

(Continued from the first page.)

Under the law of nations, I have a right to consider the principle as the law of the land. I feel as the law of the land, because the maritime law in which it is uniformly maintained, and I speak in the presence of a lawyer who is capable of contradicting me if I be wrong, constitutes part of the law of the land. But when we come to consider the merits and the nature of the question itself, there are so many views in which the hon. gentleman has exhibited it, and it appears plain and obvious, that I cannot think his observations safe from any doubt at all. In fact there is no view of it which does not furnish a prompt and immediate decision; a decision in favour of the principle, at once superseding the necessity of all the elaborate or minute argument. The question embraces two points; first, how far the right of a belligerent power to search neutral vessels, to prevent the furnishing of military stores, or carrying on a trade in contraband goods with the enemy, is maintained by the general law of nations? Secondly, how far particular treaties may have varied or relinquished that right with respect to the contracting powers? With regard to the former of these points, I am not deeply read in the law of nations to answer for all its details upon it; but this I can aver, that I have never heard the point disputed by any authority in this country, and here the hon. gentleman falls into the common cause of the Northern Powers in their reasonings upon it, that is that where a treaty contains any particular stipulation, that stipulation should be regarded as the admission of a general principle though there be none such existing. In viewing it in this light, the hon. gentleman has mentioned that treaty with France. There is, no doubt a stipulation to the effect stated in that treaty, but it is no derogation of the principle. His hon. friend, to whom the hon. gentleman alludes, who argued against that stipulation, did not contend that it was. His objection was, that it was yielding too much to the pretension of the right claimed in opposition to it. Every body must remember that it was argued on that ground, and indeed it would have been trifling to put it on any other, particularly as there was scarcely any chance of any great maritime war, in which England shall be belligerent and France neutral, or France belligerent and England neutral.

But it is not necessary for me to go this length: I might give up the law of nations as mentioned by the most eminent lawyers of this country; and in such case I would ask what is the utmost which the hon. gentleman can expect from this concession? It is this, that if for forty years past there be so great a number of treaties, in which this stipulation, that free bottoms shall make free goods, is included, yet if there be any in which it is not included, there the question rests solely on the law of nations—Now, if there be any nation on earth which has for that time supported the right contended for, it is England—Whatever treaties other nations may have entered into, stipulating the contrary, they cannot effect here. The utmost inference, however, which the hon. gentleman can pretend could be drawn from this case is, that this stipulation being generally disallowed and admitted, it therefore acquired a sanction which entitled it to be a rule for those acts by whom it was not disallowed or considered. But how stands the case? Did the stipulation of all law and practice, you have, with the three powers in question, exacted and put in force, the letter and spirit of which guarantee to us the right we claim. This is the case in the treaties with Denmark and Sweden, the former concluded in 1661, and the latter in 1679, both of the same nature to be carried into effect, and in which it is stipulated that the right of searching neutral vessels, in carrying property to an enemy, is clearly and distinctly recognized.—With Russia, however, the stipulation of the treaty of commerce which might have been, we would not fight it until she could not prevent the emanation of this right upon us. Was this a proof of our intention to abandon it? In 1793 that power had stipulated by a convention, which is still in force and being, if not done away by some unjustifiable act of aggression on our part, that the parties thereto shall concert means to prevent neutral powers from carrying property to the ports of France. Leaving then the former grounds aside, I ask whether every one of these three treaties be not in force, and whether the confederacy of these powers be not in violation of them? This part of the question however, when the necessary papers are before the house, I shall explain more fully. But the case does not stop here.—What will the hon. gentleman say, when he is informed that Denmark and Sweden have expressed their sense of gratitude that England did not carry the principle so far as Russia insisted upon exercising it?—Nay, since 1780, Sweden has been at war with Russia, and upon that occasion the emperor of the very principle with respect to neutrals, which the hon. gentleman has mentioned, was stipulated in 1783. We are not told what restrictions or modifications may have been adopted, or whether any, to lessen the rigour of the principle of 1793, but we are generally informed that it is the object of the present confederacy to support the system then adopted, of which part was to compel its observance by force of arms. Is or is not this war? Is it not a breach of faith which nothing can palliate? Is it not a case which, even if we had not heard so much of it, no Englishman could doubt? But to put the matter beyond all dispute, is not this measure accompanied with preparations in the Baltic, at a season of the year too when they flattered themselves they might be able to collect and muster a force without apprehension of the vigorous and prompt exertions which defeated a similar attempt last autumn? (A cry of no, no, from the opposition bench.)—“Whether they did so or not,” continued Mr. Pitt, “will be shown hereafter. The hon. gentleman says we do not know the precise nature of the convention—True. But if the parties to it tell us they have done so and so, we are not to suppose for them, and presume that it contains conditions, in our favor of which they make no mention. It was for them to show how far the stipulation of the convention of 1793, but how far would the hon. gentleman have us carry this doubt and hesitation? Is it until we shall see and read every paragraph of his new convention. Until every means are united and brought to bear, for the purpose of forming a fleet that may prove a substitute for the French navy? Is that the period, until which we are to remain passive and inactive? How we know the agreement is hostile, are we to wait until we shall see the very seal of our contradiction? I do not think his will be the opinion of the house. The two great principles uniformly acknowledged are these: First, that no neutral powers shall carry on a trade in contraband goods with the enemy; and secondly, that it shall send no supplies to a belligerent. Now the question is, whether we shall give up these principles? Whether we shall suffer any common thing, which may be procured to him the flag of the nation, to do away all these

