

Gazette of the United States.

A NATIONAL PAPER, PUBLISHED WEDNESDAYS AND SATURDAYS BY JOHN FENNO, No. 34, NORTH FIFTH-STREET, PHILADELPHIA.

[No. 116 of Vol. IV.]

WEDNESDAY, JULY 10, 1793.

[Whole No. 438.]

To the Public.

THE Editor of the GAZETTE OF THE UNITED STATES, proposes publishing the Paper, under that Title, every Evening, Sunday's excepted.

To render it interesting as a Daily Publication, it shall contain foreign and domestic, commercial and political Intelligence—Essays and Observations, local and general—Maritime information—Prices Current of Merchandise and the Public Funds. Also a summary of the proceedings of Congress, and of the Legislature of this State—with a sketch of Congressional Debates, &c.

ADVERTISING FAVORS will be gratefully received.

TERMS.

To be printed on paper of the demy size; but a larger size shall be substituted in December next.

The price Six Dollars per Annum, to be paid half Yearly.

When a sufficient number of Subscribers is obtained, the Publication shall commence.

In the interim, the Gazette will be published twice a week as usual.—Subscriptions are respectfully solicited by the Public's humble servant,

JOHN FENNO.

Subscriptions are received at the City Tavern, South Second Street—by Mr. Dobson, at the Stone House—by other persons who are in possession of subscription papers, and by the Editor at his house, No. 34, North Fifth-Street.

Philadelphia, July, 1793.

THE EDITOR

MOST earnestly requests those of his distant Subscribers who are in arrears for the Gazette, to make payment as soon as possible.—Those persons who have received subscription money on his account are desired to remit the same. The arrears for the Gazette have accumulated to a serious amount—Serious, as they are the only resource to discharge very serious engagements incurred in the prosecution of this expensive publication. Philadelphia, June 26.

This day is published, by

MATHEW CAREY,
No. 118, Market-Street, Philadelphia,

No. IX. of

Guthrie's Geography,
IMPROVED,

Embellished with a MAP of AFRICA.

THIS valuable work will contain (exclusive of the maps in the London edition of 1792) maps of New-Hampshire, Massachusetts, Connecticut, R. Island, Vermont, N. York, N. Jersey, Pennsylvania, Delaware, Maryland, Virginia, Kentucky, N. Carolina, S. Carolina, and Georgia.

No. 1. contains a map of the seat of war in Europe; No. 2. a map of Hungary and European Turkey; No. 3. a map of the countries round the North Pole; No. 4. a whole sheet map of the world; No. 5. a plan of the military sphere; No. 6. a map of South-America; No. 7. a map of Switzerland; and No. 8. a chart of the world.

Such of the citizens of Philadelphia, as have not had an opportunity of examining this work, are requested to send for the numbers already published, in order to satisfy themselves how far it deserves their patronage. If, on inspection, they should not approve of it, their money will be freely returned.

Besides the great improvements in the American Geography, the accounts of France will be extracted from the French Geography, published since the revolution; the map of France will be engraved agreeably to the division into departments: the history of Russia, which, in the London edition, is carried no farther than 1775, is continued to the late execrable invasion of Poland by Catharine: the account of Sweden has been compiled anew, and numberless other improvements will be made in this edition.

Subscriptions are received by the booksellers in Boston, New-York, Baltimore, Wilmington, Richmond, Charleston, &c. &c. July 10.

EXTRACT.

WAR may be of advantage to a race of barbarians, who have nothing to do, and nothing to lose; but, for a commercial nation, it can be nothing better than a farmer deserting his harvest to her at a horse-race. But, in an infant government like ours, to hazard a foreign war, unless from the last necessity, would be the height of madness.

Decree of Judge PETERS, concluded from our last.

IN PALACHE's case, I am aware that it is only said the vessel "was taken at sea," but if not, it rather appears that it would be more proper for a diplomatic than a judiciary examination. The general principle as to the capture is agreed; and is similar to that established in our treaty with France, which ought to have its proper weight.

It was resolved, by the whole court of King's Bench, upon conference and deliberation, that the Spaniard whose ship had been taken by an enemy and brought into England, a friend to both parties, had lost the property of the goods for ever, and had no remedy for them in England. And relied principally upon the book, in 2. R. 3. ubi supra being of so great authority for that book he that will sue to have restitution of the goods robbed at sea, ought by law to prove two things, 1st, that the sovereign of the plaintiff was, at the time of taking, in amity with the King of England; 2d, that he who took the goods was, at the time of taking, in amity with the sovereign of him whose goods were taken. For, if he who took them was in enmity with the sovereign of him whose goods were taken, then was it no deprivation or robbery, but a lawful taking, as every enemy might take from another." 4. ins. 154.

It is true that by the laws and customs of nations, the capture if taken in neutral bounds, is not a lawful prize, but I do not see that this court can get at that circumstance without holding plea as to the lawfulness of the prize. It is the original question and not collateral matter which determines jurisdiction. The courts of common law in England will not take cognizance of any thing arising out of the question prize or no prize, "because the original cause must all come into question again." And yet the admiralty had determined that the ship was no prize.

