

# Gazette of the United States.

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SATURDAY, September 7, 1793.

[Whole No. 455.]

TREASURY DEPARTMENT, June 26, 1793.

**NOTICE** is hereby given, that proposals will be received at the office of the Secretary of the Treasury, until the fourteenth day of September next inclusively, for the supply of all Rations which may be required for the use of the United States, from the first day of January to the thirty-first day of December 1794, both days inclusive, at the places, and within the districts hereafter mentioned, viz.

1. At any place or places between York-Town and Carlisle, in the State of Pennsylvania, and Pittsburgh, & at Pittsburgh, York-Town & Carlisle.

2. At any place or places from Pittsburgh to the mouth of Big Beaver Creek, and at the mouth of Big Beaver Creek.

3. At any place or places from the said mouth to the upper falls of the said Big Beaver, and at the upper falls.

4. At any place or places from the said upper falls to Mahoning, and at Mahoning.

5. At any place or places from the said Mahoning over to the Head Navigation of the river Cayahoga, and at the said Head Navigation.

6. At any place or places from the said Head Navigation to the mouth of the said river Cayahoga, and at the said mouth.

7. At any place or places between the mouth of the Big Beaver Creek, to the mouth of the river Mulkingum, and up the said river to the Tuscarawas, and at the Tuscarawas, and thence over to the Cayahoga river, and thence down the said river to its mouth.

8. At any place or places between the mouth of the river Mulkingum and the mouth of the Scioto river, and at the mouth of the said river Scioto.

9. At any place or places between the mouth of Scioto river & the mouth of the Great Miami, at the mouth of the Great Miami, and from thence to the rapids or the falls of the Ohio, and at the said rapids.

10. At any place or places between the mouth of the Great Miami, up the said Miami to and at Pique Town.

11. At any place or places from Fort Washington to Fort Hamilton, and at Fort Hamilton. At any place or places from Fort Hamilton to Fort St. Clair, and at Fort St. Clair.

12. At any place or places from Fort St. Clair to Fort Jefferson, and at Fort Jefferson.

13. At any place or places from Fort Jefferson to the field of action of the 4th of November, 1791, and at the said field of action.

14. At any place or places from the said field of action to the Miami Villages, and at the Miami Villages.

15. At any place or places from the said Miami Villages to the falls of the Miami river, which empties into Lake Erie, and at the said falls, and from thence to its mouth, and at its mouth.

16. At any place or places from the mouth of the said Miami river of Lake Erie to Sandusky Lake, and at Sandusky Lake.

17. At any place or places from the said Sandusky Lake, to the mouth of the river Cayahoga.

18. At any place or places from the mouth of the said river Cayahoga to Presque Isle, and at Presque Isle.

19. At any place or places from Presque Isle to the stream running into Lake Erie from towards the Jadaghuque Lake, and thence over to and at the said Jadaghuque Lake, and thence down the Alleghany river to Fort Franklin.

20. At any place or places from Presque Isle to Le Beuf, and at Le Beuf.

21. At any place or places from Le Beuf to Fort Franklin, and at Fort Franklin, and from thence to Pittsburgh.

22. At any place or places from the rapids of the Ohio to the mouth of the Wabash river, and from the mouth of the said Wabash river to the mouth of the river Ohio.

23. At any place or places on the East side of the river Mississippi, from the mouth of the Ohio river, to the mouth of the Illinois river.

24. At any place or places from the mouth of the said Wabash river up to Fort Knox, and at Fort Knox.

25. At any place or places from Fort Knox up the said Wabash to Ouitanon, and at Ouitanon.

26. At any place or places from Ouitanon, up the said Wabash, to the head navigation of a branch thereof called Little River, and at the said head navigation of Little River.

27. At any place or places from the said head navigation of Little River over to the Miami Village.

28. At any place or places from the mouth of the river Tennessee to Ocochappo or Bear Creek, on the said river, inclusively.

29. At any place or places from the mouth of the river Cumberland to Nashville, on the said river, and at Nashville.

30. And at any place or places within thirty miles of said Nashville to the Southward, Westward or Northward thereof.

Should any rations be required at any places, or within other districts, not specified in these proposals, the price of the same to be hereafter agreed on between the public and the contractor.

The rations to be supplied are to consist of the following articles, viz.

One pound of bread or flour,  
One pound of beef, or 3/4 of a pound of pork,  
One quart of fat,  
Two quarts of vinegar, } per 100 rations.  
Two pounds of soap,  
One pound of candles,

The rations are to be furnished in such quantities as that there shall at all times, during the said term, be sufficient for the consumption of the

troops at each of the said posts, for the space of at least 3 months in advance, in good and wholesome provisions, if the same shall be required.

