

wound on our honour, which this resolution or war alone can heal? I say, sir, and I say it with regret, because the evidence which satisfies my mind is painful to me, that the administration in the arrangement with Mr. Erskine, if they did not disregard, certainly neglected their duty, in overlooking an objection which existed to that arrangement; I mean the want of power in Mr. Erskine to conclude it. Great Britain as we all now know has disavowed that arrangement because entered into without any authority on the part of Mr. Erskine. Mr. Erskine was the resident minister of Great Britain, and in that character it appears concluded that arrangement. Sir, books of the highest authority in the laws of nations, Wicquefort Grotius, and others, have been read to us in this debate, which establish beyond question, that a minister resident has not by virtue of his general letter of credence any power to conclude a treaty, or to make any stipulation binding on his government—that to enable him to pledge the good faith of his sovereign to the performance of any stipulation he may make, distinct powers delegating special authority to negotiate and conclude, are necessary. I have waited with an anxious hope, that if the authority of these writers could be impeached, or if the reverse of the proposition laid down by them could be established, some gentleman would have done it. That if no gentleman here possessed the necessary information, some friend of the Secretary of State would have obtained his illustration of the point and have favoured us with it. So far from this having been done, gentlemen have satisfied themselves with feeble efforts to shake the high authority of this principle in the law of nations, by their own assertion of its error, or by the production of passages from writings perfectly irrelevant to the subject.

The gentleman from the Mississippi territory (Mr. Poindexter) and the gentlemen first and last up from Virginia (Messrs. Eppes and Newton) resort to what logicians call "begging the question;" they have taken that for granted which is the matter in dispute, the very thing required to be proved. They assume it as a fact that Mr. Erskine was a competent agent to conclude the stipulation with our administration, and then search the civil law, and show from Pothier (what no one denies) that the bona fide act of an authorised agent, whatever may be his secret instructions, is binding on his principal, a rule by the bye which however established between individual, principal and agent, will appear not to apply as between a government and its agent.—S. r. the question is, was Mr. Erskine, as minister resident, authorised to conclude a treaty, or agreement, or arrangement, and to bind

(Concluded in page 36.)

POLITICAL.

RESOLUTIONS OF THE MASSACHUSETTS LEGISLATURE.

WHEREAS FRANCIS JAMES JACKSON, Minister Plenipotentiary from the Court of Great Britain having full powers to negotiate and conclude a treaty for the amicable adjustment of the controversies unhappily subsisting between the United States, and that nation, after being duly accredited by the Executive of the United States, has been suspended from the exercise of his functions, for some expressions contained in his correspondence with the government of the United States, which are alleged to be derogatory to the honour and veracity of the Executive Government; and the Legislatures of some of our sister States having declared their assent to the construction given to the said correspondence, and their approbation of the dismissal of the said British minister; and the Legislature of Massachusetts having examined the said correspondence, and being unable to discern in it any passage or words which, in their judgment, can be fairly construed to convey disrespectful and offensive imputations; and whereas the doings of the said Legislature, combined with the resolutions of Congress, have a tendency to widen the breach already existing, and to remove still farther the prospect of accommodation; and whereas this Legislature, while they are always ready, at whatever hazard, to embark in a just and necessary war, and to support the National Government with the whole force and resources of the state, are nevertheless persuaded, that no just cause exists for a rupture with Great Britain, and that its effects, detrimental to both nations, would tend to the impoverishment of this commonwealth, to the destruction of its commerce, and to the encroachment of a power already formidable to the liberties of mankind; And whereas we deem it a duty to use all the means in our power to allay the existing irritations, and prepare the way for the restoration of a friendly intercourse between two nations whose interests are in many points essentially united,

Resolved, That the Legislature of Massachusetts, is affected with sincere & profound regret at the late unexpected and sudden termination of the correspondence between the American Secretary of State, and Francis James Jackson, His Britannic Majesty's minister, for which they can perceive no just or adequate cause.

