

of the trade between the colony and the mother country, against the Americans, in the year 1793. They founded it upon the ground, and the single ground, that the trade, not having been lawful in time of peace, and being granted only on account of the inability of their enemies to carry it on themselves, was for that reason only unlawful. If this doctrine was founded in Law, then the trade between America itself and those colonies, having been unlawful in time of peace, was equally illegal in time of war. But at no moment have they dared to start this odious idea, though on principles equally tenable. A few captures only were made before our treaty with G. Britain, and for these few, ample compensation has been made by Great-Britain, thus implicitly recognizing the injustice of the principle.

The residue in another number.

AN AMERICAN.

SECOND ADDRESS TO THE BRITISH NATION.

Permit me to resume the history of the proceedings of your Courts in relation to the question of the trade with the Colonies of your enemies, and indulge me to hope that it will excite a blush in the countenance of every honest Briton. During the whole of the war of 1793, and the greater part of the existing one, this principle was either suffered to lie dormant, or when brought into exercise in a few cases, it was construed to extend only to cases of direct intercourse between the Colony of the enemy and the mother Country. The right of the Americans to trade with the Colonies, to transport the produce of those colonies to America, and from thence to Europe was explicitly sanctioned by a long series of decrees, either never appealed from, or at least never reversed, or even doubted. Sir William Scott, the most intelligent Judge, that Doctor's Commons has ever produced, sanctioned this right in a variety of cases, out of which I will cite the *Polly*, *Lasky*, in which that learned officer declared, "that if the landing the goods in America, and securing the duties, was not sufficient to break the continuity of the voyage, and to render of course the reexportation of the goods lawful, he did not know what circumstances would suffice."

In every case therefore where the goods had been landed, Sir William Scott ordered the restoration of them.

Will it be pretended, that Sir William Scott, an eminent practitioner in Doctors Commons for forty years, was ignorant of this principle of the Law of Nations? or will it be contended that Foreign Nations are bound to admit a principle of doubtful authority, of which the most eminent man of the Nation most interested to extend belligerent rights against those of Neutrals, was ignorant after 40 years study?

Last year, the Court of Appeals consisting of three officers in the pay of the Crown, in the case of the *Essex*, One, reversed the decision of Sir William Scott, and laid down the monstrous rule, that the goods, though landed in a neutral Country, are still liable to seizure if re-exported by the same person who had imported them. Had these Gentlemen sitting as a Court of Appeals discovered with their telescope eyes, some new planet, some new light in the science of the Law of Nations which justified such a departure from former decisions? If they have, let them state the book and page. Sir William Scott is, however, still ignorant of this authority, because in the application of it to the case of the brig owned by Messieurs Bradbury of Boston, he acknowledges his former contradictory opinions, but says that "now it is his duty to bow to higher authorities" without assigning a single reason for the opinion given by the higher tribunals.

This decision, was the signal for hundreds of hungry privateers men, and greedy Commanders of the Royal Navy, to spring upon our defenceless commerce; and soon the ports of the Channel swarmed with the ships of our unfortunate Countrymen. So long as it was possible to presume, that these seizures were the effect of a simple decision of your Courts rendered in the ordinary course, unauthorised and uninfluenced by the Cabinet, so long the indignation of the Americans has been in some degree repressed. But since the late pamphlet issued by the Government, or at least under its sanction, supports those decisions, and even proposes an extension of them, it is no longer to be doubted, that the reversal of the decree in the case of the *Essex*, One, was the effect of a decision of the Cabinet, and a part of a deliberate system intended either to force us to renounce the advantages of Neutrality, or to accept the Alternative of the Sword. Thus then I have endeavoured to give a history of the rise and progress of this modern Law of Nations, or to give it a name a little more truly conformable to its character, this modern decree of Great-Britain against Neutral Trade. Let me here notice a suggestion made by the British writers upon the subject of the late decisions, that the Americans cannot complain of not having had due notice, as the case of the *Essex*, One, was a sufficient advertisement to them of the principles set up by Great-Britain. This reminds one of the old legal fiction, that every one is presumed to know the law; but I believe it is the first time it was ever applied in this manner between Nations. What! the American merchants are bound to know every decision of Doctor's Commons, and this too by a sort of inspiration as soon as they are decided, though the Americans are at 3000 miles distance, and though their decrees!!