It is to be understood in each case, that all losses sustained by the depredations of the enemy, or by means of the troops of the United States, shall be paid for at the prices of the articles captured or destroyed, on the depositions of two or more credible characters, and the certificate of a commissioned officer, ascertaining the circumstances of the loss, and the amount of the articles for which compensation is claimed.

The contract for the above supplies will be made either for one year, or for two years, as may appear eligible. Persons disposed to contract will therefore confine their offers to one year, or they may make their propositions as to admit an extension of the term of two years.

The offers may comprise all the places which have been specified, or a part of them only.

## War Department,

August 1<sup>st</sup>, 1793.

**INFORMATION** is hereby given to all the Military Invalids of the United States, that the sums to which they are entitled for six months of their annual pension, from the 1<sup>st</sup> day of September next, will be paid on the said day by the Commissioners of the Loans, within the States respectively under the usual regulations.

By Command of the  
PRESIDENT of the UNITED STATES.  
H. KNOX, Secretary at War.

## Treasury Department,

August 10, 1793.

**NOTICE** is hereby given, that Proposals will be received at the Office of the Secretary of the Treasury, until the 14th day of September next inclusively, to furnish by contract the following articles of Cloathing, for the use of the United States, viz.

4,800 Hats,  
5,120 Stocks,  
5,120 Stock-Clasps,  
25,480 Shirts,  
5,120 Vests,  
5,120 Coats,  
9,600 Woollen Overalls,  
9,600 Linen ditto,  
19,200 pairs of Shoes,  
9,600 pairs of Socks,  
5,120 Blankets,  
320 Caps,  
320 pairs of Leather Breeches,  
640 pairs of Boots,  
320 pairs of Spurs,  
640 pairs of Stockings,  
1,520 Rifle Shirts.

The cloathing to be delivered at the city of Philadelphia; one fourth part of the whole number of suits on or before the 15th of February, one fourth on or before the 15th of April, and the remaining half on or before the 15th of June, 1794.

The articles must be agreeably to such patterns as shall be directed by the Secretary for the Department of War. Payment will be made as soon as the whole of the articles shall have been delivered. ept 14.

## 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.

### 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.

FOR THE GAZETTE.

### HELVIDIUS—No. III.

**I**N order to give color to a right in the Executive to exercise the Legislative power of judging whether there be a cause of war in a public stipulation—two other arguments are subjoined by the writer to that last examined.

The first is simply this, "It is the right and duty of the Executive to judge of and interpret those articles of our treaties which give to France particular privileges, in order to the enforcement of those privileges," from which it is stated as a necessary consequence, that the Executive has certain other rights, among which is the right in question.

This argument is answered by a very obvious distinction. The first right is essential to the execution of the treaty as a law in operation, and interferes with no right vested in another Department. The second is not essential to the execution of the treaty or any other law; on the contrary the article to which the right is applied, cannot as has been shown, from the very nature of it be in operation as a law without a previous declaration of the Legislature; and all the laws to be enforced by the Executive remain in the mean time precisely the same, whatever be the disposition or judgment of the Executive. This second right would also interfere with a right acknowledged to be in the Legislative Department.

If nothing else could suggest this distinction to the writer, he ought to have been reminded of it by his own words "in order to the enforcement of those privileges"—was it in order to the enforcement of the article of guaranty, that the right is ascribed to the Executive?

The other of the two arguments reduces itself into the following form: The Executive has the right to receive public Ministers; this right includes the right of deciding, in the case of a revolution, whether the new government sending the Minister, ought to be recognized or not; and this again, the right to give or refuse operation to pre-existing treaties.

The power of the Legislature to declare war and judge of the causes for declaring it, is one of the most express and explicit parts of the Constitution. To endeavor to abridge or effect it by strained inferences, and by hypothetical or singular occurrences, naturally warns the reader of some lurking fallacy.

The word of the Constitution is "he (the President) shall receive Ambassadors, other public Ministers and Consuls." I shall not undertake to examine what would be the precise extent and effect of this function in various cases which fancy may suggest, or which time may produce. It will be more proper to observe in general, and every candid reader will second the observation, that little if any thing more was intended by the clause, than to provide for a particular mode of communication, almost grown into a right among modern nations; by pointing out the department of the government, most proper for the ceremony of admitting public Ministers, of examining their credentials, and of authenticating their title to the privileges annexed to their character by the law of nations. This being the apparent design of the Constitution, it would be highly improper to magnify the function into an important prerogative, even where no rights of other departments could be affected by it.

To shew that the view here given of the clause is not a new construction, invented or strained for a particular occasion—I will take the liberty of recurring to the cotemporary work already quoted, which contains the obvious and original gloss put on this part of the Constitution by its friends and advocates.

