collision, continually tending to involve these states in the issue of European wars, and would oblige the government on the occurrence of such wars, speedily to unite with one or other of the parties, in order that the commerce of the country might lawfully avail itself of some degree of security, from the protection which its own force, and that of its allies could afford.

To this state of things your memorialists believe it can neither be the interest nor wish of the British government to reduce our country.

The right of internal commercial regulation in articles of an innoxious nature, is one of the essential and inherent rights of every independent sovereignty—and with the exception of a trade to blockaded ports, or in articles contraband of war, every government has a right to sell the surplus articles of its manufactures and produce to neutral merchants, who on their part, so long as they confine themselves to a fair and honorable course of dealing—purchasing exclusively for their own account; and refusing to cover the property of a belligerent, are entitled to the protection of their own, and the respect of other governments—for the most tenacious advocates for the rights of belligerents admit, that during war, neutrals have a right to enjoy in the utmost latitude, the trade to which they had been accustomed in time of peace. Now if a belligerent has the right to blockade an extended sea coast, and exclude neutrals from perhaps fifty different ports, (as was the case with the French ports in the channel during the last war) how can the neutral enjoy his usual peace trade in its greatest latitude, unless this deprivation is balanced by another trade which is opened to him during the war?

As to the inquisitorial right of search into the ownership of neutral property set up by G. B. and the doctrine appended to it, that a neutral importer shall not again export his goods, but that they shall be first alienated and passed into the possession of others, your memorialists believe them to be unsound in principle, offensive in practice, and nugatory in effect—for the importation of merchandize into a neutral country, landing it, payment of duties on it, and exposing it for sale, as fully domesticates such merchandize, and makes it as much a part of the marketable stock of the country, as the corn which is raised in the fields, or the beef that is fatted on its mountains; and thenceforward, it becomes as much the right of one citizen as another, to export or appropriate it as he chooses, & the attempt by another government subsequently to discriminate, and to deprive a neutral merchant of the right to purchase a cargo for exportation, because possibly he owned a fiftieth part of it on importation, can only excite irritation—invite collusion—lead to fictitious sales, and eventually would diminish in a very small, if any degree, shipments of foreign produce.

This doctrine is probably more injurious in its operation to the U. S. than to any other country. Second to no nation on earth in enterprize, her citizens are yet inferior to those of many other countries in capital—hence arises the necessity of numerous associations in the prosecution of distant enterprizes and to exclude all the original associates from the rights of any subsequent trade in articles derived from adventures in which they had been concerned to perhaps a very small amount, and which adventures, after their arrival in the U. S. are as much terminated, so far as respects the continuity of association, as if the property had been sunk in the ocean, and thus to throw advantages into the laps of their neighbors, from the participation of which they are interdicted, is manifestly arbitrary and unjust.

Your memorialists would with reluctance believe that the sacred tribunals of justice have been subservient to motives of political expediency, more especially in a nation whose judicial proceedings have frequently deserved and commanded the respect of all civilized countries—yet they know not, easily, how to reconcile on any other ground, the contradictory proceedings of the British admiralty courts during the last and present war.

In February, 1800, there came on for final adjudication before the high court of admiralty, in Great Britain, the case of the Polly, Laskey.—This was a vessel bound from Marblehead to Bilboa, captured and carried into England, because she had on board 249 boxes of Havannah sugars, and 80 hhds. Caraccas cocoa, the produce of Spanish colonies—and was brought to trial principally under the pretence that, as she was carrying those articles to a port of Spain, the trade was in effect a direct one between the colony and the mother country, and therefore illegal, and subjecting the property to condemnation.

The Polly was owned by a merchant of Marblehead, who in his attestation declared, that he had been in habits of trading both with old Spain and with the Havanna. In evidence on the trial it appeared, that the Polly on a previous voyage had been to Bilboa, that she took from thence bills of exchange on the Havanna, that with these bills, she in part paid for the identical sugars which were found on board of her, at the time of capture; that for the residue of the purchase, bills were drawn from the Havanna on the house in Bilboa, who did the business of the vessel on her former voyage; and by the certificate of the collector of the customs at Marblehead it appeared, that the sugar had been imported from the Havanna on board the Polly in June, and exported by her to Bilboa in August; the intermediate time being employed in repairing the vessel, and preparing her for the voyage. It also appeared by the deposition of the mate, that the captain had destroyed some of his papers.