In fact many of the vessels were captured before the decision could have been known

in America by physical possibility, and while the Americans were acting under the sanction of Sir William Scott's decisions, published by Robertson, and spread throughout the United States. Is it credible in point of fact, that the Americans would thus throw their property into the hands of the British cruisers if they had understood the nature and extent of the principles set up by Great-Britain?—How much more noble would it have been in the Cabinet of your Country, if its real design was to hinder the state, rather than to crush the rising prosperity of the United States, to have formally notified to our Government its intention to maintain this new principle?

The second doctrine advanced by your Ministry during the late and present war, is the right to declare a whole country in a state of blockade, and this, whether there be ships constantly before the ports of that country or not. This sort of blockade, by proclamation, is founded upon the perversion of a very reasonable doctrine of the law of nations, that when a town or castle is actually invested, that is to say, so surrounded that its inhabitants have no means of getting out, and while there is a hope of reducing the town or fortress, it shall not be lawful for a neutral to enter, into the besieged or blockaded port, or to carry in any provisions to their assistance. It was reserved for Great-Britain to discover, that under this very rational and limited doctrine, was comprised the right to declare all the ports of an enemy in a state of blockade, whether actually invested or not, and where there was neither a hope nor an intention of reducing the port of the Country. Now there is another equally clear principle of the law of Nations, and that is that neutral nations may lawfully carry on their trade with either of the belligerent nations, without interruption. One of these two principles must then fall, for they cannot consist together. If a belligerent nation has the right to declare a whole country in a state of blockade, whether actually blockaded or not, or whether there be hopes of reducing the place or not, then the right of Neutrals is entirely nugatory and may be expunged from the Code of Nations.

But it may be said that Great-Britain keeps a fleet off the ports of her enemies which she declares blockaded. This may be partly true, but this blockade is merely nominal; it never has interrupted the intercourse of these ports with the other ports of the same Country; nor is it done with the hope or intention of reducing the place by famine, which is the essence of the principle, and upon which alone the right to exclude neutrals is founded. This leads me to consider the wickedness and injustice of these principles, as practised by your government. These interruptions to Neutrals are not done or permitted with a view of injuring the enemies, so much as with the design of aiding the commerce of Great-Britain, or of checking the growth of Neutral nations of whose prosperity she is jealous. That this is the case, is manifest, because your government permits the free importation of the same goods to her enemies from her own ports that she prevents Neutrals from carrying. It is a fact well known, that American vessels bound to the Spanish colonies have been condemned in the Bahamas, their cargoes purchased by British subjects, and shipped for those very Spanish colonies, under a licence from Council with the king's own sign manual.

This is not merely confined to that trade, but in Great-Britain itself, the commerce in the produce of Colonies is permitted from the ports of England directly to the ports of the enemy.

It is not therefore to injure their enemy, it is not to cut off his supplies, that this vexatious warfare is carried on against Neutral commerce, it is simply to arrogate to herself, to monopolise the advantages of a lucrative trade, and to check the too rapid growth of a nation, whose prosperity she dreads.

This base, selfish, and abominable principle is explicitly avowed in the pamphlet which has lately been published, and which I shall examine in another number.

AN AMERICAN.

(To be continued.)

(Continued from our last)

No. 3.

