

In our paper of Saturday, we made some short remarks, on certain resolutions lately proposed by Messrs. Randolph and Nicholson; we then stated, that "Tho' we are not friendly to that independence of judicial characters, which would place out of the reach of all human power..."

This, and our other observations, have caused the editors of the Gazette, again to lift against us their Lilliputian lance. And, on our paragraph quoted, as per reference, they present their readers with the following note:

"If the gentlemen are acquainted with the constitution, or have not already forgot the fate of Judge Pickering, or the persecution of Judge Chase, they must acknowledge that the judges are sufficiently dependant, and not 'out of the reach of all human power.'"

We bow with deference to the superior sapience of the Gazette; but at the same time, we must declare, we cannot discover the applicability of its luminous note. When we said we were not friendly to that principle which would place judicial independence above all human power, we certainly did not infer, contrary to our constitution, that the judges of the United States were thus fixed: No, we merely had allusion, to the pretended friends of the constitution, who bellowed so loudly about the hallooed nature of that superfluous, oppressive and burthenome branch of the judiciary system which the prudence and economy of the present administration destroyed; and which did not originate in or with the constitution, but was the offspring of usurpation and federal extravagance—called into being by the late administration, to strengthen the executive influence of the day. Not like that pure system of judicial power, (to say nothing of its agents) which now exists, which emanated from, and is bottomed on the constitution, and which we would with preserved from the inroads of party spirit, of any, and every stamp.

When impeachments are conducted, as were those of Judges Pickering and Chase, on the correct and unerring principles of our constitution, they cannot honestly be attributed to party spirit, neither can they partake of persecution: we firmly believe, that in both instances, the prosecutors had alone in view, the honor and dignity of their country, which impressed them with the necessity of defending the sacred temple of Justice, from that pollution, with which (it appears) they deemed it was enveloped.

If the editors of the Gazette can declare the fate of Pickering persecution, then indeed, it must be supposed, they would clad Judges with the mantle of infallibility, and invest them with the right of absolute controul, and consequently place them beyond the reach of all human power: for, if the power to remove was not properly exerted on that occasion, then it may be said it should never be resorted to. It must be admitted, that the conduct and character of Pickering was proved to be so notorious, as to be highly disgraceful and degrading to the station which he filled.

As to Judge Chase—as he has been acquitted by the highest judicial tribunal of our country, by a constitutional majority, we would evince a desire to show respect for the proceedings of that honorable body.—But at the same time, we are not prepared to say, that Samuel Chase, esqr. has in his judicial capacity, conducted himself in such manner as to command the respect and esteem of even his most ardent political friends.—But be this as it may—he has been acquitted by a constitutional majority (19 for condemning him and 15 for acquitting) and we are reconciled to the solemn decision.

As far as relates to the charge of persecuting Judge Chase, we deny that he has been persecuted, the charge is as false as the hearts of those who state it, are rancorous & malicious;—and we challenge the warmest of Judge Chase's friends to deny that the trial was conducted with a dignity and deliberation highly honorable to the senate of the U. S. and its individual members.

The editors of the Gaz. charge us with having been "among the most giddy in the train of disorganization." This we deny—and for the malice which dictated the charge, we humbly beg them to accept the homage of our sovereign contempt. We have frequently, (though of late they have mended somewhat,) detected these petty marauders in little crimes, viz. deviations from or mutilations of the truth; to refute all would require that time to which they have no claim.—And if even we had been what we are charged with, we consider it more honorable to retract an error "of judgement," than to persist as they have done, in misrepresenting matters to the public.

Editors of the American.

The brig Rising Sun, capt. Jencks, has arrived at Charleston, in four days passage from Alexandria.

as there is the greatest happiness, every encroachment, however specious in form or pretext, upon the influence and power of the majority, ought to be resisted.

NEW-YORK, March 6.

Captain Steele from Jaquemel informs, that preparations were going on there to go against the City of St Domingo, in conjunction with the British, and the opinion was, that they would succeed.

