POETRY.

THE DUTY OF AN AMERICAN HERO.

[Written by a Veteran of the late American army]

Addressed to the PRESIDENT.

"DEAR is that man, to virtue's cause is dear,
Who for his suffering country drops a tear;
But dearer he whom patriot duty warms,
To rise her champion in the strife of arms;
To guard her safety from imperious force:
To guide her annies and direct her course;
Compel her vanquish'd enemies to yield,
And rear her arches on the bloody field.

Such have we seen there in Columbia's caste,
When injur'd freedom mourn'd her flighted laws—
Such we have seen there rise in scenes of death,
And blasted legions tremble at thy breath:
War's dreadful clarion drop her murderous sound,
And Peace, delightful seraph! smile around!

What deep felt raptures did this hour impart;
What strong emotions beat from every heart;
When first we saw thy bloody conflict end,
And hail'd our country's favour and its friend!

Yet soon that country felt a new alarm,
And call'd its Hero to dispel the storm;
To check the caries of domestic strife,
And mould the expiring fabric into life.

With generous warmth you heard a nation's prays,
Left Vernon's seeds for a life of cares;
Contention fiercely swells in jarring notes,
And faction hisses through her hundred throats—
Intent our infant verfists to o'erwhelm;
Or chafe the longsettled Pilot from the helm!

Yet let not frowns like these thy hopes impair,
Nor drive thy steady patience to despair;
But let thy country at *this moment*, prove,
The manly efforts of thy generous love.
Defend their heaven-born rights, defend thine own;
Let charter'd powers from lawless claims be known.
Like some tall cliff, which winds and waves assail,
Stand thou the bulwark of the trembling vale—
And while each threat'ning ills around are hurl'd,
Q ttfeue thy glory to preserve a world!

From the (London) COURIER, of Feb. 25.

THE *Yorkshire* PHENOMENON.

The following letter relative to this phenomenon has been written by Mr. Stephens to a friend.

The very singular phenomenon which took place in my house in Yorkshire, on Sunday the 20th of December, 1795, has excited general curiosity.

Being in London at the time it was impossible for me to know more of it, than from the regular accounts in provincial and London papers, and to be certain from private letters, that such an event had occurred. On my return here I found that for a space of nearly 3 weeks 20 or 30 persons each day had come to see a stone which had fallen: and I found likewise a number of letters from different parts of the kingdom, requiring notice to given an account of the circumstance.

The following detail, which you are welcome to make public, will be, I hope, satisfactory on the subject:

The exact weight of the stone which fell, and which was weighed immediately on being dug up, was, by Martin's balance, 3 lbs. 13 oz. Qrs. Dr. This circumstance renders this event more extraordinary is, that the day was a mild hazy day; a fort of weather very frequent on the Wold hills, when there are no winds or storms; but there was not any thunder or lightning the whole day.

It fell about three o'clock in the afternoon. Its course, as far as I can collect from different accounts, was from the south well.

At Brillington, and at different villages, sounds were heard in the air, which the inhabitants took to be the noise of guns at sea: but at two adjoining villages, the noise was so distinct of something singular falling through the air towards me habitations, that five or six people came up to see if any thing extraordinary had happened to my house or grounds.

In burying itself in the earth, it threw up a greater quantity of soil by far than a shell would have flung up, and to a much greater extent. When the labourers had recovered from the extreme alarm into which the descent of such a stone had thrown him, his first description was, "that the clouds opened as it fell, and he thought Heaven and Earth were coming together."

From the various persons who have been to inspect this curiosity, and who are still daily coming from different parts, no satisfactory conjecture has yet been hazarded from whence it came. We have no such Rock in their country. There has not been any where in these parts any eruption from the earth.— From its jagged and singular form, it cannot have come from any building; and as the day was not tempestuous, it does not seem probable that it can have been forced from any rocks, the nearest of which are those of Hambrough head; a distance of 12 miles.

The particulars of this event are now before the public. I have taken every due care to examine the accounts given by the different persons, who all agree upon the subject; and from what I have seen, I have no doubts of the veracity of their relation. To account for so extraordinary an appearance, I leave to the researches of the philosopher.

