zamerican,

Commercial Daily Advertiser.

PRINTED ST. PUBLISHED BY W. PECHIN, [Printer of the Laws of the Union.]

Daily Paper 37 and Country Paper 85 per ann All advertisements appear in both Papers.

PRIDAY, FEBRUARY 20, 1807.

FOREIGN AFFAIRS

Addressed by His Excellency the Minister of France to the Senute of Hamburg, on the 24th. of November, 1806.

" The undersigned, minister plenipotentiary of the Emperor of the French and King of Italy, near the States of Lower Saxony, has received the order of his sovereign, to make known to the Senate of the city of Hamburg, that

" England, not admitting the law o nations, as practised by every civilized people; making prisoners of war of individuals, who do not belong to the military; taking and confiscating private property; blockading places which lawfully cannot be blockaded, as well as commercial towns not fortified, bays, and the mouths of rivers, declaring in a state of blockade, places that are not so, and that Nature itself has rendered it impossible to blockade.

"France has been placed under the necessity of taking against the British Islands, the subjects of England, their property of every kind, that may be found in the territories, cities and herhours, which are, or shall be, occupied by the French annies; against the vessels that may come from the British Islands or Colonies, and that may enter these hárbours, as well as against those that may attempt to leave the said harbours to repair to those of Great Bri. tain, the same measures, which England has sanctioned by her maritime code.

" I hat, in consequence thereof, His Majesty the Emperor and King, has declared the British Islands in a state or blockude; and with regard to English subjects, their property, and the vessels that may come from the Britishilslands or noncessions orthat may attempt to repair thither, has ordained measures to be taken, that are justified by the right of a natural desence.

not having been induced to this step by attack and defence of that place, during the interest of France only, but having also the intention, and considering it his dety, to preserve the continent from the missortune with which it is menaced, as the violences, practised by England, are evidently designed to destroy the intercourse of nations, and to establish her industry and her commerce on the ruins of the industry and commerce of the continent; whence it-results, that every person, who trades on the continent in English merchandize, seconds the views of England, and ought to be considered as her accomplice.

"A great portion of the inhabitants of the city of Hamburg, being in this predicament, and notoriously attached to England, his majesty the emperor and king, with regret, sees himself compelled to cause possession to be taken of this city, and to crdain the execution of measures required by the principles above revited; measures that the under. Orleans to Maine, inclusive, entitled to signed is directed to nouly in the following manner.

Art I. All English merchandizes that may be found in the city, in the harbour, or on the territory of Hamburg, no matter to whom they may belong, (n'importe a qui elles appartiennent) shall be confiscated:

4 II. All the English, or English sub. jects that may be found in the city, the harbour, or on the said territory, shall be prisoners of war.

" III. All moveable, or fixed property belonging to the English, or English subjects in the city of Hamburg, its har

bour or territory, shall be confiscated. "IV. No vessel coming from England, or that may have touched there, can enter the said port, or approach the said city's

"V. Any ressel that, by means of a false declaration, shall attempt to leave the said harbour and city to repair to

Lingland, shall be confiscated. "VI. No English courier, ner mail of English letters shall be received in the city, harbor, or territory of Hamburg, por even permitted to pass.

"The undersigned, has the honor to renew-to the Senate, the assurances of his high consideration.

BOURRIENNE. " A similar Note has been sent to the Senate of the Cities of Bremen and Lu-

---MESSAGE.

