

AMERICAN,
AND
Commercial Daily Advertiser.

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THURSDAY, DECEMBER 27 1804.

Captain —'s excuse for not fighting a
Duel.

What! you're afraid then?—yes; I am; you're
right,
I am afraid to sin, but not to fight.
My Country claims my service; but no law
Bids me in folly's cause, my sword to draw.
I fear not Man nor devil, but, tho' odd,
I'm not ashamed to own, I fear my God.



(By Authority.)

RESOLUTION expressive of the sense
of Congress of the gallant conduct of
captain Stephen Decatur, the officers
and crew of the United States ketch
Intrepid, in attacking in the harbour
of Tripoli and destroying a Tripolitan
frigate of forty four guns.

Resolved by the Senate and House of
Representatives of the United States of
America in Congress assembled, That the
President of the United States be re-
quested to present in the house of Con-
gress, to captain Stephen Decatur, a
Sword, and to each of the officers and
crew of the United States ketch Intre-
pid, two months pay, as a testimony of
the high sense entertained by Congress
of the gallantry, good conduct, and ser-
vices of captain Decatur, the officers and
crew of the said ketch, in attacking in
the harbor of Tripoli, and destroying a
Tripolitan frigate of forty four guns.

NATHL MAON.
Speaker of the House of Representatives
A BURR
Vice-President of the United States, and
President of the Senate.
November 27, 1804.

TH: JEFFERSON.

Congress

OF THE

United States of America.

HOUSE OF REPRESENTATIVES.

FRIDAY, DECEMBER 21.

Mr. Rhea (of Tennessee) moved that
the secretary of War be directed to lay
before this House a statement of the offi-
cers and privates of the several corps in
the actual service of the United States
during the years 1804 and 1805, and the
names of the posts and the numbers of
the officers and soldiers occupying the
same also a detailed statement of the
monies expended on the several fortifica-
tions, arsenals, armories, and magazines
of the United States during the aforesaid
period.

Gen. Varnum doubted whether the se-
cretary of war could give all the infor-
mation required, particularly he could not
make up returns of 1804 until some time
in 1805.

Mr. Dana did not know that there
was any military secret in the disposal
of the small military force of the United
States, but he did not think it prudent to
give a written document on this subject,
lest any nation of Indians should occasion
some trouble to a post but weakly man-
ned.

Mr. Rhea of Tennessee in answer to
general Varnum replied, that if the secre-
tary of war could not give the infor-
mation required he would say so. On the
observation of Mr Dana he replied that
in his opinion the representatives of the
nation ought to be acquainted with the
number of their troops and their respec-
tive stations.

Mr. Eastis requested the resolution
might lay on the table till Monday.

Mr. Rea of Ten. acquiesced and the
motion lies accordingly.

Mr. Eastis reported from the select
committee on the bill, regulating the
clearance of armed merchant vessels, fe-
veral amendments thereto, which being
adopted; the bill as amended was ordered
to be engrossed for a third reading on Mon-
day next.

Mr. Dana from the committee of
Claims reported against the petition of
Gilbert Dench, who prayed allowance
for depreciation sustained in 1782: that
the prayer thereof ought not to be grant-
ed.

Agreed to by the House.

Also, a bill for the relief of the legal
representatives of the late general Moses

Pasen, which was twice read and re-
ferred to a committee of the whole on
Monday next.

An engrossed bill for establishing rules
and articles for the government of the
armies of the United States, was read a
third time and passed.

Mr. J. Clay presented the petition of
Oliver Evans, stating his many and very
useful inventions for the improvement of
merchant mills and steam engines, pray-
ing an extension of his patent right to
his mill machinery, and on motion the
same was referred to the committee of
Commerce and Manufactures.

Mr. Crowningshield from the commit-
tee of Commerce and Manufactures, re-
ported a bill declaring Cambridge in
Massachusetts to be a port of delivery.

Ordered to be engrossed for a third
reading on Monday.

Another bill to authorize the collector
of the port of Philadelphia to act by an
additional deputy, was read twice and re-
ferred to a committee of the whole for
Monday.

