... rights here declared, do not extend to the colonial as well as coasting trade of belligerent nations, because the colonial trade is not only included in a "free trade to the ports and on the coasts" of such nations, but because it is expressly declared that the effects belonging to neutrals, and transported on their account from countries at war, cannot be excepted from the freedom of the neutral flag *in any case*, and consequently not *in the case of colonies* more than any other portion of such countries. It is not improper to remark that this declaratory stipulation is not only included in the same article, which recognized the principle that enemy's property is excepted from the freedom of the neutral flag, but is associated with that recognition in the same section of the article, and even in the same sentence.

If it were possible to controvert the construction here given to the treaty, a reference might be made to a very able speech delivered by lord Grenville in the British House of lords in November, 1801, in which this very construction is fully demonstrated. The demonstration is rendered the more striking by the embarrassed and feeble opposition made to it by the ingenuity of the very able speakers who entered the list against him.

Such is the accumulated and irresistible testimony borne by Great Britain, in her own treaties, against the doctrine asserted by her.

It will be in order now to resume the notice of treaties to which she was not a party, but which authorize some inferences and observations contributing still further, if possible, to invalidate her novel pretensions.

The review heretofore taken of this class of treaties was limited to such as preceded the armed neutrality. Those now to be added, are principally the treaties and conventions entered into in the years 1780 and 1800.

The treaties of 1780 declare the right of neutrals in the case under discussion, in the following terms: "That all vessels shall be permitted to navigate from port to port, and on the coasts of the belligerent powers." Those of 1800 are in terms too little varied to require recital.

It has never been questioned, that these definitions of the neutral right were as applicable to colonies as to any other of the territories belonging to a belligerent nation. All the British writers have so understood the text, and in that sense, have employed their pens against it.

It need scarcely be remarked that the treaties in question were framed with a view, not of making a new law of nations, but of declaring and asserting the law as it actually stood. The preamble to the convention of 1800, for the re-establishment of an armed neutrality between Russia and Sweden, explains the object in the terms following: "In order that the freedom of navigation and the security of merchandize of the neutral powers may be established, and *the principles of* the law of nations be fully *ascertained*, &c."

The preamble to the convention of 1780, states the principles avowed by the parties to be the *principles* derived from the primitive *rights* of nations."

The treaty of 1780 was originally concluded between Russia and Denmark. But it was acceded to by Sweden, Prussia, the United Provinces, Austria, Portugal and Naples; and in effect, by France and Spain. The principles of the treaty had the sanction also of the United States of America in their cruizing ordinances. Thus it is seen that with the exception of Great Britain alone, all the powers of Europe materially interested in the maritime law of nations, have given a recent and repeated sanction to the right of neutrals to trade freely with every part of the countries at war. And although several of those nations have, on some of the points contained in these treaties, as on the points of contraband and enemy's property under neutral flags, entered since into adverse stipulations; not one of them has by treaty or otherwise relinquished the particular right under consideration, whilst Great Britain, as we have seen in her treaty with Russia, has herself expressly acceded to the right.

(To be continued.)

LETTER

From Achmet Bashaw to the President of the United States.

[*Accompanying a message from the President of the United States of the 13th January*, 1806.]

Excellence,

For nearly eleven years, I have been laboring under the weight of misfortune; but, notwithstanding which, my distress was never equal to that which the actual combination of circumstances has made it.

My residence was near Cairo, when there arrived in Alexandria, a brig, commanded by captain Hull, in company with gen. Eaton, who came recommended to Mr. Briggs, H. B. M. consul, and enquired of him where I could be found. My place of abode being made known, a courier was dispatched for Cairo, by order of the general, and on his arrival at Razid a second one, which came to Cairo, directed to the house of Tursuf Bashaw, an officer of the Ottoman Porte, who received a letter in which he was requested to suffer to me to pass without interruption, in order that I might co-operate with the Americans to take Tripoli. These things being communicated to me, caused me to reflect seriously, whether they could be true or not. All doubts were dissipated by general Eaton meeting in Cairo, my secretary, named Mahumed Mezaluna, to whom he consigned another paper, and in company with two Maltese, arrived at Said, my place of residence, and delivered to me a dispatch, urging me to leave that place immediately, in order that we might have a meeting (as really happened) in the city of Damintur, where the general was made known to me, as one who had been sent thither by your excellency for the conquest of the kingdom of Tripoli. I engaged to go with him to Syracuse, and also to keep myself secret, from which circumstance, I was necessarily compelled to abandon all I possessed, and thus lose my horses, camels, &c. Previous to my leaving Damintur, general Eaton assured me the peace would never be made, unless I was placed in my *own seat* (throne) and often swore by himself that he would never take me *from* where I was for the sole purpose of making the conquest.