From the president of the U. States. Communicating information of the effect of gun busts in the protection and desence of harbors; of the numbers thought necessary, and of the proposed distribution of them, among the ports and barbors of the United States, in commiliance with a resolution of the House. the characteristics

Hoes of the U. States. enmpliance with the recidest of the

House of Representatives, expressed in their resolution of the fifth inst. I pruweed to give such information, as is pos. sessed, of the effect of gun boats in the protection and desence of harbors, of the numbers thought necessary, and of the proposed distribution of them, andng

the ports and harbors of the U. States. Under present circumstances, and governed by the intentions of the legislature, as manifested by their annual uppropriations of money for the purposes of defence, it has been con luded to combine. 1st, land hatteries, furnished with heavy cannon and ortars, and established on all the points around the place favorable for preventing vessels from lying before it; 2d, moveable artillery, which may be carried, as occasion may require, to points upprovided with fixed bateries, ; 3d, floating batteries; and 4th, gun boats, which may oppose an enemy at his entrance, and co-operate with the batteries for his expulsion.

On this subject professional men were consulted as far as we had opportunity. Gen. Wilkinson, and the late Gen, Gates, gave their opinions in writing, in favor of the system, as will be seen by their letters now communicated. The higher officers of the navy gave the same opinion, in separate conserences, as their presence at the seat of government offered occasions of consulting them, and no difference of judgment appeared on the subject. Those of consmodore Barron and capt. Tingey, now here, are recently furnished in writing. and transmitted herewith to the legis-

The efficacy of gun boats, for the defence of harbors, and of other smooth and inclosed waters, may be estimated, in part, from that of gallies, formerly much used, but less powerful, more costly in their construction and mainten nce. and requiring more men. But the gun boat itself, is believed to be in use with every modern maritime nation for the purposes of defence. In the Mediterrangan, on which are several small powers. whose system, like ours, is peace and defence, few harbors are without this article of protection. Our own experience there of the effect of gun-boats, for harbor service, is recent. Algiers is particularly known to have owed to a great provision of these vessels, the safe. ty of its city, since the epoch of their construction. Before that, it had been repeatedly insulted and injured. The ef. fect of gun boats, at present, in the neigh. borhood of Gibraltar, is well known, and " His Majusty the emperor and king how much they were used, both in the a former war. The extensive resort to them, by the two greatest naval powers in the world, on an enterprize of invasion not long since in prospect, shews their confidenc in their efficacy, for the purposes for which they are -uited. By the northern powers of Europe, whose seas are particularly adapted to them. they are still more used. The remarkable action, between the Russian flotilla of gun boats and gallies, and a Turkish fleet of ships of the line and frigates, in the Liman sea, (in one thousand seven hundred and eight,) will be readily recollect. ed. The latter, commanded by their most cellebrated admiral, were complete. 'ly defeated and several of their ships of the line destroyed.

From the opinions given, as to the number of gun boats necessary for some of the principal sea ports, and from view of all the towns and perts, from protection, in proportion to their situa tion and circumstances, it is concluded that, to give them a due measure of protection in times of war, about two hundred gunboats will be requisite. According to first ideas, the following would be their general distribution; liable to be varied, on more mature examination, and as circumstances shall vary; that is to

To the Mississippi and its neighboring waters, forty gun boats.

To Savannah and Charleston, and the harbors on each side, from Saint Mary's to Currituck, twenty-five.

To the Chesapeake, and its waters,

To Delaware bay and river, fifteen. To New-York, the Sound, and waters

as far as Cape Cod, fifty. To Boston and the harbors north of Cope Cod, fifty.

The Botillas assigned to these several stations might each be under the state of a particular commandant, and the vessels composing them would, in ordi mary, be distributed among the harbors within the station, in proportion to their importance.

Of these boats, a proper proportion would be of the larger size, such as those heretolore built, capable of navigating any seas and of reinforcing occasionally the strength even of the most distant ports, when menaced with danger. The residue would be sonfined to their. own, or the neighboring harbors, would be smaller, less furnished for accommodetion, and consequently less costly. ()f the number supposed necessary, seventy three are built or building, and the hundred and twenty saven will to be provided, would cost from five to six hundred thousand dollars. Having regard to the convenience of the treasury, as well as to the resources for building, it has been thought that the one half these might oe built in the present year, and the other half the next. With

legislature, however, it will rest to stop where we are, or at any further point, when they shall be of opinion that the number provided shall be sufficent for the object.

