Hampshire Gazette.

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POETRY.

THIS LIFE.—A NEW SONG.

I

THIS life is a state,
Where we ever debate,
On follies we each do possess;
The more we desire,
Or to wealth do aspire,
By so much we're sunk in distress.

II.

The parson to gratian,
Gains many believers,
Who pay him his tithes when due;
And when he has got it,
Conceys it to his pocket:
And promises next something new.

III.

The Lawyer when paid,
Will strike his long head,
And plead till his voice is quite hoarse,
But if no money 'tom pay,
Not a word will he say,
Though your fortune depends on the cause.

IV.

The doctor with powders,
Endeavours to cound ov,
From this troublesome state here below;
And what makes it worse,
He'll receive his pay first,
Ere on us such good he'll bestow.

V.

The Preceptor much vex'd,
Comes in our view next,
He puzzles his head the whole day,
His scholars he thump,
Declaring them gumpy,
And in scolding, old time drives away.

VI.

The Farmer, whose life,
Is free from all strife;
Is happy at the tail of his plough;
Great economy learns,
Attributively to cows,
His bread, by the sweat of his brow.

VII.

Thus we all have our views,
From whence there arises,
Continual feuds in each nation:
But it is hop'd that ere long,
We shall unite in one song,
May happiness attend the nation.

BOSTON, March 16.

English and French *Miscendat*.

The public mind having been much agitated by the treatment which Capt. BLACKMER lately received from a British man of war, on his voyage from *Jamaica*—we have received from him the following occurrence of the voyage; and pledge the reputation of our paper, for their accuracy.

Capt. BLACKMER, in the schooner *Hope*, sailed from *Jamaica*, the 9th Feb. in company with two other American vessels, and at 8 o'clock, P. M. fell in with three French privateers—one of which fired a number of shot at him, brought him to, and ordered him to come on board the privateer, the Capt. of which examined his papers, and told him to go on board his vessel. When Capt. B was going on board his vessel, the privateer's captain, hailed the mate of the *Hope* and said, "*you damn'd rascal heave down your boat, or I'll fire a shot into your wigwam, and you shall be drowned alongside of your vessel, or I'll fire a shot at you.*"—The mate having only a boy with him could not immediately comply, on which the Capt of the privateer again hailed, "*you son of a bitch heave down your sails, and put your helm a-starboard.*" The mate immediately put the helm up, and ran foul of the privateer, cut down all her quarter-gallery, and broke her rudder in mid ships—She then went clear. During this, about twenty of the crew jumped on board the *Hope*. Soon after, the other two privateers came up, and ordered Capt. B. and the other vessels in company to lie too until morning, which they did. In the morning Capt. B. carried the men on board the privateer, and gave them assistance to repair their vessel—immediately brass from all the privateers boarded Capt. B. and took from him all his water, except one cask, searching him for money; plundered him of a trumpet, and articles of clothing, to the amount of near 50 dollars; telling him he might go to *Jamaica* and get more water; but refused to give up the water casks. In consequence of this treatment, Capt. B. was obliged to put his poor son on short allowance of water; and put away to the *Grand Cayemans* for more. But this was only the beginning of his misfortunes.