I did not, however, fail to suggest to the general, that in case Jussuf Bashaw should actually remain conqueror, what part he would take in my favor, as I should not be able to remain any longer in the Turkish dominions. I was answered, if the combinations of war should prove favorable to Jussuf Bashaw, that a pension would be granted me, sufficient to maintain my family and suite; the people and money demanded by me, to effect this object (for such a movement) were ready; and that I had better expedite my secretary to captain Hull, to inform him, that the general had conduct me from Upper Egypt to Syracuse, but that I could not trust myself at sea, in the manner he had. My envoy having executed his commission, arrived first in Syracuse, and afterwards in Malta, in consequence of the absence of captain Hull from the first (place) and whom he afterwards found in the second place (Malta) and executed his embassy: He was answered by the same (Hull) that every thing I could possibly want was ready, and in fact, there was sent me a vessel, laden with supplies and provisions, accompanied by the brig commanded by captain Hull, which arrived at Bomba, delivering to the general and myself a dispatch (to him directed) from the commodore, in which he renders Hull responsible for every thing I might want: I then asked for cannon, powder, and other warlike supplies, and was answered that a frigate was hourly expected, and that they would be sent to me. I afterwards left Bomba, in company with gen. Eaton, and we pursued our route towards Derne, arriving near it in 12 hours. Such a voyage made me extremely happy, as well as my people, while the manner in which we were treated by the general, excited universal admiration; his dignified soul (conduct) merits applause. We were scarcely on the 12th hour of our voyage, when we saw a schooner, which brought us 2 pieces of cannon, and nothing more. After an attack of 2 hours, in which all the troops applaud & admire the courage of gen. Eaton, Derne was taken (as the people of that country were much in our favor) and in which attack the general was wounded in the hand.

After the capture of the city, we received from the chiefs of the brigands, letters offering to join us. After 10 days a troop of cavalry and infantry (of the enemy) advanced; they were twice broken and put to flight by us. We now asked from the schooner, which had been sent us, people and arms, while there remained a respite and peace, and were waiting an answer, respecting our demand for people and arms, in order that we might go and take Bergaza and Tripoli; in the mean time arrived a frigate which we supposed had brought us people, but she landed a Turkish ambassador from Jussuph Bashaw, who informed the general of the alliance of Jussuph Bashaw with your excellency; saying that the said Bashaw would restore my family, and that your excellency would give me in the name of the U. S. a pension. The same evening of the arrival of the frigate, the general informed me, that I must embark with all my people; and thus was again compelled to abandon all I possessed—the general having prevented the Turkish ambassador from landing, and thus we parted for Syracuse, where we found the whole squadron.

I daily expected my family, when finally I was told that he (the Bashaw) whould not let them go; having thus broken his word, I demanded of the general, to be replaced in my own country, which was also denied me, saying that he had no orders to that effect from your excellency, and it is thus I find myself in this country, with the small pension of two hundred dollars per month, and on which sum I am to support myself with a number of people. Such a state of things makes me feel that the weight of misfortune has only increased; and for the first time am completely abandoned, and by a great nation; I therefore fling myself on the mercy of your excellency, who under the influence of just laws, will not fail to render me that justice which oppression and misfortune entitle me to.

With the hope of an early reply from your excellency, I remain, &c. &c. &c.

(Signed)

ACHMET BASHAW,

son of Ali Bashaw, &c. &c,

Syracuse, August 5th, 1805.

His excellency the President of the United States of America.

D. PETER

NOTIFIES to such gentlemen as have heretofore made consignments to Mr. William Murdoch, London, or may in future be disposed so to do, that he is duly authorised to conduct his business at this place, and make such advances upon shipments as the prices in Europe will justify.

