which are not incident to the war, and which would produce the same effect in a time of peace; such, for example, as a failure or diminution of the ordinary sources of necessary supplies, or new turns in the course of profitable interchanges.

Fourthly, That it is not only contrary to the principles and practice of other nations, but to the practice of Great-Britain herself. It is well known to be her invariable practice in time of war, by relaxations in her navigation laws, to admit neutrals to trade in channels forbidden to them in times of peace; and particularly to open her colonial trade both to neutral vessels and supplies, to which it is shut in times of peace; and that one at least of her objects, in these relaxations, is to give to her trade an immunity from capture, to which in her own hands it would be subjected by the war.

Fifthly, The practice which has prevailed in the British dominions, sanctioned by orders of council and an act of parliament, [39 G. 3. c. 98.] authorising for British subjects a direct trade with the enemy, still further diminishes the force of her pretensions for depriving us of the colonial trade. Thus we see in Robinson's admiralty reports passim, that during the last war, a licensed commercial intercourse prevailed between Great Britain and her enemies, France, Spain and Holland, because it comprehended articles necessary for her manufactures and agriculture; notwithstanding the effect it had in opening a vent to the surplus productions of the others. In this manner she assumes to suspend the war itself as to particular objects of trade beneficial to herself; whilst she denies the right of the other belligerents to suspend their accustomed commercial restrictions in favor of neutrals. But the injustice and inconsistency of her attempt to press a strict rule on neutrals, is more forcibly displayed by the nature of the trade which is openly carried on between the colonies of Great Britain and Spain in the West Indies. The mode of it is detailed in the enclosed copy of a letter from wherein it will be seen that American vessels and cargoes, after being condemned in British courts under pretence of illicit commerce, are sent on British account, to the enemies of Great-Britain, if not to the very port of the destination interrupted when they were American property. What respect can be claimed from others to a doctrine not only of so recent an origin, and enforced with so little uniformity, but which is so conspicuously disregarded in practice by the nation itself, which stands alone in contending for it?

Sixthly, It is particularly worthy of attention that the board of commissioners jointly constituted by the British and American governments under the seventh article of the treaty of 1794, by reversing condemnations of the British courts founded on the British instructions of November, 1793, condemned the principle, that a trade forbidden to neutrals in time of peace, could not be opened to them in time of war; on which precise principle these instructions were founded. And as the reversal could be justified by no other authority than the law of nations, by which they were guided, the law of nations, according to that joint tribunal, condemns the principle here combatted. Whether the British commissioners concurred in these reversals does not appear; but whether they did or did not, the decision was equally binding; and affords a precedent which could not be disrespected by a like succeeding tribunal, and ought not to be without great weight with both nations, in like questions recurring between them.

On these grounds the U. S. may justly regard the British captures and condemnations of neutral trade with colonies of the enemies of Great Britain as violations of right; and if reason, consistency, or that sound policy which cannot be at variance with either, be allowed the weight which they ought to have, the British government will feel sufficient motives to repair the wrongs done in such cases by its cruisers and courts.

But, apart from this general view of the subject, a refusal to indemnify the sufferers, in the particular case of the Aurora, is destitute of every pretext; because, in the second place, the continuity of her voyage was clearly and palpably broken, and the trade converted into a new character.

It has been already noted that the British regulation of 1798, admits a direct trade in time of war between a belligerent colony and a neutral country carrying on the trade; and admits consequently the legality of the importation by the Aurora from the Havanna to Charleston. Nor has it ever been pretended that a neutral nation has not a right to re-export to any belligerent country whatever foreign productions, not contraband of war, which may have been duly incorporated and naturalized, as part of the commercial stock of the country re-exporting it.

The question then to be decided under the British regulation itself, is, whether in landing the cargo, paying the duties, and thus as effectually qualifying the articles for the legal consumption of the country, as if they had been its native productions, they were not at the same time equally qualified with native productions for exportation to a foreign market. That such ought to be the decision results irresistibly from the following considerations.

1. From the respect which is due to the internal regulations of every country, where they cannot be charged with a temporizing partiality towards particular belligerent parties or with fraudulent views towards all of them. The regulations of the U. S. on this subject, must be free from every possible imputation; being not only fair in their appearance, but just in their principles, and having continued the same during the periods of war, as they were in those of peace. It may be added that they probably correspond, in every essential feature relating to re-exportations, with the laws of other commercial countries, and particularly with those of Great Britain. The annexed outline of them, by the Secretary of the Treasury, will at once explain their character, and shew that, in the case of the Aurora, every legal requisite was duly complied with.

