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FROM THE ENQUIRER.

Points in dispute between Great Britain and the U. States.

No. II.

" We have traced the different *points and projects* which have been called forth by the *two great* subjects in dispute between the two nations, viz: the *impressment of seamen* and the *colonial trade*. There are other *permanent points* for adjustment between Great Britain and the United States, as *rules* for the conduct of each *during a* STATE OF WAR—these are of great, though subordinate importance to the two first which have been mentioned. Amongst the principles of which are 1, the case of *blockades*. 2, *the contraband of War*. In these, as in the two first, no proposition has been urged by the last administration, which was not strictly warranted by the rights of the U. States and the laws of nations.

1. *Blockades*—" The *fictitious* blockades," says the Secretary of State in his letter of January 5, 1804, proclaimed by Great Britain, and made the pretext for violating the commerce of neutral nations, has been one of the *greatest abuses* ever committed on the high seas. During the late war they were carried to an extravagance which would have been ridiculous, if in their effects they had not inflicted such serious and extensive injuries on neutral nations. Ports were *proclaimed* in a state of blockade *previous* to the arrival of any force at them, were considered in that state without regard to *intermissions* in the presence of the blockading force, and the proclamation left in operation *after its final departure*, the British cruisers during the whole time seizing every vessel bound to such ports, *at whatever distance from them*, and British prize courts pronouncing condemnations whenever a knowledge of the proclamations at the time of sailing could be *presumed*, although it might afterwards be known, that no real blockade existed. The whole scene was a perfect mockery, in which fact was sacrificed to form, and right to power and plunder. The U. S. were among the greatest sufferers.

During the present war, the conduct of the British government has been still more outrageous than the last, although cases of this atrocious description had not occurred at the time of the composition of Mr. Madison's letter. Among these, it is only necessary to select the sweeping instructions of May 16, 1806, which put at once under blockade the whole coast, from the Weser to Brest—a distance scarcely short of 1,200 miles, and more than the 3,000 ships of Britain could effectually seal up. These orders were mischievous in themselves, but they were still more so, when they became the pretexts of the retaliatory French Berlin decree of November, 1806—out of which the orders of January and November, and the Milan arreto of December, 1807, have successively emerged.—The late British order of council, which seals almost the *entire continent* of Europe against us, is in fact but a legitimate scion of this monstrous *stock*—and there is every reason to fear, though these orders may be rescinded by some future stipulation, yet unless there be some cotemporaneous provision against the abuses of this principle of blockade, that it may successively extend its cancerous roots into the very heart of our trade, and virtually defeat the benefits of this repeal.

An evil of this alarming sort required some serious remedy. But the one proposed by the last administration was not only agreeable to the laws of nations, but to the impartial sentiments of Great Britain herself on similar occasions. It was a literal transcript from the 4th article of the treaty of the 17th June, 1801, between Russia and Great Britain, in the following terms: " In order to determine what characterizes a blockaded port, that denomination is given only to a port, where there is by the disposition of the power which attacks it with ships stationed or sufficiently near, *an evident danger in entering*." Besides this general regulation, some provision was thought necessary, as to the *notice* to be given of a blockade.—Our minister was instructed to propose, that no vessel was to be " considered as violating in any manner the blockade, unless on her approach towards such (blockaded) port, she shall have been *previously warned* against entering the same;"—but as the British government had persisted " in considering a notification of a blockade, or even of an intended blockade, to a foreign government, or its ministers at London, as a notice to its citizens," some remedy was to be required for this abuse.

The 10th article in the treaty of Messrs. Monroe and Pinkney, though *good* in one respect, did not provide *against* these *paper* proclamations of blockade. No vessel, going to a *blockaded* port, was to be captured, unless she had known of the blockade —but what was to be a *blockade*, was not defined. In his *critique*, therefore, on the treaty, the Secretary of State thought it better to strike this clause from the treaty altogether, and to trust to the laws of nations, and to the treaties which had defined them.

