

TRADE TO ST. DOMINGO—No. I.  
No subject has given rise to a more important debate during the present session of Congress or to more voluminous discussions in the public prints, than the trade of the American merchants to this ill-fated Island; none has probably suggested a greater variety of questions or been viewed in a greater variety of lights. It was not to be expected, that a question, which involved such a diversity of rights should produce a perfect uniformity of opinion: Nor was it to be expected, that our government would readily agree on any one expedient to reconcile these conflicting interests. What was due to the government of France? what was due to the interests of St. Domingo? what was due to our own merchants? each of these, was a question of "great pith and moment;" each of them involved a discussion into the established law of nations, and into the actual state of the interested parties. The documents which have just been laid before the Senate by the President, in conformity to their resolution of the 28th January, have shed new light upon some of these topics, and will again provoke a public investigation. It is not too late, then, to draw the public enquiry once more upon this subject; however desultory may be the reflections, which are intended to produce this enquiry.

The following facts seem to require no proof; that a part of the Island of St. Domingo, was a colony of the French government; that some of the inhabitants revolted against the colonial government, and that they succeeded in their exertions; that a detachment of troops, was sent out by the mother country, to suppress the insurrection; that after some successful efforts, they were overpowered by the inclemency of the climate, and the force of the enemy, and they were compelled to abandon their revolted settlements; that this part of the Island still remains unconquered by France, and that it has established an independent government; that the American merchants who had traded with the French part of the Island, when it was under the subjection of France, did not abandon the traffic, when the Island was abandoned by the French troops; that by an arrete of General Ferrand, commander in chief at Hispaniola, who represented the French government, dated the 10th Ventose, 12th year (1804) this trade was expressly prohibited; that is the trade of every part of the Island, except from the Cape Raphael to Ocoa Bay; that this arrete was also disregarded by the American merchants, who continued their customary traffic with the Brigands of St. Domingo; that a part of this traffic even consisted in the introduction of arms, and ammunition among them, without which they could not under certain circumstances have maintained their opposition to the mother country; that partly to defend this trade, some of them even assumed to themselves the right of arming the vessels, and thus enabling them not only to resist the aggression of pirates, but the search of lawfully commissioned cruisers of the French government; that in some cases this resistance was actually exerted; that in all cases where the American merchants were captured by the French cruisers, they were confiscated; and that in spite of these obstructions, the American merchants were still invited by their great profits, to continue this forcible trade to Domingo.

Several questions arise out of this statement. Had the French government a right to prohibit this trade? That the had this right is apparent from several principles of the laws of nations. 1. If St. Domingo be considered as an independent sovereignty, still it is to be recalled that she is at war with France. France would be entitled by the laws of war, to the same privileges, which she would derive from her going into a war with any other nation. But it is one, the privileges of a belligerent nation, that no neutral power shall carry to her enemy any of those articles, which are deemed contraband of war; and among these are arms ammunition &c. France had then a right to demand, that so much of the American trade with St. Domingo should be suspended, as consisted in the transportation of these articles. On this principle, the arrete of General Ferrand may be considered as a simple proclamation of war; for the purpose of informing neutral nations that their trade with St. Domingo must be placed under such restrictions as the principle of contraband would impose upon them.

2. But there is another principle, which gives this proclamation of General Ferrand a new aspect, and confers upon the government which he represents an unlimited power of restraining all trade with St. Domingo. If that Island is still to be considered not as an independent sovereignty, but as a colony or a part of France, then by the principle of sovereignty, France would have as complete a superintendence and controul over any or all the ports of St. Domingo as she would have over any of her European ports. No one however will deny, that under this power of controul is involved a power of regulating and even prohibiting its trade, unless it has previously fettered its own power by some contract with a foreign nation. In other words, no one will deny, that the same principle which gives a nation a right to restrict or prohibit any particular branch of trade in any one of its ports, where no treaty has bound up his hands, does also give it a right to prohibit every branch of its trade in all of its ports. But on referring to the last treaty between France and the United States, that is, to the convention of 1801, we can perceive no article, which gives to either nation the privilege of carrying every branch of trade into every port belonging to the other. The chief commercial privilege which they have mutually contracted to allow, is specified in the 6th article, that "in general the two parties shall enjoy in the ports of each other, in regard to commerce and navigation the privileges of the most favored nation." The arrete of General Ferrand, however, extends to all vessels, "foreign as well as domestic." It is worthy of remark that the convention of 1801, makes no discrimination between her European and West India trade; and that there is no article in it similar to the 12th article of the British treaty of 1794 which allows the privilege of trade with the "ports and islands of the West Indies." As the right of sovereignty is therefore uncontested by her convention with America, she has the right of shutting up every port on her own coasts as well as in the island of Saint Domingo, or of prohibiting the commerce of other nations.