2. From the impossibility of substituting any other admissible criterion, than that of landing the articles, and otherwise qualifying them for the use of the country. If this regular and customary proceeding, be not a barrier against further enquiries, where, it may be asked, are the enquiries to stop? By what evidence are particular articles to be identified on the high seas, or before a foreign tribunal? If identified, how is it to be ascertained whether they were imported with a view to the market at home, or to a foreign market, or as ought always to be presumed, to the one or the other as it should happen to invite? Or if to a foreign market, whether to one forbidden or permitted by the British regulations? For it is to be recollected that among the modifications which her policy has given to the general principle asserted by her, a direct trade is permitted to a neutral carrier from a belligerent colony, to her ports, as well as to those of his own country. If, again, the landing of the goods, and the payment of the duties be not sufficient to break the continuity of the voyage, what, it may be asked, is the degree of internal change or alienation which will have that effect? May not a claim be set up to trace the articles from hand to hand, from ship to ship, in the same port, and even from one port to another port, as long as they remain in the country? In a word, in departing from the simple criterion provided by the country itself, for its own legitimate and permanent objects, it is obvious that besides the defalcations which might be committed on our carrying trade, pretexts will be given to cruisers for endless vexations on our commerce at large, and that a latitude and delays will accrue in the distant proceedings of admiralty courts, still more ruinous and intolerable.

3. From the decision in the British high court of admiralty itself, given in the case of the Polly, Lasky, master, by a judge deservedly celebrated for a profound judgment, which cannot be suspected of leaning towards doctrines unjust or injurious to the rights of his own country. On that occasion he expressly declares; "It is not my business to say what is universally the test of a bona fide importation: it is argued that it would be sufficient that the duties should be paid, and that the cargo should be landed. If these criteria are not to be resorted to, I should be at a loss to know what should be the test; and I am strongly disposed to hold, that it would be sufficient, that the goods should be landed and the duties paid." 2 Rob. Rep. p. 368—9.

The president has thought it proper that you should be furnished with such a view of the subject as is here sketched; that you may make the use of it best suited to the occasion. If the trial of the Aurora should not be over it is questionable whether the government will interfere with its courts. Should the trial be over and the sentence of the vice-admiralty court at St. Johns have been confirmed, you are to lose no time in presenting to the British government a representation corresponding with the scope of these observations; and in urging that redress in the case, which is equally due to private justice, to the reasonable expectations of the United States, and to that confidence and harmony, which ought to be cherished between the two nations.

Foreign Intelligence.

DOVER, Nov. 24.

"Never was expectation more alive to ſucceſs; never were arrangements better calculated to enſure it, than in our ſquadron on Thurſday laſt; that evening being deſtined for the grand attack. A finer day for preparation could not have ſhone; the ſea was ſmooth as glaſs: the wind in the very quarter that was moſt to be deſired, blowing a gentle breeze from E. N. E. At noon the gun brigs and rocket launches in tow, ſtood to the northward, and anchored abreaſt of Ambleteuſe, juſt at ſhell range, it having been determined that they ſhould run down along the enemy's line, lying in the road, at night fall, with the laſt of the ebb. By half paſt four P. M. every thing was completely arranged on board the gun brigs and rocket launches, under the immediate inſpection of Mr. Corgreve, who is the inventor of this new ſyſtem of bombardment, as it may fairly be called. Upwards of a thouſand ſhell and carcaſe rockets were fixed in the frames from which they were to be fired in vollies—the ſhell rockets, at a low angle intended to be poured into the French brigs at anchor; the carcaſe rockets, each carrying as much carcaſe compoſition as is fired in one round by an eight inch mortar at 5 of elevation, were to be reſerved for throwing into the baſon. The trains were laid that were deſtined to pour them by hundreds in a volley on the devoted veſſels of the enemy. About eight o'clock the admiral went over the ſide of the Antelope, to move his flag on board the Diligence ſloop of war, in which veſſel, as ſhe draws but little water and is armed with ten 24 pounders on a ſide, the gallant Sir Sydney meant to lead the attack in perſon. Never was more ardor and enthuſiaſm diſplayed than at that moment by all ranks. More than a hundred armed boats followed the admiral to the Diligence, cheering him with reiterated demonſtrations of their ardor for the conteſt; which though every one felt muſt have been ſucceſsful, yet every one knew muſt be dearly purchaſed; ſeeing that the enemy were fully aware of our meditating the attack for that night, and had been heating his furnaces for red hot ſhot, not only from one end of the bay to the other, but even on board every one of the gun brigs.