The President is also to be authorized to receive Ambassadors and other public Ministers. This, though it has been a rich theme of declamation, is more a matter of dignity than of authority. It is a circumstance, that will be without consequence in the administration of the government, and it is far more convenient that it should be arranged in this manner, than that there should be a necessity for convening the Legislature or one of its branches upon every arrival of a foreign Minister, though it were merely to take the place of a departed predecessor." Fed. vol. II. p. 237.

Had it been so et cetera in the year 1788 when this work was published, that before the end of the year 1793, a writer, assuming the merit of being a friend to the Constitution, would appear, and gravely maintain, that this function, which was to be without consequence in the administration of the government, might have the consequence of deciding on the validity of revolutions in favor of liberty, "of putting the United States in a condition to become an associate in war,"—nay "of laying the Legislature under an obligation of declaring war," what would have been thought and said of so visionary a prophet?

The moderate opponents of the Constitution would probably have disowned his extravagance. By the advocates of the Constitution, his prediction must have been treated as "an experiment on public credulity, dic-

tated either by a deliberate intention to deceive, or by the overflowings of a zeal too intemperate to be ingenious."

But how does it follow from the function to receive Ambassadors and other public Ministers that to consequential a prerogative may be exercised by the Executive? When a foreign Minister presents himself, two questions immediately arise: Are his credentials from the existing and acting government of his country? Are they properly authenticated? These questions belong of necessity to the Executive; but they involve no cognizance of the question, whether those exercising the government have the right along with the possession. This belongs to the nation; and to the nation alone, on whom the government operates. The questions before the Executive are merely questions of fact; and the Executive would have precisely the same right, or rather be under the same necessity of deciding them, if its function was simply to receive without any discretion to reject public Ministers. It is evident, therefore, that if the Executive has a right to reject a public Minister it must be founded on some other consideration than a change in the government or the newness of the government; and consequently a right to refuse to acknowledge a new government cannot be implied by the right to refuse a public Minister.

It is not denied that there may be cases in which a respect to the general principles of liberty, the essential rights of the people, or the over-riding sentiments of humanity, might require a government, whether new or old, to be treated as an illegitimate despotism. Such are in fact discussed and admitted by the most approved authorities. But they are great and extraordinary cases, by no means submitted to so limited an organ of the national will as the Executive of the United States; and certainly not to be brought, by any torture of words, within the right to receive Ambassadors.

That the authority of the Executive does not extend to question, whether an existing government ought to be recognized or not, will still more clearly appear from an examination of the next inference of the writer, to wit, that the Executive has a right to give or refuse activity and operation to pre-existing treaties.

If there be a principle that ought not to be questioned within the United States, it is, that every nation has a right to abolish an old government and establish a new one. This principle is not only recorded in every public archive, written in every American heart, and sealed with the blood of a host of American martyrs; but is the only lawful tenure by which the United States hold their existence as a nation.

It is a principle incorporated with the above, that governments are established for the national good and are organs of the national will.

From these two principles results a third, that treaties formed by the government, are treaties of the nation, unless otherwise expressed in the treaties.

Another consequence is that a nation, by exercising the right of changing the organ of its will, can neither disengage itself from the obligations, nor forfeit the benefits of its treaties. This is a truth of vast importance, and happily rests with sufficient firmness on its own authority. To silence or prevent cavil, I insert however, the following extracts:

"Since then such a treaty (a treaty not personal to the sovereign) directly relates to the body of the State, it subsists though the form of the republic happens to be changed, and though it should be even transformed into a monarchy.—For the State and the nation are always the same whatever changes are made in the form of the government—and the treaty concluded with the nation, remains in force as long as the nation exists." Vattel, B. II. § 185—

"It follows that as a treaty, notwithstanding the change of a democratic government into a monarchy, continues in force with the new King, in like manner; if a monarchy becomes a republic, the treaty made with the King does not expire on that account, unless it was manifestly personal." Burlam. part IV, c. IX, § 16, 16.

As a change of government then makes no change in the obligations or rights of the party to a treaty, it is clear that the Executive can have no more right to suspend or prevent the operation of a treaty, on account of the change, than to suspend or prevent the operation, where no such change has happened. Nor can it have any more right to suspend the operation of a treaty in force as a law, than to suspend the operation of any other law.

(To be continued.)

Tonnage of Vessels which have been entered at the Custom-House, port of Charleston, in the months of January, February and March, 1793.

	Tons.	Dolls.	Cts.
Foreign vessels	16,368	8184	05
American do.	12,852	771	18
Licensed do.	2,847	110	86
<b>Tons</b>	<b>31,668</b>	<b>9,066</b>	<b>9</b>