Resolved, That it is our anxious wish that some means may be devised, consistent with the honour of the United States, to resume the negotiations between the two countries; for obtaining reparation of real injuries; and to establish peace and amity, so essential to the interest and happiness of both, upon a permanent basis.

Resolved, That acts of embargoes and non-intercourse, and the whole system of commercial restraints, adopted and contemplated by the late and present administration, are impediments to a restoration of our amicable relations with Great Britain, and have proved in the highest degree pernicious to the best interests of this Country, and especially of this Commercial State.—That all the predictions of their opponents have been verified.—That by the operation of these acts, the public Treasury has been drained, and brought to the verge of Bankrupt-

cy, that the Commerce of the Country has been paralysed, and in a great measure irretrievably destroyed; that the whole of this Unhappy system has become a subject of derision with those it was intended to coerce, and that its mischiefs have recoiled upon our own Country.

Resolved, That the temporary suspension of these acts afforded demonstration of the means of the United States to pursue a highly lucrative commerce, even under existing embarrassments, and an opportunity which was gladly embraced by our Mercantile Citizens.—That during this interval all our shipping was employed, and that our navigation experienced civility and protection from the British Cruisers, while it has been constantly annoyed by the depredations of France and her allies.

Resolved, That all measures calculated to produce unnecessary hostility with Great Britain, at all times impolitic and contrary to the true interests of this nation, are at the present crisis peculiarly unfortunate, and ought to be discontinued by all constitutional means.—That our Country is defenceless and our Treasury exhausted.—That to fortify one, and replenish the other, will require time, economy and the advantages of renewed commerce.—That, on the contrary, Great Britain is inaccessible and invulnerable, except in one of its provinces, the conquest of which, if it could be effected, would prove a curse and a scourge to ourselves and our posterity.

Resolved, That a war with Great Britain would inevitably lead to an alliance with France, and thus furnish to her ambition the means and the pretexts for organizing, within the United States, the materials and instruments for schemes of future domination. These materials unhappily abound on the northern frontier, and in our newly acquired territories in the South. From such a contest, the U. States, if unsuccessful, would be compelled to retire with a disgraceful surrender of the objects of the war, or, if successful, by contributing to the downfall of Britain, would be left alone to encounter a power, who, unopposed by the navy of this present enemy, would call into requisition all the resources and energies of our solitary Republic, to defend, in doubtful conflict, our liberties upon our own shores.

[We copy the following from the Raleigh Register, originally published in the National Aegis. The Remarks were called forth by the foregoing Resolutions.]

Mighty attempts are making by the Jacksonites to involve New England in another rebellion like that of 1808; but we are much mistaken if they do not prove miserably abortive. The people are not again to be deluded; they by this time comprehend the real motives which urged opposition so violently to oppose a measure which if fairly tried would long since have reduced our foe and ended our difficulties. None but the irreclaimable enemies of the country will now enlist under the standard of a ruffian whose hands are yet stained with innocent blood, who was sent hither to insult us and who has well fulfilled the purposes of his mission. The cause of the country must be supported, and Congress, we trust, will not again shrink from their duty through dread of federal insurgency; will not again deprecate the wrath of a bullying Massachusetts Legislature, or turn back at such important weapons as their frothy resolutions. Let the faction resolve as much as they please, the people we believe have already resolved to purge the councils of this state from British adherents. The American spirit we hope is rising, and will place Levi LANCALAN in an office at present disgraced by the son of a TOBY!! We look for a speedy nomination of the Republican Candidates.

From the Aurora.

THE NATIONAL STANDARD.