At the time when Europe, as well as the United States shall be at peace, it would not be proposed that more than six or eight of these versels should be kept a. float. When Europe is in war, treble that number might be necessary, to be distributed among those particular harbors which foreign vessels of war are in the habit of frequenting, for the purpose of preser ing order therein. But they would be manned in-ordinary, with only their complement for navigation, relying on the seamen and militia of the port, if called into action, on any sudden emergenry. It would be only when the U. States should themselves be at war tha! the whole number would be brought into active service, and would be ready in the first moments of the war, to co-operate, with other means, for covering at once the line of our sea ports. At all times those unemployed, would be withdrawn into places not exposed to sudden enterprise hauled up under sheds covered from the sun and weather, and kept in preservation with little expense for repairs or main-

It must be superfluous to observe, that this species of naval armament is proposed merely for defensive operations; that it den have but little effect towards protecting, our commerce in the open seas, even on our own coast; and still less can it become an excitement to engage in offensive maritime war, towards which it would furnish no means.

TH: JEFFERSON. February 10, 1807.

Extrast of a letter from Gen. Horatio Gates, to Thomas Jefferson, esquire, dated Ottober 19,

DEAR SIS. I am charmed with your instituting gunboats, for I believe them to be the properest defence for large harbors that has been hitherto imagined; these, co-operating with small batteries of heavy guns upon the projecting heights near the water, are much better, and infinitely less expensive than fixed and large fortifications. The French, who are the bell judges of artillers and engineering of any nation in Europe, adopt this plan of defending their harbors : the effects of it are too well known in England. 1 know not if you have seen a publication which appeared in Paris in May 1802, entitled lettres d'un observateur sur la marine, it is well worth your perusal; much useful information may be derived from it for the defence of our harbors and our attonishingly increating commerce; a paltry frigate dare not then infult us, as has been and now is done in the harbor of N. Y.

The remainder of the documents referred to in the president's message, shall be given tomorrow, if room will permit.]

WASHINGTON CITY, Feb. 18. Supreme Court of the United States.

On Monday Messrs. Bollman and Sw. steveut were brought before the Court by virtue of a writ of Habeas Corpus

Mr. Lee made an argument of three hours and an half, in order to prove the illegality, of the commitment of the Circuit Court; to prove that there was probable cause that the prisoners had bee guilty of treason; that there was no proof of their having committed any offence; and that they consequently ought to be altogether liberated, or at least admitted

to bail. Mr. F. Key followed on the same side, in a speech of about an hour, when the court ad journed about half past 4 o'clock.

On Tuesday the court met at 10 A. M. The attorney General, Mr. Rodney, spoke against the motion about two

He was followed by Mr. Jones, the attorney of the district, who delivered an argument of about the same length.

Mr. Harper then spoke in support of the motion about one hour and a half. When the court adjourned about 4 o'clock.

The argument will be closed this day by Mr. Martin.

American,

Commercial Daily Advertiser.

FRIDAY, FEBRUARY 20, 1807.

Extract of a letter from our correspondent at Waisimton, dated February 18, 1807.

I have great pleasure in informing you that government has just received from the acting goversor of the Miffifippi territory, a letten, dated January 19, which fixtes that, on the preceding day, Aaron Burr was committed to the cullody of the civil authority. Thus by the vigilance of the administration has been effectually crushed a conspiracy of a med daring character, conducted by a man, who, it has been Gid, has " a head to enderive and a heart to execute any pro-

The Secretary of State has this day received from our ministers at London, a Jetter, dawd December 27th, which flares, ther on that day they and the British commissioners had finally adjusted all the points of negociation between the two countries, and that then molling remained to be done, but the giving of form to the flipulations as on that day fettled. The treaty will probably be received in the course of a few

This important intelligence will to-morrow be communicated to congress, by the Prefident. BLOCKADE or THE BRITISH ISLANDS

The agitation occasioned by the publication: of Ponaparte's Imperial Decree of Blockade. having in a confiderable degree sublided, this is the moment for a calm examination of the fubjest. Accordingly we offer, for as much as they are worth, the following observations.