On the 6th inst. in lat. 40 long. 72, off *Block Island*, the weather clearing away from a foggy, a vessel hove in sight, which proved to be a frigate under French colours, which fired a gun. On this Capt. B. immediately put his helm up, hauled his maintopsail and flying jib, bore down, and fell into the frigates wake. She tacked ship, and Capt. B. wore round, put down his helm, and laid too, waiting for the frigate to speak him. The frigate came up on his lee, at the distance of 20 yards and ordered him all sails aback, for to examine and then without hailing fired a musket, the shot from which entered Capt. *Blackmer's* face just on the left jaw bone, and came out near his mouth, wounding him very severely. Capt. B. saw the man on the quarter-deck with a musket in his hand, for him level it, but had no conception that he had an intention to fire. After this a Lieutenant hailed the schooner, and enquired what cargo was on board, and from whence the came—to which Capt. B. gave suitable replies; add ng, that they had wounded him severely, and requested some assistance; but received no answer. *After a short space*, they said they were French, and what Capt. B. might proceed on his voyage. Capt. B. then requested them for God's sake to lend him some assistance to dress his wounds, as he had no medicine on board. After again inquiring where the vessel came from, the frigate's boat was got out, and the Captain and Lieutenant came along side the schooner, on which Capt. B. jumped from Capt. B. quarter deck, and said, *Gentlemen, I am happy to see you, but I am sorry you should attempt to take my life.*" The Capt. bid the Lieutenant go on board the schooner, and he went himself on board another frigate which was then in company. When the Captain was going off, he was again requested to send his surgeon on board the schooner; but refusing no answer. The Lieutenant, however, soon after ordered the surgeon on board; who immediately appeared, and expressed his utmost detestation of the proceeding, dressed the wound, offered to carry all night, left a quantity of medicine, and in all his conduct displayed the gentleman, and man of humanity. The Lieutenant too, conducted himself like a gentleman, and requested to purchase some fruit of Capt. B. who notwithstanding the injury which he had received, generously furnished him with some oranges, &c. refusing any compensation for them. Every endeavour of Capt. B. to find out the names of the frigates, or commanders, was in vain—They refused to give them alledging it was not custom any. One of the frigates was a 56, or 40, the other 32.—The Captain of the largest was about 5 feet 4 inches high, full faced, fresh coloured, appeared to be about 40 years of age, a little pitted with the small pox, black hair, and dressed in the uniform of the British navy. The Lieutenant about 5 feet 7 inches, about 25 years old, light hair, was very genteel and polite, and dressed in uniform—The surgeon near 6 feet high, about 23 years old, very portly and genteel, dark hair, had on a light blue surtout. By this description it is to be hoped the name of the frigate will be ascertained, that proper representations may be made on the subject.

A late Journal to INDIA and CHINA.

AT BOMBAY,

IN the region of the torrid zone, the heat of a meridian sun, renders it very disagreeable, and indeed almost impossible (for strangers) to pursue either business or amusement without doors: for this reason I generally deferred my excursions till toward the close of the day.

This afternoon Mr. —— and myself, took a walk toward the English burying ground, which is somewhat a mile or two, without the city gates on the sea shore. In our journey we saw the Gentoos, burning one of their dead. We were too late to see their first ceremonies, and left them before they began their lift; we observed, however, that they first consume the head, and then the extremities. While we were looking on this awful novelty, we were accosted by a little boy, of a modest and sorrowful countenance, who asked "Can that Mericaman, burn he broder;" The interogation seemed accompanied with an expression of regret and shame, for the barbarous custom of his country; and before we could answer, he turned with a sigh, toward the friend of his infancy, whom we learned was his mother! The tears of undisguised Nature stole o'er his cheek, while he gathered the ashes of the consuming flesh: the calcined bones were equally the subjects of his mournful care. A small hole, dug in the sand, received the sacred emblem, over which he strewed sweet marjoram and pieces of sandal wood.

It being near sun-set, we continued our march, and in a few minutes arrived at the Repository of Christians. This is an oblong square of about 100 yards by 50, enclosed by a decent brick wall of 8 or 10 feet high. The gate or porch, built in the eastern stile, was attended by two aged Hindoos, who bowed as we entered. In this inclosure are many tombs of white and colored marble aqueduct, and cisterns of water. Numbers of tall palm trees, whole branches bodies and solitary stations added to the gloom of the evening, and the reflection of "where we were," rendered the scene more solemn and awful. This burial place has a pretty situation, surrounded on three sides by the Forest of Dungaree, and on the fourth by the ocean.

In our return, we walked through the groves of the Moors, who are buried on the sea shore. We saw some of the graves open, and the dogs devouring the dead at leisure; while the ravens and vultures sat croaking in the trees waiting an opportunity (in turn) of plundering this last recess of Nature. The beach was strewed with shrouds and winding sheets, which had contained the corpses or some Moors, who (as observed) are buried in the sand, which the water sooner or later washes off, and exposes the body: which common occurrence the dogs and birds of prey strictly attend to, and soon devour the flesh. Thousands of bones and human skeletons entire lay bleaching to the summer sun, and tempest alike! Perhaps the remains of those who in life were the cheerful companions and the bosom friends are passed and trampled on without a sigh—save from the pity of some wandering stranger.

