AMERICAN,
AND
Commercial Daily Advertiser.

PRINTED & PUBLISHED BY W. PECHIN,
31, South Gay-street.
[Printer of the Laws of the Union.]

Daily Paper $7 and Country Paper $5 per annum.
All advertisements appear in both papers.

The Aurora of the 16th gives the following rumour.

It is reported that the emperor of Russia, by his ambassador at Paris, has made a proposition for the formation of a new maritime code, the basis of which is to be the *freedom of the seas*—and that in consequence of the recent attack on Copenhagen, that every power in Europe be required to exclude British ships and manufactures, until that government shall restore the navy of Denmark and acquiesce in the new law of the ocean.

And it is further added, that the Russian minister signified to the American ambassador, that he was authorised to propose a treaty on that basis with the United States, guaranteeing the free *navigation, territory*, and *rights* of the contracting nations.

The Boston Gazette gives an extract of a letter received in that town from London dated Oct. 17, which says "the limits of Louisiana are settled at Paris. The Rio Bravo is the boundary line."

Extract of a letter from a very respectable mercantile house in Liverpool dated November 12th, 1807, to a house in this city.

"We have now merely to advise you that to-morrow a proclamation will be issued declaring the whole of France, and her dependencies, that is to say, those countries under her influence in a state of blockade, so that no *vessel whatever* will be allowed to go into their ports unless she loads in this country, or in our colonies."

Capt. Pendergrast, of the ship Brutus, arrived at N. York on Saturday evening in 26 days from Liverpool, informs that a British fleet had captured 11 sail of Spaniards in the Mediterranean.

LIVERPOOL, Nov. 13.

All the papers of this Morning, state that France, and all the countries under her controul, will immediately be declared in a state of siege.

LONDON, Nov. 7.

It is certain the intelligence of the death of the King of Spain, and the assassination, or according to some accounts, the imprisonment of the Prince of Asturias, had been received at Lisbon previous to the departure of the vessel which brought the mail. The fact, as we stated yesterday, is announced in several letters. They mention the report, without, however, communicating any circumstances which can enable us to fix the degree of credit to which it may be entitled.

There was a report yesterday that the French and Spaniards were meditating an attack upon Gibralter.—The Hindostan, which is arrived at Portsmouth has brought letters, from one of which we make the following extract.

"*Gibraltar, Sept. 8.*

"Since closing this, an order from the court of Madrid has been put in force—to close all communication between the Spanish territory and this garrison. It was to day confidently reported that 25,000 French troops were expected at Algesiras shortly, & that the provisions necessary were a ready received. I cannot vouch for the truth of it, however something must be in agitation. My next may probably throw a farther light on the business."

Nov. 8.

Yesterday, a considerable number of letters were received at the post office, from Monte Video, brought to Portsmouth, by the Unicorn frigate; and Naiad, British Queen, and Elia transport; they left the river Plata on the 8th Aug. in company with the Thisbe, and 13 other transports, having 2000 troops on board, and parted from them on the 20th ult. off the Western Islands. Gen. Whitelock had, at the time of their sailing, embarked on board the Medusa frigate for England, and his Regiment, the 38th, has sailed for the East Indies. Every arrangement had been made for the evacuation of Monte Video on the 7th Sept. agreeable to the Articles of Capitulation. Brigadier Gen. Lumley, and capt. Roche his Aid-de-Camp, came home in the Unicorn.

Nov. 11

All friendly communication between Portugal and Britain has now finally terminated. His majesty's brig Raleigh, of 18 guns, arrived at Plymouth from Oporto, has brought with her a copy of a Proclamation issued by the Portuguese government, for shutting the ports of that country against our trade. The convoy under the Lively frigate, which sailed from the Tagus on the 18th ult. has on board most of the British merchants and their families. And at Oporto the whole of the British property had been embarked, the greater part in Portugese bottoms. These vessels were expected to sail the 2d instant, under convoy of his majesty's ship Lavinia.

FROM THE DEMOCRATIC PRESS.

THOUGHTS ON THE BRITISH INJUNCTION TO VIOLATE THE LAW OF NATIONS AND THE AMERICAN FLAG.

No. 1.

The particular case of the *Chesapeak Frigate* and the deep interest of the business of impressment will occasion much public attention to attach to the recent manifesto from Great Britain.