This will be a proper subject of enquiry on the part of our government or in a court of the country of the captor. Every nation has established these courts and knowing that, if at war, they are answerable to a nation at peace or in amity, if violations of territory happen in captures, care is taken to examine into this circumstance. If on this account, the capture is illegal it is so adjudged; and the party taken is liable to damages. Whether such damages shall exceed the amount of the security given by commanders of private ships of war, or whether one nation is answerable for injuries, done by its subjects to others, contrary to, or without its orders, is a matter in which there are differences of opinion among Civilians, and which it is unnecessary for me now to investigate.

It is double's contrary to the instructions of the French government, that any of the ships commissioned by them, act in a hostile manner, in a friendly and allied territory. It is to be expected by one power from another, that her courts and her administration will do justice to the rights of sovereignty and neutrality. It will be the more to be lamented if a friend and ally should disappoint this expectation.—But should this be the case, it is not for me to say what proceedings should be had. I have subjoined to this decree some extracts from the "Exposition of the Motives," &c. from the Duke of New-Castle, the British Minister's Letter to Mr. Mitchell the Minister of Prussia, and from the report and opinion of Sir George Lee, Doctor Paul, Sir Dudley Rider, and Mr. Murray, the late Lord Mansfield, on the subjects, I have mentioned, which are to be found in Magen's 463, 482, 487, 491, 496, 505.

Other authorities from British and other writers might be added, by which it appears; that when two powers have any difference between them, the affair must be treated by negotiation, and not through the instrumentality of their courts of justice.

That affairs of prizes are only cognizable in the courts of the power of making the capture, these courts being generally styled courts of admiralty; and that it never was attempted, before the subject of that controversy happened, to erect in a neutral State, courts for the trial of prizes taken by belligerent powers, even where neutrals were concerned; and that of course no court of one sovereign has a right to try the prizes taken by the ships public or private of another.

A dispute of this nature in which the King of Prussia could not prevail, who, though weak at sea was powerful at land, and had a propensity for war, would ill suit us. We have indeed, shewn that we know how to war, but it is now our interest and inclination to cultivate the arts of peace.

Much has been said on both sides, to shew the importance of this cause, and the necessity of caution in its determination. I am sufficiently impressed with these considerations. But I feel myself at ease in this view of the subject. I am persuaded, that any thing which affects the sovereignty and rights of our country, will not be passed unnoticed by those who have the power to regulate our national concerns. On my own account I

have no disquietude; for no error of mine can affect the nation. There is an appeal from any determination I may give, to a superior tribunal. I am anxious for the peace and dignity of my country; but not deeming myself authorized to judge in a matter growing out of the contests between belligerent powers, nor considering this court in this instance, the vindicator of the rights of our nation, I leave in better hands the discussion on the subject of national insult, and the remedy for any invasion of territorial rights. The influence side of this court seems to have other objects. And a prize court in activity when a nation is at peace, appears to me to be a solecism in jurisprudence.

I DO THEREFORE DECREE, ORDER AND ADJUDGE, that the LIBEL in this cause be DISMISSED, and that the SHIP therein mentioned be DISCHARGED from the ARREST, the PLEA IN THIS CASE BEING RELEVANT.

(Signed) RICHARD PETERS.

FOR THE GAZETTE.

A THIRD objection to the proclamation is, that it is inconsistent with the gratitude due to France, for the services rendered us in our own revolution.

Those who make this objection disavow at the same time, all intention to advocate the position, that the United States ought to take part in the war. They profess to be friends to our remaining at peace. What then do they mean by the objection?

If it be no breach of gratitude to refrain from joining France in the war—how can it be a breach of gratitude to declare that such is our disposition and intention?

The two positions are at variance with each other; and the true inference is, either that those who make the objection really wish to engage this country in the war, or that they seek a pretext for censuring the conduct of the chief magistrate, for some purpose very different from the public good.

They endeavor in vain to elude this inference by saying, that the proclamation places France upon an equal footing with her enemies; while our treaties require distinctions in her favor, and our relative situation would dictate kind offices to her, which ought not to be granted to her adversaries.

They are not ignorant, that the proclamation is reconcileable with both those objects, as far as they have any foundation in truth or propriety.

It has been shewn that the promise of a "friendly and impartial conduct" towards all the belligerent powers is not inconsistent with the performance of any stipulations in our treaties, which would not include our becoming an associate in the war; and it has been observed, that the conduct of the executive, in regard to the seventeenth and twenty-second articles of the treaty of commerce, is an unequivocal comment upon those terms. The expressions indeed were naturally to be understood with the exception of those matters of positive compact, which would not amount to taking part in the war; for a nation then observes a friendly and impartial conduct, towards two contending powers, when it only performs to one of them what it is obliged to do by the positive stipulations of antecedent treaties; those stipulations not amounting to a participation in the war.