I he true method of interpreting laws, is b confidering in the first instance their general scope and design. This mode of interpretation ,is firielly applicable to the decree in question. What, then, is the general scope and defign of

the Imperial Decree? To compel Great-Britain to respect the rights of war in their greatest latitude; to wit: To acknowledge that the rights of war are the

same on land as at sez: That private property shall not be invaded in

time of war, in any cale whatever. That the persons of men not military shall be held facred; and

That the right of blockade shall be restrained to fortified places affually invested by competent

Dirested against Great-Britain, it is GREAT-

BRITAIN ALONE, who is to be subject to the provisiens of it.

This is made plain by the other articles of the decree; as well in the reasoning which forms the basis of the decree, as in the concluding parts of it.

Thus, in the first instance, the French emperor says-" She (Great Britain) declares as an enemy, every individual belonging to an enemy. state." By this it is evident that Bonaparte does not appear the champion of NEUTRAL RIGHTS; but as the afi-rtor of the RIGHTS OF WAR: Of course, it is not so much, as many at tirst view have supposed, to correct the mal practices of the British navy with respect to the commerce of neutral nations, as it is to compel the English to respect property; even on board of French merchan: vessels, as well as vessels of nations in alliance with Prance and at war with Great-Fritain: This will appear by the latter part of the second introductory article, which fays-" She (Great-Britain) makes prisoners of war, not only the crews of a med veffels, but those also in merchant vessel.." And in corroboration of this construction of his meaning, the third prefatory article may be adduced, to wit: " She (Creat-Britain) extends or applies to merchant vessels, to articles of commerce, and to the property of individuals, the right of conquett, which can only be applied or extended to what belongs to an enemy STATE." Thus the intention of the emperor is mule more clearly manifelt.— He wishes to compel the British to respect merchant veilels of belligerent powers, and the property of individuals on board of them, and every where else, as free from l'eizure in 'ime of war; and to confider nothing as good prize but NA-TIONAL PROPERTY -for, fays Bonaparte,

tended to what belongs to an enemy STATE." Lost in contemplating the vastness of Bonaparte's projects, sew men have reflected susscientmeasure. Should the emperor once compel Great-Britain to acknowledge his principles, France would no longer stand in need of a navy. If her commerce were tafe on the ocean, on board of her merchantmen, under the plea of the cargoes' being the "property of individuals," the would be placed at once in a fituation equal to that of Great-Britain with respect to her commercial relations, and thus have subdued by her conquells on terra firma, the power of the Britifh navy at fea.

"The right of conquest can only be applied or ex-

It is evident that Great-Britain, divested of that influence which her navy has procured and maintained for her in the maritime concerns of nations, would fall into infignificance. The zra of British greatness was the age of Elizabeth The definitation of the Spanish armada opened the eyes of the enlightened men of the nation at that period, and made them perceive that the true thrength of an island lies in its naval force. This idea has been improved upon, until Great-Britain has risen in power and deltroyed the na val thrength of every nation on the globe, and at this moment reigns undisputed mistress of the ocean. Whether the will be compelled by the fects of the Imperial Decree to forego her advantages on the seas to dismanile her seet, and fink into insignificance; is a question more proper for the English ministry to decide on than for us to determine. But this we may be permitted to fay-that Great-Britain is placed in a dilemma, on either fide of which appears a mult

ruinous prospect. Proceeding to the 4th preliminary article of the decree, we find that the emperor aligns for one reason of the decree of blockade, "That | 626. Great-Britain extends to ports not fortified, the harbors and mouths of rivers, the right of blechude, which, according to reason and the fage of civilized nations, is applicable only to strong or fortified places."