The Proclamation opens with an unbecoming and we justly add an unfounded charge against the government, merchants and sea captains of this country (For, there were at the time no other real neutrals) that they "*entice*" the British seamen into American employment. G. Britain, as a country, seeks with the utmost avidity *the sweets* of American commerce in every other branches and she is therefore justified in openly and deliberately bribing our country with "*enticing*" any one of the various classes of British subjects, who, *for their own profit*, voluntarily engage themselves in our navigation and trade. The British sailors, shipwrights, mechanics and manufacturers, nay, British professional men and farmers, are all indulged in the opportunities to gain *more* subsistence and wealth. They are free to use or to decline those opportunities. They are all in the constant habit of pursuing their own happiness among us, and in our public and private employments. We "*entice*" none of them. Their own self interest (a foreign principle when governed by morality) draws them into our country, and into its public and private business. When the British government forbid all. When they forbid one class for *their* interest, we may forbid the other classes for *our* interest. In adopting and announcing a public act, of which they knew we might reasonably complain (because they *at arms* hold our native citizens while they demand their subjects, *at arms*) they ought not deliberately to use offensive language, in the name of their chief Magistrate.

It cannot be considered as more contrary to the allegiance of a British sailor to employ himself in a neutral public or private ship, in places out of the English jurisdiction, than it is for a British merchant or manufacturer. The legitimate power of the British government to command the services of their subjects, on constitutional principles, however clear within the realm, cannot extend every where.—It cannot come into our jurisdiction, nor can it have life or activity in places, out of their own proper jurisdiction. It cannot be exercised within that common field of all nations—the high seas. These officers may take their unhappy subjects in their own merchant ships upon the ocean, by the hand of power; but as much as all the law of impressment is an inoperative law, it cannot use any force beyond their real jurisdiction. We know, that the British navy officers do proceed to act in impressments without the realm, just as they do within; but it is not supported by law, even though it were admitted to be lawful within the realm. The practice cannot justify the measure. Nor do the officers confine the measure to seamen, nor to naval policy. They seize passengers at sea, who are farmers, and drag them from their families, without a special warrant, and without a word on emigration. They convert the farmer into an iron sceptre. The constitutional rights or claims of British subjects, sink in the hands of a boyish midshipman, with a press gang at his necks, and our flag waves in shame over the lawless violence. The navy of England dictates to the people and to the government, and would dictate to us. We deplore the manifest decay of British liberty, and deeply do we lament, that a want of that jealousy and caution, which have better guarded them from the tyranny of the army, has left them open to the invasions, oppressions and despotism of their navy. The genius of the British constitution is aristocracy, at whose nod the King has been long wont to exercise his power, but the navy of England have become, in their system, the Lords of the ascendant. But, however, that navy may for a time impress English seamen on the high seas, we know that it is against law. If there be any offence at law, in a British subject disobeying a Proclamation, let that of the 16th of October, be only a case on the regular process out of the Courts, and the order of the Crown to the officers of the navy to seize his body for such disobedience in any place out of the realm, is against the law of England.

We are not aware that any proclamation calling upon the seamen of G. Britain in the same manner has ever before been issued, and it is very important, if true that no such proclamation of recall, as is referred to in this recent act has occurred during the existing wars that is to say, since the peace of Amiens. Our public and private ships have pursued for years the constant usage of Great Britain, and other nations in peace. Now, of a sudden, Great Britain, to parry our demands of impressed Americans made belligerents, and of the accustomed sanctity of our neutral flag, comes out with this unprecedented and indecorous proclamation.

The plea of Great Britain that her "maritime rights are disputed and called into question" cannot be admitted. It is the palpable despotism of her navy, which, but for resistance would whelm in one common ruin their institutions and our neutral rights, which is disputed abroad and deplored at home.

It is a monstrous sweep of unconstitutional power in the government of England to issue a general warrant to be executed out of the realm and on board of neutral vessels in beneficent amity, authorising navy commanding officers not belonging to the civil department, nor proper military and armed men to take British subjects, drag them from their pursuits, and to hold them prisoners without any charge made or evidence duly indicated. It is not a warrant to impress. It is not a warrant to arrest and imprison. The words are "to stop and make stay of" this whole class of British subjects because they will not return to G. Britain, when they wish like the rest of their countrymen abroad, to pursue happiness and gain in the channel

COLUMBUS.

VIRGINIA LEGISLATURE.

On Thursday 10th inst. Mr. Gholston introduced the following Resolutions into the House of Delegates, with several very appropriate observations;

Resolved, That the senators in Congress from this state be instructed, and the representatives therefrom requested to use their best endeavours in procuring the following amendments to the constitution of the United States, to wit;

1st. That the Judges of the Supreme District and Interior courts of the U. States and their territories, may be removed from office by the vote of the House of Representatives and the Senate of the United States in Congress assembled; two-thirds of the members present of each house concurring therein.