George Town, Jan. 24——3t

Senate United States.

Jan. 28, 1806.

Mr. Smith of Maryland, agreeably to notice given yesterday, asked and obtained leave to bring in the following bill, which was read and ordered to a second reading.

A BILL for classing the Militia, & assigning to each class its particular duties.

Be it enacted, *by the Senate and House of Representatives of the United States of America, in Congress assembled*, That every free able bodied white male citizen of the United States, of the age of eighteen years, and under the age of forty-five, whose principal occupation is not on the high sea, or the tide waters within the United States, shall be of the militia for the land service of the United States. The persons so to constitute the land militia, shall be enrolled by their names and ages, in their proper districts, and in books kept for that purpose; such enrollment to be made without delay of those now within the description, and from time to time as to others who shall hereafter become so, always noting the date of the enrollment, and placing in a distinct page or part of the book, those of every different year of age, from forty-five down to eighteen.

The said militia shall be distributed into classes as follows, to wit:—The junior class shall be composed of those above twenty-one, and under twenty-six years of age; the middle class of those above twenty-six, and under 35 years of age; the senior class of those above thirty-five, and under forty-five years of age; and those above eighteen, and under twenty-one years of age shall compose the minor class.

The junior class shall be liable to perform all active services within the United States, or the countries next adjacent, by tours of duty, not to exceed one year in any two; and in order that the said services may be required of them equally, those of every battalion shall by its commanding officer be immediately divided by lot into ten parts, or portions, as nearly equal as may be; each portion to be distinguished by its particular number from one to ten, and to be called into duty in the order of their numbers, such call extending to so many numbers as the exigency may require, and every person so called on, may be assigned to the service of the artillery, infantry, cavalry, or of any other description, as the competent authority shall direct.

In consideration of the assiduous discipline required from the junior class, and of the services they shall have performed, or been liable to perform while in it, they shall never after passing into the middle class, be liable to actual service, but where the junior class for the time being is inadequate to the exigency; and then in their own or one of the adjoining states only, and by tours not exceeding three months in any year: for which purpose they shall be distributed into portions and numbers, and called on in rotine, as is provided in the case of the junior class.

The senior and minor classes shall be liable to be called on, to do duty within their own state only, and by tours not exceeding three months in any year, and they shall be separately distributed into portions and numbers, and called on in rotine as provided for the other classes.

Exemptions from militia duty, except in cases of religious scruple against bearing arms, shall only extend to the ordinary duties of mustering and disciplining, after having entered the middle or senior class, but all exempts shall be enrolled in their classes and numbers, and when called on for actual military service, shall be bound as others are to perform their due tours.

If any person called on to do the actual duties of his class, shall refuse, or unnecessarily delay to enter on duty, he shall be arrested as a deserter either by the civil or military authority, shall be delivered to the proper military officer, and either punished as a deserter, or compelled to perform his tour of duty. But any person so called on, may commute his personal service, by tendering as a substitute, an able bodied white man, a citizen of the U. S. fit for the service in the judgement of the officer who is to command him, and willing to engage therein. And all persons while engaged in performing a tour of duty, shall have the pay and rations allowed in the army of the U. S. and be subject to the rules, regulations, and articles, provided for the government of the same.

Sec. 2. *And be it further enacted*, That all provisions in any law of the U. S. or of any particular state, or territory, inconsistent with those of this act, are hereby repealed; and all provisons in the laws of the U. S. or of any particular state or territory not inconsistent herewith, shall be understood to be left in force, and liable to alteration by their respective enacting authorities.

The Washington Building

Company having determined to suspend payment on their shares after Fifty dollars shall have been paid on each share.

Resolved, By the *Building Committee*

That one certificate be issued by the Secretary in favor of each share upon which there shall have been paid the full sum of fifty dollars, together with all stock, fines, and monthly payments accruing thereon, which certificate shall specify that all dues and demands on the said share have been paid.

All persons concerned as aforesaid, are notified that unless they comply with the said payments on or before the first day of February 1806, they will at that time, forfeit their shares agreeable to the articles of the company

JOHN DOUGLAS, Chairman pro tem.

