

It has been repeatedly asserted, and never denied, that the violent opposers of the new Treaty, are inveterately hostile to any Treaty whatever with Great Britain—this will enable us to account for that stream of virulent abuse of the negotiator, which has run from Portsmouth (N. H.) to Charleston (S. C.)—also for those misrepresentations of the Treaty which have raised such an effervescence in the minds of many well disposed but misinformed citizens.

A correspondent says that the opponents to the Treaty of Amity and Commerce between Great-Britain and the United States of America, have made loud complaints against Mr. Jay (whose zeal for the interest of his country cannot reasonably be questioned) on account of an article in the Treaty which gives a right to aliens to hold lands in the United States. If we will take the trouble to examine the Laws of Pennsylvania, we shall find that the legislature of this state framed a law of their own accord, similar to this article in the Treaty, which has been factiously attacked, for the purpose of advancing the interests of Pennsylvania.

It does not suit the plan of disorganizers to suffer the people to reflect coolly, to reason and decide deliberately; but, as nothing violent can be lasting, the gust suddenly raised, will obscure the rays of truth and judgment but for a short season only, the sun of wisdom will emerge from the clouds, and a more serene and splendid day will succeed, than if the hemisphere had not been overcast.

It is asserted in the Aurora of this morning, in positive terms, that "The President has not put his Signature to the Treaty."

The Aurora says "the merits of the Treaty appear to be deflected by its advocates"—Why will not the Editor of that paper, permit his readers to judge for themselves from the writings of those who defend the Treaty? The friends of the Treaty, are the friends of truth, of the Government; they wish for nothing more than that the people should see, read and judge for themselves. The merits of the Treaty are not abandoned—The twenty Senators who advised the President to ratify it, are worthy of the public confidence; they enjoy that confidence—their merits as legislators, and as private Citizens challenge this confidence—and if America can boast of superior talents and integrity, they are yet to be exhibited.

These men we know, they deliberated before they decided; but who knows their flatterers? and where were they, when these Senators stood in the gap of danger?

In modern phrase a PATRIOT is not one that loves the Government of his own country in preference to that of every other, because it is a free government, a government of the people's choosing—But a Patriot is a Democrat—one that serves his country gratis, having nothing else to do, nothing to lose, but every thing to gain—he cries up the majesty of the people, while he constantly reviles the majority who do not support his personal and individual majesty.

Who are Men of '75; those who fought in that year; by no means—The heroes of that day are the butts of envy and slander.—Our '75 gentry are principally children of that year, or new Citizens—who never refused an hair of their heads in the cause of American Independence. These are the '75 people of the disorganizers.

Married on Thursday last, by the Rev. Doctor Helmuth, Mr. Henry William Muhlenberg, son of Frederick A. Muhlenberg, Esq. to Miss Maria Sheaff, daughter of William Sheaff, Merchant.

Married last Thursday evening, by the Right Rev. Bishop White—Mr. Thomas M. Willing, of this City, merchant, to Miss Jane Nixon, daughter of John Nixon, Esq.

Died, yesterday morning, of a lingering and painful illness, which he bore with uncommon resignation, Mr. WILLIAM REESE, in the 22d year of his age. To a numerous train of relatives, who have to regret his loss, may be added that of an extensive acquaintance. His disposition was of the most amiable kind; equally susceptible of the generous effusions of friendship and generosity; wherever he formed an acquaintance, he procured a friend. But such is the general lot of humanity, that the possession of the most endearing qualities, cannot save from a translation "to that Country from whose Bourne no Traveller returns."

From the (New-York) Minerva.

VINDICATION of the TREATY OF AMITY, COMMERCE, AND NAVIGATION, WITH GREAT-BRITAIN. No. IX.

ART. XVIII.