2d. That the Senators in the Congress of the U. States may be removed from office by the vote of two-thirds of all the members present of the respective state legislatures, by which the said Senators have been or may be appointed.

Mr. Mandeigh moved the postponement of these resolutions to the 3rd of March.—He said that the judges ought to be independent, as they now are, of Executive patronage, of the influence of Congress, and what is particularly fatal to republics, of party spirit and faction. As the constitution now stands, they were above the frowns of any body, they pursued the important office of interpreting the laws of their country, by their own unbiased judgment and according to the real spirit of the laws. And what was the object of this motion? This resolution requires the same number to remove a judge as the constitution demands in a case of impeachment. The only difference in the two cases is, that a judge would henceforth be removed by mere whim or party resentment, for those very acts which did not amount to a sufficient cause of impeachment. Of course he would be removed without a trial. What would be the consequence of this system? Shall the bench be reduced to an absolute state of dependence? When, said Mr M. an executive of this country procures so completely the confidence of the people, as to carry all its measures, as he hath it had been; when neither talents nor even truth itself can protect Congress from its unbounded influence; what resource then has an American citizen; but in the firmness of the judiciary?—The 2d resolution was still more extraordinary. He was disposed to think that the period of a senator's appointment was too long; shall we therefore violate every principle of common sense? Shall a man who is put into office, be liable to expulsion at the whim and caprice of every moment? If the period of their office is too long: let it be reduced to shorter and fixed periods, but let it not be eternally dependent upon the fluctuating wave of party spirit. What would be the consequence of this innovation? No senator would ever feel any degree of dignity in his station. He would be unable to mature any of his plans with regularity or firmness. He occupied his post but for a moment. The next may behold him the victim of whim and caprice.

Mr. Fletcher conceived that the abuse of power was one of the greatest evils that threatened free governments. If judges were to be invested with absolute independence, we should have judges and not men to preside on the bench. At present, the judges were say rise to every thing. He had been taught that it was one of the fundamental maxims of republicanism that the greater the rank, the greater should be the responsibility. The doctrine of judicial independence had been copied from the British constitution, but even under that government, a judge may be removed by a bare majority of both houses of Parliament. Is the scowl of an executive especially dangerous, as when the executive power is in the hands of a monarch? and yet under the monarchy of England, a judge may be removed by a bare majority. Is the principle of the right of amendment to be a mere nugatory provision of the constitution? When an article of impeachment proves so unavailing, when with all the subtleties and sophistries of law an artful judge shall be able to screen himself behind the principle that he has not been guilty of no "high crimes and misdemeanors;" shall no other mode of responsibility be adopted? Is there no other disqualification but high crimes and misdemeanors? Is it no objection to a judge, that he is superannuated?—As to the objections urged by the gentleman last up, respecting *two thirds* of both houses, let this resolution be altered. Let a bare majority be competent to a removal. If that number so decides, how can it be said, that this decision was the result of caprice. He had himself objected laying such a resolution before the house.

Mr. Clopton was not disappointed in hearing the federal judiciary so ably and eloquently defended, as it had been. The question was important, and a difference of opinion was to have been expected. But in times of democracy he had heard the maxim echoed, that *vox populi est vox dei*, and yet are the judges completely independent of that voice. He thought it could be syllogistically proved, that their tenure of office was opposed to the principle of representation. Is it not a fact, that there are now judges who are as obnoxious to the people, as they are hostile to republican principles? and yet these men could not be dispossessed of their power, except on their being convicted of some act, which in common law would amount to a felony or misdemeanor.—Have we descended Gods to preside on the bench of justice? When judges once mount into office and they should be guilty of what he would call malfeasances, he thought that there should be some power to remove them, without travelling through the mazes of technical law? Must they previously commit a Burglary? Is this an innovation which may injure the people themselves? They will bear it patiently, because it is an act of their own volition.—But why attack this measure so prematurely? Are there no precedents to be found for it in this or any other country? In the English constitution, that boasted monument of human invention, that never-ending theme of federal eulogium, the tenure of the judicial department is much slighter than this resolution proposes. A bare majority is sufficient to remove; but by this resolution, 2-3ds are required. Are we to presume that there will be such corruption in 2-3ds of Congress, as that they will remove without adequate cause? If the gentleman from Norfolk would examine the state constitutions, he would find that at least in one half of them this tenure prevails, and yet it is not productive of any deleterious consequences.