NAPOLÉON, by the grace of God and the constitutions, emperor of the French and king of Italy, to all those who shall see these presents, greeting:

The interests of our people, the honour of our crown, and the tranquillity of the continent of Europe, requiring that we should secure in a stable and definitive manner the lot of the people of Naples and Sicily, fallen into our power by the right of conquest, and making besides a part of the great empire, we have declared and do declare by these presents to acknowledge for king of Naples and Sicily, our well-beloved brother Joseph Napoleon, grand elector of France. This crown shall be hereditary by order of primogeniture, in his male, legitimate and natural descendants. His said descendants coming to be extinct, which God forbid, we intend to call to it our male, legitimate and natural children, by order of primogeniture, and in default of our male, legitimate and natural children by order of primogeniture, reserving to ourselves, if our brother should happen to die in our life-time without leaving any male, legitimate and natural children, the right of designating, to succeed to the said crown, a prince of our house or of even calling to it an adopted child, according as we shall judge pro-

per for the interests of our people and for the advantage of the great system which divine providence has destined us to found.

We institute in the said kingdom of Naples and Sicily, six great fiefs of the empire with the title of Duchies, and the same advantages and prerogatives as those which are instituted in the Venetian provinces united to our kingdom of Italy, to be, the said duchies and grand fiefs of the empire, in perpetuity, and the case happening, in our nomination and in that of our successors. All the details of the said fiefs are committed to the care of our said brother Joseph Napoleon.

We reserve to ourselves on the said kingdom of Naples and Sicily, the disposal of a million income to be distributed to the generals, officers and soldiers of our army who have rendered the most service to the country and the throne, and whom we shall designate for this purpose, under the express condition of not being able, the said generals, officers or soldiers, before the expiration of ten years, to sell or alienate the said incomes, but by our authority.

The king of Naples shall be in perpetuity grand dignitary of the empire, under the title of Grand Elector, we reserve, however when we shall judge proper, to create the dignity of Prince Vice Grand Elector.

We intend that the crown of Naples and Sicily, which we place on the head of our brother Joseph Napoleon and his descendants, shall not prejudice in any manner their right of succession to the throne of France. But it is equally our will that crown either of France or Italy or of Naples and Sicily, shall never be united on the same head.

Given at our palace of the Thuilleries, the 30th March, 1806.

(Signed) NAPOLEON.

Seen by us Arch-Chancellor of the Empire, By the Emperor, the Empire, The minister secretary of state (Signed) CAMBACERUS. H. B. MARÉT.

No. IV.

[This settles the duchies of Cleves and Berg, on Murat, called prince Joachim, already published.]

No. V. Grants the principality of Guastalla to the Princess Paulina, the emperor's sister, under the title of princess and duchess of Guastalla. The prince Borghese, her husband, is to bear the title of prince and duke of Guastalla; the said principality to be transmitted, by order of primogeniture, to the male legitimate and natural descendants of the said princess Paulina, and in default of the same, the right of disposing of the principality of Guastalla is vested in the emperor of France. It being, however, understood, that should the prince Borghese survive his consort, he shall not cease to enjoy, personally, during his life, the said principality.

No. VI. Grants to Marshal Berthier, master of the emperor's hunt, and minister of war, the principality of Neuchâtel with the title of prince and duke of Neuchâtel. The said principality to descend to his male descendants, or in defect of the same, the right of disposing of the said principality is vested in the emperor of France.

No. VII. Unites the countries of Massa and Carrara and the Garfagnana as far as the sources of the Serchio to the principality of Durca. These countries are also united into a duchy, grand fief of the empire. The Napoleon code, the system of coinage, of the empire and the concordat are established in them.

NORFOLK, June 30.

This morning arrived the brig *Wheeler*, Capt Belfom, in 44 days from Liverpool. Capt. B. has favoured us with London Papers from the first to the 11th of May, and from our mercantile friends we have received others of contemporaneous dates.

These papers, we are sorry to observe, contain nothing new or important; such articles as appeared worthy of notice, will be found in this day's paper.

The trial of Lord Melville was progressing, and was attended by the most distinguished characters of the nation, but by a rule adopted on this occasion, or rather applicable to similar occasions, it is not permitted to publish the proceeding of the Court.

The important subjects before Parliament are, the *Slave Limitation Bill*, *Defence Bill*, and *American Intercourse Bill*.