The British armed brig Busy, captain Byram, arrived last night, from Bermuda, with dispatches.

Captain Bell, from Jamaica informs, that a Spanish frigate, two sloops of war, and about 20 sail of valuable merchantmen, had been recently sent into Jamaica, most of them by the Princess Charlotte frigate—Flour was 18 dollars a barrel—saves 60 to 90 dollars. Beef and Pork low.

FROM HAVANNA.—By the brig Sea-Nymph, arrived here yesterday in 22 days from Havanna, we learn, in confirmation of the news published in this Gazette yesterday, that that port has been declared open to neutrals loaded with provisions; but, the belief was, that vessels arriving there with flour would not be permitted to sell at the market price, but that it would be bought up by government for a less sum. Flour was retailing at 35 dollars a barrel, and other provisions were nearly as high in proportion.

We also learn, that the port of Havanna had been blockaded by two British frigates for three weeks but they permitted neutral vessels to pass without molestation. There was another British frigate cruising to the southward of that port, which had made several valuable captures. Notwithstanding the above frigates, a Spanish packet had slipped into Havanna from Cadiz or Corunna.

There had been an embargo at Havanna for three weeks previous to the sailing of the Sea-Nymph, but which was then raised.

WILKESBARRE, (Pa.) March 2.

Died, at Standing-stone Flat, in the upper part of this county on Monday the 31st of December, 1804, Mrs. HANNAH HERRER, aged 104 years; she came to this county 30 years ago, when it was in possession of the savages.

AUGUSTA, (Geo.) February 9.

By a letter from our correspondent in Walton county, we are informed, that on the 19th December last, a party of horsemen, consisting of 70 or 80 men, and headed by a Major James Britton, marched into said county from Buncomb, N. C. with intent to resist the laws and to prevent them from being carried into effect:—To this end, they took and made prisoners of Richard Williamson, James Lefoy, J. Cloud, G. Williams, Esqr. and several others, whom they tried at court martial; five they discharged, and ten were kept and marched off like prisoners of war, to Morgantown N. C. one one hundred miles from the scene of action, and there confined in gaol, on the 25th of the same month; two justices of the inferior court, and one of the peace, are of the number confined!

These intruders still continue to range through the country carrying terror before them. They have already stolen or taken away, horses, cattle, and other property, to the amount of thirty thousand dollars; and where or when their outrages and depredations are to end, God only knows!—This letter is dated the 9th day January last.

NEW-ORLEANS, January 22.

A report was in circulation this morning, which it truly is of the utmost importance.—It is that a recent revolution has commenced in Spain. We have endeavored to trace this report to its source, but can collect nothing satisfactory.—It is said to come by a captain from the Havannah, and to have been received via the West Indies. The particulars as stated, are that the king ordered the equipment of the navy but the sailors refused to serve; the military was ordered to enforce the royal mandate, but the people espoused the cause of the sailors; a battle ensued in which the people and sailors were triumphant—in consequence of which great confusion and anarchy prevailed throughout Spain. Thus far the report.—For its correctness we cannot vouch. We should rather be induced to believe it originated from the disturbances some time since at Bilbao, which have been magnified into a revolution.

Wants a situation.

A YOUNG man, lately from the country, wishes to obtain a situation either in a Dry Goods or hardware store; has some knowledge of accounts, and is well versed in the German language. A line addressed to C. H. and left at this office, will be duly attended to. N. B. Sufficient testimonials of his probity can be produced. march 5 604

Will be sold at Public Auction, On the premises, on Thursday, the 14th instant, at 10 o'clock in the forenoon, by order of the orphans' court, A HOUSE and LOT of GROUND, situated on the corner of Howard and Camden streets; also, at the same time and place, a story house, hold and kitchen furniture, and four Negroes, two men and two women, one of the men is a noted Sawyer, and the other a brick moulder.—Terms of sale made known at the time and place of sale, by THOMAS MORTIMER, Junr. FOSTER MAYHARD, march 5 604

Switzerland, all Italy, Hanover, &c. within the vortex of French influence, and they have now added Spain and Portugal to their number.

