

TO THE
President of the United States
And the Senate and House of Representatives
of the United States of America, in
Congress Assembled,
THE MEMORIAL
Of the Merchants and Traders of the
CITY OF PHILADELPHIA.

At a moment of distress, and in a season of solicitude resulting from a novel and peculiar affection of the commercial interest of their country, YOUR MEMORIALISTS, as composing a great proportion of that interest in one of the principal commercial cities of the United States, submit to you the following considerations.

Under the influence of a form of government calculated to inspire confidence in the security of our acquisitions, and with a reliance upon the authority of the nation, for protection and support in all lawful enterprise, the commerce of the country has increased in a manner almost unparalleled, and has widely extended a spirit of enterprise which has added to the stock of private wealth and enriched the treasury of the nation.

By the existence of war in Europe, and our neutral standing with the belligerents, our commerce was naturally and necessarily favored and flourishing; conducted upon fair and honorable principles, our trade wanted no privilege but the just privilege of its neutral character, and it needed no favor but that which had been yielded by the universal consent of civilized nations. But this privilege, we conceive, has been denied to us, and a jealousy of our enterprise and prosperity has excited a design of checking the commercial growth of our country, the fruit of which has been an attempt to innovate upon ancient and approved principles, and introduce unheard of articles and provisions into the code of public law. Of this design, of its origin and extent, your memorialists are not left in doubt; when they consider the course and nature of the spoliation which have been committed on the American commerce.

For a time, your memorialists were disposed to regard the violence committed on the vessels and merchandise of the citizens of the U. States, as the unauthorized acts of lawless individuals; for the fact was well known, that many French and Spanish cruisers were on the ocean, without legal commissions, who seized without authority, and robbed without even the form of trial. They were aware, that many instances of violated right were within the knowledge of the government; and anticipated the adoption of measures calculated to put a stop to the growing mischief. They moreover reflected, that during a war between powerful maritime states, it is the unavoidable lot of the neutral to incur loss and suffer inconvenience, even from a fair exercise of the rights of the belligerent; and to be exposed to imposition and outrage, practised sometimes with the colour of authority, and sometimes in despite of both law and humanity. Retting, however, with confidence, upon the protection, which they regarded their government as bound to afford to the fair and lawful trader, they submitted to the present inconvenience, and referred themselves to that protecting principle, and to the integrity of the superior tribunals before which the seizures of their property would be finally considered, as the arbiters of a certain, though distant retribution.

It becomes your memorialists to state, that the pressure of these evils has greatly increased; and that others of even superior magnitude have arisen, which assume a most alarming and distressing form. What were considered as irregularities susceptible of prevention, have, by continuance and success strengthened into regular and systematic plunder. What were regarded as mischiefs incident to a state of war, temporary though not remediable, are vindicated upon the ground of right, and their practice is reiterated under the authority of government, and receives the solemn sanction of the law. From this state of things, your memorialists perceive at once the unavailing nature of an effort which may have been made by their own government for their relief, and also the hopeless nature of all anticipation of redress, upon the grounds they expected, from the justice of others. They moreover, foresee, in the prevalence of the principles and in the continuance of the practices alluded to nothing but the ruin of individuals, the destruction of their commerce and the degradation of their country.

Could the judgment or even the charity of your memorialists, see in the new doctrines of the British court, nothing but the revival and enforcement of an ancient and established principle, which friendship had relaxed, or favour permitted to slumber, they might regret the departed good, but could impute no injustice to the hand that withdrew it. They are struck, however, with the novelty of these doctrines, their unequivocal hostility to neu-

tral interest and rights, their inconsistency with former declarations of their ministry and decisions of their courts, and with the extraordinary time and manner of their announcement.

In the reflection, that the great code of the Laws of Nations presents, a system of reason and right, approved by the unimpassioned and disinterested judgment of the civilized world, neither tempering its provisions to the wants or demands of an imperious belligerent, nor yet giving aid to the crooked subtleties of unfaithful neutrality, your memorialists have conceived the rights of their nation, as a neutral, to stand upon unchangeable ground. These rights, they cannot but believe, extend to a free and uninterrupted commerce, with their own goods in their own vessels, with other neutrals, if admitted by their laws, or with the belligerents themselves, subject to the received regulations relating to blockade and to articles contraband of war. The established restrictions on the points just mentioned, with the right of examination and search, have been reasonably considered as giving to the belligerent the most ample security against the infidelity or cupidity which would lend a covert assistance to his antagonist. The policy and interested views of a single state may call for severities against neutral commerce, which are neither commanded of right, nor sanctioned by usage; but the principles of public law cannot vary with the purposes of the politics, nor shift with the designs of the interested. That policy, not justice, that interest, not fair and admitted precedent, have given birth to the principle, that neutrals should be restricted to the same commerce with a belligerent, which was allowed to them by that power in a time of peace, is conceived by your memorialists to be true. Incompatible with the general freedom of neutral commerce, this rule has the sanction of no common observance by civilized nations, and cannot bear that faithful test which every fair and righteous principle of the law of nations will abide. Against the soundness of the principle itself, it is also to be observed, that its advocates, instead of tracing its currency from age to age, point to the war of 1756, as the era of its discovery; and instead of stamping its validity by the concurrence of the civilized world, indicate its fallibility by a laboured detail of their own relaxation and contraction of the rule.