Here is another evidence that Bonaparte's chief object is not the emancipation of neutral

commerce from the vexations with which it is incombered. The American reader, apr to recollect the af. flictions under which the commerce of his owncountry labors whenever the subject of bloceade is mentioned, may overlook the true tendency

of this article. It is well known that the Bertith have repeatedly declared many of the ports of Europe in a state of blockade, when they have nor had more than one, (and perhaps not a fingie) ship before them. This has often been practiced by the British to the destruction of Franch, Dutch, Spanish and Italian trade. The French people have in a peculiar manner felt the effects of it; and this latter nation, now in the plenitude of her power, cannot forget the attempt to flarve her made by the British in the year 1794. Hence the emperor fays-" She (Great-Eritain) declares even places blockaded, which her united forces would be inexpable of doing, fuch as entire coasts, and a tabole empire." fered en France, and her allies; to obt en some kind of recompense for the destruction of the French, Spanish and Durch pavies, and to reduce the vall power of England at lea, is pall doubt the great object of the decree.

The next reason affigned for the blockade goes more directly to the point. - England is acculed of " extending her commerce and induttry upon the ruin of those of the continent." Here the continent of Europe is particularly alluded to. America feems to be out of the question. Indeed it would be absurd to suppose that Bonaparte had turned Quixots, and promulged his decree for the good of all nations. It is only those nations whose definies are interwoven with those of France, that he has undertaken to avenge: But the fixth introductory article is more explanatory. It lays "This being the delign of England; whitever deals on the continues, in English merchandile, favors that delign, and becomes an accomplice. Here the decree expectely confines the dealing to the Coursell's and, indeed, any attempt extend its force to the citizens of this country must be viewed as a just cause of war, as will be feen in the legicl.

The illuing of community implies the power to control : I her fore, Bonaparte could that fay ! to. the United States " All commerce and correspondence with the English (on the part of America) is prohibited, becapie the United States are independent, and he has no cultrol

over there. But he pould lan and has faid to, to the nations of continental turnp:; because there his troops of his influence compet all their actions. The prohibition with respect to 't letters and packets," must also be confined to the same circle; for it would be ludicious to suppose that Bonaparte should say to the A ericans, that all letters written by them, in their own country, & written in the Engilsh la-guage, shall not be disparched from the post-offices, and thall be seized :" because he has no power to control our poll-offices, or to make us change our language. Over the post offices on the continent of Europe, however, he has the power and the means of inforcing his decree; and it is for those he meant it. But we have faid, and repeat it, that the regulation with respect to letters and packets, must affect merican commerce. because the same language is used by Americans and Englishmen; and bequie it will interrupt numberlel's mercantile negociations carried on through the medium of the great trading cities of the continent of Europe.

Having established, as we conceive, the true intent and meaning of this decree, to wit : to compel England not to moleit telligerent commerce, and that it is only against the British that the provisions of the decree are to be inforced; it will be necessary to examine some of the concluding articles, in order to thew, from the nature and reason of the cafe, that Bonaparte cannot intend them to apply to American vessels laden with bonn gue American property, or in fact goods of any kind, except contraband.

" The commerce of English merchandifa (fays the 5th concluding article) is probitited. All merchandite, the produce or manutasture of England or her colonies, is declared to be good prize;" and the 7th fays, "No vestel coming directly from England or her colonies, or having been there since the publication of the decree, thali be admitted into any port."

To this it will be necessary to oppose the provisions of the convention of the year 1800, between the United States and France.

