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ON DEMOCRACY.

"National honor is national chastity."

A DEMOCRACY has the same honor to defend, and a Republic, or elective Democracy has as strong powers to defend it, as a Monarchy or Aristocracy has.

National Honor, is an important theme, arising from facts and principles, which admit of no strains of rhetoric, or prolix allusions in language; but claims sober argument, and precise reasoning.

There has been no technical, accepted definition of it among nations, or established by any authority among men; but, as I am better informed, I shall state, an equal, independent right to the exercise of sovereignty. What is a right, what is independence, and what is sovereignty, may be, as they always have been, though unnecessarily, the subjects of discussion and controversy. Where there are no conventions, or treaties among nations, there can be no national rights; but the independence and sovereignty of different powers point them to arms, to defend what they call their respective rights, and those rights are commensurate to, and coextensive with their strength.

The law of nations has been the subject of declamation for centuries past; and the most learned, and the best men in Europe, have treated it with great attention; but have not seen their wishes accomplished, by an established system of principles acknowledged by all the world, or even by the European powers. Good and great men, are very ready to form an opinion of mankind, merely from what they wish them to be; whilst others, on an opposite extreme, despair of any considerable degree of perfection in morals, from a review of what they conceive mankind to have been. The course of nature will not be changed; the tide will never suit every man's convenience, or the wind fill the sails of every man's barque according to his wishes. That which is fair for one man, will be foul for another.

Before Grotius wrote his treatise upon war and peace, a few centuries ago, there were no adequate ideas of national law in Europe. Learning had before those times been confined pretty much to the Roman civil law, which was established by that nation, when it possessed, in dominion, an extent of country greater than all Europe. Their civil law, correcting the principles, and modifying the government of their Empire, has been mistaken by more modern writers and good civilians, as the law of nations, *Abercius Gentilis*, who was a learned Jurist, and was professor of civil law at Oxford in 1580, was betrayed into that error. When Grotius came forward, his great learning, and uncommon researches, demanded the attention of Europe. What was unfinished by him, was completed by Puffendorf, and Vattel. These writers are now considered as the authors to be studied, in order to gain thorough knowledge of the law of nations. Yet the student meets with this difficulty; that while Grotius places all the principles he treats of upon the feelings of morality, Puffendorf, states the relation between nations to each other, to be no more than what individuals in a state of nature, without the laws of society, are to each other. Vattel, on the other hand, derives all obligatory rules for the duties of nations, towards each other, from treaties and conventions. This difference has a national origin, and can never be completely reconciled. It will always exist in a degree, because there never can be a supreme, civil tribunal, to establish rules of decision among the powers of the world.

Notwithstanding all the learning expended on the subject, in some countries, strangers are robbed and murdered, as they were by Busiris King of Egypt. The Germans, Arabs, and Tartars, plunder strangers with impunity and without remorse. Busbequis mentions several Turkish nations, where an adroit thief is considered as a very honorable character. A Roman would not kill an enemy, but in fair combat; an Indian will lie in wait, to destroy his foe by fraud. A Christian treats his prisoner with courtesy, but a Turk treats him with cruelty as a slave. There is not as yet, a standard, established by a common consent of nations, as the law obligatory on different powers

regulating their conduct towards each other. Grotius places it on the principle of rectitude, Puffendorf explains that principle, by putting independent nations on a footing towards each other, in the same standing as man is to man in a state of nature. Should we add one dictate of christianity to this, "do to all men as you would have them to do to you" the system would appear to be complete. Though this is not to be expected in the present state of human nature; yet because perfection is not to be obtained here, it will not follow, that we shall not hold it in view, and make it the high pursuit of our lives.

It is not practicable to throw an essay upon the law of nations into a gazette production, and therefore what has been said, is only intended as an introduction to this position, that where the United States are without a treaty of amity, and commerce with any sovereign power, there is a rule of right between them, according to the laws of nature and morality; and where they are under such treaty, the compact contained in it ought to control and govern the conduct of the parties towards each other.

Upon that position, the following hypothesis is grounded; that every nation, without a treaty with us, will act for what it shall suppose to be its own interest, and will consider that to be right, which forces can accomplish, within its own claims, founded in nature and morals, of which it will be its own judge independent of us. We are now treated in that manner by Tripoli, and others of the Barbary powers, which have long leased contribution by force from the European sovereigns.