I have the honour to be,
Sir,
EDWARD TOPHAM.

Wold Cottage, Feb. 8, 1796.

From the Farmer's Weekly Museum.

"They made me the keeper of the vineyards, but mine own vineyard have I not kept."

THIS is the frank confession of Solomon, in one of the stanzas of his "Song of Songs."

During some moments when he enjoyed a *respite* from pleasure, in his voluptuous haram, the wife king might inquire by what strange fatality he had been raised to a throne, and pronounced wise when some of his appetites were so grovelling, and some of his actions so foolish. My readers will not, I think, require me to quote Josephus, or the Jewish Rabbies, to prove that Solomon, sometimes departed from the dignity of a prince, and did not always display the judgment of a philosopher.

As we know, from his excellent treatise, entitled "The Preacher," and from the three thousand proverbs, which he spake that he was occasionally at least, in the habit of thinking soberly, I feel assured, that although he did not choose to encumber a song with much sentiment, the following was the soliloquy, which occasioned the text of this sermon.

By the partiality of my subjects, and their implicit belief of the excellency of my wisdom, I have been made *keeper of the vineyard*, or, in other words, monarch of Israel. My fame has reached distant nations. I have the reputation of possessing more knowledge, than all my contemporary philosophers; than "Ethan," Heman," and "Chalcol," and "Darda. The Botanists assure me that I speak learnedly of "trees," and that I describe the various genera and species of the vegetable kingdom, from the aspiring cedar to the lowly hyssop. Hiram, exists my skill in mechanicks, and affirms, that not an architect throughout the realms of Tyre, can rival the ingenuity of my designs. My subjects praise the blessings of my administration. Foreigners and travellers vie with each other, in making their court to me: Every man brings his present of what is most valuable, vessels of silver, and vessels of gold; even the caprice of a female has, for once, been restrained, and the Queen of Sheba's admiration of my wisdom was the same when she left, as when she entered my palace. But do I completely deserve these various and enthusiastick encomiums? Have I well governed *myself*, as well as my kingdom? have I noted and corrected my own faults with the same circumspection that I remarked and punished those of other men. Am I not obliged, conscious of the license of my own palace, to suffer the men of Judah and Israel, to waste all their time earing and drinking, and making merry, and is not this revelry the pernicious result of my careless example, rather than a chastized joy, under my prudent government? Have I consistently arbitrated with rigor the differences between *two* harlots, while *seven hundred* are quarrelling in my seraglio, for the lawless favours of their sovreign? No, even myself endowed with superior powers, have often proved weak and wicked. Placed upon wisdom's summit, I have descended; forgetting my dignity, thoughtless of my duties, prostituting my throne, I have been ravished with strange women, and have drunken of the wine which the sons of riot mingled. I have been promoted to the highly responsible office of keeper of the vineyard I have not guarded vigilantly.

If Solomon could walk with so good a grace through the valley of humiliation, which we are assured, on the faith of Bunyan, is one of the most rugged rambles that a christian can take, surely in these modern and degenerate days, almost every man, who is a "keeper," either of vineyards' or any thing else, may inquire whether he has at all times been a faithful keeper to himself. For if as we read that man who has been faithful in a few things, shall be a ruler over many things, to what office shall that man be appointed, who neglects his *own* duty? Few can be found, who would not, in the hour of self abasement, discover, that such was their weakness or their wanderings, they had not strength enough to remain there.

One of the Poets, who did not, like the rest of the tribe, always delight in fiction after recounting the sage precepts of a certain Philosopher, adds,

"That strange to tell, he practiced what he preached."

Notwithstanding my absolute conviction, that a Pastor ought to be an ensample to the flock, I have no doubt, but that I sometimes vary from my own doctrines, and negligently keep my own vineyard." I warmly hope that my readers will *gather grapes from my thorns* and, when they peruse my exhortation against drowsiness, that they will not inquire how long I court the morning pillow.

THE LAY PREACHER.

Isaac Gere,

Watch and Clock Maker.

