

# Gazette of the United States.

A NATIONAL PAPER, PUBLISHED WEDNESDAYS AND SATURDAYS BY JOHN FENNO, No. 34, NORTH FIFTH-STREET, PHILADELPHIA.

[No. 114 of Vol. IV.]

WEDNESDAY, JULY 3, 1793.

[Whole No. 436.]

## To the Public.

THE Editor of the GAZETTE OF THE UNITED STATES, proposes publishing the Paper, under that Title, every Evening, Sunday's excepted.

To render it interesting as a Daily Publication, it shall contain foreign and domestic, commercial and political Intelligence:—Essays and Observations, local and general:—Maritime information:—Prices Current of Merchandize and the Public Funds. Also a summary of the proceedings of Congress, and of the Legislature of this State:—with a sketch of Congressional Debates, &c.

ADVERTISING favors will be gratefully received.

### TERMS.

To be printed on paper of the demy size; but a larger size shall be substituted in December next.

The price Six Dollars per Annum, to be paid half Yearly.

When a sufficient number of Subscribers is obtained, the Publication shall commence.

In the interim, the Gazette will be published twice a week as usual.—Subscriptions are respectfully solicited by the Public's humble servant,

JOHN FENNO.

Subscriptions are received at the City Tavern, South Second Street—by Mr. Dobson, at the Stone House—by other persons who are in possession of subscription papers, and by the Editor at his house, No. 34, North Fifth-Street.

Philadelphia, July, 1793.

### THE EDITOR

MOST earnestly requests those of his distant Subscribers who are in arrears for the Gazette, to make payment as soon as possible.—Those persons who have received subscription money on his account are desired to remit the same. The arrears for the Gazette have accumulated to a serious amount.—Serious, as they are the only resource to discharge very serious engagements incurred in the prosecution of this extensive publication. Philadelphia, June 26.

### LAW CASE.

Robert Finckley, jun. and others, } Libel filed.  
Ship William. }

Sketch of the Pleadings in this important case, concluded.

Mr. Lewis on the part of the libellants.

THE honor and dignity of the United States, he said, were deeply involved in the decision of this case; it involves a violation of the peace of the country; for if when two powers are at war, one may invade our territory, our commercial intercourse with foreign nations, and our tranquility become materially interrupted. Was this an absolute government, where the sovereign, of his own free will, can repel force by force, the remedy in a similar case would be at hand, and be adequate: But as in our government the Executive is far from unlimited, a court of admiralty, forming its decision on the principles of the law of nations, is the proper tribunal for the trial of such causes. On the ground upon which the counsel on the other side wished to put the business, it would appear, that our only remedy would be, in case a little privateer chose even to cut enemy's vessels from our very wharves, for the President to request, without an opportunity of commanding restitution. He hoped, for his part, that the President would never again be placed in the disagreeable situation that he was not long since, when a whole week had elapsed after his pleasure was known, before restitution was made of a late capture. If the jurisdiction of the court is not sustained, then we are not on an equal footing with other nations;—we can only remonstrate and pray for restitution in case of infringement, and history teaches us, that a nation without a respectable armed force, is the sufferer by every negotiation. It has been observed, that our meddling in matters of the nature of the cause before the court would tend to involve us in war; he rather conceived, that our permitting one nation to annoy its enemy within our jurisdiction without our resenting the insult, might have that effect; indeed, if the privateer was authorized to do what she has done the act is tantamount to a declaration of war. He dwelt on the importance of preserving peace, and he conceived that a decision in this court, agreeably to the law of nations would tend to effect that desirable object.

The counsel on the other side had said, that taking cognizance of the present cause would be a violation of the treaty, and that in case of a violation on our part the whole treaty is virtually annulled. The court he was sure, were not to be intimidated by such argument; Indeed if the treaty is violated, it certainly is by the subjects of that nation to whom the privateer belongs.

We have been told said Mr. Lewis, that the court is not competent to relief in all cases of this kind; that the William could have been taken to Cape-Francois, or any where else out of its jurisdiction. It might happen, and it often does happen he said, that a criminal escapes a trial in a court within the jurisdiction of which he has committed an offence; the argument goes only to shew the inadequacy of all human institutions in certain cases; but certainly while we hold the criminal we should inflict the punishment.