"The evening was ſtill, every thing that could have been wiſhed, and a little after eight the ſignal was made for the bomb ſhips to open in the bay as the prelude to the attack; the effect was truly ſublime, and every heart now beat with accumulated hope. The admiral's flag was now flying on board the Diligence, the ſignal was made for the gun brigs to lead in, and they were actually under weigh, headed by the admiral himſelf. All was yet well; but ſcarcely had the line got under weigh, ſcarcely was the firſt volley of rockets diſcharged, when on a ſudden the wind ſhifted round to the north weſt, and in an inſtant blew a gale. Every one who has been in Boulogne bay knows what muſt have been the immediate conſequence: from the ſmootheſt ſurface, the moſt agitated ſurf came tumbling in upon us. The largeſt veſſels of the ſquadron were in imminent danger of going aſhore, and the ſmaller ones were rolling gun wale to. Victory was in a moment ſnatched from our graſp. The admiral was moſt reluctantly compelled to annul the ſignals of attack—the bombardment ceaſed—ſuch of our ſhips as were under weigh were with difficulty towed off the ſhore, many that were not, were compelled to ſlip their cables. The confuſion became general—falſe fires were burning in all directions—the armed boats were hurrying back to the veſſels, many of them conſtrained to take ſhelter in the firſt ſhip they could make. In a ſhift of wind ſo unexpected and ſo violent, it is not difficult to conceive the damage that has been ſuſtained in the ſmaller craft, and in the apparatus belonging to them. What the extent of it is, we are yet ignorant, as the gale increaſing in the night, and blowing hard all day yeſterday, the ſquadron is yet diſperſed. Three of the launches, however, are known to have gone down, without the loſs of any lives. It is but too much to be feared, that ſo much damage has been received, that the operation cannot be renewed on the ſame ſcale this year. One good effect, however, has reſulted: that every man in the ſquadron, and every one of the enemy too, it is believed, who witneſſed the commencement of the attack, is ſatisfied that the deſtruction of Boulogne may yet be accompliſhed, when the elements are not againſt us."

WASHINGTON CITY.

WEDNESDAY, JANUARY 22.

HOUSE OF REPRESENTATIVES.

MONDAY, JANUARY 20.

Mr. Olin laid before the House sundry resolutions relative to the amendment to the constitution of the United States proposed by the state of North Carolina for prohibiting the importation of slaves into the U. S. These resolutions direct the Senators and request the representatives of Vermont to aid the proposition and adoption of such amendment to the constitution, as shall tend effectually to prohibit the further importation of slaves.

Ordered to lie on the table.

Mr. Crowninshield, from the committee of Commerce and Manufactures, made a report on the petition of Elizabeth Peckham. The report details the circumstances of the case, and concludes with a resolution that the petitioner have leave to withdraw her petition, in which the House concurred.

Mr. Southard presented a petition from sundry hatters in Somerset county, in New-Jersey, relative to the sale of furs received from the Indian factories, of a similar tenor with other petitions presented, which was referred to the committee of Commerce and Manufactures.

Mr. Stanton offered the following resolution:

Resolved, That the President of the United States be requested to cause to be laid before the House a general return of all and singular the warlike stores, the property of the U. S. within the same, comprehending ordnance for garrison and for floating batteries, of iron and brass from a 42 pounder to cannister, grape, &c. with carriages and implement, describing the condition of the same, whether fit or unfit for service, noting the place of deposit, and under whose direction; mortars, howitzers, beds and travelling carriages of different calibres from nine to two pounders, with crinkers, boxes, timbrils, ammunition waggons, with harness, noting where situated or deposited, shot, shells, grape and cannister attached to the different calibres, as above, ammunition and composition of powder in magazines, arsenals, and gun houses.