RESPECTFULLY informs his friends and the public, that he has removed from his old stand, to the store adjoining *Robert Boyd and Son*—where he manufactures Mahogany, Mean, and Plain Eight-day Clocks, in the most approved manner.

He has just received from Philadelphia a large assortment of warranted and low priced Watches, which will be sold as low for cash as by Boston or New-York—Ladies Gilt Pendants, Lockets and Pins, Watch Chains, Seals and Keys, by the dozen, &c. &c.

N. B. Watches repaired in the best manner—The utmost value in cash, given for old Watches, and old Brass.

Northampton, April 19th. 1796

To be Sold,

ONE HUNDRED acres of Land lying in the town of Hawley, about one mile from the center of the town with twenty acres under improvement.—For further particulars enquire of ANDREW WOOD,

Hawley. April 13. 1796.

WHEREAS Abigail my wife, has conducted in a fondulous manner for some time past, and has now absconded from my bed and board, I therefore forbid her and every person trusting her for any thing whatever on my account, as I will pay no debt of her contracting after this date. WILLIAM PHELPS.

Edgerton. April 19, 1796

Locks & Canals.

A Meeting of the Proprietors of the LOCKS AND CANALS on Connecticut river in the county of Hampshire, holden at the house of Capt. John Bennett, in South Hadley, April 18, 1796.

Resolved, That the Proprietors will hereafter assume and keep a Pilot or Pilots at their own expence, to conduct boats and other suitable properties from the head of their dam to the guard lock, and from the guard lock to the head of the dam, on all days, Sundays excepted, when the water shall be up to, or above a line drawn at seven feet and four inches, from the top or head of the chamfered post, which stands at the angle of the upper gates of the guard lock; and when the other part of the field water shall be sufficient up and down by boats and floats. And they will also provide, at their own expence, other hands to aid in safely conducting boats and other properties, to and from the guard lock at aforesaid: Provided the hands having the charge of said boats, and other suitable property shall be ready at the direction of their pilots, and shall afford him all the assistance in their power.

And the Proprietors will in every such case, pay the loss and damage that shall be sustained in consequence of any defect in their work, or any mismanagement of their pilot; but will not be held as to pay loss or damage, otherwise sustained.

Resolved, That the Proprietors will procure a Pilot at their own expence, to be ready on all days, Sundays excepted, to conduct over William-ansfet Falls all boats and other property on which a toll shall be paid: and they will also be at the expence of such other assistance as has been customary for conveying boats up said Falls; except in cases, where the conductors of boats and other property shall agree for a certain sum, to take the charge upon themselves. And the Proprietors will exact the legal toll before passing the Canal.

Resolved, That the foregoing Resolutions be published in the Springfield and Northampton newspapers, three weeks successively, and that they shall be in force until further order of the Corporation.

The foregoing is a true extract from the records.
Attest.
THOMAS DWIGHT, Clerk.

JESSE OLDS,

VERY respectfully informs his friends and the public, that he continues his school at Amherst.—He intends his pupils in the English, Latin, and Greek languages; together with writing, arithmetic, geometry, logic and geography. The ensuing two dollar quarter. Good boarding may be had for young Gentlemen and ladies in respectable families, on as reasonable terms as any town in the county. The second quarter begins April 25th.

Amherst, April 25, 1796.

GARDEN SEEDS,

FOR sale at the Widow Esther Wright's adjoining the Burying ground.

Northampton, April 20, 1796.

WE the Subscribers being appointed by the Hon. Judge of Probate for the county of Hampshire, Commissioners to examine the claims of creditors to the estate of Lt. Ross Mallett of Hadley deceased, represented insolvent, and six months being allowed from the ninth day of April last, for the creditors to bring in their claims, hereby notify all creditors, that we shall attend the business of our appointment at the dwelling house of landlord Elisha Cook in Hadley, on the first Wednesdays of May and September next, from two to six o'clock, P. M. of said days.

SETH SMITH,
ELISHA DICKINSON, } Commissioners.
SAMUEL PORTER,

ALL persons indebted to said estate are requested to make immediate payment to

JOSIAH NASH, Administrator.