Her Friends and Parents free the ample mound,
And bleach forgotten on the silent ground.

THE DIVORCE.

A few days since, (says one of the last Paris papers) a married couple determined on being divorced; but not being able to agree with respect to the disposal of the children, they referred the dispute to an aunt, to settle. "We have *three* children said the husband;" I insist on keeping *two*; the third shall be left to the care of its mother." "But I," said the latter, "have a right to *two*; the care of one will be more than sufficient for you." "There is no way of settling this dispute," said the aunt in a tone of the utmost gravity, "but by setting about to make immediately a *fourth* child." This decision produced a laugh—and restored good humor. The contending parties embraced, and the idea of a divorce was forgotten.

A young priest, of greater pertness than wit or learning, being asked in company how he came to take it into his head to enter into the ministry of the church? Because, said he, the Lord had need of me. That may be replied a gentleman present, *for I often have read that the Lord once had need of an* ASS.

ANECDOTE OF A HIGHWAYMAN

MOODY, the celebrated comedian, was met by a highwayman, near London, who threatened to cut his reins if he did not immediately stop his horse. Moody complied, put his hand into his pocket, and nicely discriminating between the gold and silver it contained, handed the rober nine shillings in change. He then stated, that he was going upon business, and appealed to the generosity of the man, to bear his road expences. Two and six pence were accordingly refunded. Some days after the rencountre, it being understood that he had been robbed on the highway, he was called upon to attend at the office of one of the magistrates, to speak as to the indentity of a person in custody, under suspicion of being the robber. He attended and declared that he was not the man. He was then requested to proceed in company with an officer of police to a tavern hard by, where there were three person, who were suspected. This he did, and he recognized one of the three to be the man, who had stopt him? but from motives of humanity, perhaps mistaken, very naturally inspired by the just, severity of the law of England, he declared, in a pretty audible voice, that the person was not there. The highwayman recognized him, from the officer accompanying him, suspected his errand, and with great satisfaction heard his unexpected declaration. Moody having left the tavern and proceeding homewards alone, the robber followed him, and in a retired part of his walk, accosted him with many thanks to his honor, for having so generously favoured his escape. Moody recommended to him, to make good use of the affair as a warning and admonished him to reform. The highwayman promised, and was taking his leave with a repetition of thanks, when Moody reminded him, "that they had a little account to settle," and then urged a return of the six & six pence the highwayman had taken; who replied, "your honor is surely joking; When your honor mentioned a settlement of accounts, I was sure your honor meant to return me the two and six pence you borrowed of me." They parted without a settlement.

HUMOUR.—*Original.*

A Good sort of a woman in Vermont, who rigidly adher'd to Saybrooke Platform, and the Divine Catechism, desirous of discovering to her friend the talent of her son, (a boy of some shrewdness) and his astonishing strength of memory, call'd him up, in the presence of Col. Levi, to question him on the Catechism.—"*My son*, (says the good woman) *unto what state did the fall bring mankind?*"—"*Into the state of Vermont*," answer'd the boy.

Take Notice.

ALL persons indebted to the subscriber, on Book, (however small their accounts) are called upon to settle immediately; as my Books will be in the hands of an Attorney to collect without discrimination, after the 15th of April next.

JOSEPH H. BRECK.

Northampton, March 15. 1796

CASH GIVEN FOR CLEAN COTTON AND LINEN RAGS.

Harvard College Lottery.

THE Managers of *Harvard College Lottery*, present the Public with a SCHEME of the Fourth Class of said Lottery—which will commence Drawing on, or before the 8th THURSDAY in April next, in the REPRESENTATIVES CHAMBER, in *Boston*.

The strict punctuality which the Managers have hitherto observed, as to the time fixed for Drawing, and to the payment of the Prizes—They flatter themselves has established the credit of the Lottery, that the Tickets will meet with rapid sale, both in this and the neighboring States.