The first article of that convention fays, "There shall be a firm, inviolable, and universal peace, and a true and lincere friendilip, between the French republic and the Univer States of America; and between their respective countries, territories, citics, towns and people, without exception of persons or places." The fixth article fays, " Commerce between the parties shall be free." The eleveuth article declares, after stating that the cizens of France shall enjoy the rights and privileges allowed to the nations most favored by the United States, that " the citizens of the United States, shail reeiprocally enjoy in the territories of the French republic in Europe, the same privileges and immunities, as well for their property and persons, as for what concerns their trade, commerce and navigation." The twelf h article l'ays, " It shall be lawful for the citizens of either country to fail with their flips or merchandise (contraband goods always excepted) from any port whatever, to any port of the ly, perhaps, to perceive the deep policy of this enemy of the other, and to fail and trade with their thips and merchancife, with parted fecurity and liberty, from the countries, ports and places of those who are enemies of bo h, or of either party, without any opposition or disturbance whatsoever, and to pals not only directly from the places and ports of the enemy aforementioned, to neutral ports and places, but also from one place belonging to an enemy, to another place belonging to an enemy, whether they be under the jurisdiction of the same power, or under the leveral; unlets foch ports or places. shall be actually blockaded, besieged or invested." The fourteenth article says, "It is hereby thipulated, that free thips thall give a freedom to goods, and that every thing shall be deemed to be free and exempt, which shall be tound on brard the ships belonging to the citizens of ember of the contracting parties, although the whole lading, or any part thereof flould appertain to

> th: enemies of either." The convention containing thefe atticles was

ratified by Bonaparte hirafelf. It will be admitted on all hands, that the provisions of the decree and the quoted stipulations of the convention, are diametrically opposite, if it be supposed that the decree is applicable to the United States. To pretend that the commerce of this country ihould be subjected to such regulations, would be to declare the solemn compact between the two countries a nullity. Let us then see what the law of nations says on this point-Vattel is as good authority as any.

"The foundation or cause of every just war (says Vattel) is injury, either already done or threatened." Law of Nations, Book 3; Cb. 3,

" To violate a treaty, is to violate the perfect right of him with whom we have contraded. and this is to do him an injury." Ibid. B. 2.

Cb. 12, § 164. "The faith of treaties is boly and sacred between the nation whose safety and repose it secures. Ibid. B. 2, Cb. 15, 6 220.

"He who violates his treatles, violates at the same time the law of nations." Ibid. § 22. "The treaty that gives the right of commerce

is the measure and wurk of this right." Ibid. B 1, Cb. 8, Sec. 93. Eve: " Mahomet (fays Vattel, quering Oak-

ley's History of the Saraceus) warmly recommended to his disciples the observation of trea-From all which it appears that treaties (or

convections, which are the fame in effect) are holy and facted; that to violate them is an injury ; and that an injury is a just cause of war. Who, thez, will contend, that Bonzparie's decree, applied to American commerce would not be just cause of war? And who will undertake to fax that the Emperor of the French wishes to engage in a war at this time with the United States ? If, then, it would, if so applied, be cause for war, and he does not wish for war. the conclusion irrefillibly follows that the Imavenge, therefore, those infults and injuties of perial decree is not intended to operate against the veliels and bone fide merchandile of citizens of the United States, or British merchandise in

> their hands. How far Bonaparte may intend to exclude American velleis from French, Durch, German, Italian and Spenish ports, is a matter of doubt; cestain it is, however, that fuch a conduct would be destructive of that just reciprocity which is guaranteed by the convention of the year 1800 : And in cale he does manifek fach a determination, it may be made a question with American merchants whether, as they are permitted to go, from British to French parts, they will it trade from Americanto, French ports-in which event France might happen to see the of sees of this Becree much more severely than ourselves

We reflerday announced the arrival of Lieut. Lucketts with Gen. Adair and P. V. Orden under goard, at Rare-prif mere. It is faid in the last General that Judge Nichollon, on upplication being made to him, canfed a writ of Mabens, Carpus to iffue directed to Lieuteuants Inchest and Finckney, returnable refterday at so'clock. The Licutenants appeared before the Judge with their prisoners at the hour appointed in the writ, and returned in animer. that they held their prisoners in euflody under the military orders of Gen. James. Wilkinson. as appeared by a copy of the orders thereunso annuated i These orders (continues the Gezette) contained no charge or imputation of any crime