consequence. It is supposed to have been judiciously declared, in general, that a voyage undertaken for the purpose of bringing into the United States the produce of the belligerent colonies purchased by American citizens, shall, if it appears to be intended that this produce shall ultimately go on to Europe, and an attempt is actually made to re-export and send it thither, be considered, on account of that intention, as a direct voyage to Europe, and therefore illegal, notwithstanding any temporary interruption or termination of it in the United States.

Your memorialists will not here stop to enquire, upon what ground of law or reason the same act is held to be legal, when commenced with one intention, and illegal when undertaken with another; but they object in the strongest terms against this new criterion of legality, because of its inevitable tendency to injustice, because of its peculiar capacity to embarrass with seizure, and to ruin with confiscation, the whole of our trade with Europe in the surplus of our colonial importations. The enquiry which the late system indicated was short and simple, and precluded error on all sides; but the new refinement substitutes in its place a vast field of speculation, overshadowed with doubt and uncertainty, and of which the faint and shifting boundaries can never be distinctly known. Intention as to the object of our colonial voyages may be inferred from numerous circumstances more or less conclusive. To anticipate them all is obviously impracticable, and of course to guard against the inferences in this respect, which British captors and British courts may be disposed to draw, will be impossible. Our property is, therefore, menaced by a great and formidable danger, which there are no means of eluding; for, even if it should chance to escape the condemnation which this pernicious novelty prepares for it, the wound inflicted upon our commerce, by arrestations on suspicion and detentions for adjudication, will be deep and fatal. The ports of our merchants will be checked and discouraged by more than ordinary inquisitions; our best concerted enterprizes broken up, without the hope of retribution, or even reimbursement for actual costs, upon the footing of an intention arbitrarily imputed; and the only alternative which will be presented to our choice, will be either to refrain at once from a traffic, which enriches our country, while it benefits ourselves, or to see it wasted and in the end destroyed by a noxious scheme of maritime depredation.

Your memorialists are the more alarmed by this departure from a plain and settled rule, in favor of a pliant and mysterious doctrine, so eminently suited to the accomplishment of the worst purposes of commercial jealousy, because the injurious and vexatious qualities of the substituted rule must have been known to those who introduced it, and because, if these qualities did not recommend it to adoption, it is difficult to conceive why it was adopted at all. If it is meant that our trade to Europe shall, notwithstanding this rule, be allowed to continue without being subjected to extraordinary difficulties, operating as actual reductions and mischievous restraints; if it is meant that a few facts, known and comprehended, shall, as heretofore, form a standard by which the lawfulness of our European voyages may be unequivocally ascertained; if a wide range has not been designed for the enquiry after intention, and a real effect expected from that enquiry; if, in a word, the late regulation has not been supposed to be capable of bearing upon our trade in a manner new and important, we should hardly have now been called upon to remonstrate against a change. It is not pretended that the rule, now enforced against us, is levelled against any practice, to which we may be supposed to have lent ourselves, of disguising as our own the property of the enemies of Great Britain. That is not its object; and, if it were, we are enabled to assert, solemnly and confidently, that our conduct has afforded no ground for the injurious suspicion which such an object would imply. The view is professedly to regulate and affect our traffic in articles fairly purchased by us from others—and if the consequences of that traffic were not intended to be serious, extensive and permanent, your memorialists search in vain for the motive, by which a state in amity with our own, and moreover connected with it by the ties of a common interest to which many considerations seem to give peculiar strength, has been induced to indulge in a paroxysm of capricious aggression upon our rights, by which it dishonors itself, without promoting any of those great interests, for which an enlightened nation may fairly be solicitous, and which only a steady regard for justice can ultimately secure. When we see a powerful state, in possession of a commerce of which the world affords no examples, endeavouring to interpolate into the laws of nations casuistical niceties, and wayward distinctions, which forbid a citizen of another independent commercial country, to export from that country, what unquestionably belongs to him, only because he imported himself; and yet allow him to sell a right of exporting it to another—which prohibit an end, because it arises out of one intention, but permit it, when it arises out of *two*—which, dividing an act into stages, search into the mind for a correspondent division of it in the contemplation of its author, and determine its innocence or criminality accordingly—which, not denying that the property acquired in an authorized traffic by neutral nations from belligerents may become incorporated into the national stock, and under the shelter of its neutral character, thus superintended and still preserved, be afterwards transported to every quarter of the globe—reject the only epoch which can distinctly mark that corporation, and point out none other in its place—which proposing to fix with accuracy and precision the line of demarkation, beyond which neutrals are trespassers upon the wide domain of belligerent rights, involve every thing in darkness and confusion; there can be but one opinion as to the purpose which all this is to accomplish.