Neither do those expressions imply, that the United States will not exercise their discretion, in doing kind offices to some of the parties, without extending them to the others; so long as those offices have no relation to war: For kind offices of that description may, consistently with neutrality, be shewn to one party and refused to another.

If the objectors mean, that the United States ought to favor France, in things relating to war and where they are not bound to do it by treaty; they must in this case also abandon their pretension of being friends to peace. For such a conduct would be a violation of neutrality, which could not fail to produce war.

It follows then that the proclamation is reconcileable with all that those who censure it contend for; taking them upon their own ground—that nothing is to be done incompatible with the preservation of peace.

But though this would be a sufficient answer to the objection under consideration; yet it may not be without use to indulge some reflections on this very favorite topic of gratitude to France; since it is at this shrine we are continually invited to sacrifice the true interests of the country; as if "all for love and the world well lost" were a fundamental maxim in politics.

Faith and justice between nations are virtues of a nature sacred and unequivocal.—They cannot be too strongly inculcated, nor too highly respected. Their obligations are definite and positive, their utility unquestionable: they relate to objects, which with probity and sincerity generally admit of being brought within clear and intelligible rules.

But the same cannot be said of gratitude. It is not very often, between nations, that it can be pronounced with certainty, that there exists a solid foundation for the sentiment—and how far it can justifiably be permitted to operate is always a question of still greater difficulty.

The basis of gratitude is a benefit received or intended, which there was no right to claim, originating in a regard to the interest or advantage of the party, on whom the benefit is, or is meant to be conferred. If a service is rendered from views relative to the immediate interest of the party, who renders it; and is productive of reciprocal advantages, there seems scarcely in such a case to be an adequate basis for a sentiment like that of gratitude. The effect would be disproportioned to the cause, if such a service ought to beget more than a disposition to render in turn a correspondent good office, founded on mutual interest and reciprocal advantage. But gratitude would require more than this; it would require to a certain extent, even a sacrifice of the interest of the party obliged, to the service or benefit of the party by whom the obligation had been conferred.

Between individuals, occasion is not unfrequently given to the exercise of gratitude. Instances of conferring benefits, from kind and benevolent dispositions or feelings towards the person benefited, without any other interest on the part of the person who confers the benefit, than the pleasure of doing a good action, occur every day among individuals. But among nations they perhaps never occur. It may be affirmed as a general principle, that the predominant motive of good offices from one nation to another is the interest or advantage of the nation, which performs them.

Indeed the rule of morality is in this respect not exactly the same, between nations as between individuals. The duty of making its own welfare the guide of its actions is much stronger upon the former than upon the latter; in proportion to the greater magnitude and importance of national compared with individual happiness, to the greater permanency of the effects of national than of individual conduct. Existing millions, and for the most part future generations are concerned in the present measures of a government:—while the consequences of the private actions of an individual, for the most part, terminate with himself, or are circumscribed within a narrow compass.

Whence it follows, that an individual may on numerous occasions meritoriously indulge the emotions of generosity and benevolence, not only without an eye to, but even at the expence of his own interest. But a government can rarely, if at all, be justifiable in pursuing a similar course; and if it does so ought to confine itself within much stricter bounds. Good offices which are indifferent to the interest of a nation performing them, or which are compensated by the existence or expectation of some reasonable equivalent—or which produce an essential good to the nation to which they are rendered, without real detriment to the affairs of the nation rendering them, prescribe the limits of national generosity or benevolence.

It is not meant here to advocate a policy absolutely selfish or interested in nations; but to shew, that a policy regulated by their own interest as far as justice and good faith permit, is, and ought to be their prevailing one; and that either to ascribe to them a different principle of action, or to deduce from the supposition of it arguments for a self-denying and self-sacrificing gratitude on the part of a nation, which may have received from another good offices, is to misconceive or mistake what usually are and ought to be the springs of national conduct.

These general reflections will be auxiliary to a just estimate of our real situation with regard to France; of which a closer view will be taken in a succeeding paper.

PACIFICUS.

This conclusion deserves confirmation from the reflection, that under every form of government, RULERS are only TRUSTEES for the happiness and interest of their nation, and cannot, consistently with their trust, follow the suggestions of kindness or humanity towards others, to the prejudice of their constituent.

Our readers are requested to correct the following errors, which occurred in the second number of PACIFICUS, published last Wednesday, viz. First column, 2d paragraph, 5th line, for "incompatible," read compatible—3d column, 50th line from top, for "November," read December.—Those Printers who have re-published PACIFICUS, are desired to publish the above corrections.

From the NORTH-CAROLINA JOURNAL.

THE CHURCH.

ON Friday last was raised in this town the frame of a Church.—The town of Halifax was incorporated in May, 1759, and the first house of public worship is attended after 34 years. The sum subscribed, we are informed, amounts to about 400l. The subscription is still open to this useful institution.