Mr. Clopton presented a petition from
fundry British merchants and other Brit-
ish subjects, praying a tribunal to be
established for the trial of suits for small-
er sums than 500 dollars, claiming this
under the constitution and under the 4th
article of the British treaty

Referred to a select committee of five
members.

Mr. Crowningshield presented the pe-
tition of John Verrey, a fisherman from
Massachusetts, complaining of the loss
of his vessel and fish, by which he lost
the bounty money on the salt he had tak-
en out and praying relief.

Referred to the committee on the fish-
eries.

Another petition from Ezra Weston
of Massachusetts, similar to the last was
presented, and referred to the same com-
mittee.

Mr. Leib moved that a committee be
appointed to enquire into the expediency
of making provision by law to authorize
the collectors of the several ports of the
United States, to deposit for collection,
the bonds received by them for the pay-
ment of duties, in the bank of the United
States, or any of its branches, or in any
of the chartered banks of the several States.
In support of the reference he remarked
that the resolution contemplated an en-
quiry, and an important one. The bank
of the United States and its branches had
usually a deposit of the monies of the
government to the amount of between
four and five millions of dollars, that by
means of this deposit that bank was
enabled not only to hold the mercantile
interest tributary to the institution but
all the banks of the States. His object
was to equalize the benefits and not to per-
mit that institution to monopolize an
enormous profit from the treasure of the
nation. He wished to unfetter the bank
institutions generally, and he hoped the
enquiry would obtain, and he elevated the
bonds due to the United States would be
as carefully collected in the chartered
banks, which are at the same time equally
secure, as that of the United States or
any of its branches.

Mr. R Griswold recollected this subject
was suggested at a former session, and as
it had a relation to the management of
our finances he thought it would be more
proper to refer it to the committee of
ways and means—he made that motion
accordingly.

Mr. Leib did not see that the subject
necessarily appertained to the committee
of ways and means. It had no relation to
the increase or decrease of the duties on
imports; but merely to the deposit of the
bonds given by the merchants to the
collectors. His true object was to prevent
a monopoly, &c he trusted gentlemen would
not be enabled to defeat it by this mode
of reference.

Mr. R Griswold understood the motion
to relate to the deposit of the bonds,
but it would be proper to enquire into
the safety of such deposit before it was
authorized by law; and in his opinion
the committee of ways and means from
the habits of their business was as com-
petent to make the enquiry as any select
committee.

On the question it was referred to the
committee of ways and means, 51 being
in favor of such reference, and 41 against
it.

The bill from the senate for the dispo-
sition of certain copies of the laws of the
United States, went before a committee
of the whole, which having made some
amendments thereto rose and reported, and
the house having incorporated the amend-
ments into the bill it was ordered to be
read a third time on Monday.

Mr. Purviance gave notice that on the
third Monday of January he intended to
introduce a resolution giving to the
district of Columbia a durable legislature
of their own, on which the opinions of
the heads of department were to be ob-
tained.

Adjourned.

Kentucky Legislature.

HOUSE OF REPRESENTATIVES.

MONDAY, November 28.

Mr. F. Grundy, from the committee to
whom was referred the message of the
governor, respecting the resolutions of
the state of Massachusetts, made the fol-
lowing report, viz.

The committee, to whom was referred
the resolutions of Massachusetts, have
taken the same under consideration, and
have come to the following resolution
thereupon, to wit:

Resolved, That it is with regret and
unanimity that the State of Kentucky
disapprove, with the part of the state
of Massachusetts, to depart from those
principles, on which the people of the
United States became one people. We
cannot discover that the present mode of
representation, is either unjust, or injuri-
ous in its operation; and we cherish a
hope, that that spirit of conciliation which
actuated the framers of the federal con-
stitution, and the several states in the
adoption thereof, still pervades the union.
—And although at first view it might
appear that the eastern states, owing to our
present political regulations, bear a great-
er portion of our public burthens than
other states of the union, yet, when we
reflect that the consumer of all imported
articles, is charged by the seller with all
taxes which may have been imposed by
government—we shall discover that those
states where slavery is tolerated, bear
at least an equal share of all taxes arising
from imposts—and if this were not the
case, we with joy look forward to a peri-
od, not far distant, when the western
merchant actuated by a dignified spirit of
enterprise, shall vie with the eastern mer-
chant, and commerce shall extend her sails
over our western waters. It is even on
which we calculate with certainty (in
consequence of the late acquisition of
Louisiana, and the free navigation of the
river Mississippi) would equalize taxation,
were it now unequal.

