

The OBJECTIONS to the TREATY refuted.

Mr. RUSSELL,

THE third reason of the town of Boston against ratifying the treaty is because no indemnification is to be made to the citizens of the United States for property taken from them at the close of the war, the restitution of which is provided for by the same treaty.

The words of the treaty of 1783, referred to by the town, are probable these: "His Britannic Majesty shall with all convenient speed, and without causing any destruction, or carrying away any negroes, or other property of the American inhabitants, withdraw all his armies, &c. &c."

It is understood that the United States, contend that this description applies to negroes, remaining within the British lines after the peace, but who having been captured, or invited by proclamation, had fled to the British during the war. The British government contend for another construction, and say that negroes captured in war, or invited by proclamation had taken refuge with them during the war, could be considered as American property, no more than ships taken, or horses strayed to them during the war. That on the capture of negroes by the British, or the acceding by the negroes to the terms of their proclamation, they ceased to be the property of the Americans.

If this reasoning of the British be not satisfactory to the people of the United States, candor will oblige them to admit that the British government may think it just and consequently a point extremely hard, if not impossible to be obtained from them, since the concession would imply a sacrifice of the public faith, which had been pledged to the negroes. It is not known that the British carried away other property.

The amount in value depending on this point, is greatly exaggerated, having been stated, in conversation, at many millions of dollars; while it is known from authentic documents, that the whole number of negroes, to whom the provisions in the treaty could possibly relate, fall short of 3000, that being the total carried away after the peace, including many free negroes, and many slaves, who with their proper masters had taken refuge within the British lines. Let any man make the probable deduction for free negroes, and those slaves who accompanied their masters, and consider that the remainder included those of extreme old age, and the youngest infants the sick and well, the worthless, and those of value, and he must be convinced, however unsatisfactory the construction given by the British may be to his mind that the evil is not of great magnitude, by no means sufficient to press an indemnity for, in hazard of the property taken from our citizens on the ocean, in hazard of our peace, and other articles of the treaty which may be considered beneficial to the United States.

The reason is "because the capture of vessels and the property of the citizens of the United States made under the authority of the government of Great Britain, is a national concern, and claims arising from such captures ought not to have been submitted to the decision of their admiralty courts, as the United States are hereby precluded from having any voice in the final determination of such cases, and because the indemnification proposed to be made, is to be sought by a process tedious, and expensive, in which justice may be delayed to an unreasonable time; and eventually lost to many of the sufferers from their inability to pursue it, and because this mode of indemnification bears no proportion to the summary method adopted for the satisfaction of British claims."

The first charge here is, that claims arising from captures made on American property ought not to have been submitted to the decision of their admiralty courts.

In the year 1753, the King of Prussia complained to the King of Great Britain, that the property of his subjects had been unlawfully captured and condemned on the high seas, by subjects of the King of Great Britain. The reply then was, that the property had been regularly tried in the admiralty courts of Great Britain, which courts tried cases according to the universal law of nations, and the stipulations of the treaty, that affairs of this kind are and can be cognizable only in the courts belonging to that power, where the seizure is made.

In our own country the British minister complained to Mr. Jefferson, then Secretary of State, that certain subjects of his King were injured by an inability to obtain their just demands.

Mr. Jefferson replied "that no nation can answer for perfect exactitude of proceedings in all their inferior courts—It suffices to provide a supreme judicature, where error and partiality will be ultimately corrected. With this qualification, we have heretofore been in the habit of considering the administration of justice in Great Britain, as extremely pure. The administration of justice is a branch of the sovereignty over a country, and belongs exclusively to the nation inhabiting it—When a cause has been adjudged according to the rules and forms of the country its justice ought to be presumed—If any instances of unlawful impediments have existed in any of the inferior tribunals they would like other unlawful proceedings have been over ruled on an appeal to the higher courts. If not over ruled, then a complaint to the government would have been regular, and their interference probably effectual. If our citizens would not prosecute their rights, it was impossible they should recover them, or be denied recovery; and until a denial of right through all the tribunals, there is no ground of complaint."