2. *Contraband of War*.—This too had been used as a pretext for very serious abuses against the rights of neutral nations.—The efforts of Great Britain, as a belligerent nation, had been to enlarge the list of contraband, with a view of narrowing the *trade* of neutrals, as well as extending the field of maritime *plunder*. Not only *naval* and *military stores*, but the raw *materials* for them, have been put under their requisition. Nay, *provisions* themselves, which are of use to all nations, whether they are at war or in peace, were actually compressed, by the ingenuity of the British ministers, into the famous treaty of Mr. Jay, as *provisionally contraband*, but under certain circumstances " substituting pre emption for forfeiture."

Some provision on these points, so essential to a nation, that peculiarly produces the raw materials in a greater degree than any other, was therefore a *desideratum*—but were the terms proposed by the last administration either contrary to the laws of nations or to the previous stipulations of Great Britain? Far from it. The Secretary of State's enumeration of contraband articles is expressly *copied* from the treaty of 1781, between Russia and Great Britain—according to which contraband of war consists only of the following articles: " salt-petre, sulphur, cuirases, pikes, swords, sword belts, knap sacks, saddles and bridles cannons, mortars, fire-arms, pistols' bombs, grenades, bullets, fire locks' flints, matches and gun powder, excepting, however, the quantity of the said articles which may be necessary for the defence or use of the ship and those who compose the crew."

The 9th art. of the treaty of Messrs. Pinkney and Monroe " was an improvement," in this respect, says the *critique* of the Secretary of State " on the treaty of 1794; inasmuch as it excepts from the list of contraband, *tar and pitch*, when not bound to a port of naval equipment; and when so bound, substitutes pre emption for forfeiture. It has an advantage also, in the clause renouncing the principle of the British order of June, 1803, against vessels *returning* from places to which they *had carried* contraband of war." He might have added also the exception of *provisions*.

Besides the particulars mentioned in the Russian treaty, this article recognises as contraband, timber for ship building, copper in sheets, sail cloth, hemp and cordage, and in general (with the exception of unwrought iron and fir planks, and *tar and pitch* as above) " whatever may serve directly to the equipment of vessels." These additions met with the decided opposition of our government, though if they had been persisted in, they would not have eventually defeated the adjustment with Great Britain. The tone of our cabinet, on this head, is best explained by the words of the Secretary of State himself, in his *critique*. " So ineligible, indeed, in his (the President's) view, is any step tending in the least to retard the progress of these principles, (combated by some, and unfavorable to all neutral nations,) that *naval* stores are to be left on a stipulated list of contraband, *in the event* only of an inflexible refusal of the British government to omit them; nor are they to be retained *in any event*, without an addition or explanation that will except *turpentine and rosin*, as well as tar and pitch, there being no plausible motive for the distinction; and the quantity and value of the two former exported from the United States, being found on enquiry to make them of equal importance with the two latter." So far, then, we observe not the least illiberality in the propositions of our government.

There were *other points*, in relation to a *state of war*, which were brought forward for discussion—but on these, the propositions of our government were modelled on our rights, and these points are not of such a nature, as to defeat an adjustment of differences. Such is an attempt to make provisions " against the practice of British cruizers, in hovering and taking stations for the purpose of surprising the trade going in and out of our harbors" on which, however, the treaty was silent except so far as to add two miles to our maritime jurisdiction—even this was clogged by a proviso " requiring the consent of the other belligerent nations, as neccessary to exempt their vessels from search and seizure." Such also, is the attempt to provide, in the case of a captured vessel, for her immediate trial, and for an indemnification to be allowed to the owners in case of wrongful capture—for the *search* of vessels with the least possible injury, or insult to the Captain and mariners—for the exclusion of pirates from the ports of each other—for the prevention of the subjects of either from taking military commissions or displaying hostile acts against the other—for the reception of ships of war in the ports of the other, our government in this case wishing to put it on the ground of " the most favored nation," as in that way we might *limit* the number of foreign armed vessels in our ports—and for the delivery of deserters—and for several other miscellaneous cases.—On these points, our government had taken a ground which would neither have baffled the negociation, nor entrenched upon the rights of Britain.

So far for the provisions intended to meet the events growing out of a *state of war*—in which one of the parties might be engaged. In the next number, we shall briefly despatch the terms, which we were willing to accept, in the *commercial Intercourse, &c.* between the two countries.

STATE OF MASSACHUSETTS.

Important Trial at Augusta.

