

FRIDAY, SEPTEMBER 14, 1805.

THE DEFENCE.—NO. I.

The period draws near, when you will be called upon to exercise one of the highest functions with which freemen can be invested.

Devoted to liberty and justice, the history of the world should teach you, as you wish to preserve them, to be jealous and vigilant.

As then you value your rights, examine with an unbending severity the conduct of your rulers.

When the station to be filled is the highest in your power to bestow, the duty becomes a sacred one; and you become traitors to yourselves not to discharge it.

You are called on once in four years to elect your chief magistrate. In the discharge of this duty, at the last period, you raised to that high station a citizen distinguished for the various services rendered to his country.

It is not surprising, therefore, that we find him in the legislature of his own state, then the widest field of action presented by the state of the country, animated by the honest enthusiasm of youth, transcending the dull routine of duty and laying the foundations of future greatness and prosperity by devising and recommending plans of great and general utility.

Such is the man, who, four years ago, you called to the head of your affairs. You esteemed him then wise and virtuous; else you would not have placed him at the very altar of your rights.

In order to decide this enquiry, it is necessary to state the duties of a Chief Magistrate, and to compare with them the measures of Thomas Jefferson.

The duties of the President of the United States are, fortunately for the preservation of our liberties, fixed by a written Constitution. In every other nation on the face of the earth they are but vaguely defined by a dark and shifting prescription, varying with the temper of the times, and the character and views of those who administer the government.

The Constitutional duties and powers of the President are: 1. To give to Congress, from time to time, information of the state of the union, and to recommend, to their consideration, such measures as he shall judge necessary and expedient.

2. To pass a qualified veto upon the laws.

3. To command in chief the Army and Navy; and the Militia, when in actual service.

4. To appoint all executive and judicial offices, except of a subordinate nature.

5. To make treaties.

6. To take care that the laws be faithfully executed.

And to secure the execution of these duties, and such others as are imposed by the Constitution, he is required to take the following oath of office.

"I do solemnly swear that I will faithfully execute the office of President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States."

The first duty is two fold.—The President shall, from time to time, give to the Congress information of the state of the union—and recommend to their consideration, such measures as he shall judge necessary and expedient.

It must not escape your notice that both these duties are mandatory; the term used is "shall"—it does not, therefore, rest in the discretion of the Chief Magistrate, to give information or advice, according to any theory of government established in his own mind; but he shall give information, and he shall recommend such measures as he shall judge necessary and expedient.

It is, perhaps, to be regretted that there is no regular official journal published of executive acts: Were such a journal published, at periods however remote from the occurrences recorded, it would ultimately afford more correct means of judging of the conduct of the cabinet, and thereby produce a more rigorous responsibility to public opinion, than at present exists.

to make such a disclosure, was one of the grounds on which he was ejected from power, and the belief that Mr. Jefferson would evince a contrary course unquestionably conspired with other expectations, to insure his election.

The responsibility of all the public men to public opinion is an essential feature of the republican creed, and it is manifest, that all responsibility, to a body not possessed of the means of forming an enlightened decision, must be ideal.

A momentary clamour has been raised at the alleged suppression of information on two subjects of very various importance;—the repairs of the Berceau; and the negotiations respecting Louisiana.

In his address to the seventh Congress at the opening of their first session, he says, "other circumstances, combined with the increase of numbers, have produced an augmentation of revenue arising from consumption, in a ratio far beyond that of population alone; and though the changes in foreign relations, now taking place so desirably for the whole world, may for a season affect this branch of revenue, yet, weighing all probabilities of expence, as well as of income, there is reasonable ground of confidence, that we may fairly dispense with all the internal taxes, comprehending excises, stamps, auctions, licences, carriages and refined sugars; to which the postage on newspapers may be added to facilitate the progress of information; and that the remaining sources of revenue will be sufficient to provide for the support of government, to pay the interests of the public debts, and to discharge the principals in shorter periods than the laws, or the general expectation had contemplated.

In the discharge then of this constitutional duty, we contemplate in the measures of the Executive, a devotion to the republican principle of giving the fullest information to the people, unalloyed with the imprudence, to which an impolitic extension of even sound principles is too apt to be carried by enthusiasts.

The other branch of this duty, is the recommendation to Congress of such measures as he shall judge necessary & expedient.

We have seen that this is not a power, which the President may or may not, but one, which the constitution expressly declares he shall exercise. Under this constitutional injunction, sanctified by an oath of office, peculiarly solicitous of engaging the utmost efforts of the chief magistrate in its preservation, he has recommended to the consideration of Congress several measures. It is unnecessary at this time, to enumerate any but those of considerable importance.

In the same communication, the President invites the attention of Congress, without expressing any opinion, on the revision of the Judiciary establishment.

the attention of the legislature to the following topics: He is recommended,—

- A retrenchment of unnecessary expence,
An abolition of useless offices,
An adherence to specific appropriations,
A reduction of the army,
An impartial selection of jurors,
A revival of the naturalization laws,
A faithful payment of the interest, & a prompt discharge of the principal of the public debt,
Unceasing efforts to perfect the militia,
The establishment of a Dry Dock.

From the Federal Gazette.

Messrs. Tunt & Brown, As many people are not aware of the enormous duty paid at present by the importers of dry goods, you have herewith a statement to shew how the duties are calculated at our custom-house.

A case hosiery, first cost 100 0 0
Carriage from place of manufactory to Liverpool & shipping charges there— 1 5 0
Export duty in England, 4 0 0

£. Sterling, 105 5 0
Ad valorem duty here, 1st. add 10 per cent. 10 10 6

£. Sterling, 115 15 6
Then charge according to law on one hundred, and fifteen pounds fifteen shillings and six pence 17 1-2 per cent. is—£. Sterling, 20 5 1, amount of duty on every one hundred pounds first cost in England; which is more than one fifth of the first cost.