It had been said, that the court had not the power of being impartial in the business, they could not condemn the prize. He contended, that there was no just foundation for this charge of partiality; should a British privateer ever be in the situation of the French in this instance the law to him would be as it is to the French in this case.

It had been said that the owner of the ship William had a remedy by applying to the court of admiralty, who should condemn the prize in France. On this he remarked, that there appeared little disposition on the part of those concerned in the Citizen Genet, to take the William to France, and that a plea could not be held there unless the prize was actually brought within the jurisdiction of that court. Besides, though the court in France might determine whether the capture was legal, yet they would do it without an eye to her being taken within our territory, leaving the vindication of our rights of sovereignty to ourselves.

He cited 2 Vat 92 to shew, that it is unlawful to enter a neutral country in a hostile manner.

It had been said, that this is a cause between the citizens of Great-Britain and the citizens of France, he considered it as the cause of America herself, in as much as it was the interest and duty of this country to preserve a strict neutrality: and she will be called upon be added for satisfaction, if the capture is not restored, more particularly as the privateer that took the William was fitted out in an American port.

1 Vat. 239 says, that vessels taken within the distance of a neutral shore, mentioned in the present libel are not lawful, 3 Vat. 182 to the same point.

Molloy, P. 183 contains a case in point. Lee 121 records, that the Romans did not venture to pursue the Carthaginians into the port of a neutral prince; but he had an armed force to make his port respected; were we in the same situation, we should not be injured by the English holding our ports in spite of treaty, nor insulted by a violation of our territorial rights by a French privateer.

The President it was said should be applied to for a settlement of this business, that there is no instance of a cause of this kind being brought into a court of admiralty. No, an absolute monarch would have settled it without an admiralty court; but our executive has no strong arm to enforce obedience to its decision; the cause is therefore brought here in a court which is guided by the principles of the law of nations, free and impartial to all.

He further answered to the objection, that no instance can be produced of a similar case being brought into a court of admiralty, that this only shewed, that the privateer had gone further than any one before her; after injuring our trade by watching off our rivers and bays for vessels, after having made a capture on our territory, they had added insult to injury and brought the prize to our very feet of government an act altogether unprecedented for audacity.

Mr. Lewis insisted on the propriety of not parting with the property captured without obtaining redress for the violation of our neutrality; the court does want to settle whether there was sufficient cause of rupture between France and England; but we have a right to detain the capture to secure ourselves.

He adverted to the treaty. The provisions of it are surely not intended, he said, to prevent our enquiring whether a violation has been committed on our rights of territory. If this should be the construction, how can the President, or even Congress interfere without a violation of the treaty?

Mr. Lewis concluded by referring to Lee 86, 87, 93, 94, 95, 96, 78 and 79, as containing information on the present case.

This mutilated and cramped account will serve to give but a faint idea of the masterly manner in which Mr. Lewis handled the case. It is far less distinct or complete than our sketch of the observations which fell from the other counsel on this question; the rapidity of his utterance must plead our excuse.

Judge Peters delivered his decree for dismissing the present libel as irrelevant—which shall appear in our next.

## Foreign Intelligence.

PETERSBURGH, March 26.

COUNT d'Artois, brother to the late Louis the XVth, having obtained the consent of the Empress to visit this Court, arrived here on the 23d inst. The Court carriages were sent to fetch him and his suite, and the Vice-Chancellor Osterman received him on the part of the Empress in a hotel prepared by her Majesty's order, and at her expense, for the reception of his Royal Highness. The day before yesterday the Prince was introduced to our Sovereign. Yesterday he received the compliments of the Senate, Regency, and the city of Petersburg, and this day he will be visited by the Foreign Ministers. Previous to his arrival our Court took a decisive step in acknowledging Monsieur, brother to Louis XVth, as Regent of France during the minority of the lawful heir to the Throne, detained prisoner at Paris, and Count d'Artois as Lieutenant General of the kingdom. The Count d'Artois wished to remain incog. but in the present circumstances the Empress thought it proper that he should appear with all the honors due to his rank and birth, and has in consequence appointed him two chamberlains, and two gentlemen of his chambers.