A case more pertinent to the question at issue, or more strongly marked, could scarcely be imagined by the strongest powers of invention.

For the captors, there appeared in the King's advocate (undoubtedly one of the ablest jurists in the nation) and Mr. Arnold. In delivering its judgment, the court asked, whether it were contended, that an American could not purchase articles of this nature, and import them bona fide to America on his account, and afterwards export them; it was answered no. The court then stated—that an American has undoubtedly a right to import the produce of the Spanish colonies for his own use, and after it is imported bona fide into his own country, he would be at liberty to carry them on to the general commerce of Europe. The vessel and cargo were restored to the neutral claimants.*

In 1801, in consequence of a decree of the vice admiralty court at Nassau, condemning the cargo of an American vessel going from the U. S. to a port in the Spanish colonies, with a cargo consisting of articles the growth of old Spain; our highly respectable and able minister at the court of London, immediately addressed lord Hawkesbury, his majesty's secretary for foreign affairs, and remonstrated in a respectful, but a firm and dignified manner against this infringement, and violation of rights of neutrals. The remonstrance met that prompt attention from the British government which its merits demanded. The subject was referred to the consideration of the advocate general, who reported—That the sentence of the vice admiralty court at Nassau was founded in error—that it was now (1801) distinctly understood, and had been repeatedly so decided by the high court of appeals, that the produce of the colonies of the enemy, may be imported by a neutral into his own country, and may be re-exported from thence even to the mother country of such colony; and in like manner, the produce and manufactures of the mother country, may in this circuitous route legally find their way to the colonies—that a direct trade had not been recognised as legal, & the decision of what was, or was not, a direct trade, was a question of some difficulty, but that the high court of admiralty had expressly decided, and the advocate general saw no reason to expect the court of appeal would vary the rule, that landing the goods, and paying the duties in the neutral country breaks the continuity of the voyage, and is such an importation as legalises the trade, although the goods be reshipped in the same vessel, and on account of the same neutral proprietors, and forwarded for sale to the mother country.

The report of the advocate general was accepted by the British government, immediately transmitted by lord Hawkesbury to Mr. King; and his majesty's express command communicated by the duke of Portland, the principal secretary of state, to the lords commissioners of the admiralty, with the information that it was his majesty's pleasure, that the doctrine laid down in the advocate general's report, should be immediately made known to the several judges of the vice admiralty courts, setting forth to them what he held to be law upon the subject, by the superior tribunals, for their future guidance and direction.†

Thus are obtained so recently, as within five years, the deliberate opinions on the subject under discussion, of the most eminent English civilians, and of the high court of admiralty, corroborated (if one of the first law officers of the crown may be credited,) by the repeated decisions of the court of appeals which by its late, and contradictory decree, in the case of the Essex, Orne, has caused so disastrous an arrestation and condemnation of American property.

Judgments thus perspicuously stated and inforced, by the highest authority, it was fair to consider as intended for a beacon, to direct to the channel, thro' which neutral commerce might be prosecuted with security. It is hoped the event will not prove they were a mere ignis fatuus to ensnare the innocent and unsuspicious.

At any rate whether the doctrine were sound or not, or whether it injured Great Britain or not—it cannot become the integrity and magnanimity of a great and powerful nation, at once, and without notice, to reverse her rule of conduct towards other states, and to prey upon the unprotected property of a friendly power, the extension of whose commerce, had been invited by the formal avowal of her intentions, and prosecuted under a reliance on her good faith, and from the confidence reposed, that her courts—uniform in their principles—would never be influenced by the time serving politics of the moment.

But whatever may have been the motives of the proceedings on the part of G. B. the effect is notorious. From her recent conduct great losses have been sustained, our commerce has been checked and embarrassed, and large quantities of produce are now remaining locked up in this country, which were purchased for foreign markets, because our merchants cannot send it abroad, without taking risks on themselves, which prudence would not justify, or without paying such rates for insurance as the trade of the country cannot afford.