Ordered, that the resolution lie on the table.

Mr. Conrad presented a petition from sundry hatters of Reading, in Pennsylvania, of a similar tenor with sundry other petitions from hatters, which was referred to the committee of Commerce and Manufactures.

On motion of *Mr. Nicholson*, the House resolved itself into a committee of the whole House, MR. VARNUM in the chair—on a bill making an additional appropriation to supply the deficiency in the appropriation for the naval service during the year 1805.

The chairman having read over the bill, *Mr. Nicholson* moved to fill the blank with the sum of 350,000 dollars, remarking that this sum, added to that already appropriated, amounted to 600,000 dollars, which constituted the entire deficiency for the last year.

This motion was agreed to without debate—Ayes 78.

The committee rose and reported their agreement to the bill with the above amendment, which the House immediately took into consideration, and agreed to, and ordered the bill to be engrossed for a third reading this day.

Mr. Jackson, after a few preliminary remarks, offered the following resolution, which was agreed to.

Resolved, That the committee on the public lands be instructed to enquire into the expediency of providing by law for the legal adjudication of claims set up by persons in virtue of purchases or transfers from the U. States previous to the emanation of grants under their authority.

On motion of *Mr. J. C. Smith*, the House resolved itself into a committee of the whole—MR. VARNUM in the chair—on the bill for the relief of the governor, secretary and judges of the late territory of the U. S. north west of the Ohio.

The committee having considered the bill, reported their agreement to the same without amendment, after a few explanatory remarks from Mr. Jackson and Mr. J. C. Smith.

The House concurred in their report, and ordered the bill to be engrossed for a third reading to-morrow.

Mr. Leib called for the order of the day on the bill to extend the time for taking the oath, and giving bond in cases of drawback, and for other purposes.

Mr. Sloan called for the order of the day on a resolution offered by him, for imposing a tax on slaves imported into the U. States.

On taking the question 67 members rose in favor of taking up the first order. Whereupon the House went into a committee of the whole, MR. GREGG in the chair, on the said bill, the provisions of which are stated in the proceedings of a previous day.

After considerable discussion the committee rose, and the bill was recommitted to the committee of Commerce and Manufactures.

An engrossed bill, making an additional appropriation to supply the deficiency in the appropriation for the naval service during the year 1805, was read a third time and passed.

On motion of *Mr. Gregg*, the House went into a committee of the whole—MR. J. C. SMITH in the chair—on a bill to extend the powers of the surveyor general to the territory of Louisiana, and for other purposes.

Mr. Gregg stated that the object of this bill was to place the people of Louisiana with regard to the public lands on the same footing with the people of the territories of Indiana and Orleans, which object had not been attended to in the acts of Congress recently passed on the subject.

Mr. Gregg moved several amendments, which were agreed to, accommodating the verbal language of the bill to that made use of in the other land laws.

On motion of *Mr. Parke*, a new section was introduced, allowing claimants of land either under the French or Spanish governments, or derived from actual settlements, or from other sources, until the first day of June, to give evidence of their claims and have the same recorded, and declaring all other claims null and void forever.

Mr. Gregg moved so to amend the bill as to allow a salary of 400 dollars to the principal surveyor, in consideration of his being obliged to keep an office, and being thereby disabled from executing many surveys himself.

Motion lost—Ayes 26.

Some other subordinate amendments were made, when the committee rose, and reported their agreement to the bill with sundry amendments.

The House immediately considered the report, and concurred in all the amendments, except that for introducing a new section, offered by Mr. Parke, to which they disagreed, only ten members rising in favor of it.

Mr. Gregg renewed his amendment for allowing a salary of 400 dollars to the principal surveyor, which was disagreed to—Ayes 42—Noes 43.

Ordered, That the bill be engrossed for a third reading to-morrow.

Mr. *Sloan* renewed his call for the order of the day on the resolution offered by him, imposing a tax of ten per cent. on every slave imported into the U. States.

Mr. D. R. Williams moved that the committee of the whole should be discharged for the purpose of committing the resolution to the committee of Ways and Means.

The question was first taken on Mr. Sloan's motion—Ayes 49—Noes 32.

When the House resolved itself into a committee of the whole—MR. DAWSON in the chair—on the said resolution.

Mr. *Sloan* spoke in favor of the resolution.