principles, and protect all the fleets laden with all the military stores of the North and the West India companies, in their commerce with France? The bare statement of this proposition is its own answer.

Now, as to the second point, the utility of this principle; has there been, I would ask, any period to which we have not felt and acknowledged it? Is there a period in the maritime history of the world in which the contrary doctrine has been held? If I were to refer to the fact of the destruction of the naval powers of France, does the hon. gentleman think that if the commerce of France, the nursery of seamen, and the fraudulent claims of neutrals had been protected and allowed, that destruction would not have been so complete as it is? With respect to the supplies of foreign timber and materials for shipbuilding and the equipment of fleets, which the abandonment of our right would have enabled France to procure, does the hon. gentleman believe, while he expresses his apprehensions for the safety of Ireland, and dwells upon the attempts of invasion, that we should be in the state of security which we now enjoy? During the course of this arduous contest, in which we are engaged, we have held out more than once a chance of safety to Europe.—How have we been enabled to do so, but by the preponderance of our navy? If we have not succeeded, what have we to look forward to for our internal security, but the same? I cannot, therefore help wondering at the way in which the hon. gentleman looks at the question. He states the naval power of France as destroyed; and yet when he talks of invasion, he holds it out in terror. He forgets and remembers its existence and its non-existence with equal facility. He forgets it when he wants concession; he remembers it when he would hold forth intimidation. He says you are not now as you were when hiding from the enemy in the channel. The arguments which he founds upon this is, if you conceded when you could not help it, you should do so now when you are able to assert your claim. The period when you have power to maintain your right, that is the very one which you should choose to surrender it forever. I say it is to surrender it up forever; for, if once given up, can you believe you have a chance of making peace with France on any other condition? Whether our conduct has been such as to induce Russia to make the claim, that is a question which I shall be ready to discuss at a proper time, but it forms no part of the subject of the present debate. My argument is, that a surrender now is a surrender forever. This justifies us in saying, that we will maintain it. Of the subject we know enough already, and that by giving our assent boldly and manfully to the determination expressed in his majesty's speech, we shall do much more than save the effusion of human blood. The question then is, whether it be one on which you will speak guardedly, and not freely and frankly? I do not think it necessary to go further. As to all the charges against administration, there will be other and better opportunities for answering them. The present question is, I conceive, of that importance that calls for our undivided attention. As to any invective against the conduct of those councils in which I am engaged, I shall be able, when a proper opportunity occurs, to convince the house that so far as calamities have increased, and extended themselves over Europe, they have been occasioned by those principles which the hon. gentleman opposite to me has uniformly supported, and which have been as uniformly combated by me and the gentlemen on the same side of the house with me, with whom I have the honour to act.

Mr. Pitt was followed by the Solicitor General, Mr. Tierney, Mr. Dundas and Mr. Sheridan, when the House divided—for Mr. Gray's amendment 63—against it 245.

PARIS, Feb. 4.

A letter from Barcelona, dated the 24th of January says, that preparations for the invasion of Portugal still continue. A part of the garrison of that place had set out for the frontiers.

A number of troops it is said, are about to march from the army of Angereau to join the army of Observation of La Gironde.