The overtures of France to England for the establishment of peace do not astonish us, on the contrary they were to be expected; some imagine that this step of Bonaparte was taken to quiet the French, but the idea is ridiculous in itself he has nothing now to apprehend either from intrigue or force. We believe the French government sincerely disposed for peace and for the very best reason, peace will more speedily produce the humiliation of England. The overtures we do not consider as resulting from a relinquishment of all designs against England, they are the effect of the deepest design against her colonial and commercial greatness. The terms, upon which the peace would be assented to by France, are the same as those of the treaty of Amiens; but England refuses compliance, and desires to preserve Malta—this is undoubtedly good policy. If France and England maintain the contest alone, the issue must be fatal to the latter—it is, therefore, the object of England to preserve her influence by the aid of Russia, and for this reason, the British reject the overtures of France unless Russia consents or is made a party. It is obviously the policy of Russia to strengthen itself at the expense both of England and France, and whilst it maintains the relations of peace with both looks to the decline of British naval and colonial influence as an object of desire, and is equally solicitous to prevent an extension of Bonaparte's continental influence; for these purposes, by the appearance of favoring England, Corfu, &c. have been taken without opposition, and when Russia has gained the ascendancy or controul upon the ocean England will be deserted by her. As therefore the war between England and France is favorable to Russia, and as peace could not be made unless Corfu, &c. were surrendered; the continuance of hostilities must be considered as certain. In fact, the British fight for the monopoly of commerce for the preservation of the colonies and consequently for the very existence of the English government—the French fight for a participation of commerce, and their policy is to have an interval of peace, which might be employed to the destruction of the colonial influence of their rival. War, therefore is the best policy of England, under present circumstances—peace would be the very means of placing Bonaparte at the acme of influence, and allowing him to dictate to England. We cannot then, agree with some of our American fellow-editors, that a peace is probable or likely to be made, but that the period is very distant when it can be completed, and that before its existence many important events and changes must be witnessed.

We are strengthened in our opinion by the very able and interesting sixe paper, describing the situation of the French empire: this has every claim to our credit and regard, and whatever may be the opinion of the firm of the French government, or of the means of its establishment all must confess that its measures and general policy have been of a superior kind, and that France is pre-eminent in resources, strength and influence.—Every power in Europe, except Russia and Sweden, is within the controul of, or in the strictest ties of amity or interest with France; even these two powers are unwilling to shew any distinctive marks of resentment or opposition, and if united could present but a feeble barrier to the encroachments of France and its neighbouring allies.

In this exposition of the state of the empire we find a complete refutation of the many misrepresentations in the English prints—the internal state of France is peaceful, and unquestionably in every respect superior to its condition under the Capets.

Bonaparte's speech, with the replies, afford little or no room for observation—we can merely conclude that they strongly express the existence of absolute and uncontrollable power.

The speech of the king of England, when contrasted with the paper of the French government, describing the situation of the empire, sinks into insignificance—it is remarkable for nothing but the strict adherence to the king's style, which characterised all the king's speeches, particularly since 1793.

There are no other particulars deserving attention—the war with France afforded the British navy much employment with but little profit; numerous captures from the Spaniards in some measure compensated.

In perusing foreign intelligence, the American reader ought to have other objects than the gratification of curiosity; if he is sincerely regardful of the peace and prosperity of his country, he will never cease to compare the situation of the people of European countries with that of his fellow citizens; he will remark that war, with all its terrific attendants, is undertaken to preserve a very small minority, and not for the defence or protection of the mass of the community; that as the majority have no controul and yet bear all the burdens, the evil arises from their not understanding the rights and exercising their power, and that, under such a government as ours, where no measure of magnitude can be undertaken or carried on without the previous approbation of the majority,

the surveyor or surveyors of the revenue, thus appointed for the whole state of South Carolina, shall likewise perform all the other duties, exercise all the powers, and receive the same compensation, which by virtue of the provisions still in force of any former act, or acts, were directed to be performed, exercised, and received by the surveyors of the revenue for each assessment district; and so much of any act or acts, as directed the appointment of one surveyor of the revenue for each assessment district, is so far as relates to the state of South Carolina, hereby repealed.

