

to cause the vessel to be adjudged good prize.

Sometimes regular papers cover an enemy's property, which other circumstances make. In other circumstances the stamps of neutrality break through omissions and irregularities, in the forms proceeding from a mere negligence, or grounded on motives free from any fraud.

We must speak to the point, and in these matters as well in those which are to be determined, not by mere strict forms, but by the principles of good faith; we must say with the law: that mere omissions or mere irregularities in the forms cannot prejudice the truth, if it is stated by any other ways: and *si aliquid ex solemnibus desit cum equis possit subueniendum est.*

Therefore the regulation of the 26th July, 1778, article 2, after having stated that the masters of neutral vessels shall prove at sea their property being neutral, by passports, bills of lading, invoices and other vessel papers, adds one of which at least shall establish the property being neutral, or shall contain an exact description of it.

It is not then necessary in every case to prove the property neutral by the simultaneous concurrence of all the papers enumerated in the regulations. But it is sufficient according to the circumstances, that one of these papers establish the property, if it is not opposed or destroyed by more peremptory circumstances.

The main point in every case is, that the judge may be satisfied that the property is neutral or not.

We have a precedence of what I assert, in the art. 6. of the regulation of the 21st October, 1744; by that article every vessel belonging to what nation power, neutral, enemy or ally, from which papers shall be proved to have been thrown overboard, shall be adjudged as good prize; or the proof only of the papers having been thrown overboard; nothing can be more explicit.

Some difficulties arose on the execution of that few clause of the law, which has been renewed by the regulation of 1778.

On the 13th November, 1779, the King wrote to the admiral, that he left entirely to him and to the commissioners of the council of prizes to apply the rigidity of the decree, and of the regulation of the 26th of July, or to moderate their clauses as peculiar circumstances would require it in their opinion.

A judgment of the Council of the 27th December in the said year, rendered between Pierre Brandebourg, master of the Swedish ship Fortune, and M<sup>de</sup> la Rogre dourdan, captain of the King's X<sup>bre</sup> the Fox, liberated the said vessel notwithstanding some papers had been thrown overboard. It was determined that to ground an adjudication of the vessel on the papers being thrown overboard, they ought to be of such nature as to prove the property enemy's, and that the capt. ought to have had concern in throwing his papers overboard; which was not the case with the Swedish captain.

In this case without discussing whether American captains are obliged or not to exhibit a Role d'Equipage, attested by the public officers of the place of their departure, I observe that this Role is supplied by the passport, and that the captured allege the impossibility for them to have their role d'equipage attested by public officers in Philadelphia, since the intercourse was forbidden, under pain of death, with Philadelphia, where a most tremendous epidemic was raging—I must add, that the passport, the invoice, and all the vessel's papers, establish evidently the property of the vessel and cargo being neutral; none of these papers have ever been disputed. Thus the invalidity of the capture is obvious; whence it follows that every thing which has been taken from them, ought to be restored in lieu or by a just indemnification.

As to their claim for damages and interest—I must observe that such a claim is not in every case the sequel of the invalidity of the capture. Suspicious proceedings of the capture, may occasion the mistake of the captors. But when the injustice on the part of the captors cannot be excused, the captured have a right to damages and interest.

Let us apply these principles to the case. Could the captors entertain any grounded suspicions against the captain of the ship Pigou; was not the neutrality of the ship proved by her being an American built ship, by her flag, by her destination, by the crew being composed of Americans, by her cargo consisting of American goods without any contraband articles, by the name and the character of captain Green, very well known by services he has rendered to the French nation, by the register, the passport, the invoice, by the papers on board, finally, by the place where she was captured, which was far from any suspicious destination. It was then impossible for the captors to count any mistake; the vessel struck her colours at the first summons, the officers and crew made faithful declarations, they answered plainly in their examination; no pretence whatever was left to the captors; they don't appear to have observed the forms prescribed by the regulation. Some very heavy charges are uttered against them—but I think it is not time yet to take notice of them, they will be discussed when the articles captured are restored.

In these circumstances I am of opinion, that a more absolute and full reply be granted to captain Green of the American ship Pigou, and her cargo, as well as the papers found on board; as to the claim of damages and interest, made by captain Green, that the former be granted to him, and they shall be settled by arbitrators in the usual form.

Paris, 6 Prairial 21<sup>st</sup> year.

(Signed)

PORTALIS.

The Council declare that the capture of the ship Pigou and the cargo, is null and of no effect. Therefore, grant a full and absolute reply of the vessel, rigging and apparel, together with the papers and cargo, to

captain John Green; as to the damages and interest claimed by captain Green, the council grant them to him, and they shall be settled by arbitrators in the usual forms.

