Political.

LETTER

From Mr. Monroe to the Secretary of State, dated Richmond, Feb. 28th, 1808.

PART IV.

Accompanying the message of the President of the United States, received the 22d March, 1808.

(Continued.)

The 3d order of the 25th January 1798, directed the cruisers to "bring in all vessels laden with cargoes, the produce of France, Spain or Holland, and coming directly from any port of the said islands or settlements to any port in Europe, not being a port of Great Britain, nor of the country to which such ships being neutral belonged." The sole effect of this order was to extend to the neutral powers of Europe, the accommodation which had been yielded to the United States by that of 8th January, 1794. The next order bears date on the 24th June, 1803. It directs the cruizers not to seize any vessel which shall be carrying on trade directly between the colonies of enemies and the neutral country to which the vessel belongs, and laden with the property of inhabitants of such neutral country; provided that such vessel shall not be supplying nor have supplied the enemy on the outward voyage with any articles of contraband of war, &c. The sole object of this order appears to have been to introduce a new rule relative to contraband, by subjecting a vessel to seizure on that account, on her return voyage, after depositing her cargo at her place of destination. It prohibits the seizure of neutral vessels, European as well as American, engaged in a trade between enemy colonies and the neutral countries, by positive inhibition. The right to carry on the trade from the neural country to other countries, was left on the ground on which it stood before. That this order was not intended to affect that trade, and did not affect it, is made sufficiently evident by many decisions of the courts of admiralty, which have been given since the order was issued. In proof of this I refer to all the cases that were decided by the British courts of admiralty, touching the trade of neutrals with enemy colonies in the years 1804 and 5, and more especially to that of the William Trefrey, it being the last one and containing a summary of the whole doctrine.

If we recur to the decisions of the courts themselves we shall find a full confirmation of what is here advanced. We shall find that in conforming their decisions to the spirit of the orders of the government, they inhibit the direct trade only between the colony and the parent country, or some other country of Europe: they do not call in question the trade between neutral powers in the productions of enemy colonies, after those productions were allowed to have been incorporated into the stock of the country: that they gave recent and high offence only by the new doctrines advanced, on this latter point, which, by assuming to investigate the motives of the parties engaged in the trade, and to reject acts which were before deemed satisfactory by decisions the most solemn, and to impose new conditions the most onerous and oppressive, laid that commerce very completely at the mercy of the British tribunals. The most materint cases are those of the Immanuel, which involved the question of a trade between Bourdeaux and St. Domingo, that is, the direct trade between the parent country and its colony, in which the goods were condemned on that account. Robin. Rep. 2d vol. page 186. And of the Polly, Lasky, in which the vessel was taken on a voyage from Marblehead to Spain, charged with the productions of the Havannah, brought to Marblehead by the same vessel.

In this case the question of continuity of voyage was involved, and the court decided in favor of the American claim, on ground that gave no offence. It was admitted in explicit terms by the judge, that an American had a right to import the produce of the Spanish colonies into his own country, and to carry them on thence to the general commerce of Europe, and that the landing of the cargo and payment of the duties would be sufficient criteria of a bona fide importation. 2d Rob. Rep. page 461. The next cases were those of the Essex. Orne, of the Rowhena, and some others of the same kind in 1805, which turned on the point of continuity of voyage, in which he court, pushing its doctrine to the unjust and pernicious extent complained of, produced the controversy which took place between the the countries.

The communication between Mr. King and lord Hawkesbury is of the same character.—The advocate general admits in his report, which was adopted by lord Hawkesbury, and communicated by him to Mr. King, that by the relaxation of the general principle respecting the trade with enemy colonies, it was distinctly understood, and had been repeatedly so decided by the court of appeal, that the produce of enemy colonies might be imported into the neutral country, and re exported thence *even to the mother country* of such colony, and in like manner that the produce and manufactures of the mother country might be carried to its colonies. He states that a direct trade between the mother country and its colonies had not been recognized as legal: that what amounted to an intermediate importation into the neutral country, might sometimes be a question of difficulty; that the mere touching in the neutral country to take fresh clearances, might perhaps be deemed evasive, and in effect the direct trade; but that the high court of admiralty had expressly decided (and he saw no more reason to expect that the court of appeal would vary the rules) that landing the goods and paying the duties in the neutral country would break the continuity of the voyage, and was such an importation as would legalize the trade although the goods were reshipped in the same vessels, on account of the same proprietors, and were forwarded for sale to the mother country of the colony.