Thus circumstanced, the merchants of Boston have thought it their duty respectfully to make known their complaints to the government. Believing the citizens of the U. S. desirous of cultivating relations of amity with the whole human race, and particularly connected as they are with G. B. by habits of constant intercourse and by mutual wants, they cannot but hope that like dispositions are entertained by the British nation towards this country, and if measures were speedily taken for the amicable discussion by negociation of our complaints, that a sense of her own interest, and a respect for the rights of others, would induce her to depart from her present measures, and to conduct towards us with justice and liberality.

Under this persuasion, and without meaning in the smallest degree to derogate from the talents and attention of the American minister at the court of London, the subscribers with deference and humility, beg leave to suggest, whether, when so important national interests are at stake, a special mission would not carry with it great influence, and be very instrumental in the accomplishment of our reasonable wishes.

In all events fully relying, that the subject of our differences with G. B. will receive the due consideration of government, and that such measures will in consequence be promptly adopted, as will tend to disembarrass our commerce—assert our rights—and support the dignity of the U. S.

Your memorialists have the honor to remain, in behalf of their constituents and themselves,

Most respectfully,
James Lloyd, junior,
John Coffin Jones,
David Greene,
George Cabot,
Arnold Welles,
Thomas H. Perkins,
David Sears,

ATTEST,
Isaac Winslow, junior, sec'y.

* *Robs. Reps.*

† *Duke of Portland's letter to Mr. King.*

BRITISH AMERICA.

SAINT JOHNS, Jan. 20.

Admiralty Case.—On Wednesday last, came on in the court of Vice-Admiralty, at the city hall, the hearing of the cause of the sloop Falmouth, for some time past depending in that court; the testimony in the cause was very voluminous, and the arguments of the counsel on both sides very long and interesting; and the court was attended by a large and respectable audience.

This sloop was a foreign sloop belonging to citizens of the U. States, and seized in the month of Oct. last, by the Union cutter, under the direction of George Leonard, esq. superintendant of trade and fisheries in North America and a preventive officer in the service of his majesty's customs in this province, having taken her cargo of plaister of Paris on board from a British vessel, off Snug Cove, in the island of Campo Bello, in the county of Charlotte, in this province, contrary to the provision of the navigation act and other British laws of trade. The sloop and cargo were claimed by Ebenezer Lock, the master, upon the ground that the waters in which these vessels were lying at the time the said cargo was so laden were either wholly within and belonged to the U. States, or were neutral, free or common to the vessels of both nations, for the purpose of trade and navigation. Wednesday and Friday were occupied in the hearing of the cause, and on Saturday his worship William Botsford, esq. judge of the court pronounced his decree, by which the sloop and her cargo are condemned and forfeited, upon the ground that the place in question where the cargo was laden on board, was on the British side of a line drawn through the waters between Campo-bello and Dudley islands, the latter of which is in possession of citizens of the U. States. The claim was dismissed but without cost, as it appeared in evidence that such a trade had been practised for some years past, with the knowledge and consent of the custom-house officers of both governments; and there appeared to be no intention of fraud on the part of the claimants.

Philadelphia, Feb. 27.

EXTRACT.

VICE ADMIRALTY COURT OF ANTIGUA.
Edward Byram, Judge.

The schooner Washington, belonging to Mr. Soulic of New Orleans, taken on her voyage from Bordeaux to New Orleans, and sent into Antigua.

Opinion of the Judge.

That Mr. Soulic's right and property in the vessel and cargo as an American citizen, resting altogether upon his residence at New Orleans from the date of the cession of Louisiana by the government of France to the United States of America, it remains to be determined whether a native subject of France, who, when Louisiana belonged to Spain, was a subject of that kingdom, and when it was ceded to France, became again a French subject, and in both characters trading to and from the countries of the enemy of Great Britain, shall be at once by the event of the sale of Louisiana to America, considered as an American citizen, and entitled to the rights of neutrality. That is too much for this court to say, and is a question only to be decided by a superior tribunal. Considering therefore, the vessel and cargo as the property of French subjects, &c. do order, adjudge and decree, and it is hereby ordered, adjudged and decreed, as the definitive sentence of this honorable court that the said schooner Washington and her cargo or lading (except such part as belongs to the Master and—————— which is hereby ordered to be restored) be and the same is hereby condemned as good and lawful prize to his Majesty's ships Hippomenes, whereof Edward Wolcombe, Esq. is commander, and L'Hereux, whereof George Younghusband, Esq. is commander, and to be delivered to their agent or agents, accordingly be divided, &c.