We are assured (says a letter from Salzbouurg of the 23d ult.) that the French have demanded of the Emperor of Germany free passage through that country for a republican army, intended to invade, or at least, to menace, the territory of Turfloy, in consequence of the attachment of the Ottoman Porte to the English, and of the preparations now making by it to act against the French in Egypt. It is added that the Russian army in Luthuania, the artillery belonging to which is already on its march, though most people are ignorant of its destination, is believed to be advancing against Turkey, to punish the government for its attachment to England.

Letters from Spain, arrived by the last courier, (says an article from Bayonne, dated 23d of January) announces, that Portugal has at length determined to agree to the propositions which have been made to her by Spain; so that we may shortly expect a general peace.

Letters from the Hague, of the 28th of January, state, that the French Admiral Bruix had arrived there to accelerate the na-

val preparations in the Dutch ports. The navy consists of 16 sail of the line, 6 frigates, and 93 gun boats.

It is said that the consuls have finished the emigration from the hill of Emigrants. It is reported to have decided the emigration of 50,000 names, of which 11,000 are women.

The French government is drawing its connection with Russia daily closer. An order has been issued by the consulate to cease all hostilities against the Russian flag, and to treat all Russian ships as friendly.—On the 20th, a Russian officer arrived from Peterburgh, which he had left on the 3d.—He brought a letter from the Emperor, which he delivered into the hands of the Minister of Foreign Affairs himself. The contents of these dispatches have not yet transpired. An army called the Army of Observation, at Lagorode, is to be established on the Frontiers of Spain. It is to be commanded by a Lieut. General who is to correspond with the French Ambassador at Madrid. This seems to shew that the invasion, of Portugal, in conjunction with Spain, is intended, unless Portugal makes peace by agreeing to the demands of her enemy.

LONDON, February 10.

Upon that subject which has excited so much anxiety, and which has so strongly agitated the public mind, we have little additional information to communicate to our readers. The lists of the new administration handed about yesterday and the day before, are not to be believed to be correct. Thus much, however is certain, that Mr. Addington is to succeed Mr. Pitt in both his places as first lord of the treasury and chancellor of the exchequer. It was said last night that the duke of Clarence is to succeed lord Spencer, and the duke of Kent the marquis of Cornwallis. It was said also, that lord Hawkebury is to succeed lord Grenville. The duke of Portland remains in office. Lord Macartney is to be at the head of the board of control; but is not to succeed Mr. Dundas in the office of war minister. Amongst the arrangements of inferior importance, are the appointment of sir W. Grant to the attorney-generalship, and of Mr. Law, not Mr. Perceval, to the solicitor-generalship. Mr. Rose and Mr. Long retire from the treasury, and Mr. Canning from the joint pay-mastership of the army.

The resignation of the speaker was expected yesterday to have taken place; but it is said that will happen this day, in order that the new arrangement may not be delayed.

Lord Hobart does not succeed marquis Cornwallis as was first reported, nor is Mr. Pelham coming into office. Lord Castlereagh is understood to have resigned his situation.

We stated yesterday that notice had been sent to the bank from Mr. Pitt, that tho' he is about to retire from office, it is not his intention to resign until the new administration is formed, and qualified to execute its public duties; and that he will raise the supplies for the current year at the time he intended, as if such an event had not taken place.

The candidates for the loan are to wait upon Mr. Pitt on Thursday next, to know the amount that he intends to fund for the service of the current year. It is said that the amount of the loan will be 25 millions.

These changes in the administration do not by any means give satisfaction to the public. The people discover in them nothing but a change of men, not of measures. What they wanted was not only the removal of the ministers, but the abandonment of the principles upon which they have acted. It requires therefore very little penetration to see that the new administration, if it be to consist of the men abovementioned, is not likely to be permanent. No administration, perhaps, will be permanent, but one which shall determine to act upon principles very different from those which influenced the late ministers, and which have reduced us to a situation of such difficulty and danger.

The private letters by the mail of yesterday state, that tho' the intelligence of the embargo laid in our ports on Danish and Swedish ships had created a great alarm, the court of Copenhagen had resolved to abstain from all intemperate and imprudent retaliation. No attempt would be made to interrupt the navigation of the Elbe. Indeed, though the Danish fortresses below Hamburg might have prevented our communication, it must have been deemed a violation of the line of neutrality, taken under the protection of Prussia, had the Danes availed themselves of these opportunities. A great deal, therefore, must depend on the conduct of the cabinet of Berlin.