We are in a convention of amity and commerce, with all the powers of Europe, from whose enmity and friendship we have any thing to fear or hope. We therefore have no other concern in order to preserve our national honor with them, than to fulfill our treaties on our part, and to compel them to fulfill the same on theirs. This will be preserving to ourselves an equal, independent right to the exercise of sovereignty. When the Tripolitans, with whom we have no treaty, attack our commerce on the sea, which is the common high way of nations, and the equal privilege of all, we must attack them again on the principles of self defence.

Should any of the European powers, contrary to their treaties with us, invade our commerce, we must then, in a prudent, discreet and national manner, reciprocate the injury, with a hope to compel them to a redress; and thus vindicate, with moderation, our national honor, by preserving our equal independent right to the exercise of national sovereignty. But here we are to distinguish, with the learned writers Bynkershoek, Vattel, Grotius, Puffendorf, Montesquieu, and others, what is a just cause of war.

When the nations with whom we have no convention, shall capture our ships or interrupt our commerce on the high seas, we must resort to the law of retaliation; and when those with whom we have conventions, shall issue letters of mark, or commissions for capturing our ships, contrary to the spirit of their conventions and treaties, it will amount to an abandonment of the conventional rights, and be a just cause of war. National honor, that is the equal independent right to the exercise of sovereignty, is the foundation of all commercial treaties, & of all conventions of amity. These treaties, and conventions, may surrender some part of a national right, for the reciprocation of others as important to its interest, but national honor is not, nor can it ever be abridged, or surrendered by such conventions. The moment national honor is surrendered, the party ceases to be a sovereign power, and there are, of course, no parties to the compact.

The equal right to navigate the sea is an indispensable appendage to sovereignty, and cannot be taken from one power by another, without a violation of its public honor.

But in conventions of commerce, there are commonly, compacts in regard to contraband goods in time of war, and other regulations, the breach of which render vessels liable to seizures. Vessels taken from such causes cannot be said to be captured; and even if they should be unjustly condemned, yet the form of the procedure excludes the idea of its being a violation of national honor, or a just cause for a war. The subject whose property is thus violated, will complain to

his own government, the envoy of which, will demand an indemnification, of the power, whose officers have done wrong. There is one other instance, where the property of individuals may be injured without a violation of national honor. When foreign nations wage war, they grant letters of mark and reprisal against the ships and goods of each other of course. The vessels, commissioned may capture vessels of the U. States coming from, or going to the port of the captor's enemy, under a pretence, or suspicion, of their being enemy's property, having false papers &c. this even though the property should be condemned, is no violation of our national honor because the procedure and process, is grounded in form, at least, upon facts, which if true, would make the property captured confiscable by the existing treaty between us and the captors—Should the power which captures our property, and condemns it unjustly, refuse to revise the decisions of its courts, and to compensate the suffering party, this may or may not be a violation of our public honor, or a cause for war, as the evidence and circumstances may be.

When one nation invades the territory of another, there is no other appeal, but to arms, nor can the honor of the invaded nation be vindicated by any other measure.

There is one case which does not appear to me to be settled by writers on national law—Where one power demands of a neutral sovereign the privilege of marching an army through any part of his dominions to attack an enemy. This perhaps may, by the law of nations, be complied with, or refused, as circumstances may require, without giving just cause of war, to either of the belligerent powers.

It may not be improper to add a few words on the subject of a war, as one has been vehemently urged, by a certain party, against France and Spain, on the subject of Louisiana.

That fine country was discovered by Ferdinand de Soto, a Spaniard, in 1541; after which the French surveyed and took possession of it, and in the reign of Lewis XIV. a company was formed, and the usual acts of colonization, by sending fleets, armies, and settlers, were executed. In 1763, the territory was ceded to Spain by the French crown. The same year, the Floridas, which had before been, by frequent changes, under the dominion of France and Spain, was ceded to the crown of England; and in the peace of 1763, was, after conquest, again ceded to Spain. The treaty, which ceded that country to Spain, recognized the independence of the United States, as a party in the war which it terminated; and excluded the Floridas and Louisiana from their limits, but gave them a right of navigation down the Mississippi to the sea, and a privilege of storing goods at New-Orleans. The peace between England, France, and Spain, lately made, continued the Floridas and Louisiana to the king of Spain; and that Sovereign has lately made a cession of them with Louisiana to the French republic.