Hadley, April 14, 1796.

NOTICE is hereby given to Nonotuck lands being laid in the town of Westhampton, the their lands are taxed for the present year, and unless they pay the same by the 15th of June next, I will collect it as the law directs without further notice. JOHN STRONG, Collector.

Westhampton, April 23, 1796.

JAMES INGOLS,

Wig-Maker & Hair-Dresser.

MOST respectfully informs his friends and the public, that he continues to carry on his business, nearly opposite to the Court House, where he has for sale imported Windsor Soap, peculiar for shaving and softening the skin, Crown Balls, Wash Balls, Shaving Boxes, Razors, Paste Combs, Round do. Dressing do. Role Pocatum, Pot do. Tooth Powder, Tooth Brushes, Lip Salve, Hair Powder, Swan Down Puff, Powder Bag, Curling Tongs, Essence of different Colours, Hair Ribbons, Hair Cords, of a durable kind, also Ladies Spreads which are a compleat substitute for a head of hair that falls off by sickness or otherwise; likewise Ladies Braids of various lengths and colours, also gentlemen's frailes to fight and assist as not to be observed by the nicest eye.

Northampton, April 27, 1796.

For Sale,

A FARM *in Greenfield, lying half a mile out of the meeting house, containing about 50 acres of land, with a house and barn, fine water's pasture, &c. handy thereto—payment made easy, and possession immediately—For terms, enquire of Doctor Butler of Northampton, or the subscriber living on the premises—or the subscriber.*

HENRY WALES.

April 20, 1796.

Cancers Cured.

THE subscriber informs the public, that he cures Cancers and Kings Evils.—He has cured a great number in single and double handling and of the same kind.—The doubtful may be informed by applying at Dr. *Bally's Lecture*.

JOHN FARRELL.

Leverett, May 2. 1796.

To be Sold or Lett,

A SMALL FARM lying in the town of Middlefield, in the county of Hampshire, situate from the Meeting House, under cultivation improvement, suitable for tillage or pasturing with a comfortable Dwelling-House, with a beautiful young Orchard, &c —— For particulars enquire of ASA HILL POMEROY of Northampton or of Mr. JAMES DIXON of Middlefield.

Northampton, May 2. 1796.

LOST yesterday, a Shoe

Buckle,—whoever has found it, is requested to leave it with the Printer.

Northampton, April 30. 1796

For Sale,

A BRICK YARD, lying three quarters of a mile south west of the Meeting House.—The above yard is very handy for a Machine, for making Brick by hand—with good Clay, and well watered.—Payment made easy.—For particulars, enquire of the PRINTER.

Northampton, May 4. 1796.

THE public are hereby informed, that the subscriber has obtained a patent from Congress for a Machine, for the purpose of cleaning kinds of Grain, growth of fifth of any kind, from all sorts of grain.

Any person that shall make application, shall be furnished with the above said Machine, upon reflection—by

BENJAMIN TYLER.

Chatmount, (New Hampshire) May 2, 1796.

LOST,

BETWEEN Hadley and Northampton Lading, a Leather POCKET BOOK, containing two Notes of hand, signed by Jesse Saunders and Aaron Rand—and John Prentiss, one Note of five Dollars, signed by Moses Wright, one Bank Note of ten dollars——Whoever has found said Pocket-Book, and will return it to the subscriber, or to Lt. Lem. Warner, shall receive a generous reward, and all necessary charges paid by me

DANIEL TAYLOR.

Hadley, April 15. 1796.

FOR SALE,

A SECOND-hand CHAISE——Inquire of the Printer. May 4. 1796

Hampshire Gazette.

PRINTED AT NORTHAMPTON (MASSACHUSETTS.) BY WILLIAM BUTLER.

[—Vol. X.—] WEDNESDAY, May 18, 1796. [—No. 507.—]

FEDERAL LEGISLATURE.

HOUSE OF REPRESENTATIVES.

Friday, April 15.

On the motion for making provision for carrying into effect the Treaty with Great Britain.