Before I proceed to investigate the resources of our country, I will offer a few conjectures on the probability of their being required either for attack or defence. I shall not split sentences in order to discover whether the British minister has insulted our government. The curious in such discussions, are referred to the philological debates of a great assembly, which might in my opinion have a better object. It is not logic or syntax, but feeling, that must decide this question—and I envy not those of the men who can doubt on the subject; nor do I want fifty columns of diffuse reasoning and close printing, to convince me that I ought to feel injured when my veracity is doubted, or to give rules for measuring the exact provocation I ought to bear. There was a time—some of you cannot remember, but all have heard of it, when the very address of a letter to your general, in which his title was omitted, was considered as an intolerable insult, it came from a solemn embassy. The olive branch was impressed on its seal. It purported to be the preliminary of peace, and to contain offers for putting an end to a war you now so greatly dread—a war with Britain! Yet the letter was returned, the seal was unbroken, and your high minded leader rejected the overtures of peace, because they were not made with the respect due to him who commanded the armies of an independent people. The congress of those days considered an indignity offered to their general as one to themselves and their country. They approved the spirit with which he had repelled it, and they did not squander in idle debate, those precious moments they had sworn to employ in defence of their country.

There were then no dissectors of sentences, to anatomize its different members, and who like those of the human frame cannot read their lectures on the parts until the life and spirit of the whole subject is evaporated and lost. No diplomatic dancing masters, to teach grown politicians what steps to take in cases of doubtful insult, how often to bow before the impertinence of an envoy, or with what ceremonies to receive the indignities of an Ambassador.

I amuse myself with the idea of one of those mingling statesmen, capering up to Washington in his tent, & telling him—"Sir, you only imagine yourself to be insulted. I can prove to you, by Wicquefort, and Bynkershoek, and Poffendorf, Grotius, and many others, whose names I have learned, on purpose to overpower you with my learning; that the insinuation you think contained in the direction of this letter, that you are a mere private individual, is perfectly inevitable, that the English commissioners were justified by precedents at the treaty of Westphalia and I protest against your breaking off a negotiation which England will never renew after you have returned her letters unopened." A look, to abash even the orators of the capitol, would have in-

terrupted his harangue, a voice never heard with our conventional statesmen, a voice that seems now, reverberated from the tomb, would have answered—

"In public as in private life, submission provokes insult. Reverence yourselves or you will never be respected. There is no safety without honour. Peace is the prize of courage and can only be maintained by the reputation of your arms."

Such was the conduct of Washington, and of the patriot band who then guided the destinies of our nation. Such were their sentiments in times, not like the present, of prosperity, wealth, union, and good government—but in a time of distress, of poverty, of danger and disorganization, when the risk was not merely that of a few ships, or a little superfluous riches—but of family, of fortune, of liberty, and of life. Yet were these put at issue! Yet were they found light, when weighed against our honour.

By conversation with such statesmen, by seeing, and partaking their labours, your president acquired those sentiments which prompted him to set on this occasion. And every day's reflection on the subject will but give you more reason to admire the conduct which has been formed on such models, and to prize the good fortune of having one branch at least of our Government, guided by such principles.

It is true, and the reflection is a melancholy one, that those high minded men are chiefly gone. Yet the dead are to be envied. They dropped successively into the grave, surrounded by the scenes of prosperity which had been purchased with their tools, their counsels and their blood—they looked back with pleasure, on the fatigues they had undergone. Nor would they have exchanged for millions, the recollections of dangers greater a thousand fold, than those which their descendants cannot now anticipate without horror. *The survivors are to be pitied!* They have lived to see the noble spirit which scorned any compromise with dishonour, the spirit that supported them through poverty and pain, that led their country to independence and peace—they have lived to see that spirit exchanged for one of cold calculation, which has a turff for every indignity, and can tell to a fraction how much, by submitting to any given insult, we are to gain in the current coin of dishonour—which has rendered the heart callous to all those feelings, with which it beat high, in the glorious period of your revolution—and has degenerated the sons of patriot fathers, into abject followers of fortune, and made them ashamed of the virtues, as well as the religion of their ancestors. But though pale and quivering it is not quenched. The heavenly flame is not yet extinct! Hidden under false fear, obscured by mistaken interests, and almost extinguished by the baleful breath of foreign influence, it yet lives, it yet glows, my countrymen, within your hearts. Nor shall it die! By the memory of your heroic fathers, who fell in its defence! By the concordance, they achieved! By the offended genius of our country! By the God who breathed this divine essence into your souls, it shall not die. It shall burn to shew the danger of your present apathy. It shall kindle to make you amiable, in defending your liberties, the heroic deeds, by which they were established. And if I have assisted to fan it to a flame, the reflection will shed a ray of pleasure, on my humble my unknown retreat.