Done at Paris on the 9th Prairial, 8th year of the Republic.

Present, Citizens Redon, President, Nicot, Cante, Moreau, Montigny, Monplaisir, Barrennes, Dufaut, Poreau, Grandmaison, Tournacher.

For the GAZETTE of the UNITED STATES.

MR. EDITOR,

HAPPENING to take up the Aurora of last Thursday, I cast my eye upon a long and tedious piece which I am totally unable to comprehend. From several pompous notices, which have lately been given out, in that paper, and from repeated promises of official documents which are to exhibit Mr. Tracy to the world, as a monster of iniquity and baseness, I have been induced to suppose that this satirago of politics, nonsense, history, law suits, biography and what not, was intended as an attack, of some kind or other, upon the character of that gentleman. In perusing the thing, I found a number of columns filled with promiscuous abuse in the usual Aurora style, abounding in bold and slanderous assertions, with no other colour of support than the *ipse dixit* of the writer. At length, however, appears in capitals,

THE DOCUMENT,

which, from its awkward inconsistency, I should take to be an intended line upon little Aaron Smith, the lawyer, who is charged with having draughted it. How Billy Duane who has served a regular apprenticeship to the art of fabrication and falsehood, who gets his bread and his gin by the trade, and who values himself upon his adroitness in the business, should bungle in this manner, and disgrace and slander his friends, in the very act of attempting to traduce wise and worthy men, I cannot imagine.

Perhaps it may amuse some of your readers to take up the piece and examine the several disjointed parts as they there stand.

Most of the first column is occupied by general remarks upon the variety of sentiments entertained, by the supporters of government, on the subject of national measures. It has, for several months, been a favorite and hackneyed topic, with the writers in that paper, to boast of the wonderful harmony and unanimity, of the democrats, and to charge the federalists with diversity of opinion relative to public affairs. The fact is granted, and Dr. SWIFT shall account for it.

Says the Dean of St. Patrick's; "If we examine what societies of men are in closest union among themselves, we shall find them to be either those who are engaged in some evil design, or who labour under one common misfortune. Thus the troops of banditti in several countries abroad, the knots of highwaymen in our own nation, the several tribes of savages, thieves and pick-pockets, with many others, are so firmly knit together, that nothing is more difficult than to break or dissolve their several gangs. So likewise, those who are fellow-sufferers under any misfortune, such as that grievous persecution, of the modern kind, called *want of power*, are usually contracted into a very strict union. The reason why such confederacies are kept so sacred and inviolable is very plain; because, in each of those cases which I have mentioned, the whole body is moved by one spirit, in pursuit of one general end, and the interest of individuals is not crossed by each other or by the whole."

How far each of these causes, separately, or both combined operate to produce the boasted unanimity of the Jacobins, I leave to be decided by the confidences (if peradventure they have any) of certain *Justices of the peace* in Pennsylvania, and of certain Jacobin committees who earnestly recommend themselves, as suitable candidates to fill the vacant offices in the state at the next election.

"On the other hand, continues the Dean, 'those who wish well to the public, and would gladly contribute to its service, are apt to differ in their opinions about the methods of promoting it, and when their party flourishes, are sometimes envious at those in power; ready to overvalue their own merit, and be impatient until it be rewarded by the measure which they have prescribed for themselves.'

The remainder of this column is devoted to the abuse of Mr. Pickering, Mr. Hamilton &c. &c. Next follows what the writer calls, "a history of the politics of the State of Connecticut." The first sentence is totally unintelligible, unless to such as have been instructed in the language of the Aurora, and of Hibernia. In it, however, may be found the assertion, such as it is, that "the provincial administration were the marts of rapacity and corruption." This, I suppose, with Jacobin readers, who usually know as little of grammar and of English as the writer himself, will be sufficient to atone for a whole paragraph of senseless jargon; especially when their own ignorance and that of their author induce them to suppose that this administration was at the disposal and under the controul of the court of Great Britain. The sage historian then goes on to talk about "gangs of profligates, of noble or influential families dependants on the crown, who, in return for the corrupt services of their friends in parliament or elsewhere, were provided for in the colonial government offices."

Allowing all this and much more of the same kind to be true, I perceive not the inference or the application to Mr. Tracy. It is well known that that gentleman and all his family connexions were warm and hearty advocates for the revolution. But the truth is, that none of these "noble families" and "dependants on the crown" were ever in Connecticut. From the 21st settlement of that state to the present day, no office civil or military, was ever at the

disposal of the crown; and of course, none could be provided with "government offices," as he calls them, "in return for the corrupt services of their friends." The revolution has not changed the internal government of Connecticut in a single tittle—not even with respect to the forms of elections or the appointment of executive and ministerial officers. These facts are palpable; and any school boy in America, who had read, in his geography, the nature of the several colonial governments, previous to the revolution, would be whipped for not knowing them. Billy is however false; for I believe there is no obligation upon a shameless *Lisbivagant* to know these things, and no law acknowledged or acted upon by his writers, which obliges them to communicate either truth or falsehood.

