

is an asylum against all legal process, it would not follow, that a captain and lieutenant, who had quitted that asylum in fact, were to carry with them virtually a protection, whenever and wherever they should be on shore, as long as they held their commissions. If this were so, our citizens may be torn from their country, and deposited on board of some foreign sloop of war, where they must continue in bondage until the captain shall admit the fact, or a tedious negotiation with a foreign court, be consummated. Is it not unprecedented in the annals of any nation, that its citizens should be deprived of liberty within its own limits, should supplicate protection, and be answered, that all their hope must depend upon the will of the commander; that he cannot be questioned in a judicial form because a connection between him and his vessel confers upon him the privilege of roaming on the land at large, paramount to controul? Still, Sir, let me not be misunderstood. There is a certain fitness in the mode of acting towards foreign nations; and if it has not been maintained throughout the course of this transaction, it is neither my duty nor inclination to countenance a departure from it. We will proceed therefore to analyse and compare, what was actually done, with what, in your opinion, ought to have been done; and if, in any particular, a difference in substance, rather than in form, shall appear, it shall be condemned, if it be not capable of vindication.

1. You contend Sir, that "if on the arrival of a ship of war in an European port, information be given that that ship of war has on board subjects of the sovereign of that port, application is made to the officer commanding her."

A course not essentially unlike this is collected from the report. "The General Assembly immediately proceeded to measures for investigating the facts: sent a message to captain Baynton, then on shore, requesting his attendance before them."—"The captain immediately attended with his lieutenant. The Assembly also requested all the judges of the superior court, being then present, together with the judge of the district court, to confer with said officers on the subject, to inform them of the information they had received, of the uneasiness it occasioned, and of their expectation, that if there were any American citizens on board their ship, they might be immediately released; and if not released, to advise the General Assembly of the measures which might be legally pursued, to obtain the discharge of the Americans so detained." The judges accordingly met the said officers in the council chamber; where the said officers, with the British consul, Mr. Moore, who attended them, were waiting upon the request of the General Assembly. The judges informed them of the information, which had been received, and expressed their wish that they would afford the fullest satisfaction of the facts.

2. Your next position is, "That the commander himself conducts the investigation; and if he discovers that any such subjects be on board of his vessel, he immediately releases them." And soon after you affirm, that "the legislature and judges of the state of Rhode Island refused to allow him to originate or prosecute the enquiry himself." Let the report decide this fact. "The captain declared there were none on board of that description, at least within his knowledge, and so declared the lieutenant; that he did not chuse to take such seamen on board; that he had never pressed such, and requested their names; the judges told him they were not able to give their names: he appeared altogether to doubt the fact; hereupon John Carr, gunner of the fort, was called upon, who on solemn oath declared, that he enquired of one of the ship's bargemen, if there were any Americans on board of said ship, who answered that there were thirteen; ten of which had voluntarily entered on board, and that the three others had been pressed." The captain still appeared to disbelieve the matter; it was then proposed to him that to satisfy himself and the authority, he would permit a gentleman or two, with himself or lieutenant to go on board, and there to make the necessary enquiry; that if there should be American citizens on board, it was presumed he would not hesitate to discharge them; if there were none, the public mind would be at ease, and mutual confidence would be restored. He agreed to the proposal, but on something being dropped by the consul: viz. the ship to be searched; he withdrew his assent and declared he would by no means consent to the proposition.

In what sense did the judges, by this conduct, refuse to allow the captain to originate or prosecute the enquiry himself? Did the recommendation of a plan, which promised the quieting of the uneasiness of the people amount to such a refusal? If it had been unreasonable nothing prevented him from rejecting it. After the exclamation of the

Consul, he did reject it. Your own doctrine seems to imply, that at this stage of the business he ought to have proposed to originate or prosecute the enquiry himself. But so far was he from this conciliatory temper, that much argument was used to convince him of the propriety of it, or that he ought to point out some way to come at the truth, but to no purpose: he thought his word sufficient.

3. Convinced, as the persons in authority were, that some of their fellow citizens were on board, and impressed; were they, after obtaining this severe intelligence to stop there? your reply is, that if the Commander "be not satisfied, that there be any such on board, his declaration to that effect on his word of honor is universally credited." Not affecting to understand the usages of Europe on these occasions, I shall be silent upon what is said to be the practice; but, without renouncing the principles which have been laid down, the declaration shall be examined.