Mr. Smith (of King and Queen) did not intend to expatiate at large on this subject; nor to offer a hasty, and scanty glance of its numerous features. He rose only to express his astonishment at the course that was now pursued. His worthy friend from Norfolk had moved for an indefinite postponement of the question. If a petition for a road or a bridge be presented to this house, it is not the custom to oppose it on the threshold. Even those who oppose its objects, choose to refer it. Shall then a proposition on which this house cannot deliberate too much, be at once rejected without a hearing? Does the gentleman believe, that our constitution came so perfect from the hands of its makers that it needs no amendment; or that it has struck its roots so deeply, and that we cannot examine it, without shaking the whole edifice? That we must undoubtedly approach with pious awe and trembling solicitude?—On these resolutions, Mr. S. said, he would offer but one or two general remarks. As to the 1st resolution, he maintained it to be a great maxim, belonging to republics, that the principles of representation and responsibility should be held sacred. It was his opinion, that for those petty private vices, which do not amount to a high crime or a misdemeanor, but which sully the purity of the Ermine, a judge should always be held responsible. As to the 2d resolution; Mr. S. trusted that the great principle of responsibility should also apply to the Senate of the U. S. He hoped with the immortal author of the letters of Curtius, that "the majesty of that assembly (would never be) polluted by the vile feet of the swinish multitude."

(The debate to be concluded to-morrow.)

American,
AND
Commercial Daily Advertiser.

FRIDAY, DECEMBER 18, 1807.

NATIONAL DEFENCE.

The great bulwark of a free government is an army composed of her own citizens. *Mercenary* troops have always proved destructive to national liberty;—they have ever proved a *machine* in the hands of *ambitious military commanders*, by which to wrest even the remotest scintillations of natural rights from their natural possessors. If then a *militia* is to be relied on by a free government, for its national existence against the overbearing conduct of insolent and presumptuous foes, it becomes absolutely necessary that this national militia should be at least as *well armed, as well accoutred, and as well disciplined, as the mercenary hirelings of European despots*. As a militia bill is now before the Legislature of Maryland, it becomes a matter of great importance, that they should pass a law in a shape by which every citizen should bear an equal share of the military duty which should be imposed upon him by the imperious posture of our national affairs. The dispositions of fines should be made so as to operate *equally* upon the rich as well as the *poor*;—their *civil rights* are the same. In order to effect this, let a poll tax be levied of dollars annually, on each person between the ages of 18 and 50, capable of bearing arms, for neglect or refusal to do military duty. This disposition of the tax bears equally on all for a defence of their natural rights. The next thing to be considered is a defence of property: property should pay for its own defence. In addition to a capitation tax, let there one be levied on each person of all ages and sexes, holding property, to pay for the defence of their property. This tax again must be divided into two separate classes, so as to operate for the public good. The first class of citizens paying this military tax upon property should be comprised of those capable of doing military duty and refusing so to do: the latter, of those exempt from military duty. The tax of the former ought in all cases to be double that of the latter. It will be seen at first sight, that a provision of this nature would be well calculated to inspire the military with confidence in government. The monies arising from this tax ought to be applied to military purposes.

The next feature of a militia bill, is the classing of the militia, which ought to be attended as a matter of the greatest importance. The first class should be composed of unmarried men, between the ages of 18 and 35; the second class of unmarried men between 35 to 50; the third class, of married men between 18 and 35; and the last class, of married men from 35 to 50. The propriety of this method of classing the militia must strike forcibly every reflecting mind. Comment would be useless, as the increase of population is the strength of a nation.

The next thing of moment is the levying of a tax on those who refuse to bear arms from religious scruples:—This would be a capitation of dollars per annum, on each individual. The rich among this class would be reached by the military tax upon property.

The legislature cannot be too guarded in providing for the contentment of a militia, in order that they might bear the burdens of military life with cheerfulness and alacrity.

These hints are hastily sketched and thrown out for the consideration of the legislature, while the bill is before the house. Their propriety must be obvious to every one, and it is to be hoped will command the attention of that body.

