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From the Boston Chronicle.

IT cannot but be pleasing to every lover of his county to observe the rapid progress of improvement in the United States at the present period. Enterprise has never hazarded, with bolder daring, her most extensive projects, nor has genius ever developed itself in plans more useful, than within a few years past. The destinies of our country, if we may use an expression sanctioned by general custom, are absolutely incalculable. Our vast, I had almost said unbounded territory, presents to the talents of Americans all the various objects of activity scattered here and there throughout the globe; and the philanthropist is astonished to behold his most sanguine wishes on the eve of accomplishment, in the ultimate amelioration of the condition and character of his fellow men. But, not to indulge too far in what may be deemed an enthusiastic reverie by some, and by others an Utopean dream, let me advert to a few circumstances which may elucidate and justify the expressions I have used.

In other countries, objects of great importance to the general welfare are conducted almost solely by the magistrate and governmental councils. Here individual enterprise, or the combined force of private citizens, produces an effect, equal in extent and magnitude, and superior in moral importance to all other modes. Our advantages are the product of our own study, investigation and labor. Hence they are doubly valuable, and perhaps also doubly valued. For men cannot but prize the effects of their own honest exertions.

No friends to the progress of the arts can view without emotions of sincere joy and exultation that gradual advancement of an experimental acquaintance with them, which is apparent among us. Hardly a public paper is emitted that contains not an account of some new improvement or invention. Patents are daily issuing, as evidences of the spirit of prolific industry and research. Our soil becomes daily better known, and new modes of agriculture in several important processes are devised, and gradually prevail. The geography of our country is improving in such a manner, as excites an uncommon interest in most of our citizens to avail themselves of every advantage arising from all the uses to which our land and its productions may be applied. Manufactures of every kind are rapidly increasing, and in many instances rival the labors of European nations—in not a few, perhaps, surpass them. Our ores and metals are more and more explored and wrought. Communication between commercial and trading towns, and free intercourse of cities with the circumjacent country are daily increasing. Witness the expedition with which business is transacted, and journies effected from Georgia to Maine, or rather from New Orleans to Quebec. Witness the bridges, turnpikes, roads, canals and ferries, of which almost every mail, in addition to the rich prospects of this nature around us, gives information. The mechanic powers are daily better understood and more successfully applied. American architects are employed by European improvers and adventurers—while the rough materials, which are yielded in abundance, furnish a sufficient motive to more energy, more enterprise and perseverance at home, and render it more easy for us to become improvers and adventurers to plans of general usefulness among ourselves.

It is almost unnecessary to say, that in no country on the face of the globe is the human mind left more at liberty than here, to pursue its own inclination and taste in objects not injurious to the public interest, or to individual welfare. This is a truth which every one feels. And where is the wonder? What circumstance limits industry, or sets bounds to honest enterprise? What objects stand in the way of every man's progress, provided his views be innocent? Are we not "free as our own thoughts?" Hence arises the success of every useful undertaking—and to our civil freedom are we in fact indebted for our private enterprise and individual emolument.

From the Charleston Courier.

Important Cause in the District Court of South Carolina.

L'AFRICAINE,

vis.

GARLAND.

The Commercial Agent of the French Republic filed a Libel in the District Court against the Captain of the British letter of marque GARLAND, for restitution of and damages for the capture and detention of the French corvette L'AFRICAINE, illegally captured on the 31 instant, within the jurisdiction of the United States. To this Libel the captain of the *Garland* pleaded in bar to the jurisdiction, alledging that the capture was not made within the jurisdiction of the United States—and to prove this, two branch pilots were examined by Mr. DRAYTON, proctor for the defendant, who swore that the corvette, at the time of the capture, was about five or six miles distant from Sullivan's Island, the nearest land. On their cross examination by Mr. *William Laughton Smith*, proctor for the libellant, they admitted and proved that the corvette having lost her mizen-mast in a gail of wind and several of her men, and thrown overboard many of her guns, was seeking refuge in Charleston; that she was brought to anchor off the bar in six fathoms water, and as near as she could be with safety: that at the time of the capture she was within one or two miles of the Rattlesnake breaker, and that the Captain struck to the *Garland* on the advice of the pilot, and on his assuring the Captain that the corvette was then within the jurisdiction of the United States, and would certainly be delivered up. On these facts the question arose, whether the *Africaine* was, at the time of the capture, within our jurisdiction? Mr *Drayton* quoted several authorities, viz. Martens, Vattell, Sir W. Scott, &c. to prove that by the laws of nations territorial jurisdiction on the sea was limited to a marine league from the coast, that is to the extent of the protection which could be given from the shore, by cannon shot, which was calculated at a marine league, or three miles. If there could be any doubt as to the laws of nations in this respect, the act of Congress of 1794 settled the question: by that act the district Court is authorised to take congnizance of the captures in the waters of the United States, "*or within a marine league of the coast, or shores thereof.*" He defined the terms, coasts or shores to be of synonimous import, and referred to Johnson's Dictionary of arts and sciences, and Cook's Voyages, to support his definition—the word *bank*, was the margin of a *river, coast, or shore*, the margin of the *sea*. Consequently the Court had no jurisdiction in this case.