SCHEME

of the 4th Class *Harvard College Lottery.*

Not two Blanks to a Prize.

25,000 TICKETS, at Ten Dollars each, are 250,000 Dollars, to be paid in the following Prizes, subject to a Deduction of *twenty and a half per Cent.* for the Purposes of the Lottery.

Prizes.		Dols.		Dols.
1	of	20,000	is	20,000
1		10,000		10,000
2		5,000		10,000
5		2,000		10,000
10		1,000		10,000
20		500		10,000
30		200		6,000
150		100		15,000
200		50		10,000
300		30		9,000
400		20		8,000
7,300		16		116,800
1422 *Prizes.*				245,000
16,578 *Blanks.*		*Left drawn No.*		5,000
25,000				250,000

5000 DOLLARS

To the last drawn Number in addition to what may be drawn against it.

BENJAMIN AUSTIN, jun.
GEORGE R. MINOT,
SAMUEL COOPER,
HENRY WARREN,
JOHN KNEELAND,
} MANAGERS.

Boston, Oct. 22, 1795.

TICKETS in the above Lottery, are for sale by *Ebenezer Hunt, Enoch Lyman*, and *Samuel Clarke* jun. Northampton.

The Proprietors of the Locks and Canals on Connecticut River, in the county of Hampshire, et the Falls at South-Hadley, are hereby notified that a meeting of said Proprietors is appointed to be holden at the house of Capt. John Bennett, inkeeper in said South Hadley, on Wednesday the sixth day of April next, at 10 o'clock in the forenoon, and there to consider and act on the following articles:—

To receive such sums of money as may be thought necessary to defray the expence of their operations, and grant orders to any persons to whom the proprietors are indebted.

To receive the report of any committee heretofore appointed by said Proprietors.

To make choice of the officers of the corporation for the year ensuing.

To consider and act on all other matters that may be thought beneficial to the Proprietors for the furtherance and completion of the objects of the incorporation.

JOHN WORTHINGTON, President.
SAMUEL HENSHAW,
LEFI SHEPHARD,
} Directors.

March 19th, 1796.

The Proprietors of the Upper Locks and Canals on Connecticut River, in the county of Hampshire, are hereby notified to meet at the house of John Bennett, innholder in South Hadley, on Wednesday the sixth day of April next, at one the clock in the forenoon, then and there to act on the following articles—viz—

To raise any sums of money necessary for carrying on their works.

To determine on some measures for carrying their works the ensuing season.

To make any alterations that may be thought necessary in their by laws.

To make grants to such persons as the Proprietors are indebted.

To transact any measures which may be thought expedient for effecting the design of their incorporation.

Given under our hands this nineteenth day of March 1796.

SAMUEL HENSHAW, President.
LEFI SHEPHARD,
JON DWIGHT.
} Directors.

For Sale,

A VALUABLE FARM, situate in Williamsburgh, two miles and an half from the meeting house, containing one hundred acres of land, 60 acres under improvement, well fenced and secured, a plenty of firewood, a delightful situation in discovering many towns in the easterly part of the county—said farm has an orchard containing about two hundred apple trees, greatest part of which bear—also, a number of other fruit trees—also, a convenient dwelling house, barn, a good house, with a wood-house and corn house, a good barn, with convenient floors—also, two living springs, which accommodate the house and barn yard with water,—Said farm is excellent for mowing and pasturing, ferm miles from Northampton—for further particulars, enquire of the subscribers, living on the premises.

STEPHEN WASHBURN.

Williamsburgh, March 16. 1796

LOST, or supposed between Southampton and Northampton, a black POCKET-BOOK, with some Notes and Accounts of considerable consequence to the owner—Whoever has, or shall find the said Pocket-Book, and return the same to the owner, shall be handsomely rewarded, by

LEMUEL STRONG.

Westampton, March 16, 1796.

George Washington,
PRESIDENT
OF THE UNITED STATES OF AMERICA.