Your memorialists have endeavoured with all that attention, which their natural anxiety was calculated to produce, to ascertain the various shapes which the doctrine in question is likely to assume in practice, but they have found it impossible to conjecture, in what way consistently with this doctrine, the excess of our imports from the belligerent colonies, can find their way to foreign markets. The landing of the cargo, and a compliance with all the forms and sanctions upon which our revenue depends, will not so terminate the voyage from the colonies, as that the articles may be immediately re-exported to Europe, by the original importer, but if they cannot be exported immediately, what lapse of time will give them a title to be sent abroad? and if not by the original importer, how is he to devolve upon another, a power which he has not himself? and if by a sale he can communicate the power, by what evidence is the transfer to be manifested, so as to furnish an answer to the ready accusation of fraud and evasion?

In proportion as this doctrine has developed itself, it has been found necessary to invent plausable qualifications, tending to conceal its real character from observation. It has accordingly been surmised that, notwithstanding the obstacles which it provides against the re-exportation of a colonial cargo by the importer, such a re-exportation may perhaps be lawful. Attempts on his part to sell in the U. S. without effect, (which must often happen) may, it is supposed, be sufficient to save him from the peril of the rule: but admitting it to be certain, instead of being barely possible, that these attempts would form any thing like security against final condemnation, it is still most material to ask, how they are to afford protection against seizure, by what document they can be proved to the satisfaction of those to whom interest suggests doubts, and whom impunity encourages to act upon them? The formal transactions of the custom-house once deserted as a criterion, the cargo must be followed through private transfers, into the warehouses of individual merchants; and, when proofs have been prepared with the utmost regularity, to establish those transfers, or the other facts which may be deemed to be equivalent, they are still liable to be suspectable, and will be suspected, as curious and colorable, and capture will be the consequence.

For the loss and damage which capture bring along with it, British courts of prize grant no adequate indemnity. Redress to any extent is difficult—to a competent extent impossible; and even the costs which an iniquitous seizure compels a neutral merchant to incur in the defence of his violated rights, before their own tribunals, are seldom decreed and never paid.

Your memorialists have thus far complained only of the recent abandonment, by Great Britain, of a known rule, by which the oppressive character of an important principle of her maritime code, has, theretofore been greatly mitigated. But they now beg leave to enter their solemn protest against the principle itself, as an arbitrary and unfounded pretension, by which the just liberty of neutral commerce is impaired and abridged, and may be wholly destroyed.

The reasons upon which Great Britain assumes to herself a right to interdict to the independent nations of the earth, a commercial intercourse with the colonies of her enemies (out of the relaxation of which pretended right has arisen the distinction, in her courts between an American trade, from the colonies of the United States, and from the same colonies to Europe) will, we are confidently persuaded, be repelled with effect and firmness by our government.

It is said by the advocates of this high belligerent claim, that neutral nations have no right to carry on with either of the parties at war, any other trade than they have actually enjoyed in time of peace. This position forms the basis, upon which Great Britain has heretofore, rested her supposed title, to prevent altogether, or to modify, at her discretion, the interposition of neutrals in the colony trade of her adversaries.