Mr. *W. Loughton Smith*, said that this claim to the aid of the Court to obtain restitution of the *Africaine*, was founded on the law of nations, on our treaty with France, on the laws of neutrality and of hospitality, all of which had been grossly violated by the capture in question. He considered this a cause of considerable magnitude—it was not a common question between two ships of war, but a great national question, for the first time to be decided, and to fix the limits of our own jurisdiction. Different naval powers, by recurrence to history, would be found to have laid claim, & some of them to have maintained it for centuries, to whole oceans. Thus Great Britain claimed jurisdiction over the whole British Channel, St. George's Channel, &c. Venice the Adriatic; the Ottoman Empire the Black Sea; Denmark the Sound, &c. In later times, several writers had attempted to ascertain the jurisdictional line with precision, but they all differed—some spoke of the extent of the human sight, some of the extent of protection, others of the distance requisite for the safety of trade. Bodinous fixed 20 miles, Martens 9, Vattell cannon shot, or a marine league; Sir W. Scott in a modern case [quoted on the other side] seemed also to refer to that distance; but his decision could have no weight, because he was fixing the jurisdiction of Prussia, and no case could be produced where he had fixed the jurisdiction of Great Britain to a marine league from the shore. The law of nations had not then ascertained the precise distance, but all the writers, and Vattell particularly, had established that a neutral country ought to extend its jurisdiction over the sea to the utmost extent of its protection, and as far as might be necessary for the safety of its trade. The treaties we have formed with France, Holland, Prussia and Sweden, give those powers a right to our protection near our coasts—a reasonable distance must be allowed, otherwise the treaty would be violated, and if the act of Congress impugns the treaty by an unreasonable proximity, it would be void, as repugnant to the compact. In this case the corvette was anchored as near the bar as she could lie with safety, (one witness says within one mile) and she had a pilot on board, she must be considered as ipsis faucibus portus—the pilots have declared that it is common for inward bound vessels to anchor without the bar, and are there considered within our jurisdiction—she was in distress, not coming to cruise, but seeking an asylum and protection from the perils of the sea within the arms of the United States. Vattell lays it down that under such circumstances a ship has by the law of nations a right to enter even against the will of a belligerent adverse party; a fortiori has a friend, a strong claim to the protection of a neutral power. At the commencement of the last war, an interesting correspondence took place between the government of the United States and the French minister, on this subject; the former wished to evade ascertaining our jurisdiction, but being called on by the latter, after observing that, from the peculiarity of our shores, and the shoalness of our coasts, we were entitled to claim the broadest possible margin of sea along the coasts; yet until a communication with other powers, the President would, for the present, claim no further than a marine league: That was evidently a provisional arrangement, confined to the last war. Soon after, the act of Congress in question passed, and partook of the cautious spirit of the times—it was a temporary act, though since continued; in expounding it reference ought to be had to the preceding observations—it says "the district court shall take cognizance of cases arising within a marine league of the coasts or shores," It does not confine and limit the district court to such cases alone; the district court of Pennsylvania had refused to take cognizance of cases manifestly arising within our jurisdiction, referring them to the Executive, where belligerents were alone concerned. The act of '94 compels them to act where our territory is violated within a marine league, but leaves the question where it was before, as to all distances beyond that, to be decided by the law and usage of nations, having reference always to the peculiar situation and policy of our country. Admit however, the law to be restrictive, still Mr. S. contended, that by the terms of it our jurisdiction clearly embraced the place of capture—the act says "coasts or shores." What is meant by the term coasts? Not merely the visible part of the land, but that part also which is covered by water to a certain distance from the shore; the whole together, comprehending the land out of water and the shoals, constitutes the coast. In Comyn's Digest, it is said, "main land, or coasts thereof, out of the body of any county:" here coasts must mean something beyond the land or shore, otherwise it could not be out of the body of a county. In common parlance, coasts means something other than land not covered by water—fisheries on the coast, islands on the coast, wrecks on the coasts, &c.—the distance ought then to be computed from the shoals on the bar, and not from Sullivan's Island. It had been proved that a line drawn from the Eastern extremity of Long Island, parallel to the shore, would run without the bar—if the distance is to be strictly reckoned from the land, inasmuch as the act does not mention the land nearest the place of capture, then this line ought to be deemed the line of sea coast, and a marine league computed from thence; the shoals of the bar are in fact a sunken continuation of the coast; if the act be ambiguous, the court is bound to construe it beneficially for the United States. Mr. S. concluded with referring to the peculiarity of our bar and harbour, the dangers to which it would be exposed by a contrary construction of the act, and the fatal consequence of inviting the cruisers of the belligerent powers to take their station off our bar, which would endanger our commerce, make our port the focus of discord, enlist the passions and interests of our fellow citizens, and destroy that harmony and tranquility which now so happily subsist.