This communication corresponds in every the minutest circumstance with the spirit of the orders and decisions of the courts as above explained—It insists, and in terms that are far from being positive, that the direct trade, only *between the mother country and the colony*, was inhibited. It admits that the trade through the neutral country to the mother country of the colony was lawful, and fixes, with great precision, the acts to be performed in the neutral country, which would be sufficient to incorporate the goods into the stock of the country, and break the continuity of the voyage. In the latter part of the report alluded to, the advocate general seems to make a kind of reservaion of the right of the court of appeal, to revise the decisions of the high court of admiralty, which he represents to have settled the doctrine. But he makes that reservation, if indeed it was intended as one, in such terms as to preclude the idea, that it would ever be taken advantage of, especially when it is considered, that the report was accepted by the government, and communicated officially by the secretary of state, to a foreign minister. It is certain, however, that through the court of appeal, the new encroachment on the rights of the U. States was made, which produced the controversy which ensued immediately afterwards.

The discussion which took place between lord Mulgrave and myself in 1805. on the subject of the seizure, then made, treated the encroachment in that line as the special cause of complaint on the part of the United States. Although the British pretension to inhibit even the direct trade had not been countenanced by the government, yet the commerce of the U. States had been made in a certain degree to accommodate with it by the merchants. They were content to decline the direct trade, and to prosecute their enterprizes through the United States equally with the mother country and its colonies. It was natural in the course of a controversy which involved such important interests, that the rights of the parties should be taken up on principle, and carried to the greatest extent. To the light thrown on the subject by a very able essay which I received from you, I was much indebted, and I acknowledge in this communication, the aid which it orded me, with peculiar satisfaction. A vindication, however, of the case on principle, however extensive the range might be, could not effect the origin of the controversy, nor give to the article entered into for its adjustment a construction different from that which, by well established rules, is fairly applicable to it.

From this view of the several orders of the British government, and from the exposition given of them by the courts, and by the government itself, it appears that the sole object of those that were issued after that of the 6th November 1793, were to inhibit the direct trade of the United States between the enemy colonies and Europe; that they did not touch, and were not intended to interfere with the trade between the United States and Europe, even the parent country, and a portion between the United States and Asia and Africa. It was, indeed, the object of the order of Nov. 6th, 1793, to suppress the commerce of neutral powers with enemy colonies altogether; but that being abandoned, the next idea which occured was to embarrass that trade by forcing it through neutral countries. Here, then, arose a new question, which turned entirely on another principle. That a neutral power had a right to carry on trade from its own ports, in any articles, though of foreign produce, which had been incorporated into the stock of the country not contraband of war, and to all countries, was not controverted. That point, otherwise clear and indisputable in itself, had been long settled in the highest tribunals, and by the most eminent jurists in England. The circumstances which constituted such an incorporation of foreign articles into the stock of the country, had also been settled by the same authorities. Still the question which now arose turned on this latter point. In forcing this commerce through neutral ports with a view to embarrass it, it became necessary [to give the greatest effect to that expedient] to increase the difficulties in those ports, which was done in the manner already stated.

If the instructions of the British government did not inhibit the trade in question, the adjustment contained in the article under consideration, could not affect it. That article supposes a difference between the parties relative to a trade with enemy colonies, and the instructions which interfere with it. The article could not operate in any trade to which the instructions did not extend, and concerning which there was no controversy. In the present case the conclusion is the more irresistible, because there did not exist even a possibility of controversy in regard to that trade.

But it is inferred, that because it is stipulated, that the produce of enemy colonies may be carried to Europe from the United States, that the ports of Asia and Africa are shut on them, and because it is stipulated that the manufactures of Europe from the United States to the West Indies, that those of Asia and Africa, are prohibited from being carried there. This objection has been already obviated. Had the instructions of the British government inhibited that trade, and a controversy between the governments arisen from the inhibition as the article does not extend to the case, the most that could have been inferred would have been that it was unprovided for, and that the rights of the parties would remain in the same state respecting it, as if the article had not been entered into. It is easy to explain the cause why the term "Europe" was introduced into the article, in reference to the ports, to which colony produce might be carried, and in "European" reference to the manufactures which might be carried to enemy colonies, and to shew they were adopted with a view to open on the widest scale the ports which had been at any time shut on them by the British orders. Although the policy of these orders, as well as of the principle on which they are founded, is more particularly applicable to the direct trade between the enemy colonies and their mother country, yet as the term "Europe" had been adopted, and the modifications that were made in them, first at the instance of the United States, and afterwards at that of the neutral European powers, as the widest scale within which the inhibition operated, it was thought best to use that term to prevent the possibility of mistake, as to the extent of the adjustment. Had terms of more extensive import been adopted, they could not have been more effectual to the object, while they might have tended to enlarge the sphere of British pretension, by extending it to cases to which it would be highly improper to give a sanction.