Antigua, Dec. 5, 1805.

Charleston, Feb. 17.

Capt. Cook left Marseilles on the 21st December. A report of the battle between the French and Austro-Russian armies had just reached that place—it was styled the "*battle of the three Emperors*," and the French were reported to have enjoyed the advantage.—It was stated that 80,000 English and Russian troops had been landed in Naples.—Capt C. was boarded in the Mediterranean by an English squadron, who informed, that the American frigate Essex, in entering the Bay of Algeziras, had been fired upon by the Spanish batteries. Markets were dull at Marseilles, for colonial produce, in consequence of an expectation of peace.

Courier.

Cincinnati, Feb. 10.

On Thursday last, arrived at this town the brig Perseverance, capt. Wilson, burthen 160 tons, from Marietta, bound to New-York. She was built at Marietta, at the expence of Benjamin Ives Gilman, Esq. The construction and workmanship of this vessel do much credit both to the mechanic and proprietor.

[*Communicated for insertion in the National Intelligencer.*]

DOCTOR EBENEZER BROOKS,

Was the only son of a very respectable and pious citizen of Philadelphia. He was weakly from his infancy and wanted the use of his right arm. He received a very liberal education principally under the care of the Reverend Francis Allison, with whom he afterwards studied divinity. Shortly after he was licensed, he came to the western parts of Virginia, where he lived several years, and preached with great reputation. Some of the Presbyterian clergymen with whom he associated treating him harshly on account of the liberality of his theological opinions, he became disgusted with their church, resigned his sacerdotal office, and commenced the study of physic of which he had been always extremely fond. About this time he met with a few hints on stenography by Dr. Byrom and embraced the idea of reducing it to a complete system in which it is believed he succeeded. A short time after commencing the practice of physic he removed to Kentucky where he lived twelve or fifteen years. He then made Cumberland his residence for two or three years, and returned to Virginia for the purpose of completing his system of stenography and having it published. He was advised by his friends to visit Philadelphia and make application for the appointment of stenographer to Congress. His journey he undertook with some hopes of success, knowing the perfection to which he had reduced his system. But in this he met with his common lot, disappointment. Having there but few, if any, friends, and being poor, it is probable his outward appearance did not make a sufficient impression upon the members to make them judge suitably of his merits. And he was no courtier—no adulatory sycophant. He again returned to Washington county in Virginia, and practised physic, his favorite pursuit, until his death in 1799.

When Paine's "Age of Reason" made its appearance, and before bishop Watson published his reply, at the suggestion of some of his friends the doctor wrote an answer to that work, and afterwards revised it when he saw the second part of the "Age of Reason." This work has been ranked by those who have read it in manuscript among the ablest productions in defence of christianity. Having spent considerable time in composing it, he thought himself entitled to some compensation from the public. Subscriptions were opened and a number of subscribers obtained. The manuscript was prepared for publication and sent to Philadelphia. At the same time the patronage of the then President of the United States, Mr. Adams, and the Secretary of state, Mr. Pickering were expected, they having expressed their approbation of the work. But here their patronage was to cease. As Thomas Paine had dedicated his work to the citizens of the U. States, the doctor dedicated his in a most impressive manner to citizens of France. Mr. Pickering in a letter to the doctor on the subject of the publication, intimated that it would be agreeable to change the dedication. This he would not consent to, and the friendly offices of the President and Secretary were never after heard of. Nothing was done for a short time concerning it; the doctor departed this life, since which it cannot be had. His executor a Mr. Montgomery, to whom he left his small estate, not having it in his power to make enquiry concerning the manuscript and attend to its publication, authorised Mr. Augustus Woodward, then of Washington, Virginia, since of the city of Washington, to take into his possession those of the doctor's papers which could then be had, among which were some of his manuscripts on stenography, to endeavor to procure the answer to Paine and to have it, together with his system of stenography, if it could be properly deciphered, laid before the public. Five years have now elapsed and neither of them have appeared, which induces a belief that the answer to Paine cannot be found. It certainly would afford the friends of Dr. Brooks peculiar satisfaction to see it published, that the design of the author might be complied with, and that his name might assume its just rank in the literary world. This last to be sure would have been with the author a small consideration; but is a debt the living owe to the dead.