Here it appears that in other cases, and with other nations this has been thought just by Great Britain; and in our own country the doctrine has been adopted towards Great Britain, and acquiesced in on her part.

It ought likewise to be remarked that most of the seizures complained of by the American citizens have been made by privateers owned by private individuals, and that every British subject has a right which neither king nor minister can deprive him of, to have his cause tried by the courts of his country; and it is not impossible that some claims

may have been made by Americans, where the property is liable by the law of nations to be condemned. It ought also to be remembered that the British government made provision for the regular bringing forward to trial causes, which, from certain circumstances of the claimants had, by strict law, lost their right to a trial in the supreme courts of admiralty—and that our own government has sent a person to procure papers and documents from the courts of vice admiralty to support the claims of our citizens; to enter appeals, and give security for their prosecution, free of expense to the claimants. The trial by admiralty courts is supported, alluded to, and enforced by many treaties. "In this method all captures at sea have been tried during all the late wars by the European powers, and submitted to by the neutral powers. By courts of admiralty acting according to the laws of nations, and particular treaties all capturers at sea have immemorially been judged of, in every country of Europe; any other method of trial would be manifestly unjust, absurd and impracticable." Thus the law and customs of nations have been stated by the able and most respectable civilians of the present age.

It may justly be inferred, that the evils of the unfortunate people, whose property has been captured, will be redressed in a manner known, and practised by other nations in similar cases, and recognized as right by ourselves—that the injuries, apprehended by the town for the sufferers, from the expense attending the suits, and their incapacity to pursue their claims have been fully provided for by the American government.

To provide against evils which this method might not reach, it is expressly warranted in the 7th article of the treaty; "that in all cases where adequate compensation cannot, for whatever reason, be now actually obtained, had and received by the said merchants, and others in the ordinary course of justice full and complete compensation for the same, will be made by the British government to the said complainants."

The other part of the charge, contained in this reason, is that the mode of indemnification bears no proportion to the summary one adopted for the satisfaction of British claims.

The same 7th article of the treaty, stipulates that the declaration of the President, as contained in Mr. Jefferson's letter, of the 5th of September, 1793, to Mr. Hammond, shall be carried into execution. This letter which is annexed to the treaty, states that having for particular reasons forebore to use all the means, in the power of the United States, for the restitution of certain vessels, the President thought it incumbent on the United States to make compensation therefor.

The government of the United States, voluntarily forbearing to make use of all the means in their power to obtain justice for certain British subjects, is certainly a different case from captures by British subjects of American property, on which the British government expressly stipulates that she will make use of all the means in her power to obtain restitution from the captors, of property wrongfully taken, and if these means are inadequate from whatever reason, she will make full and complete compensation to the complainants. The American government having decided that the demand of the British minister was right, chose between two evils, viz. That of compelling restitution from the wrongdoer when in their power, or making compensation itself—It chose the latter.

The British government chose the former, and Mr. Jefferson declares in the letter before referred to, "that were all the means in the power of the nation are used to obtain restitution, and they fail, he did not mean to give an opinion that restitution ought to be made by the government," but in this case Mr. Jay has induced the British government to use all the means in her power, and make compensation when these fail.

It is presumed that a reference to the article in the treaty, Mr. Jefferson's letter, and a consideration of the law of nations, as recognized by Europe and America, will convince all candid men, that the fourth reason of the town ought to have no weight against the treaty.

The fifth reason is "because this compact admits British subjects to an equal participation with our own citizens, of the interior traffic of the United States with the Indians, through our whole territorial dominion, while the advantages ostensibly reciprocated to our citizens, are limited both in their nature and extent."