MR. Madison said, on a subject of such extent and importance, he should not attempt to go thro' all the observations that might be applicable to it. A general view of the subject was all that he meant at present. His omissions would be more than supplied by others who might enter into the discussion.

The proposition immediately before the committee was, that the Treaty with G. Britain ought to be carried into effect by such provisions as depended on the House of Representatives. This was the point immediately in question. But it would be proper in examining it, to keep in view also the proposition of the gentleman from Pennsylvania (Mr. Maclay) which had been referred to the committee, and which would be taken up of course, if the immediate question should be decided in the negative.

If the proposition for carrying the treaty into effect, be agreed to, it must be from one of three consideration: either that the Legislature is bound by a constitutional necessity to pass the required laws, without examining the merits of the treaty, or that, on such examination, the treaty is deemed in itself a good one; or that there are good extraneous reasons for putting it into force, although it be in itself a bad treaty.

The first consideration being excluded by the decision of the house, that they have a right to judge of the expediency or inexpediency of passing laws relative to treaties; the question first to be examined must relate to the merits of the treaty. He then proceeded to consider the treaty under three aspects: First, as it related to the execution of the treaty of peace in 1783. Secondly, as it determined the several points in the law of nations. Thirdly, as it respects the commerce between the two nations.

First. He would not enquire on which side the blame lay, of having first violated the treaty of 1783, or of having mutually contributed to delay its execution, although he did not think from the talk made, any apprehension that the result could be disadvantageous to this country. The treaty itself had waved this enquiry, and professed to adjust all controversies on this subject, without regard to the mutual complaints or pretensions of the parties. It was, therefore, justly and natural to believe, expectful, that the arrangements for carrying that treaty into effect, would have been founded in the most great and scrupulous reciprocity. Was this the case? He was sorry, that on the contrary, the arrangements were founded on the greatest violation of that principle.

There were some articles which had not been executed by Great Britain; that which related to the negroes and other property carried away, and that which required a surrender of the posts. The article executed by the United States was, that which required payment of all *bona fide* debts, according to the treaty with the greatest exactness. He knew no one to be carried into the most complete effect by the United States, and damages to the full fraction are to be paid for the delay. Is there a reciprocal stipulation by Great Britain with respect to the article unexecuted by her? Nothing like it. She is wholly absolved from the obligation to the other articles, viz. that relating to the negroes, &c. and she is to make no compensation whatever for delaying to fulfil the other, viz. the surrender of the posts.

It had been urged in apology for those very original violations, that the injury resulting from a forbearance to surrender the posts, was not full equitable as any consequent injury, resulting from any damages. However plausible this might appear, it was by no means satisfactory. Commissioners, such as were appointed with full discretion for other purposes, might have been charged with this subject, and if they could not have done exact justice, might have mitigated the injustice of doing nothing.

Apologies had been attempted also, for the very extraordinary abandonment of the compensation due for the negroes, &c. It was said to be at least doubtful whether this claim was authorised by the 5th article of the treaty of peace, and that Great Britain had uniformly denied the meaning put by the United States on that article. In reply he made two remarks: First, that it was not true that Great Britain had uniformly denied the American construction of that article; on the contrary, he believed it could be proved, that till of late, Great Britain had uniformly admitted this construction, and had rejected the claim on no other ground, than the alleged violation of the 4th article, on the part of the United States.

But had it been true that Great Britain had uniformly affected a different construction of the article, and refused to accede to ours, what ought to have been done, ought we to have at once acceded to hers? By no means. Each party had an equal right to interpret the compact; and if they could not agree, they ought to have done in this what they did in other cases where they could not agree, that is, have referred the settlement of the meaning of the compact to an arbitration. To give up the claim altogether, was to admit, either that Great Britain had a better right than the United States to explain the controverted point, or that the United States had done something which in justice called for a sacrifice of their equal rights.

It was evident, he thought, from this view of the subject, that the arrangements with respect to the treaty of peace, were frequently wanting both in justice and reciprocity.