But if we are called upon to admit the truth of this position, it seems reasonable that the converse of it should also be admitted; that war should not be allowed to disturb the customary trade of neutrals in peace—that the peace-traffic should in every view be held to be the measure of the war-traffic—and that as on the one hand, there can be no enlargement, on the other, there shall be no restriction. What, however, is the fact? The first moment of hostilities annihilates the commerce of the nations at peace, in articles deemed contraband of war—the property of the belligerents can no longer be carried in neutral ships; they are subject to visitation on the high seas; to harrassing and vexatious search; to detention for judicial enquiry; and to the peril of unjust confiscation. They are shut out from their usual markets, not only by military enterprizes against particular places, carried on with a view to their reduction, but by a vast system of blockade, affecting and closing up the entire ports of a whole nation. Such have, been, the recent effects of an European war upon the trade of this neutral country; and the prospect of the future affords no consolation for the past. The triumphant fleets of one of the contending powers cover the ocean; the navy of her enemies has fallen before her; the communication by sea with France and Spain, and Holland, seems to depend upon her will, and she asserts a right to destroy it at her pleasure. She forbids us from transporting (in our vessels) as in peace we could, the property of her enemies; enforces, against us, a rigorous list of contraband; dams up the great channels of our ordinary trade; abridges, trammels and obstructs what she permits us to prosecute; and then refers us to our *accustomed traffic in time of peace* for the criterion of our commercial rights, in order to justify the consummation of that ruin, with which our lawful commerce is menaced by her maxims and her conduct.

This principle, therefore, cannot be a sound one. It wants uniformity and consistency; is partial, unequal and delusive. It makes every thing bend to the right of war, while it affects to look back to, and to recognize the state of things in peace as the foundation and the measure of the rights of neutrals. Professing to respect the established and habitual trade of the nations at peace, it affords no shadow of security for any part of it. Professing to be an equitable standard for the ascertainment of neutral rights, it deprives them of all body and substance, and leaves them only a plausible and unreal appearance of magnitude and importance. It delivers them over, in a word, to the mercy of the states at war, as objects of legitimate hostility; and while it seems to define, does in fact extinguish them. Such is the faithful picture of the theory and practical operation of this doctrine.

But, independent of the considerations, thus arising out of the immediate interference of belligerent rights, and belligerent conduct, with the freedom of neutral trade; by which the fallacy of the appeal, to the precise state of our peace-trade, as limiting the nature and extent of our trade in war, is sufficiently manifested; there are other considerations, which satisfactorily prove the utter inadmissibility of this principle.

It is impossible that war among the primary powers of Europe, should not, in an endless variety of shapes, materially affect the whole civilized world. Its operation upon the prices of labor and commodities, upon the value of money, upon exchange, upon the rates of freight and insurance, is great and important. But it does much more than all this. It imposes upon commerce, in the gross and in its details, a new character; gives to it a new direction; and places it upon new foundations. It abolishes one class of demands, creates or revives others; and diminishes or augments the rest—and, while the wants of mankind are infinitely varied, by its powerful agency, both in object and degree; the modes and sources of supply, and the means of payment, are infinitely varied also.

To prescribe to neutral trade, thus irresistibly influenced, and changed, and moulded by this imperious agent, a fixed and unalterable station, would be to say, that it shall remain the same, when not to vary is impossible; and to require, since change is unavoidable, that it shall submit to the ruinous retrenchments and modifications, which war produces, and yet refrain from indemnifying itself by the fair advantages, which war offers to it as an equivalent, cannot be warranted by any rule of reason or equity, or by any law, to which the great community of nations owes respect and obedience.