It will be recollected, that the Federal Gazette a short time since announced the intended birth of a new Federal paper in this city, in order to receive the gelid blasts of Federalism, with which the milk and water policy of Mr. Hewes would not suffer him to freeze his pages. The following is the prospectus of this fœtus in embryo. The sly manner in which it is brought forward without developing its object, is only a temporary the unnatural

Severity of temper and steadiness of conduct always endear children to those who nurture them, while the gusts of passion, irascibility of temper, continual squabbling about toys, and manifest imprudence always engender apathy and contempt:

"The undersigned agrees to pay Six Dollars per annum as soon as they have a sufficient number of subscribers, for a NEW PAPER, to be established, styled

THE FEDERAL AMERICAN,
AND
[illegible]

The Federal prints of New York and Philadelphia have unanimously held us, upon the authority of Dr. Bullus, that Bonaparte declared to Mr. Armstrong, our minister at Paris, that he would have *no neutrals*, and it is offered slyly as an apology for the conduct of England. However, the Aurora states that Dr. Bullus observed, he would have *neutrals on the continent of Europe*. The latter appears the more probable from the state of affairs with France. The Doctor, while in this city, held a profound silence on those matters.

While the federal papers are holding out to us the syren songs of peace, the London prints maintain a different language, as the following extract will fully shew:

"The memorable confederacy, which was *supposed* to have been secretly forming against us, is nearly smothered at its birth, or, rendered perfectly harmless; and those powers which hoped to extort concessions from us during the perilous conjuncture of our affairs, will listen to reason and demands, and to examine themselves, before we proceed, with the lances of reason and declaration. THE BOMBARDMENT OF COPENHAGEN WILL RESOUND [illegible] THE SPIRIT OF [illegible] AND TEACH THE TRIMPHANT PLUNDERERS OF THE UNITED STATES, TO CHANGE THEIR TONE AND ASSUME THE LANGUAGE OF RESPECT AND DECENCY."

[illegible]

[illegible] It we intend not to [illegible] we shall assuredly repent of our conduct. [illegible] is the power on earth, which has not [illegible] its confidence in the government of Britain. Let us depend upon ourselves, and we shall not be deceived. Let us [illegible] the west. To dissolve spirits and [illegible] we need not fear to expose all the perils and dangers, to which we can be subjected. To an ardent love of liberty, to a never-dying attachment to independence, and a determination to conquer rather by or glorious death, what is necessary, but the solid conviction of the justice of our cause, and a confidence in the men to whom the almost unanimous voice of the country, has committed its destinies.

The Federal prints have uniformly held a pacific language towards England, while they as uniformly endeavored to exasperate the public mind towards France. We have invariably been of opinion that it was the wish of the English government not to negociate with this country without our giving up our national rights and return in fact to a state of colonial subjection. The great Earl of Chatham once said that America ought not to be suffered even to manufacture a *hob nail*. Sir John Sinclair advanced the opinion that this country could be rendered more advantageous to England by suffering it to wear the specious garb of independence, and at the same time be reduced to a colonial state by diplomatic agency. The influence that the opinions of those two men have had upon the operations of the British government, time has fully developed. The connection of Cobbett with Windham, and Windham's influence at present in the British cabinet is well known to every politician. That Cobbett speaks the sentiments of the present ministry is fully proved by the late extraordinary proclamation, together with the famous blockading decree of the 18th ult. The madness of Britain will drive us into a manufacturing nation. This of itself will render us able to prescribe terms to commercial and naval powers. The following extracts from a late paper published by Cobbett, will be read with attention by every American. *Americans will not see the man, condemn the principles, and countenance the party who cherished such a viper in their bosom.* In this the absolute dominion of the seas is openly avowed, and the strong arm of power is advanced as the only law of nations. We agree with Cobbett, the power begets right, and that the stronger will oppress the weaker, and that the law of nations is merely the speculation of individuals, founded on no compact but the common peace of nations when it suits their common interest. The hour of danger is fast approaching, and it becomes every American to stand ready at his post, to defend life, liberty and property; to be the citizen and soldier.

EXTRACTS FROM COBBETT.

MEN with *English hearts*, of whatever opinions respecting *domestic matters*, have never, until lately, suffered, in silence, any one to deny to their country a right of *sea dominion*.—The *dominion of the seas*, even to the *opposite shores*, has until of late, been distinctly claimed *by all the kings and queens and rulers of England* ever since our country has borne that name—and our *history* shews, that those who have been most distinguished for their attachment to our domestic liberties, have been the most zealous in maintaining this sea dominion! They were not frightened with the threats of France and Holland (then great in maritime,) force combined. They heard the solemn German *quack authors* and the flippant French talk about the *law of nations*, and, as far as these relates to the *forms of treaties and the like*, they paid attention to them. But, they scouted the idea, that *conquest constituted right* of dominion *upon land*, where Englishmen could scarcely gain any conquests, and that there could be no such thing as *dominion at sea*, where alone in all human probability England could make conquests. They were told, I dare say, that their claim of *sea dominion* making "*might constitute right*," but they would readily answer, that experience and