Several witnesses were called by Mr. Smith, and among them Mr. Parcell the surveyor; swore that he had been long employed, in conjunction with Mr. De Braham, to survey the coasts of Florida, &c.—that all geographers and surveyors of sea coasts always understood by coast, the shoals along the land—that in Florida these shoals extended to the distance of twenty miles from the land, and were within the territorial jurisdiction. Capt. Oakford had been many years at sea, and he never before heard it doubted that coast included the shoals; he considered every thing as coast where a ship might be stranded. Williams, one of the pilots, also said that he considered the coast to extend some miles from the land. Mr. Parcell being asked by the Judge, from whence he would compute a marine league, replied from the outermost shoal of the bar.

Mr. Gaillard followed Mr. Smith, agreeing with him that the government had wisely left the question open, and the jurisdiction undefined. He argued that the doctrine laid down by writers, respecting cannon shot, as interpreted by the other side was absurd, for in fact cannon shot at the distance of a marine league, was ineffectual to protect; nothing more could be inferred from that dictum of the writers, than that a belligerent could not take a prize under the protection of a neutral fortress, but it did not confine the protection of neutral jurisdiction merely to cannon shot. Besides it was not confined to cannon shot from a fortress on land, protection might be given by gunboats stationed off our bar; most of the writers say within the limits of protection; that protection may vary according to the nature of the coast, and the shoalness of the water; our bar and harbour cannot possibly be protected by land batteries, gunboats will be the only effectual protection.—If the court now compute the distance from land, under the authority of Vattel, respecting cannon shot, a new doctrine must be established, with a new mode of protection.

The Attorney General closed, on the same side, with many learned observations on the construction of statutes—a word of clear import cannot be defined by one of ambiguous signification; the word shore was certainly not intended by Congress to be defined by the word coast—these words are not synonimous, if they were, one only would have been used. Why did Congress use both? Because of different import—shore means the land to low water mark: coast, the shoals along the margin of the shore to the high sea.

Mr. Drayton replied. He was stopped by the Judge, from answering the arguments derived from the law of nations and the correspondence, and confined to the act of Congress. From this, he argued that the land nearest the place of capture was clearly meant by the words coasts or shores, which are synonimous, referring to the authorities before mentioned, and to common understanding and acceptations. The arguments were closed on Friday last, and on Monday, his honor Judge BEE gave his decree.