To all to whom these presents shall come—Greeting:

WHEREAS a treaty of Peace and amity has been concluded in the manner herein after mentioned, by the plenipotentiary of the United States of America, and the dey and regency of Algiers; which treaty, written in the Arabic language, being transl ated into the language of the United States, is to the words following, to wit:

"A treaty of peace and amity concluded this present day lima arrafi, the twenty first of the Lunar Safer years of Hegira 1210, corresponding with Saturday the fifth of September, one thousand seven hundred and ninety five, between HASSAN BASHAW, dey of Algiers, his divan and subjects, and GEORGE WASHINGTON, President of the United States of North America, and the citizens of the said United States.

Art. 1st. From the date of the present treaty, there shall subsist firm and sincere peace and amity between the President and citizens of the United States of North America, and Hassan Bashaw, dey of Algiers, his Divan and subjects; the vessels and subjects of both nations reciprocally treating each other with civility, honor and respect.

Art. 2d. All vessels belonging to the citizens of the United States of North America, shall be permitted to enter the different ports of the regency, to trade with our subjects, or any other persons residing within our jurisdiction, on paying the usual duties at our custom house that is paid by all nations at peace with this regency; observing that all goods disembarked and not sold here shall be permitted to be reimbarked without paying any duty whatever, either for disembarking or embarking. All naval and military stores, such as gun-powder, lead, iron, cannon, bombs, mortar for building, tar, pitch, rosin, turpentine, and any other goods denominated naval and military stores, shall be permitted to be sold in this regency, without paying any duties whatever at the custom house of this regency.

Art. 3d. The vessels of both nations shall pass each other without any impediment or molestation; and all goods—monies or passengers,—of whatever nation, that may be on board of the vessels belonging to either party, shall be considered as inviolable, and shall be allowed to pass unmolested.

Art. 4th. All goods of war belonging to this regency, on meeting with merchant vessels belonging to citizens of the States, shall be allowed to visit them with two persons only beside the owners;—these two only permitted to go on board said vessel, without obtaining express leave from the commander of said vessel, who shall convoy the passport, and immediately permit said vessel to proceed on her voyage unmolested. All ships of war belonging to the United States of North America, on meeting with an Algerine cruiser, and shall have from her passport and certificate from the consul of the United States of North America, resident in this regency, shall be permitted to proceed on her voyage unmolested: no passport to be allowed to any ships but such as are absolutely the property of citizens of the United States: and sixteen months shall be the term allowed for furnishing the ships of the United States with passports.

Art. 5th. No commander of any cruiser belonging to this regency, shall be allowed to take any person, of whatever nation or denomination, out of any vessel belonging to the United States of North America, in order to examine them, or under pretence of making them confess any thing against a subject shall not infield any corporal punishment, or any way ill-treat them.

Art. 6th. If any vessel belonging to the United States of North America, shall be stranded on the coast of this Regency they shall receive every possible assistance from the subjects of this Regency: all goods saved from the wreck shall be permitted to be reimbarked, on board of any other vessel, without paying any duties at the custom house.

Art. 7th. The Algerines are not, on any pretence whatever, to give or sell any vessel of war to any nation at war with the United States of North America, or any vessel capable of cruising to the detriment of the commerce of the United States.

Art. 8th. Any citizen of the United States of North America, having bought any prize condemned by the Algerines, shall not be again captured by the cruisers of the Regency then at sea, though they have not a passport, a certificate from the Consul resident being deemed sufficient, until such time as they can procure such passport.

Art. 9th. If any of the Barbary States at war with the United States of North America, shall capture any American vessel, and bring her into the ports of this Regency, they shall not be permitted to sell her, but shall deport the port on proving the requisite proofs of provision.

Art. 10th. Any vessel belonging to the United States of North America, when at war with any other nation, shall be permitted to send their prizes into the ports of the Regency, have liberty to dispose of them, without paying any duties on the sale thereof. All vessels deporting the port on proving the requisite proofs of provision, shall be permitted to buy them at market price.

Art. 11th. All ships of war belonging to the United States of North America on anchoring in the port of the Regency, shall receive the usual presents of provisions and refreshments, gratis.—Should any of the slaves of this Regency make their escape on board said vessels they shall be immediately returned: No excuse shall be made that they have bid themselves amongst the people and cannot be found, or any other equivocation.