Dec. 2——wtF

WASHINGTON CITY.

FRIDAY, JANUARY 31.

The awakened spirit of the nation will hail with satisfaction the resolutions laid by Mr. Gregg on the table of the House of Representatives on Wednesday. There are those who regret, and we rank ourselves of the number, that the unjust conduct of Britain has not received from the representatives of the nation an earlier notice. As soon as that injustice appeared to be deliberate and systematic, we considered it as requiring a firm and vigorous resistance. Entertaining no doubt of the adequacy of our resources to command redress, or to punish injustice, we should have rejoiced, if Congress had refused an attention to all minor concerns until they had unequivocally manifested their determination to repel the aggressions of this power.

But another course has been pursued. And now, although we cannot but deprecate the delay which has taken place, we are ready to acknowledge that it has been attended with some peculiar benefits. It has served to convince every one that our councils, exempt from a spirit of precipitation or passion, have been solicitous to shew by their patience and forbearance, an ardent desire for a good understanding with foreign nations. It has likewise given an opportunity to our fellow-citizens in every part of the union to make themselves acquainted with the important subject presented to their consideration, and to express their sentiments on it, together with the course proper, in their opinion, to be pursued. It has further enabled the representatives of the people to become better acquainted with the subject than they might otherwise have been; and no doubt can be entertained but that they have by this time reflected calmly and dispassionately on the best course to be pursued without being exposed to that aberration which sometimes springs from the vehement collision of conflicting opinions.

In every aspect, in which the subject can be viewed, it is now ripe for legislative discussion. And never, perhaps, has the legislative discussion of a great national question presented itself under more favorable auspices.

The people are indignant at the wrongs committed upon them; and there is but one sentiment as to the necessity of taking some firm and vigorous steps. While, however, the undissenting voice of the nation demands some measures of vigor, reposing confidently in the discernment, the fidelity and the spirit of the government, there has been no premature or embarrassing dictation of measures. The field of legislation is large and unoccupied. Those who are to bear the responsibility are left free to adopt the measures which shall be deemed by them the most expedient. And let them rest assured, that whatever diversity of sentiment may exist on this point, there is not a good citizen, who will not, when the legislature shall have prescribed the course to be pursued, not merely acquiesce in it, but who will not with a vigor suited to trying occasions, give it that energetic support that shall insure it a complete success.

With justice on our side, with the bold consciousness it inspires, and with an undiminished love of peace, we may, perhaps, be compelled by the folly of others, to develope the energies of a republican government. Should this prove the case, we shall be woefully mistaken, if it is not made to appear, that the power of a free people is not only competent to the maintenance of their own rights, but that it may likewise be made terrible to those who invade them.

Even the proposed measure, pacific as it is, and short of the length to which circumstances may eventually drive us, will, if carried into effect, strike dismay throughout the empire of Britain. Her embarrassed trade and ruined manufactures, should she persist in her ill-starred policy, will present a more *eloquent* remonstrance than she has been accustomed to hear. It may be, and we sincerely hope it will be, that the foresight of these evils will induce her to abandon the unjust principles and practices which have produced this solemn crisis.

In connexion with this topic, we offer to our readers the following account by *Cobbett*, in his Political Register of the 26th October, of the *dispute between the United States and Great-Britain*. The subject is so important, that the fullest information should be given upon it; nor is it uninteresting to be apprised of the feelings and impressions of the adverse party.

DISPUTE WITH AMERICA.

"AS this dispute is of considerable importance in itself, and as it is likely to give rise to much public discussion, it will be proper to state, at the outset, the nature of the case, in a manner somewhat more full and correct, than it has yet been stated in the public prints. The first information of the existence of the dispute was communicated to the public through the Morning Chronicle of the 10th instant; and, as it is pretty evident, that the article alluded to came from the pen of some one who wished to put the people of this country upon the American side of the dispute, the insertion of the article here, previous to my statement of the case, will, I hope, be regarded as a proof of that fairness, which, it is my wish, should be apparent in every part of that share, however trifling it may be, that I shall venture to take in the discussion.