3. But there would still be another principle on which France might assert her right of prohibiting all commerce with St. Domingo, even if they had expressly contracted to allow it. Nations owe to themselves the same duty of self-protection, which binds individuals. The danger of destruction confers upon a nation rights, and gives them a dependence from the restrictions of a more fortunate period. There is a common law of nations which as well as the written law, creates privileges or imposes obligations. As soon as France discovered that the colony of St. Domingo was about to be torn from her sovereignty, and that the commerce of the American vessels tended to defeat all her exertions for its recovery, all the obligations of her convention would have been dissolved; in this crisis so little expected at the time of forming her convention, her official organ in the Island of St. Domingo would have been endowed with every authority to pass the arrete prohibiting all trade with the rebellious inhabitants.

Had the American merchants then any right to continue this trade? If the French government had a right to prohibit it and has actually exercised this right, it would appear evident that they have no right to force a trade. It is evident, they cannot maintain this commerce with St. Domingo, on the ground that St. Domingo is a French colony, because that trade has already been forbidden by France. & France had a right to forbid it. Nor can they maintain this commerce, on the ground that it is an independent sovereignty. No individual has the right to determine whether any revolted country shall have the right of self-government, or the right of regulating its own trade. It is the privilege of his government only to regulate his relations with foreign countries; to determine whether he shall be at peace or war with them, and whether he can continue or shall suspend any particular system of commercial intercourse. But the government of the United States has never admitted the sovereignty of St. Domingo nor received her ambassadors. The government has then never legalized and guaranteed this commerce. Hitherto it has considered the Island of St. Domingo as a part of France, and has thus admitted the obligation of all her commercial arrangements.

The American merchants then having no right to carry on this trade, had no right to appeal to their government for protection against the French Cruisers, or for indemnity for their confiscated vessels. The public arrete of Gen. Ferrand, and its acknowledged execution by the French government furnished them with sufficient information of their danger, and the loss which they incurred, was on their own head.

Under such a situation, it has been contended by a few politicians that it was the right and duty of the President to issue his proclamation to regulate this trade. But whence could the President have derived this power? It was not from any provision in the Constitution nor was it from any law of congress. All the discretion which he possessed in cases of this description is derived from the 7th section of the act of 1794; but the present case is not specified in that act. Even if the President had possessed this power, good policy might have prevented its exercise. Such a proclamation might have embraced two objects: informing the merchants of the restrictions on this trade, and thus depriving them of all right to indemnity; an object which was sufficiently attained by the arrete and conduct of the French government; or, preventing any armaments in our ports, a power which even

Congress itself has not ventured to exercise.

From these desultory observations, it appears, that the French government had a right to prohibit this trade. 2. That our merchants had no right to continue it. And 3. that if they did, they placed themselves out of the protection of their own government.

We have now arrived at the moment of bringing this subject before congress. What is the policy which existing circumstances would have induced that body to adopt?

The reader will recollect the objections, which were formerly urged with so much force, against General Washington's proclamation of neutrality.

From the Alexandria Daily Advertiser.  
ESSAY—IN IMITATION OF STERNE.

"HAD I a plenty of money," said a young tar, as he stood cheapening a piece of merchandise: "Had I a plenty of money, I would not insist on your taking less; we are a race of beings that are not the most miserly in the world; but misfortune," sighed he, casting his eyes down on his sea-beaten apparel, "has nearly swept me to the bare hull. Here" taking from his pocket a pitiful canva's purse, tied round with a rope yarn "here is every thing in the locker; and although the whole is hardly as much as your price, but trade with me now, and if my next voyage be more prosperous, I'll get repaired here again." He said this with a peculiar frankness, that fairly prepossessed me in his favor; and I know if I live to the age of Methuselah, I shall never forget it. "Halt thou been cast away?" interrogated I, having determined, that if he had been blown and tossed by the boisterous elements, with low wages and a trepidating heart, when I was at ease in my possessions, and peacefully slumbering on my stilly couch, feeling at the rattling tempests and the thorns, I would share his present troubles with him. "On the sea shore of Saint Bartholomew's," said he, "in the last September gale, we were miserably wrecked. Our brig struck on a ledge of rocks—bilged—and began to fill; the sea ran mountains high, made a fair breach over us, and forced us towards the shore; the decks were fast giving way under our feet, and death looked us full in the face. In this dreadful situation we took to the long-boat as the only possible resource for our lives; and to the astonishment of us all she lived till she reached the shore! But" concluded he, "it was the Lord's special goodness that saved us, I suppose." He began his last sentence with his eyes fixed on the counter, and as he finished it, he diffidently raised them to mine; tears of sensibility glistened in them both. I declare the very contact spoke more to me, than I could express in volumes! It told me he was indelibly impressed with the truth of his reflection himself, and asked if I would think too; it told me he would not willingly have dispensed with the last two words, if he had thought the assertion would have accorded with my sentiments; it told me he knew the world, and knew how prevalent was scepticism, and he, poor tar! was delicate in saying, "God is our refuge and strength, a very present help in trouble," without adding, "I suppose," for fear of the contumacy of the unfaithful!—"Count it," said he, holding his purse towards me,—"as small—I gave my good old parents some out of it; but I'm not frightened; I know my duty, and can soon be under pay again."—"Then give the rest to thy good old parents," interrupted I, "for I'll suffer the pain of tooth drawing to all eternity, if I touch a cent of it!"—He had pride, and remonstrated, but I had feeling, and was determined;—so he walked slowly out, without adding a word;—I was too full myself, but I thought God bless him, and his merchandise and his purse, and his good old parents!