I have been led away by an enthusiasm I know not always how to controul, but I will now speak a language more intelligible to the statesmen of the present day; & laying aside all consideration of national honour, will pursue the favourite practice of setting state questions—by calculation. First—on the chance of any favourable change in our foreign relations. Second—on the loss or gain of continuing in our present state. Third—on the probable consequence of putting the nation in a posture of attack or defence, the expence which those measures would require. Lastly—I shall examine what are the risks to be incurred by a war, that we may determine whether the trade of independence will bear the premium necessary to ensure it.

These shall in their order, be the subjects of my future numbers—and I trust I can shew by the orthodox creed of the computing house—that interest ought, if no other motive can induce us to take efficient measures. I shall offer my opinion as to those measures, & prove, I think, to demonstration, that no advantageous change can be expected without them—that any pecuniary loss will be greater from the then state of things, than a war would produce—that the expence of preparation is greatly within our means—that in a war, the balance of acquisition must be in our favour—and that even in the account current of mutual injury, it will not be against us.

VINDEX.

DOMESTIC NEWS.

The Bill for the removal of the Seat of Government of Pennsylvania to Harrisburg, in November, 1811, has passed both Houses of the Legislature of that State.—30,000 Dollars are appropriated for that purpose.

The Legislature of Pennsylvania have passed an act extending the charter of the Bank of Pennsylvania for 20 years from the expiration of the present charter. The state is authorized to subscribe a million of dollars at par in addition to the present stock of the bank. The bank to take all its branch notes.

General Sumpter, appointed Minister Plenipotentiary from the United States to the court of the Portuguese Kingdom of Brazil, has arrived at New York, from whence he is to embark for that country.

Levi Lincoln having declined being considered a candidate for the office of Governor at the approaching election, the Republicans of Massachusetts have nominated Elbridge Gerry for Governor, and William Gray for Lieutenant Governor for Massachusetts.

CHESBOND, N. H. Feb. 6.—A more extraordinary and distressing scene, than was experienced in Sanbornon in the late tremendous storm of wind, is seldom known. The sufferers are David Brown, Jeremiah Elsworth and his family.

On Friday morning the 19th ult. Mr. Elsworth arose about an hour before sunrise; some part of the house was soon burst in by the violence of the wind. Being apprehensive that the whole house would soon be torn to pieces, and that the lives of the family were in danger, Mrs. Elsworth went in-

to the cellar, taking her youngest child, which she had dressed, with her, leaving her two other children in bed. Mr. Elsworth attempted to go to the nearest neighbour, which was in the north, but the distance; but the wind was so strong against him, that he found it impracticable. He then set out for the nearest other way, which is one fourth of a mile, and arrived about sunrise at Mr. Brown's, when his feet were considerably frozen, and he so overcome by the cold, that he did not dare, and Mr. Brown thought it not advisable for him to return. But Mr. Brown took his horse and sleigh, and went with all possible speed to save the woman and her children from impending destruction. When he arrived, he found Mrs. Elsworth and one child in the cellar, and the other two in bed, whose clothes the wind had blown away, so they could not be dressed. Mr. Brown put a bed into the sleigh, put the children upon it, and covered them over with bed clothes. Mrs. Elsworth also got into the sleigh; but they advanced no more than six or eight rods, before the sleigh was blown over, and the children and bed scattered by the wind. Mrs. Elsworth held the horse, while Mr. Brown collected the children and the bed, and put them into the sleigh again. Mrs. Elsworth then concluded to make her escape on foot; but before she arrived at the house, she was so overcome by the cold, that she found it impossible to walk any farther. She made a stop, concluding that she must then perish. She soon made another attempt by crawling on her hands and knees; in which manner she arrived at Mr. Brown's house; but was so altered in her looks, that her husband did not know her. He concluded twice to go to the assistance of Mr. Brown and his children; but his wife persuaded him not to venture, telling him that Mr. Brown and her children would certainly perish, and that, if he ventured, he must perish too; and she wished him to stay with her, for she expected to be a corpse before night.—Mr. Brown having put the children into the sleigh the second time, proceeded but two or three rods before the sleigh was blown over, and torn to pieces, the bed and children driven to some distance. He then collected them once more, laid them on the bed and covered them over; and then called for help, but to no purpose. Knowing that the children must soon perish in that situation, whose distressing shrieks then pierced his heart, he attempted to carry them all on his shoulder, wrapped in a coverlet; but was soon blown down, and the children taken from him by the violence of the wind.—Finding it impossible to carry them all, he left the youngest, which happened to be dressed, by the side of a large log, and attempted to carry the other two in the same manner; but was soon stopped as before. He then took two one under each arm, with no other clothing than their shirts. In this manner, though he was blown down once in a few minutes, he arrived at the house in about two hours from the time he left it. The children though frozen stiff, were alive, but died in a few minutes.—Mr. Brown's hands and feet were badly frozen, and he very much chilled, so that he could not return to fetch the child he had left.