On Thursday the 10th inst. Elijah Barton, David Lerin, Jabez Meigs, Ansel Meigs Nathaniel Lerin, Prince Kain and Adam Pitts, were arraigned before the Supreme Judicial Court, held at Augusta, by adjournment, for the murder of Paul Chadwick, in the town of Malta. They all pleaded not guilty, and desired to be tried together and to join in their challenges.

The Court having met at a late hour in the forenoon adjourned until the next morning, when, the jury having been impannelled—the Solicitor General in a very able manner introduced the cause to the Jury, stating the importance of the trial, and the necessity of proceeding to it with a due regard to the claims of the prisoners and the violated laws of the country.

The witnesses were then examined, and the dying declaration of the deceased taken and sworn to before a Magistrate, in which he stated the circumstances of the assault upon him and identified two of the prisoners as being of the party, disguised like Indians, who fired upon him, was read to the jury. Evidence of the confession of all the prisoners was given by the justice before whom it was taken. This course of proceeding together with some witnesses produced by the prisoners, occupied five days. The two next days were employed by the Counsel for the prisoners and by the Solicitor General in their observations upon the evidence. Perhaps no cause of this nature was ever managed with more professional ability in this country. Mr. Wilde and Mr. Mellen explored every recess of ingenuity to excite a reasonable doubt on the minds of the jury and were followed by the Solicitor General in a speech of about four hours, at the conclusion of which, perhaps not one of the numerous spectators, whatever may have been his wishes, had any hopes that any of the prisoners would be acquitted. The evidence was exhibited in such a clear distinct manner, and the arguments of the prisoners' Council were so combated, that the acquittal of any of the prisoners could be expected from no other cause than the tenderness of the Jury.

The evidence was summed up by Judge Parker in a speech of near two hours: the other Judges then stated that there was no necessity for them to add any thing except that they perfectly concurred in the view of the cause as taken by Judge Parker. The Jury withdrew on Thursday the 23d, at half past twelve o'clock, P. M. and remained together until Saturday, 11 o'clock, A. M. when a verdict of acquittal was returned in favor of each of the prisoners, and they were severally discharged.

Whatever may have been the opinion of a crowded audience respecting this verdict and whatever sentiments may be entertained by the public—it should be considered, until the evidence is published, improper in any man to arraign the conduct of the Jury. The whole trial was taken down in short hand by a gentleman of great accuracy in that species of writing, and in the course of a few weeks the public will have an opportunity of deciding upon the correctness or incorrectness of a verdict, which, to say the least, surprised every one who heard it.

Great solemnity was observed during the whole of this uncommonly long trial; the Court, though sitting by adjournment, was opened with a prayer by the Rev. Mr. Gillet—& the great concourse of people was kept in perfect silence and order by sheriff Chandler, who in the whole of this arduous business has conducted with great energy and discretion.

It is a circumstance worthy of notice that the several companies of Militia which have been called on duty from an apprehension of an attempt to rescue the prisoners, have repaired to their posts with alacrity, completely armed and equipped—indeed they wanted nothing but uniform cloathing to give them the appearance of regular troops. They have also evinced the most decided resolution not to suffer the Government or its Laws to be abused or trampled on.

New York, Dec. 2.

DOMESTIC IMPROVEMENTS.

At no former period in our history can we boast of such an attention to domestic manufactures and mechanical improvements as at the present. Scarcely a mail arrives without bringing some account of new and useful inventions, or the establishment of some branch of manufacture. A sense of the critical situation in which our country is placed seems to have led our citizens to consider the best means of rendering it completely independent, and to have adopted as the most effectual method, the resolution to refrain from the use of foreign manufactured goods, and to promote, by their example and influence, the fabrication of all articles necessary for home consumption to as great an extent as prudence and economy combined will permit. Agricultural improvements also keep pace with the manufacturing spirit, and unwearied pains are taken in many parts of the country to improve the breed of cattle, sheep, &c. and to introduce the Merino sheep. Chancellor Livingston and Col. Humphreys, by their patriotic exertions in importing and breeding the Merinos have laid a foundation for incalculable wealth and advantages to the country; and their views have been so laudably seconded by *Elkanah Watson, Esq.* late of Albany, but now of Pittsfield, Mass. that he calculates on there being 1500 full-blooded and mixed Merinos next spring in Berkshire county alone. The fleeces of the full-blooded sheep are worth over ten dollars each, on an average. Col. Humphreys in Connecticut, Mr. Geo. Booth, of Dutchess county, Mr. Geo. Upton, an enterprizing English manufacturer, with others in Columbia county, are manufacturing cloths from the Merino wool, and cotton factories are springing up in all parts of the country. The agricultural society of Dutchess has been of great utility to that county, and a meeting is called for the purpose of organizing a similar society in Columbia.