To this succeeds an equally accurate, and so far as I can discern, an equally *apocryphal* story respecting Yale College and the clergy of Connecticut; a story altogether too false and too crude to stand in need of any refutation.

After wading through between two and three columns of this kind, which I suppose the writer himself would denominate THE TRASH, the weary and bewildered traveller is invited to resume his patience. The encouraging signal of THE FACTS, which he beholds hung out in capitals before him, induces him to proceed and to hope for a clearer passage.

Let us accompany him then a little farther. Here, unless you have been accustomed to the Aurora, you will be surprised to find, under this promising title, that Mr. Tracy is impudently charged with the most flagrant dishonesty and the meanest falsehood without even a pretended proof of a single fact alleged. All that is pretended is, that an action was commenced against Mr. Tracy for the recovery of a sum of money. This may at all times be done at the instigation of a Kirby or any other democrat, against any man, however honest. Whether this action was a serious and honourable suit for the recovery of a just debt will sufficiently appear from an examination merely of this mighty

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which purports to be the copy of a writ of attachment, directing the proper officer to attach the property of Mr. Tracy to the amount of two thousand five hundred dollars, to be held in the custody of the law, IN ORDER FOR TRIAL; and, in case of a judgment FOR THE PLAINTIFFS, to satisfy a demand made upon him by certain merchants in New-York. The declaration alleges, that certain obligations, the property of the plaintiffs, had, by them been put into the hands of Mr. Tracy, for collection, and that he had, at different times, collected, but refused to pay over, the several sums there particularly mentioned—These by computation, will be found to amount to one thousand, three hundred and forty-one pounds, seven shillings and five pence, lawful money; in consideration of which several sums thus collected and unjustly detained, he is declared to be indebted to the plaintiffs, in the sum of six hundred and fifty pounds lawful money, for the recovery of which, with costs, this suit is declared to be brought.

Now, whether the plaintiffs, out of mere compassion to Mr. Tracy, kindly remitted a little more than half the sum which was thus wickedly and fraudulently detained, and which, from the items in the declaration, appears to have been justly due to them; or whether Billy's draughtsman only took care to put in enough, and had not time or talents to put them together and find the amount; or whether a certain tender hearted, affectionate Jacobin, at Litchfield, happened involuntarily to fall in love with Mr. Tracy's seat in the Senate, and took this method to direct the affections of the people to the proper object, I will not attempt to determine. The case is fairly stated to the public who will judge for themselves.

I know nothing of Mr. Tracy's domestic affairs or private business. He may, for aught that I can say, have owed money which he could not, at the time, command. It has been the case of many worthy men, who have ruined their private fortunes in the public service, and who have met with similar gratitude as the reward of their sacrifices. But when such a thing as this is produced, under the name of a legal document, a thing upon which no court of law would suffer a trial to be sustained, a thing which carries, in its own face, the most evident marks of having been filtered up for the sole purpose to which it is now applied; when such a thing as this is employed to blast the reputation of a gentleman of high respectability and long tried integrity, and relied upon as a thing sufficient to prove him a cheat, a liar, a scoundrel, a downright Jacobin; and all this too, without the pretence of a legal adjudication, or even OF A TRIAL; when this is the work that Jacobin industry, envy and malice themselves can conjure up, I think that every man must, irresistibly and forcibly feel—that the character of Mr. Tracy is indebted to the abortive efforts of his enemies; for a species of lustre, which his best friends and even his own bright actions could never have bestowed upon it.

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## To Printers.

A PERSON who has in contemplation the publishing of a work that will make about 250 pages, pica 90avo, with marginal notes, wishes to receive proposals for printing it. They must specify the sum per half sheet, for seven or ten thousand copies, the Printer furnishing paper, which must be of such quality as is now sold for four dollars per ream. Sealed proposals, directed to S. P. and left at this office before the expiration of ten days from this date, will be attended to. The terms of payment will be satisfactory.

August 20.

atco.



## Gazette Marine List.

### PORT OF PHILADELPHIA.

Arrived.

Brig Polly and Mary Ann, Bingham, Baltimore, 21 days. Sugar, W. & C. Joly.

Arrived at the Port.