[We close Mr. Monroe's Letter at this point as the remainder of it is occupied in examining particular provisions of the treaty; and as the general policy of ratifying the agreement at the time it was under consideration, must already sufficiently appear. It would gratify us to compare the republication of this interesting document, did not its great length, and the press of highly important matter from other sources, preclude the possibility of crouding it into our columns.]

State of North Carolina.

IREDELL COUNTY.
August Session, 1811.

James Irwin, vs. Robt Bryson } *Original Attachment.*

IT appearing that the defendant in this case is not within the limits of this state, it is Ordered that publication be made three months in the *Minerva* that an attachment has issued against him, and that unless he appear at next court, and plead or replevy, judgment will be taken against him.

5 3m JOHN NISBET, clk.

State of North Carolina.

IREDELL COUNTY,
August Session, 1811.

Robert Simonton, vs. Robert Bryson. } *Original Attachment.*

It appearing that the defendant in this case is not within the limits of the state, it is ordered that publication be made three months in the *Minerva*, that an attachment has issued against him, and that unless he appear at next court and plead or replevy, judgment will be taken against him.

5 4th JOHN NISBET, clk.

State of North Carolina.

IREDELL COUNTY,
August Session, 1811.

Robert Simonton, vs. Robert Bryson, } *Original Attachment.*

It appearing that the defendant in this case is not within the limits of the state, it is ordered that publication be made three months in the *Minerva*, that an attachment has issued against him, and that unless he appear at next court, and plead or replevy, judgment will be taken against him.

5 3m JOHN NISBET, clk.

State of North Carolina.

IREDELL COUNTY,
August Session, 1811.

Mussendine Matthews. vs. Robert Bryson, } *Original Attachment.*

It appearing that the defendant in this case is not within the limits of the state, it is ordered that publication be made three months in the *Minerva*, that an attachment has issued against him, and that unless he appear at next court and plead or replevy, judgment will be taken against him.

5 3m JOHN NISBET, clk.

State of North Carolina.

IREDELL COUNTY,
August Session, 1811.

Mussendine Matthews vs. Robert Bryson. } *Original Attachment.*

It appearing that the defendant in this case is not within the limits of the state, it is ordered that publication be made three months in the *Minerva*, that an attachment has issued against him, and that unless he appear at next court and plead or replevy, judgment will be taken against him.

5 3m JOHN NISBET, clk.

State of North Carolina.

IREDELL COUNTY,
August Session, 1811.

James Fleming, vs. Robert Bryson, } *Original Attachment.*

It appearing that the defendant in this case is not within the limits of the state, it is ordered that publication be made three months in the *Minerva*, that an attachment has issued against him, and that unless he appear at next court, and plead or replevy, judgment will be taken against him.

5 3m JOHN NISBET, clk.

State of North Carolina.

IREDELL COUNTY,
August Session, 1811.

William Watts, vs. Robert Bryson, } *Original Attachment.*

It appearing that the defendant in this case is not within the limits of the state, it is ordered that publication be made three months in the *Minerva*, that an attachment has issued against him, and that unless he appear at next court and plead or replevy, judgment will be taken against him.

5 3m JOHN NISBET, clk.

State of North Carolina.

IREDELL COUNTY,
August Session, 1811.

Andrew Watts, vs. Robert Bryson, } *Original Attachment.*

It appearing that the defendant in this case is not within the limits of the state, it is ordered that publication be made three months in the *Minerva*, that an attachment has issued against him, and that unless he appear at next court and plead or replevy, judgment will be taken against him.

5 3m JOHN NISBET, clk.

State of North Carolina.

IREDELL COUNTY,
August Session, 1811.

John Stevenson, vs. Robert Bryson, } *Original Attachment.*

It appearing that the defendant in this case is not within the limits of this state, it is ordered that publication be made three months in the *Minerva*, that an attachment has issued against him, and that unless he appear at next court and plead or replevy, judgment will be taken against him.

5 3m JOHN NISBET, clk.

Printing

Executed at the Minerva Office, with neatness and despatch.