Art. 12th. No citizen of the United States of North America, shall be obliged to redeem any slave against his will, even should he be his brother: neither shall the owner of a slave be forced to sell him against his will; but all such agreements must be made by the content of the parties. Should any American citizen be taken on board an enemy ship, by the cruisers of this Regency, having a regular passport, specifying they are citizens of the United States, they shall be immediately set at liberty. On the contrary, those having no passport, they and their property shall be considered lawful prize; as this Regency know their friends by their passports.

Art. 13th. Should any of the citizens of the United States of North America, die within the limits of this Regency, the Dey and his subjects shall not interfere with the property of the deceased; but it shall be under the immediate direction of the consul: unless otherwise directed of by will. Should there be no consul, the effects shall be deposited in the hands of some person worthy of trust, until the party shall appear who has a right to demand them; when they shall render an account of the property. Neither shall the Dey or Divan give hindrance to the execution of any will that may appear.

Art. 14th. No citizens of the United States of North America, shall be obliged to purchase any goods against his will; but on the contrary, shall be allowed to purchase whatever it pleaseth him. The consul of the United States of North America, or any other citizen, shall not be answerable for debts contracted by any one of their own nation; unless previously they have given a written obligation so to do. Should the Dey want to freight any American vessel that may be in the Regency of Turkey, said vessel not being engaged: in consequence of the friendship subsisting between the two nations, he expects to have the preference given him, on his paying the same freight offered by any other nation.

Art. 15th. Any disputes or suits at law, that may take place between the subjects of the regency and the citizens of the United States of North America, shall be decided by the Dey in person, and no other. And disputes that may arise between the citizens of the United States, shall be decided by the Consul; as they are in such cases not subject to the laws of this regency.

Art. 16th. Should any citizen of the United States of North America, kill, wound, or strike a subject of this regency, he shall be punished in the same manner as a Turk, and not with more severity. Should any citizen of the United States of North America, in the above predicament, of any description, the consul shall not become answerable for him.

Art. 17. The Consul of the United States of North America shall have every personal security given him and his house-hold: he shall have liberty to exercise his religion in his own house. All slaves of the same religion shall not be impeded in going to said Consul's house, at hours of prayer. The Consul shall have liberty and personal security given him to travel whenever he pleases, within the Regency: he shall have free licence to go on board any vessel lying in our roads, whenever he shall think fit. The Consul shall have leave to appoint his own drogaman and broker.

Art. 18. Should a war break out between the two nations, the Consul of the United States of North America, and all citizens of said States, shall have leave to embark themselves and property unmolested, on board of what vessel or vessels they think proper.

Art. 19. Should the cruisers of Algiers capture any vessel, having citizens of the United States of North America on board, they having papers to prove they are really so, they and their property shall be immediately discharged. And should the effects of the United States capture any vessels of nations at war with them, having subjects of this Regency on board, they shall be treated in like manner.

Art. 20. On a vessel of war, belonging to the United States of North America, anchoring in our port, the Consul is to inform the Dey of her arrival; and he shall be saluted with twenty-one guns, which he is to return in the same quantity or number. And the Dey will send fresh provisions on board, as is customary, gratis.

Art. 21. The Consul of the United States of North America shall not be required to pay duty for any thing he brings from a foreign country for the use of his house and family.

Art. 22. Should any disturbance take place between the citizens of the United States and the subjects of this Regency, or break any article of this treaty, war shall not be declared immediately; but every thing shall be searched into regularly, the party injured shall be made reparation.

On the 3d of the Luna of Safer, 12 10, corresponding with 5th September, 1795. Joseph Donaldson, jun. on the part of the United States of North America, agreed with Hassan Bashaw, Dey of Algiers, to keep the articles contained in this treaty sacred and inviolable; which we, the Dey and Divan, engage to observe on our parts. If the United States paying annually the value of twelve thousand Algerine Doplins in maritime stores. Should the United States forward a larger quantity, the overplus shall be paid for in money, by the Dey and Regency. Any vessel that may be captured from the date of this treaty of peace and amity, shall immediately be delivered up on her arrival in Algiers.