"It appears (from the American papers) that an account of the decisions which have recently taken place in our courts of admiralty, had been received in America, and had given rise to the most serious complaints against this country. The papers are full of the matter, and they threaten *reprisals* in a way which demands, on our part, a little seasonable reflection on our conduct. The Americans complain of all the European powers in different ways, and perhaps with reason. It is material that our readers should know the precise nature of their complaint against us, and we shall endeavor to state it in few words. So long ago as the year 1799, an American ship called the Essex, Captain Orne, took in a cargo of wine at Barcelona for Salem. It was landed at Salem, and paid the custom-house duties there; it was then re-shipped on board the same vessel, and the ship sailed for the Havanna. In her voyage she was taken by an English cruiser, and carried into a West India island, where, after a long dicussion, she was declared a lawful prise, as Spanish property. An appeal was made to England, and the case came on to be argued here about eight months ago, when the counsel for the captors set up an argument, for the first time, founded on an old and almost obsolete practice, that the touching at Salem, and landing of cargo there, was a mere subterfuge, that the original intention was to carry the cargo to the Havanna, and that, in fact, the voyage from Salem to the Havanna was *a continuation of the original voyage.* The lords of appeal said this was a most important consideration, and required time to deliberate on it. After an interval of three months they decided upon this argument, that it was a lawful capture.—As soon as this decision became known in our navy, the cruisers seized and brought in a number of vessels under the same circumstances, and several decisions have been made. The first was the case of an American vessel, which took in a cargo of sugar at Gaudaloupe, carried it to New-York, there landed the sugars, paid the port duties, &c. forthwith reshipped them, and sailed for Antwerp. In the voyage the ship was taken, and on a trial before Sir William Scott, he solemnly decided, on the new argument, (which, however, he said, was founded on an old doctrine) that it was a continuation of the original voyage, and the ship was condemned. Many others followed. It was a God-send to our men of war and privateers, for the Americans conceived themselves perfectly safe in pursuing this course, as it had been acted upon without question through the whole of the last war. Several instances have occurred indeed, where the ships brought in upon this pretext have been released. Whenever the captured party could exhibit satisfactory proof that the cargo was originally intended for the American market, that it was advertised for sale, exposed in an open store, offered at a price, &c. and that it was evidently reshipped only because the owner could not find a purchaser; then it has been held that the capture was not legal. But the course of the trade was the other way; and though it was a doctrine good only until it came to be known, yet the depredations upon America, to which it has given rise, is enormous. And this complaint is that the practice having gone on, without interruption or question, during the whole of the last war, and until this decision on the case of the Essex, they ought, in fairness, to have had notice of our return to the old obsolete practice; and that all the condemnations made without such notice, are unjust, violent, and hostile.—These are the facts as we understand them. We trust we have stated the case fairly. A strong memorial has been presented by the American Minister to Lord Hawkesbury on the occasion; and his answer, as transmitted a few days ago, was, that it was a case of such importance as to demand time for serious investigation. We trust it will receive serious investigation, and also a candid, speedy, and fair answer. We have had too much of hasty violence and tardy atonement. Our maritime strength does not so much depend on our power of seizure as on the freedom of our commerce. And we ought not, either in justice or in policy, to drive America to measures of reprisal. If she should lay an embargo on all exports to our West India Islands for only six months, what would be our and their condition? And even without that act of vengeance, a non-importation agreement of British manufactures for one year, would be a loss to this country of seven millions sterling."—The observations, with which this article closes, will demand some little notice by-and-by. At present it is necessary only to say, that they appear to betray the origin of the statement; and, if it should be found that I am correct, it will certainly be evident, that this statement is not so.—

(Conclusion of remarks in our next.)

House of Representatives.

Wednesday, Jan. 29.

Mr. Jackson called for a consideration of the Unfinished business of yesterday, viz. the motion of Mr. Smilie to discharge the committee of Ways and Means from the further consideration of so much of the President's message as relates to the invasion of neutral rights by some of the belligerent powers.

On taking up this business the House divided—Ayes 57—Carried.

The motion having been submitted from the chair—Mr. Dawson opposed it. He said the wish of the gentleman from Pennsylvania to bring this subject under the view of the com-