We consider an harmonious union of
the states, as a subject of the first impor-
tance and are of opinion, that this object
is better secured under the present mode
of the representation, than the one con-
templated by the state of Massachusetts.
We have seen, we now feel the beneficial
effects arising from the present constitu-
tional mode and are therefore unwilling
to exchange it for that which may have
been dictated by disappointment.

Resolved also, that the senators in
congress from this state be, and they are
hereby instructed, and the representatives
of this state in congress, are also request-
ed to oppose the alteration in the federal
constitution proposed by the state of Mas-
sachusetts; and the governor of this state
is hereby requested to transmit to each
senator and representative in congress
from this state, and also to the chief
magistrate of the different states, this
expression of our opinion on the subject,
and request their concurrence in opposing
the contemplated measure.

Which being read, was ordered to lie
on the table.

EXTRACT FROM Vattel,

(ON THE RIGHTS OF NEUTRAL NATIONS.)

In what I have said above, it is suppo-
sed that my enemy goes himself to a neu-
tral country to make his purchases. Let
us now discuss another case,—that of
neutral nations resorting to my enemy's
country for commercial purposes. It is
certain, that, as they have no part in my
quarrel they are under no obligation to
renounce their commerce for the sake of
avoiding to supply my enemy with the
means of carrying on the war against me.
Should they effect to refuse selling me a
single article while at the same time they
take pains to convey an abundant supply
to my enemy, with an evident intention
to favour him,—such partial conduct
would exclude them from the neutrality
they enjoyed. But if they only continue
their customary trade, they do not thereby
declare themselves against my interest;
they only exercise a right which they are
under no obligation of sacrificing to me.

On the other hand, whenever I am at
war with a nation, both my safety and
wellie prompt me to deprive her, as far
as possible, of every thing which may
enable her to resist or injure me. In this
instance the law of necessity exerts its
full force. If that law warrants me, on
occasion to seize what belongs to other
people, will it not likewise warrant me to
intercept every thing belonging to war,
which neutral nations are carrying to my
enemy? Even if I should, by taking
such measure, render all those neutral
nations my enemies, I had better run that
hazard than suffer him who is actually at
war with me thus freely to receive sup-
plies, and collect additional strength to
oppose me. It is therefore very proper,
and perfectly conformable to the law of
nations (which disapproves of multiplying
the causes of war), not to consider those
seizures of the goods of neutral nations
as a sort of hostility.

When I have notified to them my de-
claration of war against such or such
nation, if they will afterwards expose them-
selves to risk in supplying her with things
which serve to carry on war, they will
have no reason to complain if their goods
fall into my possession, and I, on the
other hand, do not declare war against
them for having attempted to convey such
goods. They suffer indeed by a war in
which they have no concern; but they
suffer accidentally. I do not oppose their
rights: I only exert my own, and if our
rights clash with and reciprocally injure
each other, that circumstance is the effect
of inevitable necessity. Such collisions
daily happen in war. When, in pursu-
ance of my rights, I exhaust a country
from which you derived your subsistence,
—when I besiege a city with which you
carried on a profitable trade; I doubtless
injure you; I subject you to losses and
inconveniences; but it is without any
design of hurting you. I only make use
of my rights, and consequently do you no
injustice.

But that limits may be set to these
inconveniences, and that the commerce
of neutral nations may subsist in as great
a degree of freedom as is consistent with
the laws of war, there are certain rules to
be observed, on which Europe seems to
be generally agreed.