This is one of the articles in the treaty which gives great offence. The objections to it are—"That it enumerates among contraband goods, timber for ship building, tar and rosin, copper in sheets, sails, hemp & cordage, and generally whatever may serve directly to the equipment of vessels, unwrought iron and fir planks only excepted; and that it admits provisions, in certain cases to be contraband," contrary to all our other treaties, and even contrary to the treaty of 1786, between Great-Britain and France.

I frankly acknowledge that no part of the treaty is more vulnerable than this;—no part can furnish more substantial grounds of complaint.

This article proceeds from a strict adherence on the part of Great-Britain, to every part of the law of nations, which favors her superiority as a great maritime power; and its defense rests on the inability of our envoy to procure a relaxation of those laws.

The time for negotiating this article was unfavorable, as in most other respects it was favorable. Great-Britain, always anxious to preserve her naval strength, the great and only bulwark of the nation, is now engaged in a most inveterate war with France, a war on which her very existence depends, and at this time, will not yield one clause of the law of nations, to abridge her own power of crippling the naval force of her enemy. This is a fixed point, and our envoy could only admit the article in that form.

There were but two alterations; both of which would result in the same consequences to our trade.—The idea is an important one. If the article had

been rejected by our minister, Great-Britain has, and actually exercises, the right by the general laws of nations, to consider all those articles contraband and to declare them such, when she judges that by these means she can reduce her enemy. If the article was received, it could give no greater latitude to Great-Britain than she enjoyed before. Which ever alternative our envoy might choose, our trade must be subject to the exercise of the same right and to the same embarrassments.

If the right of treating all the articles mentioned as contraband, results from the law of nations, and if Great-Britain will not abandon that right, is it not better, in a treaty of a temporary nature, to accede to the right, and enumerate the articles which are liable to seizure and confiscation; that our merchants may know the law, and avoid losses, than to suffer that right to stand on the law of nations, which is less known, and which might expose our citizens to heavy losses?

Every liberal man will wish to see the field of contraband in war narrowed as much as possible; but if we cannot circumscribe that field, is it not of great importance to our citizens, to mark out the ground with distinct lines, that every man may distinguish it and shun the danger?

Every rational person will say, it is; and this is the effect of this article of the treaty.

I know it has been contended that timber and provisions are not, by the law of nations, contraband. But Vattel, a modern French writer of the highest authority, includes them among contraband goods. His words are, "Commodities particularly used in war, and the importation of which to an enemy is prohibited, are called contraband goods. Such are arms, military and naval stores, timber, horses, and even provisions, in certain junctures, when there are hopes of reducing the enemy by famine." Book 3, ch. 7, Sect. 112.

The words naval stores includes cordage, hemp, tar, rosin, and every thing that serves for the equipment of ships of war. In the treaty of 1786, Great-Britain and France had excepted naval stores and provisions from the list of contraband articles. That treaty is annulled by the present war; and in a numerous collection of treaties now before me, I find no instance of an enumeration of naval stores, as excepted from contraband, by Great-Britain. But naval stores are generally left by that nation, as contraband by the general law of nations. The right to consider them so, can be abridged only by treaty; and Great-Britain, at this moment will consent to no such abridgement.

Some people say, it is better to let this point rest on the law of nations, than to admit it in a treaty. This is merely a matter of expedience; but if the safety of the merchants property is consulted, it is unquestionably better to have the contraband articles enumerated.

The stipulations in the 2d and 3d clause, of the 18th article, are in favor of neutral vessels. The agreement that when provisions are regarded as contraband they shall be paid for to their full value, with a mercantile profit, freight and demurrage is a rule of direction to the captors, that may prove favorable to a neutral trade, subject to be embarrassed by powers at war. And the provision of the last clause, that neutral vessels entering a blockaded port, not knowing it to be blockaded, shall not be seized and confiscated for the first attempt, is equally salutary and favorable.

ART. XIX.

This article provides against the ill usage which the subjects of neutral powers are liable to receive from the commanders of ships of war and privateers. This article is common in treaties—it is in nearly the same words, as in all our other treaties with foreign nations.