Upon this plain simple state of facts we have been urged to become a party in the European wars. There was one circumstance, which on the principles I have maintained, might, or might not have been considered as a cause of war. The Spanish commandant interrupted our right, which we held by treaty with his sovereign, of landing our produce at New-Orleans. This went towards destroying the benefit of our navigation on the river. Had this been an act of his government, it might have been a cause for war. But on examination, it turned out to be no more than a wanton violation of that officer's duty. This alone shows the propriety of a patient investigation of an injury, before a nation shall resort to the last, and most dreadful remedy.

The main cause of war, as urged by the high federal party, (as they choose to call themselves,) was the late cession of Louisiana by Spain to France. How any man of common understanding could suppose, or affect to suppose, that our national honor was injured by this compact, is among the mysteries of party politics; our trade, navigation, extent of territory, and its appendages remained the same as before. Nor was there any greater violence done to our national rights, than there would be, if the king of England should, in a sudden passion, cede to the Emperor of Russia,

One foundation of the clamor was, that the French republic, was a hostile troublesome nation, and of course would be dangerous neighbors. The same reason would justify our sending an army to France, to make war upon them, and would justify the nations in Europe to fall upon them, in a time of profound peace, because they might be dangerous in a time of war.

The French nation are the same people now that they were when we gladly engaged them in our necessary defence in 1778, when they sent us their ships and armies to fight our battles; and supplied our empty treasuries. It may be said, that they then had a king; but we all know, that he was irresistibly urged by the voice of the nation to the measure. They are now the same nation, and under the same government, as they were when President Adams made a treaty of amity and commerce with them, which they have never yet violated. From whence then arose all the clamour for war? was it from a regard to our national honor, national interest, or from the resentment of a disappointed and revengeful party?

This is a crisis very important to our nation. A war with England, opens our northern frontiers to an invasion from and through the Canadas, Nova-Scotia, and New-Brunswick; and exposes our commerce to a fleet, which commands the ocean. A war with France and Spain, endangers our southern states, and may demand our best men from New-England to defend them against, perhaps, armed negroes. Should we abandon them, they are unable to defend themselves, and would become the provinces of the foreign powers. The *New-England Palladium* can never, from its name, or matter, urge us effectually to this. A war with any of the powers of Europe, shuts up the Mediterranean from us, annihilates our commerce there, subtracts our revenue, and denies us the great advantages of the commerce of the world; which we have now in our hands—while we hold uninterceptedly, the equal independent right to the exercise of sovereignty, we will be in peace.

PLAIN TRUTH.

From the *Boston Chronicle*.

THE EXAMINER—No. X.

"And so they wrap it up."

IN my last I observed, the republicans were obliged to contend against the federalists in a species of skirmishing analogous to an Indian warfare. When you rally, one party, another appears in a different quarter; they place themselves in various positions, and as one wigwag is routed, they repair to another. At a certain period one *Goodloe Harper* was the champion of the day; he had a vast bundle of clues, (somewhat similar to a bundle of Indian arrows) which led to immense discoveries. During the administration of *Goodloe*, the federalists "wrap themselves up," as snug as a bug in a blanket. While *Goodloe* was thus armed cap-a-pee, they looked wondrous wise. A shrug of the shoulder—a nod of the head, or a squint of the eye, were signals pertaining the fate of the United States. Certain men in State-street appeared prodigiously knowing—they were buried in contemplation, and cogitation; each bystander watched the languor, or fervor of their countenance; if their hands moved upwards, it was the signal of war; if they hung in a perpendicular position their chance was doubtful, but if they placed their arms a-kimbo in a hostile attitude, then the cliron of death and desolation sounded through every avenue of the metropolis—stocks rose, or fell by this thermometer—insurance was suspended on their frowns or smiles, and every article of commerce rested on the Harlequin flat of their profound politicians.