The effect of this novel principle upon neutral interests is of the most serious and alarming character. It goes to nothing short of the destruction of neutral commerce, and from the well known neutral situation and character of the United States to nothing short of inflicting a most deep and deadly wound upon their trade.

But your memorialists cannot but consider, that this principle has not the weight of a consistent and uniform support by the government which professes to uphold it. In 1801, the declarations of its ministry and the decisions of its courts were unequivocally, "that the produce of the colonies of the enemy may be imported by a neutral into his own country and be re-exported from thence, even to the mother-country of such colony; and also that landing the goods, and paying the duties in the neutral country, breaks the continuity of the voyage, and is such an importation as legalises the trade, although the goods be re-shipped in the same vessel, and on account of the same neutral proprietors, and forwarded for sale, to the mother country." In 1805, it is decided, that landing and paying duties, does not break the continuity of the voyage, and that the course of trade pointed out to the neutral, four years before, as legal and safe, is now unsatisfactory to the belligerent, and attended, infallibly, with confiscation. What clear immutable principle of the laws of nations, can that be, your memorialists would ask, which, supported by the high court of admiralty, and avowed by the ministry in 1801, and which is prostrated by the ministry and the high court of appeals in 1805? Such a principle must be considered as partaking rather of the shifting character of convenience than of that of permanent right and established law.

The time and manner of announcing it, accord with the principle itself. At a moment when mercantile enterprise, confiding in the explanations on this point, given by the British ministry to our ambassador, was strained to the utmost, a new decision of the court of appeals is announced, and every sail is stretched to collect the unwary Americans who are unsuspectingly conhdng in what was the law of nations.

After this view of the principle itself, your memorialists would state, that it has received a vigorous and active enforcement. Under this pretence, many American vessels, with cargoes unquestionably American, have been carried into the ports of Great-Britain, charged with a departure from neutral character in this im-

portant particular. Some have, indeed, been liberated after a long delay, and with great expence; but many are still detained without a clear understanding of the precise grounds of detention.

On this interesting point, your memorialists refer themselves with confidence to the wisdom and honour of their government. In the principles they have here submitted to your consideration, they feel all the confidence of justice, and all the tenacity of truth. To surrender them they conceive, would derogate from the national character and independence of the United States. From the justice of government they hope for their avowal, from the spirit of government, they hope for their defence, and from the blessing of Heaven, they hope for their establishment.

The attention of government is also solicited, by your memorialists, to other embarrassments of their commerce, and to inconveniences deeply affecting the trading interest of the United States in a different quarter. With a forbearance seldom exercised under like circumstances, the merchants of this country have expected retribution for the injuries imposed upon them by another nation. Instead of receiving this retribution, fresh injuries have been inflicted—and even during the existence of the present war, adjudications, which outrage every principle of justice, have passed in the courts of Spain, on American property. From the government of that country, between whom and the United States there exists a treaty of friendship and commerce, we had the right to expect, within her ports and jurisdiction, perfect safety and protection. Instead of receiving them, it is too notorious, that we have experienced from the officers of that government when applied to, the most mortifying inattention; and that, in entire derogation of our treaty, we have been the pointed objects of their neglect and injustice. The severity of this case is increased by the consideration, that at the time of its occurrence, the very country, at whose hands this injustice has been experienced, stood indebted to us for supplies essential to its subsistence, and for giving currency and value to its products. Under this head, it deserves also to be mentioned as a point not beneath the notice of government, that in our own ports and under your own eyes public officers of that nation have had the confidence to extort from our merchants fees and emoluments unprecedented and unreasonableness.

In detailing the general distresses of our commerce, your memorialists must also remark, that the licence of pirates and plunderers in the West-Indies, has become almost unbounded; and that the defenceless and unprotected state of our shipping, exposes it to the most outrageous ravages of the daring and unprincipled. That our seamen should be exposed to the meanest insults and most wanton cruelties, and the fruits of our industry and enterprise fall a prey to the profligate, cannot but excite both feeling and indignation, and call loudly for the aid and protection of government. That a belligerent power should depart from the common and accustomed course of examining the ships of the neutral, on the high seas, as chance or vigilance should give the opportunity of search, and should station its vessels of war at the entrance of our ports and harbours to scrutinize every thing that enters or departs, must also be regarded as attaching reproach to the fairness of our neutral conduct, and is by no means compatible with our dignity or our rights.