Mr. *Dana* moved to amend it by substituting *persons* in the room of *slaves*.

This amendment was supported by Mr. Clark. Mr. Marion spoke against, and Mr. Southard in favor of the resolution. Messrs. Dana and Alston advocated the amendment—Messrs. Smilie and Fisk supported the resolution and opposed the amendment.

When the committee rose, reported progress, and obtained leave to sit again.

TUESDAY, JAN. 21.

[We defer the detail of this day's proceedings to make room for the interesting Executive communications that occupy our preceding columns.]

The committee charged with that subject, made a report in favor of a bridge over the Potomac, which was made the order of the day for Thurſday next.

The Houſe again went into committee of the whole on Mr. Sloan's resolution for impoſing a tax of ten dollars upon every ſlave imported into the United States.

Mr. CLARKE ſpoke in favor of the amendment offered by Mr. Dana. Mr. Sloan opposed it. Mr. Dana replied. Mr. Alſton advocated the amendment. Mr. Macon ſpoke againſt the resolution. Mr. Nelſon and Mr. Southard ſpoke in favor of the reſolution.

When the queſtion was taken on Mr. Dana's amendment, and paſſed in the negative—Ayes 32.

Mr. Early and Mr. Bedinger then spoke against the resolution, and Mr. Broom and Mr. Sloan in favor of it: when the committee rose about 4 o'clock without having taken the question, and obtained leave to sit again.

On the 4th inſt. the bill for withdrawing the funds from Waſhington and Saint John's College paſſed the Senate of Maryland. The yeas and nays were as follows:

Affirmative—Meſſrs. Brown, T. Johnſon, M'Culloch, Partridge, Ringgold, Shriver, Thomas, Whitely, Williams—9.

Negative—Meſſrs Harwood, preſident, Chriſtie, Duckett, Hayward, Houſton, J. Johnſon—6.

DESERTED.

FROM on board the United States Frigate United States, the following seamen, viz

ON the night of Tuesday the 14th instant, James Mihan, a man about 5 feet 7 and 1-2 inches high, fresh complexion, stout made, dark blue eyes and dark hair. On Monday the 20th inst. William Coles, a man about 5 feet 11 inches high, straight made, black eyes black hair and thin visage. Whoever secures said deserters and delivers them to me at the Navy Yard, Washington, shall receive TEN DOLLARS reward for each, and reasonable charges paid by

JOHN CASSIN.

Washington Navy Yard, Jan. 22d, 1806.

ELISHA RIGGS,

Has just received by the ship Birmingham from Liverpool, via Baltimore, and other late arrivals, an additional assortment of Seasonable Goods, among them are many Fancy articles, all of which will be sold very low viz Ladies Pelices, fancy ribbons, lace sleeves, extra white kid gloves, rich embossed silk, hosiery, Hawkesbury bonnets, figured crapes, ostrich feathers, black laces shades and veils, white and colored cambric muslins, rich damask and green cloth, table cloths, London hatts.

Also,

A quantity of seine twine, saddlery, and hatters trimmings, and a few bales rose blankets.

George Town, Jan 22 w4t

FOR SALE

At the Office of the

NATIONAL INTELLIGENCER

AND AT

RAPINE'S BOOK STORE.

PRICE ONE DOLLAR.

An Examination

OF THE

BRITISH DOCTRINE,

WHICH SUBJECTS TO CAPTURE A

NEUTRAL TRADE,

NOT OPEN IN TIME OF PEACE.

January 17.

ELIAS B. CALDWELL,

ATTORNEY AT LAW,

HAS removed his Office, to the house lately occupied by Mr. LAW, on Capitol Hill.

Washington, July 26—tf

CITY of WASHINGTON, Sept. 9, 1805.

Several persons under the impression that the public lots in this city are to be disposed of in future by *public sales only*, having made enquiries when the next sale will probably take place, we are requested to state that those lots may at any time be purchased at private sale of the Superintendant of the City.

Sept. 9—tf

FALL & WINTER GOODS

JOHN COX

HAS this day received a Large addition to his former supply of FALL and WINTER GOODS, which makes his assortment very complete.

Most of his goods were bought on such terms as to enable him to offer them by piece or retail Lower than the regular importers can afford to sell at.

George town, Oct. 18—N&UGept