Sec. 3. And be it further enacted, That the several supervisors, or officers, acting as supervisors, may with the approbation of the secretary of the treasury, unite, whenever such measure shall be thought expedient for the better collection of the direct tax, one or more assessment districts in one district, and appoint only one collector of the said tax, for the assessment districts thus united, any thing in any former act or acts, to the contrary notwithstanding.

Sec. 4. And be it further enacted, That the accounting officers of the treasury be, and they are hereby authorized to settle the accounts of any of the commissioners, or assessors employed in making the valuations and enumerations above mentioned in the state of South Carolina, although the same may not have been presented to, and certified by the commissioners aforesaid, in conformity with the provisions of the act intitled "an act to provide for the valuation of lands, and dwelling houses, and the enumeration of slaves, within the United States."

Sec. 5. and be it further enacted That any of the commissioners aforesaid, who shall on the request of the secretary of the treasury, attend for the purpose of assisting the supervisor of the district of South Carolina in completing the lists and abstracts of valuations and enumerations in the manner provided by the first section of this act shall be allowed the same rate of compensation, as provided by law, for attending a meeting of the board of commissioners.

Sec. 6. And be it further enacted, That a sum not exceeding thirteen thousand five hundred and ninety three dollars, and twenty three cents to be paid out of any monies in the treasury, not otherwise appropriated be and the same is hereby appropriated, for defraying the further expenses incident to the valuation of houses and lands and the enumeration of slaves, within the United States.

NATH. MACON,

Speaker of the House of Representatives.

JOS. ANDERSON,

President of the Senate pro-tempore.

January 30, 1805.

APPROVED,

TH: JEFFERSON.

From the AURORA.

EUROPEAN AFFAIRS.

London advices, to the 18th January, were received at New York, by the ship Flora: the details have been all copied into our paper, as they have reached us. The intelligence may be deemed very interesting, since, instead of the idle conjectures of London prints, we have been furnished with several state papers, whose authenticity cannot be doubted. The principal, and indeed the only points or papers of interest are:—

The declaration of war both by Spain and England against each other.

The overtures of offers of peace, made by France.

The exposition of the state of France.

The speech of Bonaparte to his legislative agents; and

The speech of the king of England to his legislative agents.

The war between England and Spain was inevitable, therefore the explosion cannot create surprise: it was, however, to have been expected that, as England pretended to have cause for war, it would be the first declared by her, the contrary is the case; for, having first murdered and plundered without warning and in cold blood, the British affect to be surpris'd or to regret that Spain resents the abominable piracy, and endeavor to rest the odium of the war not upon the causes but upon the declaration.

The existence of war must be injurious to Spain but the evil will not be her's alone, England too will be injured—a temporary advantage may result from the capture of the treasure, but what future advantage can be derived to compensate the expense of armaments and the loss of commerce Portugal, by this war, will fall into the hands against England and ere long her ports will no doubt be shut against a lucrative and extensive British trade—thus the French manufactures, in want of a mart by the ocean, will force themselves where a suspension of British trade shall command for them a safe and sure vent.—As it is evident that the British no longer venerate treaties than it is their interest to do so, there can be no doubt but they would readily seize upon the Portuguese islands and the Brazils, if productive of advantage, and before a declaration of war; but the possession of both would not, in our judgment, be an object they have colonies enough, more than they can long manage, and unless an endless war is maintained, these very members must destroy the body. In fact, it would appear that the object of the British ministry has constantly been, not to lessen but to increase the power of France—their intrigues placed Holland,

Advertiser.

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