He stated the circumstances of the case, and the plea in bar to the jurisdiction, viz. the capture not having been made within a maritime league of the shore of the United States." This, he said, was the only point before the Court; and the only guide by which he was to be governed, was the act of Congress; as to the laws of nations, it did not apply, as this act was to govern; & as to the correspondence, it was all prior to the passing of the law. It had been said by the council for the libellent, that this was a great and important question, and that it was the first time the subject had come before an American Tribunal. He acknowledged that it was a question of very considerable magnitude, and highly interesting to us as a neutral power; it was for that reason he had allowed them a full range, and to throw every possible light on the question, and he confessed they had argued with great ability and ingenuity; but after all, the act of congress was the only source from which he was to derive the true limits of our territorial jurisdiction over the sea; this was fixed at a marine league from our coasts or shores. In this case he had been enabled, by the testimony of the pilots and an inspection of the charts, to locate with precision the place of capture, namely, in six fathoms water, off the Rattlesnake; hence it was evident that the south end of Sullivan's island was the nearest land, consequently the capture was made near six miles from the shore. Had there been any uncertainty as to the distance, he would willingly have adopted the rule laid down by sir W. Scott, in the case quoted of the ——Gerders v. Robinson, and would not have sought the exact measurement with an unfavourable minuteness, but from the peculiar circumstances of the case, would rather have been disposed to have calculated the distance liberally. But the spot is here ascertained beyond a doubt, and is near six miles from the nearest land; the act confines our jurisdiction to a marine league, but a question has arisen on the meaning of the word *coasts*, and several witnesses have been produced, and a great deal of ingenuity displayed to show that the term coasts, includes all the shoals to a certain distance; in a maritime point of view this might be correct: but this construction would be too vague for any court to adopt, for as the shoals vary along the coast, there would be no fixed rule by which to be governed, it would be impossible to fix a boundary; and the different district courts of the United States, would be obliged to apply various distances to the terms of the act; much uncertainty and confusion would result from such an interpretation, the distance would vary with every shoal. I admit that the United States are the only nation which has thus, by law fixed its jurisdiction—but it is not for me to question the policy of the act; it is now the law of the land, and the rule of my decision. The distress of the corvette will not affect the question—she might, while in greater distress, have been lawfully captured on the high seas—here is nothing in the treaty with France which gives a claim beyond the act of Congress. The 13th section is not relevant—it gives protection when sailing along the coast within our jurisdiction; a distinction was attempted, in comparing the act and the treaty, between the words jurisdiction and protection, but protection must refer to the jurisdiction, as fixed by law, within a marine league. As to the circumstance of the corvette being at an anchor near the bar, and having a pilot on board, undoubtedly they would have great influence, were there not a positive law, fixing the boundary. As the question is new and important, I have given it the maturest consideration, and am clearly of opinion that the word coasts cannot have such an operation as the counsel for the libellant have given it, but was intended to mean land as far as low water mark.

The plea in bar is therefore sustained and the bill dismissed, but without costs; because it was the duty of the commercial agent of the French Republic to bring the subject before the court.

National Intelligencer.

Extracts from "The Political and Confidential Correspondence of LEWIS THE SIXTEENTH, *with observations on each letter.* By Helen Maria Williams. In three volumes Octavo.

On the 4th of August 1789 the estates of the Clergy and Nobility, by unanimous suffrage, suppressed all feudal rights, acquiesced in the payment of all taxes whatever; the nobility gave up their titles, and the clergy their tythes; rendered every citizen eligible to all places civil and military; bestowed on the King the title of Restorer of French Liberty, and ordered *Te Deum* to be sung in the presence of the Court. The King accepted the proffered title, "and joined in devout thanksgiving to Heaven, with his nobility and clergy, to implore the Divine blessing on these splendid acts of generosity and patriotism."

On the 26th of the same month, he addressed the following letter to the *Archbishop of Arles*.

LETTER,

TO THE ARCHBISHOP OF ARLES.

August 26th, 1789.

I am satisfied with the great, noble and generous proceeding of the two first orders of the state; they have made an immense sacrifice towards a general reconciliation, and for their country, and their king. I feel engraven on my heart the transactions of that sitting in which all privileges were renounced. But this sacrifice, however splendid I can only admire; for I never will consent to despoil my clergy and nobility. I will not deprive the former of the rights which the Gallican church has acquired by antient possession, by the voice of the faithful, and by the munificence of my royal ancestors; nor will I suffer the latter to be stripped of all that constituted their glory, or the rewards of their services, of those titles, those recompenses, due to the civil and military virtues of the French nobility. They have merited by great actions those privilege, which it is the duty of the king of France to defend; and I will