State Bank of North Carolina.

AGREEABLY to the annual custom of [illegible] incorporating the State Bank of N. C. [illegible] an election of twenty Directors of the Capital Bank shall take place annually on the [illegible] Monday in December.

The Stockholders of the said Bank are [illegible] hereby called upon to hold said election at the usual place on the second of December next, at 9 o'clock, A. M. [illegible] meeting at the Academy belonging to the City of Raleigh.

The Stockholders are also requested to make payment, in Gold or Silver, to the Cashier of the Bank to which they originally subscribed, of the third instalment of their subscriptions to the State Bank, on or before the 15th of December next.

WM H HAYWOOD, Cashier.

☞ Such Stockholders as do not attend to have their shares personally, will authorize [illegible] to act in the form heretofore prescribed.

PROPOSALS.

By Thomas Dobson, at the Stone House, No. 41, South Second Street, Philadelphia.

FOR PUBLISHING BY SUBSCRIPTION,

THE ECLECTIC REPERTORY

AND

ANALYTICAL REVIEW,

MEDICAL AND PHILOSOPHICAL,

[illegible] OF A LIBRARY OF PERIODICAL [illegible]

THE nature of this publication is [illegible] to give a leading object to it, to present [illegible] a selection of the most valuable pieces in the foreign Magazines, Journals and Literary [illegible] published in Medicine and its kindred sciences.

A department is allotted for such original [illegible] as the editors shall judge proper to appear in this work. They will carefully examine [illegible] parts of interesting cases of diseases, with [illegible] histories of epidemics, accurate meteorological observations, experimental inquiries, and [illegible] temperate analyses of books; and will endeavour, in their estimation, may have a tendency to enlarge the sphere of science, to correct [illegible] amend the practice, and increase the [illegible] of that profession to which they are particularly devoted.

The work is printing on a fine paper, with a good type, and will be delivered to subscribers in quarterly numbers, each containing one hundred and twenty pages, making two volumes a year.

The price to subscribers is three dollars annually, to be paid on delivering the first number of the volume; and no numbers will be delivered to any persons but subscribers.

It is understood that any gentleman who shall discontinue his subscription, should give notice to the publisher within three months after the completion of the volume for which he has subscribed; and that those at a distance who remit their subscription, will send payment for the ensuing volume by the time that the first number of it should be ready for publication, to prevent delays in transmitting their names, as the payment of the volume will be the only proper evidence of their wishing to receive the work.

The first volume of this highly valuable work is now finished, containing a number of very interesting papers, both foreign and domestic, chiefly meriting the attention of medical practitioners, presenting to them much important information not otherwise to be readily obtained; and it is the intention of the editors to render the succeeding volumes not less worthy of the patronage of the medical friends. The first volume contains between five and six hundred pages, besides engravings, and will be readily furnished to applicants by Thomas Dobson.

☞ Subscriptions to the above work will be received by William Boylan.

Notice.

THE subscriber having qualified, at last Halifax county court, as executor to the estate of Benjamin Foreman, deceased, requests all persons having claims against said estate, to present them within the time limited by law, otherwise they will be barred of recovery; and those indebted are called forward and make settlement without delay.

THOMAS BARBEE.

Halifax County, Oct. 11, 1811.

State of North Carolina.

IREDELL COUNTY,
August Session, 1811.

James Hart, vs. Robert Bryson. } *Original Attachment.*

It appearing that the defendant in this case is not within the limits of this state, it is ordered that publication be made three months in the *Minerva*, that an attachment has issued against him, and that unless he appear at next court and plead or replevy, judgment will be taken against him.

5 3m JOHN NISBET, clk.

State of North Carolina.

IREDELL COUNTY,
August Session, 1811.

James Irwin, vs. Robt Bryson, } *Original attachment.*

It appearing that the defendant in this case is not within the limits of the state, it is ordered that publication be made three months in the *Minerva*, that an attachment has issued against him, and that unless he appear at next court and plead or replevy, judgment will be taken against him.

5 3m JOHN NISBET, clk.

DOBSON'S ENCYCLOPEDIA

IN TWENTY-FIVE VOLUMES 8vo.

W. BOYLAN

WILL sell this very valuable work at the following *reduced* prices:

Bound in boards, $ 20
Bound in sheep, lettered, 25
Bound in calf, do. 27
Bound in calf, gganly gilt, 30

Which is 48 dollars cheaper than it has heretofore been sold at.

Oct 4