But it will be of much more use between Great-Britain and America, as it will operate as a prohibition against impressing American seamen on board of English ships. It has been objected to the treaty, that no provision of this kind is included in it. But the 19th article is a direct prohibition of this practice.

On account of a sameness of language, it is desirable that some effectual mode might be devised to distinguish American from British seamen. It might be of importance that American seamen should be provided with certificates of their citizenship, under the seal of some public officer. This doubtless deserves the attention of our executive, perhaps of Congress, as not only British commanders, but French also, have mistaken American seamen for British, and our citizens are thus exposed to injustice from both parties.

It has been objected that the bonds required of the commanders of privateers to indemnify persons injured, are not large enough—the sums being limited to 1500l. sterling for small privateers, and 3000l. sterling, in case the privateer carries more than fifteen hundred men. It is sufficient to say, in answer to this, that a few cases can occur, where damages to a greater amount will be incurred; and where the bonds do not secure the damages, a complaint to government will insure any further claims founded in justice.

It may be observed, that this clause of the article is copied nearly from a similar one in the treaty of 1786, between Great-Britain and France. The sums limited by that treaty are the same; and will probably be found equal to all necessary purposes.

The last clause obliges judges of admiralty, in case any sentence of condemnation has been pronounced against vessels or goods, to deliver on demand authentic copies of the proceedings to the master, he paying the legal fees. A stipulation of this kind was necessary; as instances of delay and refusal of such copies have been experienced by our citizens during the present war.

The 20th article is usual in all treaties. It makes provision for guarding property from pirates or restoring it to its proper owners—a provision of mutual benefit, to the contracting parties, and liable to no objection.

No. X.

ART. XXI.

This article prohibits the subjects of the contracting parties, to commit acts of hostility against each other—to accept commissions from a foreign prince

or state, enemies to the other party—to enlist them into military service &c. and declares that the laws against such offences shall be punctually executed. The law of the United States, passed in June 1794, enacts the penalty of a fine, not exceeding 2000 dollars, and imprisonment for the foregoing offences.

The same article of the treaty makes it piracy to accept a foreign commission or letter of Marque, for arming any privateer to act against the other party. This is prohibited also by the same law of the United States, under a penalty of imprisonment, at the discretion of the court, and a fine not exceeding 5000 dollars.

When the treaty first appeared, this article excited much acrimony. It was considered as pointed at the military manoeuvres of a late French minister, who had attempted to excite Americans to war against the Spanish settlements, and to privateering against Great Britain. It was supposed to restrain the right of expatriation; a doctrine first propagated by the same Frenchman, to evade the law of nations and a doctrine which never would have entered the head of our citizens, had it not been taught by that artful sophist. In giving their decided opinion against this article of the treaty, many rash men found themselves in a dilemma, when they were informed that the article was in our treaty with France.

So eager were people of a certain faction to condemn the whole treaty, that they would not give themselves time to be informed whether it was right or wrong. But when they came to be told that they were restrained from taking foreign commissions to act against a power at peace with the United States, by the acknowledged laws of nations, by an express statute of the United States, and by an article in all our other treaties, they began to blush for their haste in giving opinions on what they did not understand. No article in the treaty is more requisite for the peace of our nation, and none more conformable to the principles of justice between governments.

Vattel says, a "nation ought not to suffer the citizens to do an injury to the subjects of another state, much less to offend the State itself. If you let loose the reins of your subjects against foreign nations, they will behave in the same manner to you; and instead of that friendly intercourse which nature has established between all men, we should see nothing but one nation robbing another." B. 2. ch. 6.

"I account associates of an enemy, those who assist him in his war without being obliged to it by treaty." B. 3. ch. 6.

A nation is not accountable for every act of an individual citizen; but if a state or nation openly permits the citizens to take part with the enemies of a third nation, that third nation has a right to consider that third state as making a common cause with its enemies, and to declare war against it of course. The peace of neutral nations depends on the prohibitions of this article of the treaty.