It hath been well understood by men acquainted with the country occupied by the Indians, within the territory of the United States, and that which falls within the British dominions, that by far the greatest proportion of furs are collected within the British dominions. If this is true, much is gained to the United States by the fur trade, while Britain has nothing in return, but the liberty of traversing a wilderness from which no traffic can be obtained. A little reflection will convince us that our means of paying for such furs, and our export trade opened by this treaty are really superior to the benefits derived to Britain, and will prove a source of great wealth to the Americans.

While we are possessed of an extent of sea coast, so immense, compared with that of Great Britain, it will readily be seen that the European and Asiatic goods, the latter of which can be afforded on better terms by us, than the subjects of Great Britain, exported from the United States, into their interior countries, must greatly exceed any quantities the British colonists can bring into the United States on that quarter. The embarrassments attending an importation from Europe into Canada, New Brunswick, and Nova-Scotia, by sea, and confined as those inhabitants of the countries are in their trade to the mother country, compared with our advantages of supplying them, by our easy communication with them, and with every part of the world, will convince all candid men that the advantages of this part of the treaty are chiefly on our side.

But still it may be said they have a right to come into our country, and we have not a right to enter the seaports of their colonies in our own vessels. If it appears from an examination of the advantages and disadvantages of this article of the treaty here referred to, that we receive more than we grant;

it must be admitted that this reason ought not to prevail against a ratification of the treaty.

By the treaty we are equally admitted into each other's territory on the land board; for the purposes of traffic. Before the treaty is ratified; neither enjoys this right. They enter our sea-ports as freely now, as they can by the treaty—we are not permitted to enter theirs. This instrument gives them no new right on the sea board. It does not diminish any we possess. Under the treaty we can carry on commerce with their colonies by land. From reasons before stated, our trade there must be very advantageous, while theirs in our territory cannot be disadvantageous.

By this article therefore it appears we have gained much, for which we have given but little, if any thing; for none will pretend that by the means of the lakes, the British colonists can undersell the American merchant, still less will any pretend that we do not gain immensely more of the fur trade than we grant.

The sixth reason is, because "the alien duty upon our merchandise, imported into the United States by British subjects, in their own bottoms, is, if not wholly suspended, at least contracted not to be encreased."

The 15th art. of the treaty contains a stipulation of parties, that places their ships and merchandizes reciprocally on the footing of the most favored nations, and merely reserves a right to the British government, to impose on American vessels, entering into British ports in Europe a tonnage duty equal to what British vessels pay in American ports, and such duty as may be adequate to counterbalance the difference of duty, now payable on the importation of European and Asiatic goods, when imported into the United States, in British or in American vessels.

This must be the article to which the sixth reason alludes—and it certainly cannot be "derogatory to our national honour and independence" to be willing to meet the British nation on terms of equality; when it is considered that we have similar articles in our treaties with France, the United Netherlands, Sweden and Prussia; that it is common in most of the modern treaties, and especially was of late inserted in the treaty between France and Great-Britain; at least it behoves those who make the objections, to shew in what consists our power to compel a nation to trade with us, on terms by which we shall impose heavier duties on her trade, than we do on others, while she imposes no heavier duties on us, than she does on others. In general terms it has been said, that the treaty was not reciprocal—here is an objection that it is reciprocal.

A FEDERALIST.

LONDON, June 22.

The only interesting article in the foreign gazettes by the mail is that dated from Ratisbon. It is also to be noticed, that his Imperial Majesty's Ministers have taken unusual pains to have the reports contradicted in all the German newspapers, that the Emperor was negotiating a peace with the French Republic.

According to the most official accounts received of the damage done by the late fire at Copenhagen, it appears that one third of that city is reduced to ashes; and that 20,000 inhabitants are burnt out, and the greatest number of them are left without any resources. It is not known how many lives have been lost.

It is now certain that our court goes into mourning for Louis XVII.

June 30.

Meeting in St. George's Fields.

In consequence of an Advertisement in some of the Daily Papers, as well as from a number of Hand-bills having been circulated, convening a Meeting of the Apollites of the London Corresponding Society in a piece of ground not far distant from the Obelisk, in St. George's Fields, some thousands of persons collected there yesterday afternoon; many, no doubt, from views of riot and dissipation to this or any other Government established by Law, but many more from motives only of curiosity.