Schr. Adventure, Lillibridge, Havana. Left it August 12—sugar & fruit—Vauxem & Clark.

Sloop Earl of Londsdale, Hewston, Trinidad. Left it 28th ult.—sugar, coffee &c.

CLEARED.

Ship Apollo, C. Eggelhall, Teneriffe Sloop Little Sam, Bunker, St. Vincente Patience, Montgomery, New-York Brig James Stewart, Mackfield, was spoke August 14, in lat. 33, 00. long. 72 00, W. 3 days out, all well.

Schr. Adventure, Lillibridge, from Havana, has arrived at the Port.

Ship Orona, Middleton, of and for Philadelphia failed from Liverpool the 24th June.

Ship Alexander, John B. Davy, master on her passage from Truxillo, was boarded off Cape Antonio by the British ship of war Carnatic, of 74 guns; off Tortugas, by the Quebec frigate, out 29 days from Philadelphia to Havana. On the 17th, spoke the schr. Sukey, Benj. Stone, master, from Philadelphia to St. Jago de Cuba, out 4 days—20th, at sun-rise, saw a brig laying too; under her main sail about six miles to leeward; soon afterwards the set close reef top-sails; and fore sail, and flood athwart our fore foot; we then perceived that she carried about sixteen guns and had an American pendant flying; when she got to windward of us she hoisted English colours, but having no other hands on board than Frenchman on deck, we concluded her to be a French privateer, and therefore took in our light sails and prepared for action, upon which she hauled down her colours and stood to the northward, it blowing very fresh from N. N. E. soon afterwards spoke the schr. Bilboa, capt. Perkins bound for St. Safford.

Sailed from Havana: 6th Aug. Same day spoke the Ganges U. S. sloop of war, all well. On the 7th, spoke the schr. Triton, captain Kelly, out 29 days from Philadelphia to Havana. On the 17th, spoke the schr. Sukey, Benj. Stone, master, from Philadelphia to St. Jago de Cuba, out 4 days—20th, at sun-rise, saw a brig laying too; under her main sail about six miles to leeward; soon afterwards the set close reef top-sails; and fore sail, and flood athwart our fore foot; we then perceived that she carried about sixteen guns and had an American pendant flying; when she got to windward of us she hoisted English colours, but having no other hands on board than Frenchman on deck, we concluded her to be a French privateer, and therefore took in our light sails and prepared for action, upon which she hauled down her colours and stood to the northward, it blowing very fresh from N. N. E. soon afterwards spoke the schr. Bilboa, capt. Perkins bound for St. Safford.

Capt. Lillibridge of the Schr. Adventure, left at Havana, 25th July the following vessels:

Ship Good Friends, Earl, of Philadelphia Betsey, Kelly, New-York  
Brig Little George Skildy, do.  
Fair American, do.

All to sail in a few days.  
Same day Capt. L. failed, spoke schr. Kitty, from Havana, bound to Baltimore. On the 20th inst. spoke the brig Sally of New-Port, Barker master, out 21 days from Jamaica, bound to R. Island. When capt. L. failed from the Havana, there were several British men of war cruising off that port.

Schr. Experiment, —, of Philadelphia taken by a French privateer, was re-taken by the ship Defiance of Baltimore, in lat. 26, 00. long. 63, 00 W.

Brig Lovely Lais, Shields, from hence to Amsterdum, was spoken 29th June, Lizard Point, bearing N. E. distant 15 leagues, three English men of war in sight.

Brigs Louisa, Maffet, and Maria, Cunningham, from hence, have arrived at Cartagena.

The brig Alert, Rich, of Boston, captured by the English.

The brig William Chapman, Daniels, of Baltimore, captured by a French privateer.

BOSTON, August 20.

Arrived, ship Mercury, Pearson, 50 days, Liverpool.

Ship Polly, Stetson, of this port, from Charleston for Malaga, has been taken by the British and sent into Portugal. By letters from the captain, it is thought she will be cleared.

Cleared, ships Atahualpa, North West coast of America; Guatimozin, Bunslead, do. Onflow, Barney, Liverpool; schrs. Charming Betsey, Gardner, Madeira; Minerva, Babson, St. Sebastians; Elizabeth, Rakelstraw, Halifax; Ann, Seaman, Westmoreland.

Arrived, ship Asenath, Parker, Norfolk. Cleared, Lively, Swafey, Philadelphia.

NEW-YORK, August 23.

Arrived.

Brig Cleopatra, Troup, Jamaica—Schr. Three Brothers, Bell, Wilmington 6 Sloop Minerva Howard, Newbern. N. C. 7 Victory, Lucie, Boston 6

CLEARED.