Accounts from Prague of the 26th ult. say, that conferences are speedily to be held at Brussels between the ministers plenipotentiary of Russia, Sweden, Denmark, Prussia and France, relative to the convention between the four northern powers, and their respective connections with England.

It seems probable that a peace between France and Turkey and Naples will be concluded, under the mediation of Russia; but there is additional reason from this to conclude that his Sicilian Majesty will be obliged to renounce his connection with this country and to shut all his ports against us.

LIVERPOOL, Dec. 2.

On the 6th of October, capt. Grahme, sailed from hence in the Dick for Africa, mounting 20 guns, four and six pounders, and 42 men and boys. On the 15th of October, he fell in with the La Grande Decide, French privateer, mounting 22 guns on one deck, nine and twelve pounders, and one hundred and seventy-six men. An action commenced a few minutes past one o'clock at noon, which was most gallantly defended on both sides within pistol shot.

About five the Dick's standing and running rigging, bracings and bowlines were cut to pieces; sails all in rags, topmasts gone, lower masts crippled, and several shots betwixt wind and water. It was about this time that an unfortunate canister shot struck poor Grahme and took away all the upper part of his skull; in this situation he was carried below.

To revenge his death, which his brave crew anticipated, and for the honor of the British ensign, one of the brave tars—*Nailed the Dick's colors to the stump of the mizen-mast,*

and they one and all were determined to fight the vessel as long as the could swim; and without dread or fear the chief mate and crew fought on till near eight o'clock, having at that time their noble captain and ten men wounded, their ammunition expended, and every gun dismounted, spars and rigging shot away, three feet ten inches water in the pump well, both pumps going, vessel expected to go down, and the enemy upon their quarters, in the act of boarding, when capt. Grahme advised them, to prevent every man from being put to the sword, to strike their colors. He delivered up the vessel in a most courageous manner, and even had the presence of mind to desire the third mate to fling his rifle piece, pistols, sword, &c. overboard, saying no other man should ever use them. He manfully walked overboard his own vessel into the enemy's boat refusing to receive aid or assistance, saying to his men—“My brave fellows you have done your duty like Britons; adding (meaning his own vessel)—“Poor Dick, thou shalt do my duty likewise, but obliged to strike to superior force. I only with thy guns had been heavier metal.”

The French first lieutenant was killed; the enemy had also 27 killed and wounded and several of the crew died after the action. She was much hurt in her masts and hull, and several holes in the side, which they were obliged to plug with lead. On Grahme's arrival on board La Grande Decide, he was allowed a cot in the captain's cabin, who behaved to him like a brother. The French doctor attended him night and day, his own mate was always with him and his crew allowed frequently to see him.

He was inflexible after the first 24 hours, and the 21st October, about 3 o'clock in the afternoon, he departed this life universally respected by all who knew him. He fell like a hero and a British sailor, fighting under the influence and for the honour of his country's proud ensign! God rest his soul in peace and happiness—He was launched into the deep the same evening, sewed up in his cot, in as decent a manner as the situation would admit of.

PHILADELPHIA, March 31.

Arrived, sch'r. Little Tom Butler, Provosts, Gonaives.

Cleared, ship Delaware, Wicks, Calcutta; brig Ann, Thompson, Palermo.

Captain Glenn, of the schooner Sally, sailed from Havanna, in company with 19 sail of vessels under convoy of the Constitution. On the 4th the frigate left the fleet, on the 5th 12 sail of the fleet in sight, and on the 7th saw three sail of the fleet to the leeward, and a vessel, apparently a privateer, in chase of them.

From the log book of the schooner Little Tom Butler:

On the 5th of March sailed from the Male, under convoy of the United States ship Constitution, captain Talbot, in company with the undersigned vessels.

Ship Arethusa, capt. Horton of Baltimore, ship Fair American, Palmer, of New-York, brig Philip, Hooper, of and for Baltimore, sch'r. Messenger, Stites, of and for Philadelphia, sloop Sally, Hulston, of do. do. and the brig Appollo, of New-York, joined the fleet next day. On Monday the 9th inst. came into the fleet the British frigate Andromach, who went along side of the Constitution, lay along side of her some time and then made sail into the fleet, but aimed after the Arethusa. Captain Talbot made the signal for the fleet to shift for themselves. At 1 P. M. spoke the Constitution—capt. Talbot informed me that the captain of his majesty's frigate intended to board all the fleet—then in lat. 23, 15, N. long. 60, W.