On linens, cloths, and such like, the duty is 2 1-2 per cent. less, on glassware and many other articles it is about 5 per cent higher.

PORTSMOUTH, (Eng.) July 9.

This morning a packet for the hon. East India Company was landed from the Rambler, whaler, which passed this port for the river, which is said to contain the unpleasant intelligence of the loss of nine sail of homeward bound China ships at the Prince of Wales's island; seven of which were burnt, and two taken.

PHILADELPHIA, Sept. 12.

COMMERCIAL. We are indebted to a respectable merchant and an obliging friend for a copy of the following regulations relative to the tea trade. They were communicated by Messrs. Hope & Co. of Amsterdam, to Sir Francis Baring & Co. London, and by the latter transmitted to their correspondent in this city.

REGULATIONS About the Tea Trade in Amsterdam, July, 1804.

Pursuant to these regulations it is permitted from this date, and during the course of the year 1805, for ships coming direct from China, and with cargoes of tea and other articles, to enter and unload in our ports, provided they come direct from China. Such cargoes to be placed under the management of the Asiatic Council, against a recognition of 6 per cent. of the gross proceeds, and further on the usual condition of the company's sales—and it is not expected that any difficulty will be made for the admission of any American vessels although they might have touched at some port in America, provided bulk has not been broken, and the cargoes arrive here in the same state as when shipped in China, without addition or deduction, and on satisfactory proof thereof being produced.

It is further permitted from this date to the 1st of October, 1804, to forward from the United States whole cargoes of tea as originally imported from China, by transmuting them in other vessels, with the option of keeping back the other Chinese articles imported with them, and such cargoes of tea will be admitted in our ports in the same manner as those coming direct from China on payment of a recognition of 8 per cent. of the gross proceeds; and further on the usual conditions of the company's sales; and satisfactory proofs must be produced that such shipments shall have taken place in the United States on or

before the 1st of October next, after which this permission ceases.

The sale this year will probably take place towards the middle of September, the quantity of quarter chests to be no less than 40000 and not to exceed 60000. For the next year it is not yet decided whether there will be one or two sales, but the whole amount is not to exceed 60000, and to be no less than 40000 quarter chests—Of this quantity about one half has been contracted for, the remainder to be supplied from the excess which may take place in the importation of this year, and the remainder from the arrivals in 1805, in proportion of their respective quantities. The surplus to be reserved for the first sales in 1806. The charges on the sale of tea, including commission, brokerage, &c. amount to about 5 per cent.

Table with 2 columns: 1804, 1805. Rows include Bohea, Congo, Company, Souehong, Single & Tonkay, Hylon Skin, Hylson.

LONDON PRICES CURRENT, JULY 13 1804.

Table with 2 columns: 1804, 1805. Rows include Sugar, Coffee, Cotton, Pepper, Rice, Cochineal, Indigo, Logwood, Tobacco.

NATCHEZ, August 14.

By a gentleman arrived here yesterday, from the neighborhood of Bayou-Sarah, we have been favored with the following information: "That Mr. Nathan Kemper, with a party of about 30 men, with colors flying and horns sounding, marched from the neighbourhood of the line of demarcation between this territory and West Florida, on the 7th instant, against the fort of Baton Rouge, on their way, they made prisoners of John O'Connor, esq. (an alcade) and captains Pintado and Terry.

They arrived on the following morning about day light, near the fort. The Spanish commandant, (apprised of their intentions) had posted a piquet of 18 or 20 men, who hailed the party as they approached; they immediately answered by a volley from their rifles, dispersed the Spaniards, two of whom were observed to fall.

Kemper returned on the following day, with his party, to the Bayou Sarah; he has established his head quarters near the house of a Mr. William Cobb. The following is an exact copy of a paper which is posted up at the quarters of Kemper, and at several other places through the country:

For a people to be free it is sufficient that they will it: we the undersigned, citizens of the West Florida, send these presents, greeting.

Whereas the despotism under which we have long groaned, has grown into an insupportable burthen, and as it is long since admitted, men are born with equal rights, we the undersigned inhabitants of that part of the dominion called West Florida, have resolved to throw off the galling yoke of tyranny, and become freemen, by declaring ourselves a free and independent people: and by supporting with our lives and property that declaration, and we do by these presents, invite our fellow sufferers throughout the province aforesaid, to repair to the standard to aid in the effecting our common emancipation; we pledge ourselves solemnly to each other, and to our fellow men interested in the events, to avoid as far as practicable the effusion of blood (save that of our common enemy) and in all cases shall private property be held sacred. So soon as our emancipation is effected we will offer ourselves to some Government accustomed to freedom.

Those who set up in opposition to our operations for the purposes aforesaid, will be viewed as our common enemy, the enemy of mankind and of liberty, & will be treated accordingly. Given under our hands on the south side of the line of demarcation, in the province aforesaid, this first day of Floridian Freedom, August 7th, 1804. An informant further adds, that Messrs O'Connor, Pintado and Terry were liberated, on the return of the party, who exacted their parole of honor, to take no active part against them during the continuance of the contest.

The subscribers: Having taken Thomas Finley into partnership, the business will in future be conducted under the firm of FINLEY, TAYLOR and FINLEY who will continue, as usual, in the Flour, Grocery and Liquor Business, at the store; No. 43, North Howard Street, Baltimore, Md. FINLEY & TAYLOR. May 3, 1805.