It has been objected to this article that it is unconstitutional, as it creates the crime of piracy, when the power of defining piracy is vested in Congress. But the act of Congress before mentioned, admits the right of the President and Senate to define piracy in treaties; as the 9th section enacts "that nothing in the act shall be construed to prevent the prosecution of punishment of treason or a piracy defined by a treaty, or other law of the United States."

Nothing marks the partiality of a certain faction more distinctly than their objections to this article. We have had a similar article in our treaty with France more than 17 years, and in our treaties with Sweden, Prussia, and the States General, more than ten years, and not a syllable of objection was lifted against the principle. People did not generally know that such an article existed. But the moment our government treats Great Britain with the same measure of justice, as we had before observed towards other nations, our Jacobins begin to clamor.

It is this popular partiality for France; this disposition to favour every thing French, at the expense of every principle of justice and equity, which occasions all the difficulty our executive has encountered in preserving our peace, and in accommodating our differences with Great-Britain. Nay more; this partiality displayed on all occasions, and to a degree highly improper for a neutral nation, has been a principal cause of the abusive treatment our seamen have received from British privateers.

It is agreed on all hands, that our interest as a nation is super-eminently concerned in preserving peace. But how can peace be secured, unless we treat the powers at war with impartiality and justice? Vattel observes, "A neutral nation dechrous safely to enjoy the conveniencies of that state, is in all things, to shew an exact impartiality between the parties at war; for should one nation favor another to its detriment, that nation cannot complain if the other treats it as an adherent and confederate of his enemy."

Our people have indeed a fine apology for shewing a preference to France; that of favoring liberty and republicanism. So far as the French fight for national independence, against the combined powers, they are engaged in a just and necessary war, and the wishes of all Americans must be with them. But people who think France has a republican government, or any other free government, are egregiously mistaken. Nor is there as great a prospect of her establishing a republic, as there is that she is doomed to despotism, or to be split into a multitude of small factious democracies, perpetually at war with each other.

People are therefore, in every view, unutilisable in aiding any of the powers at war in a manner not warranted by the laws of neutrality. As we value our own government and the prosperity of the country, we are to avoid every act which can commit our public peace. It is rashness and madness to combine our interest with any European power in such a manner, as to be drawn into their political contentions. The pretence of aiding the cause of liberty is a mere artifice to catch our passions. If the nations of Europe cannot defend their liberties, we cannot be answerable for their ill success. We aid them best by our peace and our industry.

The 22d article of the treaty stipulates that in case of injuries or damage on one side or the other, neither party will authorize reprisals, until a statement

of the same, verified by proof, shall be presented to the other, and satisfaction demanded. This stipulation is an exact conformity with the law of nations, and is supported by principles of policy and justice.

The provisions in the 23d article are well adapted to advance the intentions of the contracting parties, and are reciprocally beneficial. The permission of American vessels to enter prohibited ports in case of distress, is a concession conformable to the laws of hospitality.

The objection to the clause which enjoins a respect to be paid to officers according to their commissions, can be raised only by men who are destitute of the civility, which enjoins that respect.

The 24th article prohibits foreign privateers with commissions, from a port or state in enmity with either nation, to arm or sell prizes in the ports of the parties.

The 25th article makes it lawful for the ships of war and privateers of either party to enter the ports of the other, without being liable to be searched, seized, or detained, or to pay admalty fees.

These stipulations are also in our treaty with France; and no well grounded objection has been made to them. Some superficial people have supposed that they clash with our treaty with France. But there is an express declaration that these stipulations shall not be construed to operate contrary to former existing treaties. And if no such caution had been taken, the treaty with Great Britain could not have operated to the prejudice of France; for it is an express law of nations "That a sovereign (or state) already bound by a treaty, cannot make others contrary to the first. The things about which he has entered into engagements, are no longer at his disposal.

