied with directions to some responsible house in Philadelphia for the payment of the premiums within the time limited.

In case the risks offered shall be approved, the insurance shall be immediately effected; otherwise notice shall be given, either by answer to the person applying, or to his agent, in Philadelphia, as may be ordered.

By order of the Directors, EBENEZER HAZARD, Sec'y.

July 3. 4w