Since your memorialists have directed their attention to government on the subjects herein submitted, they have seen with astonishment a proclamation issued by general Ferrand, an officer of the French government, commanding at the city of St. Domingo, in the island of Hispaniola, which they regard as declaratory of the most outrageous and hostile intentions. As an act of an authorized agent—an officer of government—it is considered as without a parallel. Taken in its obvious extent it gives authority to vessels in French commission, to carry in all Americans they meet with, because the terms of the proclamation are so indefinite, as to leave every thing to the discretion of the cruiser. Experience has too fatally proved, that property once taken into their ports, is irretrievably lost.

If this proclamation has issued under the authority of the French nation, it can be only considered as a declaration of war. If it be ultimately disavowed by the government of this agent, it must be at a distant point of time, when mischiefs great and ruinous may have been done under its authority. It is to prevent these mischiefs that your memorialists solicit the attention of government, and respectfully suggest, that this extraordinary measure might be speedily counteracted by our national force.

Under the pressure of this state of things, your memorialists have though proper, freely to make known to their government the injuries sustained and apprehend-

ed by the commercial interest of the country. They feel themselves bound to address to you their firm persuasion that the amount of losses sustained by the merchants of the United States from unlawful depredations, would of itself, be sufficient to defray the expence of an armament adequate to the protection of their commerce. As citizens, they claim protection; and they conceive that the claim is enforced by the consideration, that from their industry and enterprise, is collected a revenue which no nation has been able to equal, without a correspondent expence for the protection of the means.

After this fair and candid statement of the distress and exposure of the commerce of the United States, your memorialists cannot but feel and express extreme solicitude for the possible event. In perfect confidence that their foreign commerce was sheltered not only by the law of nations, but by existing treaties with some of the belligerents; and by the explanations given to the public law by another, they have extended it to every sea, with no other security than a reliance on those treaties and explanations. It is of course defenceless, and liable to arrestation by the most inconsiderable force. It may then, be naturally supposed, that your memorialists look with anxiety to the remedies which may be applied to these pressing evils. To preserve peace with all nations, is admitted without reserve, to be both the interest and the policy of the United States. They therefore presume to suggest, that every measure, not inconsistent with the honor of the nation, by which the great objects of redress and security may be attained, should first be used. If such measures prove ineffectual, whatever may be the sacrifice on their part, it will be met with submission. But whatever measures may be pursued by their government, your memorialists express their firmest faith, that every caution will be used to preserve private property and mercantile credit from violation.

With these observations, submitted with deference and respect, to the President and Representative Body, it remains only to add, the hope of your memorialists that on subjects of such deep and extensive concern, such measures will be adopted, as consist with the honor and interest of the United States.

Signed by the unanimous order, and on behalf of a General Meeting of the Merchants and Traders of the City of Philadelphia, convened on the 10th January 1806.

THOMAS FITZSIMONS,
Chairman.

R. E. HOBART, Secretary.

A gentleman in town has received a letter from Washington, which mentions, that the topics of debate during the sitting with closed doors, had been much contested.

Our relations with Britain, France & Spain, wear an anxious aspect; it is impossible to form a probable conjecture about peace and war; in the writer's judgment, peace with Spain is the more probable event.

Not a syllable has passed in the House of Representatives relative to an embargo, as has been reported abroad.

It would seem, from the Bill introduced into the Senate of the United States, and now under consideration, that something effectual will be done by Congress, to prevent the impressment of our seamen. The feelings and wishes of the American people on this subject, have been often expressed, and are now in unison with their Representatives. Remonstrances and representations to the British cabinet have been of no avail, and it is at length time that we should resort to those means which will insure the liberty and safety of our gallant tars. Let the Bill alluded to, be enacted, and we shall soon perceive the efficacy of adopting bold and decisive measures. Petersburg Intelligence.

The Norfolk Herald of Tuesday says, "We have it from good authority, that the best Superfine Flour is now selling at Alexandria and Fredericksburg, at six dollars, and 6 dollars 50 cents—and Pork in Richmond at 5, and 5 50 cents."

Extract of a letter from New-York, dated 6th January.

"Here we are all in a Blaze, & the merchants ready almost for a non-intercourse act. The packet brings an account of the detention, in English ports, of five vessels, from this port, bound to Amsterdam."

The reports, by the arrival of the Hercules IV, from Lisbon, are, that the Court of Spain is more favorably disposed towards the United States; that they had agreed to make compensation for spoliations committed by their own subjects; but would not consent to pay for those made by French citizens in Spanish ports—Admiral Gravina was only slightly wounded in the late action, and is not dead—The king of Prussia had joined the coalition—The French troops were reported to have made 12,000 prisoners shortly after the fall of Ulm.

* * All kinds of Shipping Blanks and Seamen's Journals for sale at this printing-office.