Ship Faor, Kemp, Teneriffe Eliza, Loring, London Lydia, Treadwell, Liverpool Brig Peggy, Little, Cork Aurora, Sailer, Havana Schr. Farmer, Woodward, Halifax Sloop Rainbow, Parker, Turks Island

Same day arrived, ship Rebecca, Parker, 28 days from Bay of Honduras.

Left there brig Hiram, Spurn of Charleston; sloop Romulus, of do.

Schr. Dispatch, Sparrow, of N. London, Seventeen days ago spoke the British ship of war, York, of 64 guns, and Quebec frigate, treated politely.

Brig Liberty, Wall, has arrived at Jamaica from Virginia.

Same day arrived, schr. Franklin, Whippy, St. Louis, Jan. 32 days.  
Brig Hero, Gates, New Providence.  
Brig Sally, Banker, 21 days from Demarara.

Same day, schooner Americana, Pierce, from Demarara. Sailed on the 22d July in 20, with a number of British armed vessels. On the 29th put into St. Christophers, and failed again same day with the fleet under convoy of the British sloop of war, August 4, parted the convoy, in lat. 33, 30. long. 63, 20. On the 20th July, a flag of truce, arrived at St. Christophers, from Guadeloupe, with a number of American prisoners, among them was Captain Stanford of the schooner Curfew, of this port, whose vessel had been condemned there. On the 6th saw a large fleet, steering S. E. supposed to be from St. Thomas. On the 19th spoke ship Rose from New York bound to Guernsey, 5 days out, all well.

BALTIMORE, August 23.

Arrived.

Ship Defiance, Smith, 39 days from Cadiz—Left there Ships —, Vivill of Norfolk Prosper, Williams, New-York; —, Endicott, Salem; Schr. —, Evans, Marblehead.

## POST OFFICE.

Philadelphia August 25th 1800.

Letters for the British Packet Leiceller, for Falmouth England, will be received at this Office, until Tuesday 21 September, at 12 o'clock Noon.

N. B. The inland Postage to New-York must be paid.  
August 25.

## Advertisement.

Came to the Plantation of the subscriber in Whitmarsh Township, on the night of the 12th instant.

### A RED AND WHITE STEER

THE owner is desirous to come and prove property pay charges and take him away.

MARIN HOOKER.

August 25.

### BROKE INTO THE ENCLOSURE

OF THE

SUBSCRIBERS,

### IN ROXBOROUGH

TOWNSHIP

### PHILADELPHIA COW

A RED and white Cow; the owner is desirous to come and prove property pay charges and take her away.

ALEXANDER & RANDEL.

August 26.

100 HOGSHEADS

### PRIME RICHMOND

Tobacco,

For sale on a Credit, deliverable at New-York or this place. Enquire of

Samuel C. Cox,

No. 83, Market-Street.

August 25.

## A Ships Boat

NEARLY new and Dutch built, for four oars, drifted last night from Vine-street Wharf down the river. Whoever has picked up the same, and will deliver it to Capt. Jan Jurgens, on board the Ship Anna, from Hamburg, laying opposite Vine street wharf, will receive a suitable reward.

August 25.

## IN THE PRESS.

A New and interesting

WORK,

(ENTITLED.)

### Practical Education,

BY MARIA EDGEWORTH,

Author of the letters

For Literary Ladies and the Parents Assistant, and by

RICHARD L. EDGEWORTH,

F. R. S. and M. R. I. A.

Subscription will be received by Thomas Dobson, Second Street Philadelphia, and Zachariah Poulton, at the Philadelphia Library; by Brown and Stanbury, and by George F. Hopkins, New York; Thomas and Andrews, Boston; Isaac Bowers, New Haven, and the principal Bookellers in the United States and at the Office of this Gazette.

August 25.

## JUST PUBLISHED,

And to be Sold by

JAMES HUMPHREYS,

No. 106, South side Market Street,

### Reports of Cases

Argued and determined in the

HIGH COURT OF ADMIRALTY;

(GREAT-BRITAIN)

commenced with

### THE JUDGMENTS

OF

The Right Honorable WILLIAM SCOTT,

Master of the Rolls.

By Charles Robinson, LL. D. Advocate.

VOLUME I.—PART I.

These Reports will be continued regularly. The second Part which concludes this Volume is now in the press, and will be published with all the expedition possible.

August 23.

## To Printers.

WANTED—in Exchange,

A FOUNT of Long Primer, weighing 6 or 700 lb. or upwards, and a Fount of Brevier weighing 400 lbs. or upwards—they must not be much worn—Any person having types of the above description and disposed to Exchange them for other printing materials; or will sell cheap, may apply at the Office of the Gazette of the United States.

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