WARSAW, April 12.

The day before yesterday the king set out from this place, for Grodno. At every post a Russian escort is stationed to receive his majesty, and the Russian ambassador will confer with him at Bialostock, on the objects which are to be afterwards the subjects of deliberation.

The act of the Prussians taking possession of several of our Provinces, will be signed in the Diet, which, in future, is to be assembled every four or six years; and in the intervals, public affairs are to be directed by the Permanent Council.

The Confederation General of Lithuania has ordered the Hetmans to proceed with the utmost rigour against the French, established within the extent of the Grand Duchy, and to oblige them to take the oath required from those of the same nation who are in Russia.

BRUSSELS, April 24.

The bulletin of the Austrian army published this day, and dated from the head quarters at Quievrain, contains an account of its operations on the 17th, 18th, 19th, 20th, 21st, and 22d, instant.

On the 17th the enemy made two attempts to alarm our out posts, but failed both times, and one of their patrols, consisting of 40 men, fell into an ambuscade, and most of them were killed and taken. The duke of York arrived the same day at Bruges with a corps of English troops. Nothing remarkable passed on the 18th and 19th. On the 20th the duke of York, with the English troops, entered Courtray. On the 21st lieutenant-general Count de Latour set off to harass the enemy, and surprize the little camp on the road from Maubeuge and Bouffoir, which he effected and obliged the enemy to abandon it, and retire with precipitation; they were also dislodged from all their posts, and obliged to pass the Sambre. They lost on this occasion 30 prisoners, and had a great number killed and wounded; we had only four men wounded. The same day the French made a strong attack on our advanced posts on the side of Bavai, but were repulsed; their loss we are ignorant of; we had only one kill-

ed, and five wounded. On the following night all the troops resumed their ancient position.

His royal highness the arch duke Charles arrived here yesterday from the army.

A severe ordinance has been published by the council of Brabant against the French Liegeois and Dutch emigrants: According to this they cannot enter the Low Countries, unless furnished with a passport from the commandant of the first military post, nor can they stay in the country above three days without special permission from the Government General. Those who have taken up their abode since the first of July 1789, cannot continue in the country without a similar permission; and those who were here previous to that time must give an account within a week of their profession and means of subsistence. Their servants must also be described nominally and individually.

LONDON, May 7.

The Elector of Saxony has obtained from the States permission to suspend the payment of the interest upon the public debt during the war.—The same thing was done in Saxony in the year 1778.

There are now none of the de-vant Royal Family remaining in Paris but the prisoners in the Temple. Philip Egalite was first committed to the Abbaye, but has since been transferred to Marseilles, together with Alphonso-Leodgare Egalite, his son, and Louis Francis-Joseph, heretofore Prince of Conti.

One of the French papers speaks of the superior firmness and laconism of young Egalite, a boy of thirteen! His interrogatory was briefly this: "Are you an Aristocrat? Yes.—Do you know any of your father's plans? No.—Have you any connection with Mad. Sillery? Oh fie!"

Extract of a letter from Brussels April 23.

"His Imperial Majesty, wishing to bury in oblivion every thing that tended to the Belgic revolution, is going to publish a general amnesty, which is to extend even to those who were condemned during the troubles, his majesty being desirous to restore their honor, and even to indemnify them, if possible. For this purpose, all prosecutions commenced, have been stopped: the amnesty is to extend to all deserters who shall return to their corps before the month of October, except it shall appear that they have been guilty of other crimes besides that of desertion.

"On Saturday last a mass to confirm the union was celebrated here, in token of the reconciliation of all parties, which was conducted with every demonstration of joy. After the mass, rejoicings took place which lasted the whole day."

The French general Marasse, who commanded at Antwerp, has emigrated, with some other officers.

On the 17th inst. Garin, administrator of provisions, declared in the sitting of the Commune, that there were in Paris provisions sufficient for three months.

The King of Poland is now reluctantly travelling to Grodno, by command of some Russian troops, to sanction the alienation and partition of his kingdom. Yet, on this degrading outrage, declaimers on the sacred characters of kings are silent, because it is not the act of subjects endeavoring to break the bands of despotism, but of crowned heads endeavoring to gratify their lust for dominion!!