On the Sunday preceding, as well as yesterday morning, some large basket-loads of biscuits were distributed among the poor, stamped with the following inscription: on the legend are these words: "Unanimity, firmness, and spirit;" and on the inside was stamped, "Freedom and plenty, or slavery and want." This inscription will suffice to give the public a very correct idea of the views of those who were the promoters of this Meeting. We can evidently trace in the progress of French anarchy, and the exercise of those measures which have been of late pointed out in some of our Jacobin Newspapers, to inflame the lower orders of the people to acts of rebellion against Government, as being the source of the present scarcity of bread; whereas no Government ever took greater precautions to prevent it.

About three o'clock, a man of the name of Jones, who sells drugs somewhere in the neighbourhood of Tottenham-court road, took the Chair; and soon after opened the Meeting by an elaborate speech against the present Government of the Country. It included all the common place topics which we have heard brought forward at the different Debating Societies against the Constitution of the Country, as now happily established. We shall not fully this Paper by reciting all the libellous matter uttered by this disciple of *Eusebius*; but the theme of his discourse was Annual Parliaments and Universal Suffrage. Citizen Jones concluded by recommending to the People, that if they could not obtain relief to their grievances by legal and constitutional representation, they should take the Law into their own hands, and not be terrified by the Bastilles erected by Ministers.

A long string of Resolutions was then read expressive of the riotous disposition of the Founders of the Meeting; and an Address was moved to the King, as well as thanks to Citizen Stanhope, for his manly and impartial conduct in the House of Lords, and that the Public had reason to congratulate themselves that they had at least one honest man in Parliament. An amendment was afterwards moved, that Mr. Sheridan should be included in the vote of thanks, which was adopted.

The Meeting seems to have completely answered the purposes of some of its Committee, as many thousand tickets, at 6d. each, had been issued, to admit people within the paling of the field. There was no disturbance of any kind. The Gentlemen volunteers belonging to the London, Westminster, and Southwark Associations, were in readiness on Kennington and Clapham Commons, to have assisted the Magistrates in the execution of their duty, if necessary. The public are very much obliged to these gentlemen for their protection. Numerous bodies of people continued to parade about St. George's fields till a late hour last night, but there were no symptoms of serious riot.

Some men in aprons, who had posed themselves near the Horse Guards, had the audacity to raise a hiss and cry as the King passed on Saturday to the Parliament House. They were found to belong to a Distillery near Old Street, and took this mode of venting their spleen, at the salutary measure of Parliament, in stopping all distilling during the present scarcity of Corn.

Mr. Burrigle, a Merchant of Portsmouth has entered into a contract with the Navy Board, to get up the remaining stores, and entirely clear the wreck of the *Boyne*, lately burnt at Spithead, within twelve months under the penalty of 1000l. He has already got up 11 guns.

Some weeks since, information was given to the Secretary of State by the Government agents at Dover, of an Italian gentleman of the name of Cantua, being in that Town, whose conduct induced strong suspicions of his being a Spy; in consequence of which, Ross the Messenger was sent down to apprehend him.—On announcing to Mr. Cantua, his business, he immediately put him in possession of his papers, &c. and with cheerfulness accompanied him to town, observing, that he was master of his own time; that he intended returning to the Continent, but that he should not be inconvenienced by delaying his journey.

During his examination and detention in town, his conduct was such as entirely to dissipate the suspicions which had been entertained of him, and he was discharged, with some remuneration for his loss of time, &c. On Saturday evening he proceeded to Yarmouth, there to embark for Cruxhaven. His behaviour at the Inn, on Saturday night, induced observation, and when he went out to walk on Sunday morning he was watched to the Dunes, where he suddenly disappeared, he was discovered in a few minutes; but—horrid to relate!—he had nearly severed his head from his body, and was quite dead. The fatal instrument lay by him. In his pockets were found cash and bills to the amount of 200l.