At one o'clock a neighbour came in. Having no hope the other child which was left, was living, they thought it advisable to send in the first place for a doctor, who arrived about half an hour before sunset. No other person had then arrived; but some came in, in a short time. They then went in search of the child, which was left; which was found and brought in, dead. Thus the bereaved parents are left childless.

The New-London paper of the 7th instans, mentions the following singular circumstances—"The second day after the cold Friday, fish were found frozen on the shores of the Niantick, in such large quantities that a vessel was loaded with them, and they were sent to New-York to market. Such an instance has never before occurred, to the knowledge of the oldest persons among us."

A striking example of fortitude and presence of mind was exhibited, a few days since, by a gentleman and a young lady in passing the Cayuga Lake in the state of N. York. The circumstances were as follow.

Mr. William Tappan, of Geneva, set out on a journey to Boston in the stage with his little daughter, about 4 years old: In crossing the lake on the ice, he committed his child to the care of Miss Vredenburg, a young lady of about fifteen years of age, of a very respectable family at Scarcotals Lake, who remained in the sleigh; the other passengers, considering the passage dangerous, chusing to walk at a distance. As Mr. Tappan was holding upon the hind part of the sleigh, it broke through the ice, and that, with the horses, were instantly under water.—Mr. Tappan swam to where the ice would bear him, and looking back, he saw Miss Vredenburg holding up his child above water, who, with a surprising composure of mind, and unexampled disinterestedness, exclaimed, "For God's sake, Mr. Tappan, save your child, for we are both drowning together!" Mr. T. plunged in again, received the child from her hands and was fortunate enough to place it in safety on the ice. He then returned, and took the young lady, who was quietly waiting, up to her neck in water, standing upon the upper part of the sinking sleigh, and swam with her again to a place of safety. All this time she never uttered a sigh, or a complaint; but suffered Mr. Tappan to take hold of her in the most advantageous manner for swimming, and deliberately avoided grasping him with her hands, which she was sensible might prove fatal to them both. The result was, that, under Providence, the fortitude and presence of mind of these two persons was the means of saving three souls from a watery grave. It may be observed, at the same time, that the weather was so excessively cold, that their clothes were immediately stiffened with ice.

[We copy the following from the Boston Palladium, and offer it to our readers as a curiosity. We hope it is also a curiosity in Boston, and not a sample of the steady habits of that town.]

A Subscription Purse of 100 dollars.—Given in consequence of the universal satisfaction enjoyed by the spectators on Thursday evening last, to be contended for by Mr. Ryan and his opponent this evening, at Concert-Hall.

After recitations and songs, by the celebrated Infant Roscius, Mr. Ryan, teacher of that many and noble art, Pugilism, will have a grand *Sparring Match*, with the famous American Game Chicken—the victory to be determined by the number of knock down blows in twenty rounds—the comb,