Signed,

VIZIR HASSAN BASHAW,

Seal of Algiers, stamped at the foot of the original Treaty in Arabic.

JOSEPH DONDALSON, jun.

To all to whom these presents shall come, or be made known:

WHEREAS the undersigned David Humphreys, hath been duly appointed Commissioner Plenipotentiary, by letters patent under the Signature of the President and seal of the United States of America, dated the 30th of March 1795, for negotiating and concluding a treaty of peace with the Dey and Governors of Algiers; whereas by instructions given to him on the part of the Executive, dated the 28th of March and 4th of April 1795, he hath been further authorized to employ Joseph Donaldson, jun. on an agency in the said business; whereas by a writing under his hand and seal, dated the 21st of May 1795, he did constitute and appoint Joseph Donaldson, jun. agent in the business aforesaid: and the said Joseph Donaldson, jun. did on the 5th of September 1795, agree with Hassan Bashaw, Dey of Algiers to keep the articles of the preceding treaty sacred and inviolable:

Now know ye, That I David Humphreys, Commissioner Plenipotentiary aforesaid, do approve and conclude the said treaty, and every article and clause therein contained: referring the facts nevertheless for the ratification of the President of the United States of America, by and with the advice and consent of the Senate of the said United States.

In testimony whereof, I have signed the same with my hand and seal, at the city of Lisbon, this 25th of November 1795.

(Seal) DAVID HUMPHREYS.

Now be it known, That I GEORGE WASHINGTON, President of the United States of America, having seen and considered the said treaty, do by and with the advice and consent of the Senate, accept, ratify and confirm the same and every clause and article thereof. And to the end that the said treaty may be observed and performed with good faith on the part of the United States, I have ordered the premises to be made public; *and I do hereby enjoin and require* all persons bearing office civil or military within the United States, and all other citizens or inhabitants, hereof faithfully to observe and fulfil the said treaty and every clause and article thereof.

In Testimony whereof, I have caused the seal of the United States of America to be affixed to these presents, and signed the same with my hand.

Done at the city of Philadelphia, the seventh day of March, one thousand seven hundred and ninety six, and of the independence of the United States of America, the twentieth.

(Seal) GEO: WASHINGTON.

By the President,
TIMOTHY PICKERING,
Secretary of State.

FEDERAL LEGISLATURE.

HOUSE OF REPRESENTATIVES,
Tuesday, March 8.

MR. Livingston's resolution calling for correspondence, papers and documents relative to the late Treaty with Great Britain, was taken into consideration.

Mr. Madison's amendment was put, and disagreed to.

Mr. Wm. Smith was clearly of opinion that the motion was improper. He was surprised that gentlemen who displayed such zeal for the Constitution should support a proposition, the tendency of which went indirectly to break down the constitutional limits between the executive and legislative departments. The Constitution has assigned to the executive the business of negotiation with foreign powers; this house can claim no right by the Constitution, to interfere in such negotiations; every movement of the kind must be considered as an attempt to usurp powers not delegated, and will be resisted by the executive; for a compliance would be a surrender of the powers specially delegated to him and a violation of his trust. The proposition calls upon the President to lay before the house the instructions given to Mr. Jay and the correspondence between him and Lord Grenville; and for what purpose? is this house to negociate the treaty over again? has the Constitution made this house a diplomatic body, invested with the powers of negociation? is not this house excluded? for if the maxim, that "the expression of one is the exclusion of another" applies to this case, the assignment of the treaty making power to the President and Senate, is a manifest exclusion of this house.—This call on the President is an attempt to obtain indirectly what the Constitution has expressly assigned to others. Are these papers necessary to enable us to judge whether the Treaty is Constitutional or not? If the Treaty be constitutional, it itself sufficiently appears to us the force of it; if the treaty be unconstitutional, what is the use of the present? can the preparatory steps make them unconstitutional? gentlemen complain of want of information; admitting their complaint to be well founded, let them refort to the proper sources of information; what are those sources? if information be wanted to enable them to judge of the constitutionality of the instrument; let them take the Constitution in one hand and the Treaty in the other, compare them, and then decide; if from such comparison, they find no grounds for declaring the treaty unconstitutional, their decision could be no fource of an unconstitutionality. Mr. Smith referred to the proceedings of the Supreme Court in the case lately argued of the Carriage Tax and just decided: how did the court proceed? did they call for the journals of the two houses, or the report of the Committee of ways and means on which the law originated, or the debates of the house on passing the law? what importance would such call have made on the public mind? would it have enhanced in the public opinion either the legality or wisdom of that tribunal? they took the constitution in their hand and tried the act by that standard, and by that alone has their decision been governed.