T. SHANDY, Jun.

From the Boston Centinel

SEGARS AND CONSUMPTIONS.

MR RUSSELL,  
Some have queried whether Dr. Waterhouse had not given, in his much spoken of lecture, an unnecessary alarm respecting the declining health of the scholars at Cambridge; and have supposed that the Doctor had indulged an oratorical flight instead of adhering to his usual accuracy. The following extract from a public Lecture, just published by Professor Pearson, occasioned by the death of the President, will show that Dr. W. had sufficient facts to justify all his assertions:—"It appears that from 1769 to 1796, a period of twenty-seven years, but nine deaths took place among the under graduates. But from 1796 to the present time, a period of little more than eight years, sixteen students terminated their probation for eternity, before they had completed their academic course; and, what deserves particular notice, most of them died of CONSUMPTION. During the period, first mentioned, the deaths were to the years, as 9 to 27, or as 1 to 3. that is, one death in three years.—During the last period, the deaths have been to the years, nearly as 16 to 8 that is two deaths in one year. Hence it appears, that the number of deaths among under graduates during the

last eight years, compared with that of the preceding twenty-seven years has increased in a six fold ratio. A result, worthy of serious consideration; especially, when it is added that four of these melancholy events took place in one year, and six of them in one class. In this connexion I am constrained to add, that during the two last years, and soon after receiving the first honor of this University, four others have been numbered with their deceased companions, alike victims to Consumptions."

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In page 17, the Professor adds, "when we see young men, the joy of their parents and their country's hope, declining, sinking, and in rapid succession hurried to the grave, we cannot help viewing the deaths of such, as premature, and in some sense unnatural.—But it is to be remembered, that the purposes and punishments of Heaven are usually effected by the intervention of second causes. May it not then be wise and salutary to inquire for the natural as well as for the moral cause of this multiplication of deaths, within a few years past, among the students and alumni of this College; and particularly for the reason, why most of them proceeded immediately from the same disorder, (consumption.) An inquiry this, which may be deeply interesting to your health, comfort, improvement, and life, and may possibly lead to a remedy of the evil."

Dr. WATERHOUSE undertook the investigation of this evil; all who heard him expressed a conviction that he had discovered the causes, and pointed out the remedy. His lecture is in the press, and the public will soon have an opportunity of judging whether the alarm has been greater than the danger.



(By Authority.)

AN ACT

Concerning the mode of surveying the Public Lands of the United States.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the surveyor general, shall cause all those lands north of the river Ohio, which by virtue of the act, entitled "An act providing for the sale of the lands of the U. States, in the territory north west of the river Ohio, and above the mouth of the Kentucky river," were subdivided, by running through the townships, parallel lines each way, at the end of every two miles, and by making a corner on each of the said lines, at the end of every mile; to be subdivided into sections, by running straight lines from the mile corners thus marked, and by making on each of the said lines, intermediate corners, as nearly as possible equi-distant from the corners of the sections on the same. And the said surveyor general shall also cause the boundaries of all the half sections, which had been purchased previous to the first day of July last, and on which the surveying fees had been paid according to law by the purchaser, to be surveyed and marked, by running straight lines from the half mile corners, heretofore marked, to the opposite corresponding corners and intermediate corners, shall at the same time be marked on each of the said dividing lines, as nearly as possible, equi distant from the corners of the half section on the same line: Provided, That the whole expence of surveying and marking the lines, shall not exceed three dollars for every mile which has not yet been surveyed, and which shall be actually run, surveyed, and marked by virtue of this section. And the expence of making the subdivisions, directed by this section, shall be defrayed out of the monies appropriated, or which may be hereafter appropriated for completing the surveys of the public lands of the United States.

Sec. 2. And be it further enacted, That the boundaries and contents of the several sections, half sections, and quarter sections of the public lands of the United States, shall be ascertained in conformity with the following principles: any act or acts to the contrary notwithstanding.