It would seem, from the face of the treaty, and the order of the articles, that the compensation for the spoliations on our trade had been combined with the execution of the treaty of peace; and might therefore have been viewed as a substitute for the compensation for the negroes, &c. If this was the meaning of the instrument, it could not be felt obnoxious to reasonable and fair judges. No man was more thoroughly convinced than himself of the perfect justice on which the claims of the merchants against Great Britain were founded, nor any one more desirous to see them fully indemnified. But compensation to them could never be a just substitute for the compensation due to others. It was impossible that such claims could be better founded than those of the sufferers under the 5th article of the treaty of peace; because they were supported by positive and acknowledged stipulation, as well as by equity and right. If, and strong as the claim of the merchants might be, and certainly were, the United States could not be obliged to take more care of them than of the claims equally just and strong of other citizens; much less to sacrifice to them the claims of other citizens. Suppose for a moment that instead of relinquishing the claims for property wrongfully carried off at the close of the war, and obtaining stipulations in favor of the merchantile claims, the merchantile claims had been relinquished, and the other claims provided for; he asked whether the complaints of the merchants would not have been as universal and as loud as they would have been just.

Besides the omission in favour of Great Britain, already pointed out with respect to the execution of the treaty of peace, he observed, that conditions were annexed to the partial execution of it in the surrender of the western posts, which increased the general inequality of this part of the treaty, and essentially affected the value of those objects.

The value of the posts to the United States, was to be estimated by their influence. 1. On the Indian trade; 2d. On the conduct and temper of the Indians towards the United States.

Their influence on the Indian trade depended principally on the exclusive commerce they gave to the several carrying places connected with the posts. These places were understood to be of such importance in this respect, that those who possessed them exclusively would have a monopoly, of nearly a monopoly, of the lucrative intercourse with a great part of the Indian nations. Great Britain having hitherto possessed these places, exclusively, has possessed this advantage. It was expected that the exclusive transfer of them would transfer the advantage to the United States. By the treaty it was concluded, the carrying places are to be enjoyed in common, and it will be determined by the respective advantages under which British and American traders will engage in the trade, which of them is to share most in it.

In this point of view he thought the regulation highly impolitic and injurious. He would far rather have given the advantage which British would have in their superior capital: that would be encountered in all our commercial rivalships. But there was another consideration which ought to have great weight on this subject. The goods imported for the Indian trade through Canada, paying no duties. Those imported through the United States for that trade, will have paid duties from seven to ten per cent and every one must see that a drawback is impracticable, or would be attended with an expence which the business would not bear. So far then as the importance of the posts is to be considered in a commercial view, they are in a very great measure strip of it by the condition annexed to their surrender. Instead of a monopoly in some, the carrying places are made common under circumstances which may leave a monopoly in the hands of Great Britain. And this done to by an article which is to last for ever.

2. The influence of the posts on the general conduct of the Indians, is well known to depend chiefly on their influence on the India trade in proportion, therefore, as the condition annexed to the surrender of posts affects the one, it must affect the other. If the British should continue to enjoy the Indian trade they would continue to influence the Indian conduct; if not in the same degree as heretofore, at least in so great a degree as to condemn the article in question.

He mentioned the permission to aliens to hold land in perpetuity as a very extraordinary feature in this part of the treaty. He would not inquire how far this might be authorized by constitutional principles. But he would continue to say, that an example of such a stipulation was to be found in any treaty that ever was made, either where territory was ceded, or whether it was acknowledged by one nation to another.—Although it was common and right to confer rights on the aliens in favor of the prosperity of the inhabitants, yet he believed, that in every case that had ever happened, the owners of landed property were unnecessarily required to swear allegiance to the new sovereign, or to dispose of their landed property within a short limited time.

He took notice of the inequality of the stipulation which opened all the posts of the United States, as the condition of having those of an unimportant province of Great Britain opened in return.

With respect to the Mississippi, he could not consider the clause relating to it as being singularly reproachfull. Happily the adjustment of our claims with Spain had been brought about before any evil operation of the clause had been experienced. But the tendency of it, he thought could not be doubted. It was the more reasonable, that this extension of the privileges of Great Britain on the Mississippi, beyond those in the treaty of peace, should have been admitted into the new treaty; because it is supposed by the treaty itself that Great Britain may be deprived, by her real boundary, of all pretensions to a share in the banks and waters of the Mississippi.