After *Goodloe* had spun out all his clues, the federalists "wrap themselves up" in the mantle of the *illuminati*, a dorned with a crimsoned border dyed in the blood of the ship *Ocean*. This covering spread over an extensive surface. This was a favorite asylum, and the federalists run under it like *snug pigs* seeking shelter in a pale of wind. They found however they exposed themselves to ridicule by taking sanctuary under so flimsy a covering, and they soon left their *Snug Doctor* to feel the mortification arising from his credulity and folly.—They did not wrap themselves up long within this leaf. As

To-p-icts, Taylor-plots, Lady-plots

and other surprising phenomena followed in quick succession. They served as occasional wrappers, and under these sable habiliments the *Essex Junto* matured their projects with as much security as *Guy Faux* with his dark lantern.

The federalists generally have a *Pointer* who scents for the whole pack. They trust to his sagacity in all their pursuits, and when he starts the game they all commence the chase, till the old hound gives the signal to retreat, and then with all the obsequiousness of puppies "wrap themselves up" within their respective kennels.—During this "pause," not one of them dare wag his tail.

On the subject of New-Orleans this plan has been adroitly prosecuted. *Ross* blew the horn—*Morris*, *Mason* and others reverberated the echo. *Fabricius* and his associates swelled the note of

"Hark! Hark! don't you hear. The sound in the dale," upon the sound of which the whole body of sportsmen responded the joyful acclamation,

"The chase is begun we declare," while the Spaniards at New-Orleans, were described as

"Poor puss in a fright," with fifteen thousand Kentuckians pursuing them, till the

"Poor rogues sink, struggle, & die." *Fabricius*, it seems, was to come in at the death; but alas, the hounds are all in fault. His late lacerations are a series of lamentations, because he had not the satisfaction of seeing garments rolled in blood, and the pleasure of traversing a territory wet with human gore. He appears angry at his disappointment. Like a true sportsman he had rather obtain by a chase, a lean hare not worth a flibbing, than all its sanguinary and expensive progress, than a *fatted calf* by a peaceable negotiation. He had rather venture his neck over a five barbed gate in pursuit of his game, than acquire four times its value, by an amicable accommodation. He is a buck of the first water, that is a noisy braggadocio; but the last man who would hazard himself in the field of danger. It is true he would leap over a five rail gate in pursuit of a *timid hare*, but would sculk under a hay mound if she should halt to attack him. *Fabricius* has predicated his whole system of warfare against France on the base ground of *timidity*; he vauntingly proposes to take New-Orleans, because, (says he) "the French cannot oppose us." Like his brother *Jonathan*, he looks to the British nation for help; like a coward he places all his dependance on the inability of his opponents. He does not come forward in the attitude of personal valor or national prowess, but substantiates all his heroisms on what he supposes the French "cannot do."—He is valiant, not like *Don Quixotte*, who thought himself omnipotent, but like *Sancho Panza* who trusted wholly to the bravery of his knight. He declares, "that France could not send a soldier to occupy the country, and even if peace had continued, was destitute of all means of establishing and promoting a colony. If this is the case, why has the federal party been so clamorous upon the incursions of France? Why have they alarmed the country, that the French would be dangerous neighbors? Why have they suggested the false idea that the western territory would soon be in their hands? How could they take place, "if the French could not establish and provide a colony in Louisiana?" Mr. *Ross*, *Morris*, and friend *Jonathan* declare "the reverse, they say, if we did not take immediate possession, that Buonaparte would establish a colony to the utter ruin of the United States. How absurd then is the reasoning of *Fabricius*, if his brother war-hawks are right in their predictions? one say one thing, and another says another—*Fabricius*, and his co-adjutors are at variance. "Pause, pause," ye federalists, "for Heaven's sake pause," for your mighty men are not agreed in their first preliminary. *Fabricius*, and *Morris*, are as much in opposition, as the republicans and federalists. When such great characters disagree who can become the umpire? How can the *Essex Junto* "wrap themselves up," in a covered so torn and tattered? *Fabricius* pulls one way, while *Morris*, *Ross*, and *Jonathan* pulls another. Alas, the party is in a terrible plight, they seem "burning to the water's edge," pause, pause, for Heaven's sake pause—"the rainbow will lose its radiancy"—"the scalping knife" will