Beside the works which have been mentioned he wrote several other small tracts on the practice of physic and other subjects, none of which have yet appeared in print, and most of them it is feared are lost. He was enthusiastic in the promotion of education, and often spoke in the highest strains of eulogy of the members of the Virginia Assembly who passed the law in 1796, for establishing public schools. He delivered before the court of Washington in March, 1797, an elegant address in favor of the law and advising them to carry it into execution. Although they did not comply with his advice, he received their thanks, and a copy of his address was requested for publication, but what became of it I cannot say.

Notwithstanding his great talents and acquirements, he was often in extreme poverty. Although very industrious in his profession, he scarcely made as much by it as procured his medicine. This proceeded entirely from his benevolence. He sought for the distressed and relieved them without remuneration. His disposition may be said in some measure to have shortened his life. He visited some of his patients at a considerable distance in March 1799. The weather was extremely cold and he had just recovered from a dangerous attack of sickness brought on him by a fall from his horse. He was taken violently with the dropsy, a complaint of which he had felt symptoms before and died in a few weeks.

I went to see him a few days before his death. After being considerably affected at our meeting he composed himself and conversed with his usual pleasantry and wit, possessing naturally a very sprightly imagination. One of his old and intimate acquaintances was with me, with whom he always enjoyed himself greatly in conversation. He told us he must certainly die in a very short time, and amused himself much in talking about the employments in the other world, and those of his friends whom he should meet there. In all these conversations he betrayed not the smallest anxiety of mind. He died in about the fortieth year of his age, a firm believer in christianity, and what few can say, without an enemy.

"Virtue, the strength and beauty of the soul,
Is the best gift of Heaven: a happiness
That even above the smiles and frowns of fate
Exalts great nature's favorites: a wealth
That ne'er incumbers, nor to baser hands
Can be transferr'd; it is the only good
Man justly boasts of, or can call his own."

MR. SMITH,

I request you to republish in the National Intelligencer, two libels which have been published against me in Relf's Philadelphia Gazette and Daily Advertiser, of Tuesday last, the 25th inst. as follow:

From Relf's Gazette.

"In copying the following article, we indulge with the Balance a fellow feeling of contempt and indignation at the low meanness and despicable evasion of a man who disgraces an office of high trust and responsibility.—Ever since the Congress of the U. S. removed to the city of Washington, we have forwarded this gazette to the office of the Clerk of the House of Representatives at Washington. Up to the time of Mr. Beckley's accession to that office, the subscription was punctually and honorably paid. From that time to the present, notwithstanding repeated applications, the *House of Representatives of the United States* remains in our debt! But perhaps we ought not to say the House of Representatives—We have no doubt but Mr. Beckley has charged the House with the amount and put it into his own purse. We are the more convinced of this, by observing that two of his clerks, Messrs. Lambert and King, have during the present session, presented petitions to the House, complaining of his having withheld from them certain balances of their salaries. Certainly it is the duty of the Speaker of the House to see to these malversations; and if he cannot correct the monstrous evil, the honor, the credit, and the dignity of the whole representative body may be compromitted by an officer of abandoned and unprincipled conduct.

"*From the* BALANCE.

"BLACK LIST—COMMENCED.

"As in publishing this list, we intend to shew that we have no partiality or respect for persons, we commence with the name of

JOHN BECKLEY, ESQ.
Clerk of the House of Representatives of the United States,

By whose order we have sent the Balance to members of Congress at three different sessions, and have, in vain, attempted to get pay for them. As this *gentleman* is furnished with money by the government, to procure papers for members of Congress, by withholding it from us, he retains it in his own pocket."

So far as respects the first of these libels, it will be sufficient to remark—that had any thing short of the malignant design to assassinate my character been the object of Mr. Relf, he would have stated the facts:—*First*, that his accounts for papers furnished to members at every session of Congress since my accession to office, have been regularly paid, as soon as presented, as will be seen by the receipts filed in the Treasury Office;—and *secondly*, that