When we examine the conduct of the maritime powers of Europe, in all the wars in which they have been engaged for upwards of a century, we find, that each of them has, occasionally departed from its schemes of colonial monopoly; relaxed its navigation laws; and otherwise admitted neutrals, for a longer or shorter space, as circumstances required, to modes of trade, from which they were generally excluded. This universal practice; this constant and invariable usage, for a long series of years, would seem to have established, among the European states, a sort of customary law upon the subject of it, from which no single power could be at liberty to depart, in search of a questionable theory, at a variance with it. Great Britain is known to suspend, in war, and on account of war, her famous act of navigation, to which she is supposed to owe her maritime greatness, and which, as the palladium of her power, she holds inviolable in peace;—and her colonies are frequently thrown open, and neutrals invited to supply them, when she cannot supply them herself. She makes treaties in the midst of war, (she made such a treaty with us) by which neutrals are received into a participation of an extensive traffic, to which before they had no title. And can she be suffered to object, that the same, or analogous acts, are unlawful in her enemies; or that when neutrals avail themselves of similar concessions made by her opponents, they are guilty or liable to punishment, as for a criminal intrusion into an irregular and prohibited commerce?

The weight of this consideration has been felt by the advocates of this doctrine, and it has, accordingly, been attempted to evade it by a distinction, which admits the legality of all such relaxations in war, of the general, commercial, or colonial systems of the belligerents, as do not arise out of the predominance of the enemy's force, or out of any necessity resulting from it. It is apparent, however, that such relaxations, whether dictated by the actual ascertained predominance of the enemy's force or not, do arise out of the state of war, and are almost universally produced and compelled by it—that they are intended as reliefs against evils, which war has brought along with it; and that the opposite belligerent has just as much right to insist that these evils shall not be removed by neutral aid or interposition, as if they were produced by the general preponderance of her own power, upon the land, or upon the sea, or by the general success of her arms. In the one case as completely as in the other, the interference of the neutral lightens the pressure of war; increases the capacity to bear its calamities, or the power to inflict them; and supplies the means of comfort and of strength. In both cases, the practical effect is the same, and the legal consequence should be the same also. But whence are we to derive the conclusion of fact, upon which this extraordinary distinction is made to turn? How are we to determine, with precision and certainty, the exact cause, which opens to us the ports of a nation at war, to analize the various circumstances, of which, perhaps, the concession may be the combined effect; and to assign to each the just portion of influence, to which it has a claim?

How easy it is to deceive ourselves on a subject of this kind—Great Britain will herself instruct us by a recent example. Her courts of prize have insisted that during the war, which ended in the peace of Amiens, France was compelled to open the ports of her colonies, by a necessity created and imposed by the naval prowess of her enemies; and yet these ports were opened in February seventeen hundred and ninety-three when France and her maritime adversaries had not measured their strengths in a single conflict; when no naval enterprize had been undertaken by the latter, far less crowned with success; when the fleets were not even entered, and when the superiority afterwards acquired by Great Britain in particular, was yet a problem; when the spirit of the French nation and government was lifted up to an unexampled height by the enthusiasm of the day, and by the splendid achievements by which their armies had recently conquered Savoy, the county of Nice, Worms and other places upon the Rhine—the Austrian Low Countries and Liege. It would seem, to be next to impossible to contend that a concession made by France to neutrals, on the subject of her colony trade, at such a period of exultation and triumph, was "compelled by the prevalence of British arms*;" that it was "the fruit of British victories," or the result of "British conquest;" that it "arose out of the predominance of the enemy's force;" that it was produced by "that sort of necessity which springs from the impossibility of otherwise providing against the urgency of distress, inflicted by the hand of a superior enemy;" and, that "it was a signal of defeat and depression!" It would seem to be impossible to say of a traffic, so derived, "That it *could* obtain, or *did* obtain, by no other title than the success of the one belligerent against the other, and at the expence of that very belligerent, under whose success the neutral acts up his title." Yet all these things have been solemnly said and maintained; and have even been made the foundation of acts by which the property of our citizens has been wrested from their hands. It cannot be believed, that the laws of nations have entrusted to a belligerent, the power of harrassing the trade, and confiscating the ships and merchandize, of peaceable and friendly nations, upon ground so vague, so indefinite and equivocal. Of all law, *certainty* is the best feature; and no rule can be otherwise than unjust and despotic, of which the sense and the application are and must be ambiguous. A *siege or blockade* presents an intelligible standard, by which it may always be known, that no lawful trade can be carried on with the places against which either has been instituted; but the suggestions upon which this new belligerent encroachment, having all the effect of a siege or blockade, is founded, are absolutely incapable of a distinct form, either for the purpose of warning to neutrals, or as the basis of a judicial sentence. The neutral merchant finds, that in fact, the colonial ports of the parties to the war are thrown open to him, by the powers to which they belong; and he sees no hostile squadron to shut them against him. Is he to pause and stop before he ventures to exercise his natural right to trade with those who are willing to trade with him, until he has enquired and determined *why* these ports have been thus made free to receive him? To such a complicated and delicate discussion, no nation has a right to call him. It is enough that an actual blockade can be set on foot to close these ports; and that they may be made the objects of the direct efforts, for conquest or occlusion, if the enemy's force is in truth so entirely predominant, as it is pretended to be; and if it is not predominant to that point, and to that extent, there can be no cause for ascribing to it an effect to which it is physically incompetent, or for allowing it to do that constructively, which it cannot do and has not done actually. The pernicious qualities of this doctrine are enhanced and aggravated, as from its nature might be expected, by the fact, that Great Britain gives no notice of the time when, or the circumstances in which she means to apply and enforce it.