Secondly. With respect to the great points in the law of nations, to comprehended in the stipulations of the treaty, the same want of real reciprocity, and the same sacrifice of the interests of the United States, were conspicuous.

It was well known to have been a great and favorite object with the United States, "that free ships make free goods." They have established this principle in all their other treaties. They have witnessed with anxiety the general effort and the successful advances to wards incorporating this principle into the law of nations: a principle highly advantageous, and particularly interesting to the United States. He knew that at a former period it had been conceded on the part of the United States, that the law of nations stood as the present treaty regulates it. But it did not follow that more than acquiescence in that doctrine was proper. There was an evident distinction between clearly acquiescing in it, and giving it the support of a formal and positive stipulation. The former was all that could have been required, and the latter was more than ought to have been unnecessarily yielded.

In the enumeration of contraband articles the treaty was liable to similar observations. The circumstances and interests of the United States had given way to the particular views of the other party. The example in all other treaties have been disregarded. Hemp, tar, pitch, saltpetre, &c. important staples of this country, are without even a pretext of reciprocity, subjected to confiscation. No matter, said he, what other treaties had, he believed, treaties at present making the same fate, except Denmark, who in the year 1780 had been induced, he knew not by what means, into an explanation of the treaty of 1670, by which these articles are declared to be contraband. He observed that this supplementary and explanatory agreement between Great Britain and Denmark, appeared to have been the model selected for the contraband list to the treaty now in question. The enumeration in the letter was translated word for word from the former, with the single exception of the pitch, which might be remarkable. The article of Harbes which was included in the original, was dropt in the copy. In this particular the article had departed from Vattel, although in general the treaty seemed to have walked itself wherever it readily could of his authority.

But what was far more remarkable, the copy had proceeded just as far as answered the purposes of Great Britain and stopt at the very point, where the original would have answered the full and effential purposes of the United States. After enumerating the articles to be deemed contraband, the Danish article goes on in the words following, viz. "But it is expressly declared that among contraband merchandizes, shall not be comprehended fish and meats, whether fresh or salted, wheat, flour, corn or other grain, beans, oil, wine and generally whatever serves for the nourishment and support of life, all of which may at all times be sold and transported like any other merchandizes, even to places held by an enemy of the two crowns, provided they be not besieged or blockaded."

This view of the subject naturally led him to the notice of the clause in the British treaty relating to provisions, which seemed to have assumed an ambiguous countenance that was extremely disagreeable, or which rather seemed to carry a necessary implication that provisions tho' not bound to besieged or blockaded places, might accordingly be the exciting law of nations, be regarded as contraband. According to the genuine law of nations, no articles which are not expressly and generally contraband, are so, except in the single case of their going to a besieged place yet it is admitted in the treaty, that there are other cases when provisions may be contraband, whence the implication resulted, that one of the cases might be that which had been allaned & put in force by Great Britain in relation to the United States. The little cases which might be devised as apparent to the law which condemns what is bound to blockaded places cannot fately the import of the Spanish, because such cases cannot be presumed to have been in contemplation of the parties. And if the particular case of provisions bound to a country at war, although not to besieged places was not meant to be one of the cases of contraband according to the existing law of nations. How necessary was it to have fairly and strongly refused an construction which could have been wrested from the Danish example on the subject before their eyes.