The Coroner held an inquest on the body, and found a verdict—Lunacy; and on Tuesday evening his remains were interred in the Church.

Miss Broderick's Trial for the Murder of Mr. Erington, comes on at Chelmsford on the 16th of July.

WARSAW, June 3.

[Extract of a private letter.]

"Our garrison consists at present of 1500 Russians. The camp near Willanow is to be reinforced to the number of 50,000 men.

"The emigrated Poles, who fled into the territory of Venice, to proceed from thence to France have left that country, it having been intimated to them by the French Minister at Venice, that France could not interfere in the affairs of Poland."

JUNE 5.

His Polish Majesty having not been able to obtain leave to return to this place from Grodno, has demanded of Prince Repin to inform him, whether he had to consider himself as a prisoner at Grodno, or as an independent King? upon which Prince Repin is said to have sent a Courier to Petersburg.

It is now known, that it was Count Kielicky and Anthony Trembicky, who carried off the Crown jewels which was kept at Cracow.

By this Day's MAILS.

BALTIMORE, August 18.

Extract of a letter from a gentleman at Fort Dauphin, to his friend in this town, dated July 23, 1795.

"With very great pleasure I embrace the present opportunity, to inform you of our safe arrival here the 23d inst. after a passage of 19 days, during which nothing material occurred until we came up with the *West Indies*, where we were boarded by a French privateer of 16 guns—I thought it best to tell them we were bound to the Cape, on which they ordered us to make sail, and as they continued to follow, I have no doubt but they meant to see us in. We, partly thro' intention, fell to leeward of the Cape, that we might have a pretence the following day to beat up, and if he continued to follow us, to give him the slip in the night; but an English sloop of war appearing, the other made the best of his way to Port-le-Paix, and I believe to that circumstance we owe our getting in here.—Another English sloop of war came in with us, and I am told for the purpose of getting two Spanish ships of the line now here, to assist them in an attack against Port-le-Paix, which I am well assured is shortly to take place; but, from what cause I know not, the solicited aid will not be granted.—Last Monday a vessel from St. Thomas informed, that 7 sail of the line, with troops on board for this island, was in sight. This morning another vessel from St. Thomas, says the French ships are arrived at Guadaloupe. A peace between France and Spain is much talked of here.

"No produce here at present—last prices, coffee 12 dollars per cwt. hides, 1-2 dollars; molasses, 3 bits per gallon. Vessels now lying here, Sloop *Jefferson*, captain Stewart, of Philadelphia, some time ago plundered by a French privateer, between St. Thomas and Porto Rico, of all their clothes and money; brig *Maria*, captain Booney, of Bolton, with beef, pork, fish and dry goods; and yesterday arrived from Porto Rico, the brig *Hope*, captain Kennedy, of Baltimore, with pork, soap, candles and dry goods; schooner —, captain Rich, of Bolton, arrived yesterday, plundered by a French privateer, 15 leagues to windward of Monte Christi."

NEW-YORK, Aug. 17.

From a view of the foreign papers we collect the following general facts.

That Great Britain, in alliance with the Emperor and Empress of Russia, is pushing the war against France. That the Emperor has manifested a disposition for peace, but insists that the Germanic States shall not enter into separate negotiations with France and that until a general peace with the Empire can be effected, all the Princes shall co-operate with vigor in carrying on the war. That Russia, has directed a levy of 100,000 men to augment her armies. That the King of Prussia thinks himself in danger from the hostile preparations of the Empress. That the Royalists in the west of France are again raising the standard of rebellion, and preparations are making in England to aid them with a body of forces. That the Jacobins are held in such universal detestation, as to be hunted and destroyed like beasts of prey. That assignats continue to depreciate, a louis d'or being worth 600 livres. That provisions began to be more plentiful. That the establishment of a Constitution occupies the legislators of France, the people calling for a form of