A new cotton manufactory has been established in Dutchess, another in Oneida county, and another in Columbia county—another is organized in Otsego—and in Easton, Washington county, an extensive manufactory is established, the proprietors of which advertise shirting, sheeting, twill'd cloths, &c. for sale, and yarn at 15 per cent. below the usual prices. The Philadelphia Domestic Manufacturing Society is composed of 2500 members; and the determination to manufacture and consume our own raw materials has become so general that we may expect shortly to find European cotton goods banished from our markets.

Of the various improvements and new inventions in the mechanical arts, we shall occasionally give such accounts as cannot fail to gratify our readers, and all who may wish to become acquainted with our immense internal resources, in the genius and perseverance of our countrymen. They are such as must ultimately place our national independence on so firm a basis that it can never be shaken by all the convulsions of the old world.

Trenton, Nov. 27.

Remarkable Ox.—We have had an account sent us by Mr. *Joseph Case* of Flemington, of an ox raised by him and which died lately very suddenly, which is not a little curious. He was four years and eight months old when he died, and had never eaten a quart of any sort of grain; yet his *weight* was as follows, carcase 1,140, tallow 100, hide 160; total 1400. His *height* was 16 and a half hands—but his *docility* was more singular than his size. He would at bidding kneel, lie down, feign himself dead, &c. He would ascend any stairs or steps sufficiently strong to bear him. Of these feats we have been eye witnesses. He was probably one of the most extraordinary of the horned species.

LONDON OCTOBER 11.

Ministerial Correspondence.—We believe the following may be depended upon as correct copies of the correspondence respecting the late overtures; and we are confident that no other messages or communications whatever passed on the subject between the ministers and the two noble lords in question:—

No. I.—(COPY.)

Letter sent in duplicate to Earl Grey and Lord Grenville.

'*Windsor, Saturday, Sept.* 23.

' My Lord,

' The Duke of Portland having signified to his majesty his intention of retiring from his majesty's service, in consequence of the state of his grace's health, his majesty has authorised lord Liverpool, in conjunction with myself, to communicate with your lordship and lord Grey, for the purpose of forming an extended and combined administration.

' I hope therefore, that your lordship, in consequence of this communication, will come to town, in order that as little time as possible may be lost in forwarding this important object, and that you will have the goodness to inform me of your arrival.

' I am also to acquaint your lordship, that I have received his majesty's commands to make a similar communication to lord Grey of his majesty's pleasure.

' I think it proper to add, for your lordship's information, that lord Castlereagh and Mr. Secretary Canning have intimated their intentions to resign their offices.

' I have the honor to be, &c. &c.

' SPENCER PERCEVAL.'

No. II.—(COPY.)

Answer from Earl Grey.

' *Howick, September* 26.

' Sir,

' I have this evening had the honor of receiving your letter of the 23d, informing me, that in consequence of the duke of Portland's intention of retiring from his majesty's service, his majesty had authorised you, in conjunction with the earl of Liverpool, to communicate with lord Grenville and myself, for the purpose of forming an extended and combined administration, and expressing a hope, that in consequence of this communication I would go to town, in order that as little time as possible may be lost in forwarding this important object.

' Had his majesty been pleased to signify that he had any command for me personally, I should not have lost a moment in shewing my duty and obedience, by a prompt attendance on his royal pleasure.

' But when it is proposed to me to communicate with his majesty's present ministers, for the purpose of forming a combined administration with them, I feel that I should be wanting in duty to his majesty, and in fairness to them, if I did not frankly and at once declare, that such an union is, with respect to me, under the present circumstances, impossible. This being the answer that I find myself under the necessity of giving, my appearance in London could be of no advantage, and might possibly, at a moment like the present, be attended with some inconvenience.