If it happens that a posterior treaty is found, in some point, to contradict one that is more ancient, the new treaty is null with respect to that point—This relates to treaties with different powers." Vattel, B. 2. Ch. 12. Sect. 165.

So far the fears of people are totally groundless. But the following clause has excited acrimonious remarks. "The two parties agree, that while they continue in amity, neither of them will in future make a treaty that shall be inconsistent with this and the preceding article." What can be the objection to this clause? The laws of nations, and the rules of moral justice, forbid a state to make a subsequent treaty to infringe a prior one. No nation can do it. The passage just quoted from Vattel is expressed to this purpose; and the clause has done nothing more than convert a moral obligation into a contract, a law of nations into a Conventional law between the parties. Stipulations of this kind, like statutes in affirming of common law, add the sanction of a positive contract to an implied one. No new obligation is created; an agreement of this sort may be considered as strengthening the old one.

The 26th article provides, that in case of war, Merchants may continue to reside in the respective dominions, behaving peaceably—and in case their conduct shall render them suspected, the term of twelve months is allowed to settle their accounts and remove their families and effects. This is a favorable provision, and highly necessary, between countries so extensively connected in commerce. The term of 12 months for removal, is longer than is usually allowed; the term generally assigned in treaties is 6 or 9 months.

To the two last articles, I presume, no objections are made.

CURTIS.

From the Aurora Extraordinary.

The Sun of the 16th contains proceedings in the House of Commons, and of Peers, of June 15.

The Chancellor of the Exchequer, after some observations referring to a report on the petition of certain persons in Grenad, and St. Vincents, which report does not appear, moved,

"That an address be presented to his majesty, requesting that his majesty will be graciously pleased to order exchequer bills, to an amount not exceeding the sum of one million and an half, to be issued to commissioners, to be lent out to the merchants and planters in the said islands, on certain securities or pledges, &c. &c."

This introduced a lengthy discussion on the subject of the West-Indies, conduct of the generals, adequacy of their force, &c. on which a motion was made, by Sir W. Dolben,

"That there be laid before the House the appointment of Lieutenant-Governor Descaresses, with his letters to the ministers; the remonstrances to Lord Sydney; his consequent letters of recall; and the correspondence of the Lieutenant-Governor who succeeded him."

The Chancellor spoke against it, and it passed in the negative.

The Austrian loan bill passed.

Prince of Wales's debt then came on the tapis.—The clause of this bill, ordering the sum of 15,000l. to be issued to Commissioners for liquidating the Prince's debts, quarterly, passed 81 to 12.

On motion of Mr. Fox, to postpone the sale of part of the revenue of the Duchy of Cornwall, it passed in the negative.

A motion of Gen. Smith's, respecting the prince's right to the proceeds of this duchy from his birth to coming of age, produced a lengthy debate, and was finally lost, 40 to 97.

After various amendments, the bill was ordered to be read a third time and engrossed the next Wednesday.

Sir W. Poultney had leave to go, and a committee was appointed for the purpose of bringing in a bill "For preventing any Prince of Wales in future from incurring debts, or exceeding the sum allowed by parliament for their expenditure."

The subscriber offers for sale, a FARM, containing about 300 acres; distant from the City of W. J. and George-Town between 8 or 9 miles. A Plot of this Land is in the hands of Mrs. Peter Casanov of George-Town, likewise of Mr. Thomas Fitzjames, in Philadelphia, and Mr. Robert Walsh, in Baltimore.

The Land will be shown to any person, by applying to John Lydam, who lives adjoining. It lays in a most healthy country, and a good neighborhood. There are on it a common country dwelling-house, a large tobacco-house, and an orchard of good fruit, a constant stream with a great fall runs thro' it, and between 30 or 40 acres of good meadow may be easily made. The lines of the above include about 40 acres of woodland. Convenient credits will be afforded to the purchaser if desired.

DANIEL CARROLL.

Montgomery County, June 2, 1795.
N. B. The land lies between two merchant mills, one distant four miles, the other almost adjoining. June 25. 1795