1st. All the corners marked in the surveys, returned by the surveyor general, or by the surveyor of the lands, south of the state of Tennessee, respectively, shall be established as the proper corners of sections, or subdivisions of sections, which they were intended to designate; and the corners of half and quarter sections, not marked on the said surveys, shall be placed as nearly as possible equi distant from those two corners, which stand on the same line.

2d. The boundary lines, actually run and marked in the surveys returned by the surveyor general, or by the surveyor of the land south of the state of Tennessee, respectively, shall be established as the proper boundary lines of the sections, or subdivisions, for which they were intended, and the length of such

lines, as returned by either of the surveyors aforesaid, shall be held and considered as the true length thereof. And the boundary lines, which shall not have been actually run and marked as aforesaid shall be ascertained by running straight lines from the established corners to the opposite corresponding corners; but in those portions of the fractional townships, when no such opposite corresponding corners have been or can be fixed, the said boundary lines shall be ascertained, by running from the established corners, due north and south, or east and west lines, as the case may be, to the water course, Indian boundary line, or other external boundary of such fractional township.

3d. Each section, or subdivision of section, the contents whereof, shall have been, or by virtue of the first section of this act, shall be returned by the surveyor general, or by the surveyor of the public lands south of the state of Tennessee, respectively, shall be held and considered as containing the exact quantity, expressed in such return or returns; and the half sections and quarter sections, the contents whereof shall not have been thus returned, shall be held and considered as containing the one half, or the one fourth part respectively, of the returned contents of the section of which they make part.

Sec. 3. And be it further enacted, That so much of the act entitled "An act making provision for the disposal of the lands in the Indiana territory, and for other purposes," as provides the mode of ascertaining the true contents of sections or subdivisions of sections, and prevents the issue of final certificates, unless the said contents shall have been ascertained, and a plat certified by the district surveyor, lodged with the register, be, and the same is hereby repealed.

NATHL. MACON,

Speaker of the House of Representatives.

A. BURR,

Vice-President of the United States, and

President of the Senate.

February 11, 1805.

APPROVED.

TH: JEFFERSON.

BOSTON, February 16.

FIRE.—Yesterday morning, about 3 o'clock, our citizens were alarmed by the cry of fire! which proved to be in Cambridge village, near the Bridge caufeway. It broke out in a small building occupied for the storage of lime. The water having made its way into the lime barrels, immediately communicated fire to the building; and the wind being very strong at W the adjacent buildings to leeward caught and consumed so suddenly, that nothing of value could be saved. Two floors and a large barn were burnt: with their contents, of provisions, liquors, lime, &c. amounting by estimation, to between 12,000 and 15,000 dollars. Messrs. Makepeace and Co. merchants, and Mr. Mafon, tavern-keeper, were the principal sufferers.

A new house in Belknap-street, very narrowly escaped conflagration, yesterday morning, from the water in the cellar taking a hog'shead of unslacked lime.

Mr. William Payne, late first mate of the ship Hibernia, which was cast away upon Plymouth beach, on the 29th ult. in a violent snow storm, has arrived in Boston. He informs that the ship struck about 4 o'clock, P. M. when the sea made a fair breach over her. All the people on board (being eleven in number) were obliged to climb the shrouds to prevent being washed over-board; that in the struggles he lost his shoes and mittings; that he continued on the shrouds until the people perished and fell off, one after another, until he supposed they were all dead. Finding himself unable to continue there any longer he went down upon the main deck, which is about the last thing which he can recollect while on board the ship. About the time the ship went on shore, the people in Plymouth discovered her, and a number of the inhabitants repaired to the beach, built a large fire and erected a tent, in order to save the lives of any who might get on shore. The sea running so high they found it impossible to board the ship until about 2 o'clock in the morning; thinking the tide a little more favorable, a Mr. Leonard took an end of a rope, lashed it around him, and attempted to swim on board the ship (it being about 12 rods) leaving the other end on shore, which he accomplished. Finding Mr. Payne and the boy alive, he lashed the rope around them both, threw them overboard, calling upon the people on the beach, who drew them on shore. The boy died in a few minutes. The account of the manner of his getting on shore was related to him by the inhabitants; he had no knowledge of it at the time, neither had he any sense for a number of hours after. He observes that he had every attention paid to him by the people at Plymouth, for which he feels himself under the greatest obligation. His feet and hands are very much frozen, which will probably prevent him doing any business until warm weather. He has lost all his clothes and his adventure, and has a wife and one child.

DANBURY, (Con.) Feb. 6.

The trial of Eli Lion, who was indicted for the commission of a rape on Mrs. Jerusha Ferris, of Newton, came on last week before the supreme court held in this town. He was found guilty, and sentenced to be executed on the third of July next.