The Captain declared, that he had belonged to the ship but a short time. His assertion then, that there were no impressed Americans on board, "at least within his knowledge,"—"that he did not chuse to take such seamen on board, and that he had never pressed such," was not conclusive; since they might have been impressed, before he took the command, and possibly afterwards, without being communicated to him. And that this was the genuine state of his mind, is confirmed by what follows. "It was observed to him that it was not presumed he would undertake positively to deny the fact, since the information came from his own people, and it was not probable he could be certain of the fact: he said he would not say positively, but he was very confident there were none such, and that the information was groundless."

He could not say positively, because his assertion would have been groundless. For it appeared from the shipping book, the entries of which were written by some officer of the ship, without any signature of the Americans, that two citizens of Massachusetts were received on board on the 27th of June, 1793, and 16th of February, 1794, two of South-Carolina on the 14th of June and 17th of December, 1793, one of Virginia on the 2d of December, 1793, and one of New-York in April, 1794. The Captain did not conceal his surprise at the issue: he believed four of them to be Americans; the officers were convinced that they were all Americans: the Captain certifies each of them to be (to use his words) "a subject of the United States of America," which he doubtless meant as equivalent to a citizen, the only character known in the government of the United States.

4. There being then under the actual circumstances at least of this affair, a power, vested in the state of Rhode-Island, upon the principles of the law of nations, to interpose in behalf of the American citizens, what are we required to explain? A "Prince," says Vattel b. 2. c. 7. f. 84 "ought not to interfere in the causes of his subjects in foreign countries, and to grant them his protection, excepting in the cases of a refusal of justice, palpable and evident injustice, a manifest violation of rules and forms; or in short, an odious distinction made to the prejudice of his subjects, or of foreigners in general."

Justice, Sir, as far as it depended upon the impressment and detention of our citizens, was all on our side. For it cannot be conceived, that it is longer warrantable to call them pretended American seamen.

Have the rules and forms, proper on such occasions been manifestly violated? Let us again turn to the narrative for the elucidation of this point. "It was observed to the Captain, he must be sensible, that that kind of argument would give no satisfaction: it was wished to conduct towards him with the utmost candor, and that he would exhibit the same: it was highly reasonable, that the authority should be satisfied: it was presumed that the British Government, would, under a like occasion, show the same solicitude for the relief of their subjects, and were possessed of sufficient spirit to obtain entire satisfaction: that he must expect it would be exerted here, if we were reduced to the necessity: but it was still wished he would obviate that necessity by a ready compliance with the proposition, or by proposing something equally satisfactory: he replied he could do nothing further; was surprised at being thus called upon to this business, asked if he was a prisoner, and appeared to be going out

"of the room: it was said, he was not a prisoner: no measure of that kind had been taken. It was proposed, that the judges would leave the room to the officers with the Consul, that as much had been said, they might farther deliberate on the matter, and consult, what might conduce most to a fair and just settlement of the business: this was refused: and the captain and lieutenant both, against the advice of the Judges, burst out of the room, but instantly returned, declaring they were stopped by the people in the lobby, who were there in great numbers; and they were under apprehensions of danger. The Lieutenant said he was kicked: it was asked him with earnestness "was you kicked; he said no, but what was next to it, he was jam'd up": they were desired to be composed and to sit down: that it was wished they had taken advice, for while with the Judges they should be protected: the Captain again declared, he could not comply with the proposal made, or give further satisfaction than he had, as to the Americans said to be on board his ship. Information was then given to the general assembly of the proceeding thus far, when they passed a resolution, that the captain and lieutenant remain on shore, until "investigation of the subject be had before the judicial authority of this state and district," nominated a committee, who on condition of the captain's consent should go on board the sloop with the British vice-consul, request an examination of the crew, and report to the judicial authority the names of our citizens. It was further resolved, "that the judicial authority should take examination of the birth and residence of such citizens, and engage those who on such examination are found to be citizens of any of the United States." The captain at length agreed, that the committee "should go on board:" and sent a letter, directing the commanding officer on board to give them all the satisfaction in his power: they proceeded, and were received with the utmost politeness; the books and lists of men were shown: the people called upon to declare, whether there were then any Americans, unwilling to remain on board: and the result has been already remarked.

[TO BE CONTINUED.]

## PHILADELPHIA, JULY 31.

On board the Good Friends, three or four American captains have come passengers. They were put on board from the British frigate L'Oiseau, which was proceeding with them to Halifax. From one of these captains we learn, and the information may therefore be depended upon, as he speaks of his own knowledge, that L'Oiseau took 5 vessels out of the Delaware convey, among whom a small corvette, that acted as tender to the Concorde.