The first is, carefully to distinguish or-
dinary goods which have no relation to
war, from those that are peculiarly subser-
vient to it. Neutral nations should enjoy
perfect liberty to trade in the former;
the belligerent powers cannot with any
reason refuse it, or prevent the importa-
tion of such goods into the enemy's coun-
try: the care of their own safety, the
necessity of self defence, does not autho-
rize them to do it, since those things will
not render the enemy more formidable.
An attempt to interrupt or put a stop to
this trade would be a violation of the
rights of neutral nations, a flagrant inju-
ry to them;—necessity, as we have above
observed, being the only reason which
can authorize any restraint on their trade
and navigation to the ports of the enemy.
England and the United Provinces having
agreed, in the treaty of Whitehall, signed
on the 22d of August, 1689, to notify
to all states not at war with France, that
they would attack every ship bound to
or coming from any port of that kingdom,
and that they before-hand declared every
such ship to be a lawful prize,—Sweden
and Denmark, from whom some ships
had been taken, entered into a counter-
treaty on the 17th of March, 1693 for
the purpose of maintaining their rights
and procuring just satisfaction. And the
two maritime powers, being convinced
that the complaints of the two crowns
were well founded, did them justice.

Commodities particularly useful in war,
and the importation of which to an en-
emy is prohibited, are called contraband
goods. Such are arms, ammunition,
timber for ship-building, every kind of
naval stores horses, and even provisions,
in certain junctures, when we have hopes
of reducing the enemy by famine.

But in order to hinder the transportation
of contraband goods to an enemy, are we
only to stop and seize them, paying the
value to the owner—or have we a right to
confiscate them? Barely to stop those
goods would in general prove an ineffectual
mode, especially at sea, where there is no
possibility of entirely cutting off all access
to the enemy's harbors. Recourse is
therefore had to the expedient of confisca-
ting all contraband goods that we can
seize on, in order that the fear of loss
may operate as a check on the avidity of
gain, and deter the merchants of neutral
countries from supplying the enemy with
such commodities. And indeed it is an
object of such high importance to a nation
at war to prevent, as far as possible, the
enemy's being supplied with such articles
as will add to his strength and render him
more dangerous, that necessity and the
care of her own welfare and safety autho-
rize her to take effectual methods for that
purpose, and to declare that all commodi-
ties of that nature, defined for the enemy,
shall be considered as lawful prize. On
this account the notices to the neutral
states her declaration of war; whereupon,
the latter usually give orders to their
subjects to refrain from all contraband
commerce with the nations at war, de-
claring that if they are captured in carry-
ing on such trade, the sovereign will pro-
tect them. This rule is the point where
the general custom of Europe seems at
present fixed, after a number of variations,
as will appear from the note of Grocius
which we have just quoted, and particu-
larly from the ordinances of the kings of
France, in the years 1543 and 1584, which
only allow the French to seize contraband
goods, and to keep them on paying the
value. The modern usage is certainly
the most agreeable to the mutual duties
of nations, and the best calculated to
reconcile their respective rights. The
nation at war is highly interested in de-
priving the enemy of all foreign assistance;
and this circumstance gives her a right to
confiscate all those, if not absolutely as
enemies, at least as people that feel
very little scruple to injure her, who
carry to her enemy the article which he
stands in need for the support of the war:
she therefore punishes them by the confisca-
tion of their goods. Should their
sovereign undertake to protect them, such
conduct would be tantamount to his fur-
nishing the enemy with those succors him-
self:—a measure which was undoubtedly
inconsistent with neutrality. When a
nation, without any other motive than
the prospect of gain, is employed in
strengthening my enemy, and regardless
of the irreparable evil which she may
thereby entail upon me, she is certainly
not my friend, and gives me a right to
consider and treat her as an associate of
my enemy. In order, therefore, to avoid
perpetual subjects of complaint and rup-
ture, it has, in perfect conformity to
found principles, been agreed that the
belligerent powers may seize and confiscate
all contraband goods which neutral persons
shall attempt to carry to their enemy,
without any complaint from the sovereign
of those merchants; and, on the other
hand, the power of war does not impute
to the neutral sovereigns these practices
of their subjects. Care is even taken to
settle every particular of this kind in
treaties of commerce and navigation.

We cannot prevent the conveyance of
contraband goods, without searching
neutral vessels that we meet at sea; we
have therefore a right to search them.
Some powerful nations have indeed, at dif-
ferent times, refused to submit to this

search. After the peace of Vervins,
Queen Elizabeth, continuing the war
against Spain, requested permission of the
king of France to cause all French ships
bound for Spain to be searched in order
to discover whether they secretly carried
any military stores to that country; but
this was refused, as an injury to trade,
and a favorable occasion for pillage.
At present a neutral ship refusing to be
searched, would from that proceeding alone
be condemned as a lawful prize. But to
avoid inconveniences, oppression and every
other abuse, the manner of the search is
settled in the treaties of navigation and
commerce. It is the established custom
at present to give full credit to the certi-
ficates, bills of lading, &c. produced by
the master of the ship, unless any fraud
appear in them or there be good reasons
for suspecting it.