On the supposition that provisions in our own vessels bound to countries at war with Great Britain can now be seized by her for her own use on the condition stipulated, this feature of the treaty presents itself in a very disagreeable light indeed, especially if the doctrine he refuted to us laid down by the executive, in the letter of the then Secretary of State (Mr. Jefferson) to Mr. Pinckney on the 7th Sept. 1793. This letter is a comment on the British instructions of June 8, 1793, for directing neutral provisions. After stating the principle as a flagrant breach of the law of nations, and as ruinous to our commerce and agriculture, it has the following paragraph. "This act too tends directly to drive us from that state of peace in which we are willing to remain.—It is we certainly character of neutrality to furnish no aids (not stipulated by the treaty," that is, said Mr. M. by a treaty made before the war) "to one party which we have not equally ready to furnish to the other. It we permit corn to be sent to Great Britain and her friends, we are equally bound to permit it to France. To refrain it would be a partiality which could lead to war; and between refraining it our selves, and permitting her enemies to refrain it it might traffic is no difference. She would consider it this as a mere pretext of which the world not be a dupe; and on what honorable ground could we otherwise explain it. This we should see injuries plunged, by this unauthorized act of Great Britain into a war with which we meddle not, and which we with to avoid if justice in all parties, and from all parties, will enable us to avoid it." He contrasted the committee to believe on this interesting executive document all the attention which it demanded.

The articles prohibiting sequestration was next considered by Mr. M. He said he should probably be among the last, who would be disposed to resort to such an expedient for redress. But he could not approve of a perpetual and irrevocable abandonment of a defensive weapon, the existence of which might lead to the use of it unnecessarily. The situation of this country in relation to Great Britain was a peculiar one. As we had not there no means to command a respect for our rights, we ought to keep in our hands, all such means, as our situation gave us. This article was another influence in which no regard was paid to reciprocity. British subjects it was well known had and were like to have in this country, a great deal of property of the kind made sacred. American citizens it was as well known had little and were likely to have little of the kind in Great Britain. If a real reciprocity had been intended, why were not other kinds of private property, as vessels and their cargoes, equally provided against violation. These even within the jurisdiction of Great Britain are left open to seizure and sequestration, if Great Britain find it expedient. And why was not property on the high seas under the protection of the law of nations, which is said to be a part of the law of the land made secure by a right stipulation? This would have given a face of equality and reciprocity to the bargain. But nothing of the kind makes a part of it where Great Britain had a particular interest at stake, the treaty watchfully provides for it when the United States have an equal interest at stake and equally entitled to protection, it is abandoned to all the dangers which it has experienced.

After taking this notice of the positive evils in this part of the treaty, he might, he said, add the various omissions, which were chargeable on it. But as he should not pretend to exhaust the subject, he would mention one only of them, providing for the respect due to the exhibition of the papers. He could not but regard this omission as truly extraordinary, when he observed that in almost every modern treaty, and particularly all our other treaties, an article on this subject was regularly inserted. Indeed it had become almost an article of course in the treaties of the present century.

Thirdly. The commercial articles of the treaty prefaced the third aspect under which he was to consider it. In the free intercourse stipulated between the United States and Great-Britain, it could not be pretended that any advantage was gained by the former. A treaty was surely not necessary to induce Great Britain to receive our raw materials, and to sell us her manufactures. On the other hand consider what was given up by the United States.

Without any prompt entire into operation, it is well known that the American tonnage employed in the British trade bore the most inconsiderable proportion to the British tonnage. There being nothing on our side to counteract the influence of capital and other circumstances on the British side, that disproportion was the natural state of things. As some balances to the British advantages, and particularly that of her capital, our laws had made several regulations in favor of our shipping, among which was the important encouragement refusing from the difference of ten per cent in the duties paid by American and foreign vessels. Under this encouragement the American tonnage has increased to a very respectable proportion to the British tonnage. Nor has Great Britain ever deemed it prudent to attempt any countervailing measures for her shipping's well knowing that we could easily keep up the differences by further measures on our side. But by the treaty she has referred to herself the right to take such countervailing measures against our exciting regulations: and we have surrendered our rights to purchase further defensive measures against the increasement her capital. It is justly to be apprehended therefore that under such a refraining of the former state of things, the American tonnage will relapse to its former disproportion to the British tonnage.

When he turned his attention to the West-India Branch of the subject, still greater cause for wonder and dissatisfaction. At the treaty now bound, Great Britain was left as free as she ever had been, to continue the entire monopoly of the intercourse, to British vessels. Recollecting as he did, and as every member of the convention must do the whole history of this subject, from the peace of 1783, through every subsequent stage of our indulgence down, to the union of