Goodrich's three masted privateer schooner unsuccessfully chased into our Capes a French ship from Aux Cayes.

The schooner Two Sisters spoke one of the French privateers (La Montagne) last out of Charleston to hours sail from New Providence.

MR. FENNO,

The following has something more than fiction for its support.

"Pity the Sorrows of a Poor Old Horse."

NOW past my prime—blind, wounded, lame and poor—

My ingrate master drives me from his door;

Forgetting all my toils and earnings past, To perish, on a ruthless world I'm cast.

My worn-down teeth thro' a long summer day, Do seldom mumble one poor lock of hay.

Fix'd to a spot, my limbs will scarce sustain, A meagre corps, thro' which my ribs complain.

So weak I am—that while the hungry flies, In clusters fasten on my nose and eyes—

Their tortures, undisturbed, I must bear; For I can't move a joint, or whisk a hair;

Abandon'd in the street—the stroke I wait Which shall release me from a world I hate.

Welcome old death—old horses' last best friend— My master's woes begin, where mine shall end—

In pastures green I shall forever dwell, While cruelty sinks to its native hell.

### By this Day's Mail.

CARLISLE, July 23.

By the Pittsburgh post-rider who passed through this town yesterday, we had the disagreeable news that the opposition to the excise law had manifested itself in a very alarming manner in the western country.—Several hundred

persons of the county of Washington assembled, menacing violence to Gen. Neville; this gentleman sent to Pittsburgh for military aid; Capt. McClain and some soldiers were immediately dispatched—Gen. Neville's house was attacked and defended with great bravery—Several of those desperate rioters were killed; one of whom fell by a shot, it is said by Gen. Neville; but Captain McClain being killed, and one of the soldiers; the doors were opened and those who were in the house were permitted to depart without injury: Gen. Neville escaped by a back-door; after this the house, furniture, barn and grain of Gen. Neville, and his very fences, were set on fire and all consumed. Thus at a moment when the force of the country is employed to defend the frontiers from savage enemies, those very persons who are protected at an immense expence of blood and treasure, to avoid the paltry charge of two pence a quart upon whisky, rise to oppose their guardians and refuse to contribute in this small degree to the means of their own defence.—We trust that the energy of the Federal Government will be fully evinced by bringing those treasonable and murderous actors to condign punishment.

PETERSBURG, (Virg.) July 25.

On Tuesday last the body of Mr. Thomas West, of King William county, was found near the public road, about four miles from this town—and on examining it, there appeared evident marks of his having been murdered in a most atrocious and cruel manner.—The Coroner's Inquest being assembled, and enquiring into this melancholy event, they gave it as their opinion, that he had been murdered by a Negro man by the name of Tom, the property of a gentleman of Dinwiddie county.—All the papers which were discovered to be the property of Mr. West, are in the possession of the Coroner.

NORFOLK, July 23.

On Monday arrived the Defiance, of Charleston, Capt. Stevens, in 80 days from Copenhagen. In lat. 32 long. 63 spoke the ship Benjamin, of Salem, 68 days from the Isle of France, who informed C. S. that three of the East-India Company's ships, and one Portuguese from Mosambique, had been taken by the French and carried into the Isle of France—and that a new embargo had taken place in the Isle of France.

Died, in St. Bartholomews, the 23d May last, Mr. SAMUEL REA, merchant of this Borough.

NEW-YORK, July 30.

Extract of a letter from Niagara, Upper Canada, dated the 4th July.

"We are in daily expectation of hearing something being done betwixt General Wayne and the Confederate Indians, as there are great numbers of the latter come from beyond Michillimackinac, to reinforce those already acting against the former. There is some noise at present among the Six Nations, owing to the Americans building a Fort near Presqu'isle; a party was sent to order them off, but they refused going.—General Chapin went along with them, and when they came to the Fort, they fired some cannon and all their small arms by way of a salute, and the same when departing. They have returned and are now holding a council at Buffalo-Creek. Most people think they will go and reduce it by force; a thing to near our seat of Government must be productive of some serious events—perhaps too serious. Our fort at the Miami, is almost built, and the double line at this fort comes on very well; there are an hundred men daily employed on the Fortifications, and the Queen's Rangers are crossing over from York, (a town in Upper Canada.) There are two Battalions to be raised, one in Lower and one in Upper Canada, and all the regiments in the country are recruiting."

Another letter from Montreal, Lower Canada, says "Our Prison is beginning to be crowded with suspected persons."