The latter bill was read a second time in the House of Peers on the 6th of May, and ordered to be committed on the 8th. In the course of the debate, the Duke of Montrose observed, that he wished the bill to be postponed, as it was certain that negotiations for a more close and intimate connection with the United States was then depending. Lord Hawkesbury opposed the bill, as he wished to know what was to be given by America for concessions in her favor, and which he hoped would be found in the result of the pending ne-

gotiations.—It does not appear that our prohibitory bill had been received.

We have given our files a careful examination, and do not find that any American vessels have been lately sent into the British ports.

As the papers which we have received are silent as to a rupture between France and Denmark, we must discredit that information received from the West-Indies.

It appears that Admiral Linois had not all his plunder on board when captured.

Our readers will observe that Captain *Whitby* is suspended in the command of the *Leander*, but this has not been in consequence of his recent conduct, accounts of which had not reached London—his removal is nothing more than what is customary on such occasions. The *Leander* being intended for Admiral Berkeley's flag ship, he selects his own captain.

There has been some serious misunderstanding between the Porte and Russia, but it has terminated amicably, by a renewal of the treaties between those powers.

LONDON, May 9.

Alluding to the first report from the commissioners of military enquiry, Lord Henry Petty, in the house of commons yesterday, announced that arrangements had been made, which he hoped would enable him, before the end of the present session of Parliament, to have the public accounts of the country fully brought up; and as the prominent evil to which his first attention would be directed, namely, the great defalcation in the department of the public officer in the military establishment, (the barrack department, to which the first report of the military commissioners inserted in the *Courier* of the 25th ult. relates,) would be completely met by that arrangement, he had only to assure the House, that as soon as the arrangement should be completed, not a moment should be lost in proceeding to the necessary measures for recovering the very large balance which was due to the public in the quarter to which he alluded.

We give his majesty's ministers credit for the promptitude with which they seem determined to apply a remedy to the evil.—We hope they will apply it not only with promptitude, but with vigor and impartiality. At the same time we trust they will make some arrangements by which those entrusted with public money may be able to obtain a *quiescent* for their accounts, as soon as they have proved those accounts to be right, and delivered in the proper documents and vouchers.—It is known that at present a long period must elapse before the most honest and upright public accountant can obtain his *quiescent*—a circumstance of considerable inconvenience to him in his private affairs, and one which may, and probably has, also operated to the injury of the public, in this way. The knowledge that a man who has paid in immediately all his balances and given up his vouchers, has not been able for years to obtain his *quiescent*, may induce another accountant to keep back his balances, not perhaps with the dishonest intention of defrauding the public, but with the view and hope of quickening the examination of his accounts and the obtaining his *quiescent*. Here the public sustain a loss by being kept so long out of the money belonging to them.

Another measure, however, adopted by Ministers, is of a very different nature from the one to which we have alluded.—It is proposed that the fines levied for the non-execution of the provisions of the additional defence act shall be refused. Against the proposition, Mr. Banks's arguments are strong and irresistible. It tends in our opinion as a bounty upon want of exertion and activity. Any future opposition may, as the last did, oppose systematically every measure of government, exclaim as they did for the last twenty years that we were on the eve of ruin and destruction, and assert, against this or that act, that it is absolutely impossible to be carried into execution, and must be repealed. The perils may believe them, and by neglecting to carry it into execution, may incur large penalties and fines, in the belief that the act will be repealed they shall, as is now proposed with respect to the defence act, be released from the penalties to which they have rendered themselves liable.

His Swedish majesty, worthy of his great ancestor Gustavus, has followed up his acts of vigor and decision against Prussia by a spirited declaration, in which he defies the power, whilst he depicts the meanness and duplicity of the court of Berlin. He traces the conduct of that court from the period of formation of the "coalition against the usurpation of Napoleon Buonaparte," to the late attack upon the Swedish troops in Lauenburg, which has put the last seal to the real system of the Prussian cabinet.

This manly declaration will in all probability be considered as a declaration of war by Prussia, and though the cannot reply to it by arms, Gen. Kalkreuth will be ordered to enter Swedish Pomerania