(To be Continued.)

* *Sir William Scot, in the Emmanuel.*

SHERIFFALTY.

HENRY TRAPNALL begs leave to inform his friends, and the voters of the city and county of Baltimore, generally, that he still continues to offer himself a candidate for the office of Sheriff; and he again respectfully solicits their friendship—and suffrage at the ensuing election.

James River Tobacco & Cotton.

32 hhds. prime James River TOBACCO
19 bales COTTON
For sale by
ARMSTRONG & DUNN.
February 3 d4t

Lisbon Wine.

15 pipes London particular dry white Lisbon Wine, of an excellent quality.
Also on hand,
10 pipes particular Teneriffe Wine
30 casks Linseed Oil, entitled to debenture,
For sale, apply to
JOHN RANDALL,
95, Bowly's wharf.
February 3 d4t

Imported

And for sale by the Subscriber,
350 boxes and 15 hhds. of Newfoundland Codfish, of the first quality, and in prime shipping order.
Holland Duck AA. L. AB. A, &c.
Raven Duck.
MARK PRINGLE.
February 3 d4t

Positively the Last Week

OF the exhibition of the instructive and amusing *Model of Jerusalem*, at Market space, No. 5, open from 10 A. M. till 9 at night. Admittance 25 cents—Children half price.
February 3 d4t

Wessels & Primavesi,

127, MARKET-STREET,
Have imported per the ship Industry, from Amsterdam, and the North America from Varel,
10 pipes best Holland Gin
1 box Haarlem Checks and Stripes
100 Redcoats
1 case fine Cambricks
3 boxes Holland Quills, assorted Sizes
200 doz. bottles Haarlem Oil
25 kegs White Lead in Oil
12 do. yellow Ochre do.
25 common Gin cases
32 kegs new Dutch Herrings
1 bale fine red Turkey Yarn
6 pair Cologne Mill-Stones
2 boxes Listados
4 boxes Bretagnes,
Also, on hand entitled to drawback,
3 boxes Diaper
1 box fine Bowlas
68 boxes German Window Glass, 10 by 12
7 boxes white Osnaburgs
2 do. white Rolls
6 do. brown Hempen, and
3 bales brown Rolls
Cress à la Mortaix; white and brown Fitillas; Holandas, &c. Silk Cords & Ribbonds; *French, Brussels and German Lace, &c. &c.*
Which they offer for sale on the usual credit, for approved paper, or in barter for tobacco.
February 3 d3t