Is the object in calling for this information to discover whether the negociator has conformed to his instructions? if so, Mr. Smith was at a loss to discern how that would effect the question. Such a circumstance might be important as it related to the President and might prevent his laying a treaty, non-conformable to his instructions, before the Senate; but being satisfied by the President and Senate, all was done which the Constitution required. The Constitution does not require the intervention of a negociator; it only requires the advice and consent of two thirds of the Senate and the sanction of the President; the President is not bound to employ an agent, he may in person conclude the treaty with the foreign minister, or he may employ the Secretary of State; the instructions are private directions from him to his agent and whether those instructions be pursued or departed from is a question only between the President and his agent; by adopting the treaty, he declares the conduct of his agent, by laying it before the Senate, he manifests his approbation of a departure from his instructions, if any such there were, (which however in the present instance is not admitted.) To refer to the papers called referred to, of the Carriage tax, would it be a material ingredient in the inquiry respecting the constitutionality of that tax, whether or not, the Committee of ways and means had conformed to the instructions of the house, in recommending such a tax; undoubtedly, not; the ultimate act, as passed by the different branches, would alone be looked into.

Mr. Smith next adverted to the consequences of such a measure: diplomatic transactions are in all countries of a secret nature; in the progress of negociation, many things are necessarily suggested, and many proposals of which they involve, bring inconvenience and disadvantage to the parties negociating: our constitution has therefore wisely assigned this duty to the President. The precedent attempted to be established, is a dangerous one for it not only tends to alter the nature of the instrument, but to endanger the interests of the country. This is the first instance of the kind, since the establishment of this constitution. The executive has indeed of his own accord, communicated to us such papers relative to negotiations as appeared to him proper to lay before us, and at might ease the public he was pursuing the requisite steps for publishing the treaty. But there is not one solitary instance on the journals, of a measure on our side to obtain such papers, where he has not deemed it proper on his part to transmit them. In this case, the President has communicated the Treaty, without any papers accompanying it: this is an evidence of his sentiments: had he thought it his duty to have communicated the instructions and correspondence, he would unquestionably have done it. This call is then calculated to place him in a painful dilemma; he must either resist the application of this House, or forbear to exercise executive rights: it is expedient, it is generous and candid, to place him in this situation, without a more urgent necessity than has been stated? Mr. Smith deprecated that clashing of authorities, which he was convinced this call would produce. The House, said he, is the representative of the People, for legislative purposes; but the President is likewise their representative, for executive purposes. It was not necessary on this occasion to prejudge the extent of the right of interference, in a case of impeachment of the President by the house, because, that case is at this time assumed to be out of the question. On any other ground, this House, in its legislative capacity, ought to be extremely cautious of encroaching on the rights which the President has derived from the people, as their representative, and which he exercises for their benefit. In the business of Treaties, the constitution has provided no other check than that requisite concurrence of the Senate, and the right of impeachment by this House. Unless therefore this call is predicated on an intention to impeach, and so stated and undertaken, it is an encroachment on the executive, and will be attended with serious consequences.

Mr. Giles moved that the resolution should be referred to the committee of the whole. His object was that an opportunity might be afforded of renewing the motion of the gentleman from Virginia (Mr. Madison) which had been negatived.—He was of opinion that that amendment afforded a complete answer to the argument of the gentleman from South Carolina.

Mr. Gallatin said he could wish that the resolution should be referred to the committee of the whole on the state of the Union to whom the treaty has already been referred.

Mr. Sedgwick said he hoped the motion for reference to the committee of the whole would not