We are just informed, that the Spaniards, have left Fort Dauphin, in Hispaniola, and that there are letters received in this city, that confirm the report. [New Y. Diary.]

From the Georgia Gazette.

TO THE PRINTERS.

GENTLEMEN,

I HAVE often thought it a matter of much surprize, as well as regret that the pious Mr. Addison should make choice of the death of Cato for the subject of the only tragedy, I believe, he ever wrote, for, however rigidly, and almost arrogantly, virtuous was the Roman

was in his life, the last act of it, his suicide, was certainly unjustifiable in a religious heathen, that acknowledged a God and immorality, as Cato did, and it is still more extraordinary that Mr. Addison should dismiss his hero without any censure, all his reflection on the unnatural act he had committed being, "If I have done amiss impute it not."

When you have room in your paper you will oblige me by inserting this, together with the following lines, being an Epilogue to Cato, acted by some young gentlemen.

I am Gentlemen yours,

BENEVOLUS.

Forgive me Cato! and forgive me, Rome!

That this last stroke to censure I presume

Pity we must, and, while we censure, grieve,

Men that could dare to die, and not to live!

Cross'd in their views, away their lives are hurld,

Unable to command, they leave the world;

Impatient of distress, they poorly die,

And Cato meanly skulls from Cæsar's eye.

Is this, O Rome! thy boasted suicide?

'Tis envy, shame, mere cowardice and pride.

Not for the real hero—calm and firm,

He stands his post, and waits th' appointed term,

Scorns the poor impotence of wild despair,

And looks through darkest clouds to heav'nly care,

Till the Great Ruler summons from the field,

And decks with palms those hands that never yield.

### PORT OF PHILADELPHIA.

ARRIVED,

Ship	Days
Ship Good Friends, Yardley,	Bourdeaux 56
Brig Florida, Farraday, M. Providence	13
Schr. John, Tinker,	St. Martins 15
Two Sisters, Doggett, N. Providence	15
Betsy, Woodward,	Barbadoes 21
Sloop Nancy & Betty, Copes,	Virginia 5
Sally, Potter,	do. 5
Thomas & Sally, Mitchell,	do. 5

CLEARED.

Schr. Woolwich, M <sup>r</sup> Kown,	Cork
Sea Flower, Tillet,	Nixonton, N. Carolina
Schr. Mars, Ellicot,	New York
Nancy, —,	Charleston
Sally, Harrison,	Newbern N. C.
Sloop Nancy, Bell,	Dominico
Sea Flower, Moulder,	Bilboa

Arrived here the ship Good Friends, Capt. Yardley, in 56 days from Bourdeaux. A gentleman who came passenger in the above vessel who belonged to the Delaware convey informs, that the following vessels were captured by the English frigate L' Oiseau, viz.

Ship Alknomack, Capt. Darby, of Portland

Mary, Buchanan, Alexandria

Brig Polly, Hamilton, Do.

Alexandria, Perry, Philadelphia

Capt. Wharton of the sloop Industry, in 15 days from St. Croix, spoke July, 16, in lat. 17. 2. long. 38. 30. the schooner Harriot Captain White, from Baltimore bound to Fort Dolphin the 26th off the Delaware Capes, spoke Goodrich's 3 masted schooner from Bermuda on a cruise.—Left at Westend St. Croix, the ship Rising sun of Philadelphia.

Baltimore, July 26. Yesterday arrived here, in 8 weeks from Bremen, the ship Harriot, Capt. Norman. On the 5th of June, in lat. 59, 26, long. 5; east from London, spoke the ship Hone, from Amsterdam, bound to Philadelphia, out 18 days—July 5th, in lat. 37, 40, long. 54, 30, spoke the ship Mary, of Londonderry, William Tibble, master, from Norfolk bound to Cadiz, out 17 days—Same day spoke a schooner from Boston, bound to Africa, out 12 days—July 18th, between Cape Henlopen and Cape Charles, spoke a ship from Charleston, S. C. out 3 days.

Department of State,

July 31, 1694.

### NOTICE

IS hereby given, That the Documents, which have been forwarded to this Department, respecting the compensation, claimed from the Belligerent Nations in Europe, for the injuries to the Commerce of the United States, are committed to the care of the Ministers thereof residing in the foreign Countries concerned. That all persons interested may know, whether their papers have come to hand, a list of the cases, which have been received, will be sent as soon as they can be printed to the different Collectors, and to the Post Masters in the principal Towns of each State.

The Printers in the several States are requested to republish the above.

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