If we find an enemy's effects on board a
neutral ship, we seize them by the rights
of war; but we are naturally bound to
pay the freight to the master of the vessel
who is not to suffer by such seizure.

The effects of neutrals, found in an
enemy's ship, are to be restored to the
owners, against whom there is no right of
confiscation—but without any allowance
for d-tainer, decay &c. The loss sus-
tained by the neutrals on this occasion is
an accident to which they expose them-
selves by embarking their property in an
enemy's ship; and the captor, in exercising
the rights of war, is not responsible for
the accidents which may thence result,
any more than if his cannon kills a neutral
passenger who happens unfortunately to
be on board an enemy's vessel.

Hitherto we have considered the com-
merce of neutral nations with the territo-
ries of the enemy in general. There is a
particular case in which the rights of war
extend still farther. All commerce with a
besieged town is absolutely prohibited. If
I lay siege to a place, or even simply
blockade it, I have a right to hinder any
one from entering, and to treat as an en-
emy whosoever attempts to enter the place
or carry any thing to the besieged, with-
out my leave; for he opposes my under-
taking, and may contribute to the suc-
cess of it, and thus involve me in all the
misfortunes of an unsuccessful war, King
Demetrius hanged up the master and pilot
of a vessel carrying provisions to Athens
at a time when he was on the point of
reducing that city by famine. In the
long and bloody war carried on by the
United Provinces against Spain for the
recovery of their liberties, they would not
suffer the English to carry goods to Dun-
kirk, before which the Dutch fleet lay.

A neutral nation professes, towards
both the belligerent powers, the several
relations which nature has instituted be-
tween nations. She ought to show her-
self ready to render the every office of
humanity reciprocally due from one na-
tion to another: she ought, in every thing
not directly relating to war, to give them
all the assistance in their power, and of
which they may stand in need. Such as-
sistance, however, must be given with
impartiality; that is to say, she must not
refuse any thing to one of the parties on
account of his being at war with the other.
But this is no reason why a neutral state,
under particular connections of friendship
and good neighbourhood with one of the
belligerent powers may not, in every thing
that is unconnected with war, grant him
all those preferences which are due to
friends; much less does she afford any
grounds of exception to her conduct, if
in commerce, for instance, she continues
to allow him such indulgences as have been
stipulated in her treaties with him. She
ought therefore, as far as the public wel-
fare will permit, equally to allow the sub-
jects of both parties to visit her territories
on business, and there to purchase provi-
sions, horses, and in general, every thing
they stand in need of—unless she has, by
a treaty of neutrality promised to refuse
to both parties such articles as are used in
war. Amidst all the wars which disturb
Europe, the Switzers preserve their terri-
tories in a state of neutrality. Every nation
indiscriminately is allowed free ac-
cess, for the purchase of provisions if the
country has a surplus, and for that of hor-
ses, ammunition and arms.

From the NATIONAL LEGIS.

BOOK OF THE FEDERALITES.

CHAPTER II.

I And it came to pass after these
things, when all the people in the land of
Massachusetts and all the land of Colum-
bia, had heard these things, that the Fe-
deralites mourned many days with a great
mourning.

II. And the writings of the Federalites
were filled with great sorrows; for they
perceived their friends were defeated in all
their cunning.

III. For the Federalites were fallen
into the pit, which they had digged for
the Republicans: for it is written, he
that diggeth a pit, shall surely fall therein.

IV. And it came to pass that many,
who fought with the Federalites in the
great battle, when they had heard these
mighty things which were done in the land
of Massachusetts,

V. That they said, how have we been
deceived by these men, now let us turn
from our evil ways and the deceiver who
deceived us.

VI. For they have fair words in their
mouths but the poison of asps is under
their tongues.

VII. But some of the seditious Federal-
ites said, for it is against the laws of the
Federalites that any man should speak a