

OTSEGO HERALD.

Historic Truth our HERALD shall proclaim.....The Law our guide, the Public Good our aim.

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Chalita.



SEENSTONE, although so much admired as a song writer, nothing from his pen exceeds the following:

Here is the glen, and here the hower,
All underneath the birchen shade;
The willow bell has told the hour,
O what can slay my lovely maid?

'Tis not Maria's whispering call,
'Tis but the balmy breathing gale,
Mix'd with some warbler's dying fall,
The daisy-flar of eve to hail.

It is Maria's voice I hear,
So calls the woodlark in the grove,
His little faithful mate to cheer,
At once 'tis music, and 'tis love.

And art thou come, and art thou true,
O welcome dear to love and me,
And let us all our vows renew,
Along the flowery banks of Cree.

Political.

From the Columbian.

TO THE EDITOR.

The importance of the present discussion occasions me to avail myself of every impression of a newspaper, to render it, by its accuracy and fairness, more effectual. I think a proof that France cannot be "retaliated" upon by England, since the peace of Amiens, and that she has, as against England, justice on her side in her commercial regulations, give solid ground to the U. States to declare that England cannot have that right to retaliate our commercial regulations, which Mr. Foster is reported to have suggested in form.

These considerations induce me to continue the subject in one or two more numbers, which I beg the favor of you to republish.

JURISCOLA.

AN EXAMINATION OF THE CONDUCT OF G. BRITAIN, Respecting neutrals, since the peace of Amiens in 1803, and before the French Berlin Decree in 1806.

NO. II.

As the British government pretended to erect a system of retaliation deeply affecting the U. States, upon the foundation of the conduct of France in the Berlin decree of the 21st of Nov. 1806, against the British trade, it must appear very unfortunate for G. Britain, that she notoriously gave to France the ten several provoking examples, recited in our last number. It may be emphatically added here, that those ten are fully justified, a remedy at arms on the part of the nations then neutral.

But these were not all the unlawful operations of G. Britain since the treaty of Amiens which appear to have brought on the French Berlin decree.

We shall proceed distinctly to exhibit a few more from the chamber of the king, sitting in council.

XI.

The British government issued an order of the 1st of Feb. 1805, by which vessels passing, though with grain only, from the twelve ports of France, pre-

tended to be "blockaded" ports in August, 1804, could be seized, if going to any port whatever of Spain, tho' unblockaded. The same British order affected to permit expressly (as though there was a right forbid such trade) the carrying of foreign and American grain from unblockaded places, into all the ports of Spain not under blockade. Here the odious, injurious and unlawful doctrine of the British orders in council of June 8, 1793, and May 1795, to both which Sweden, America and France had manifested the soundest and strongest objections, were introduced, revived and maintained. In this war Britain thus advanced and maintained that doctrine alone, rendering manifest her increased boldness in wrong and violence.

XII.

On the 21st of May, 1806, the British government formally "permitted" all trade in the Baltic, whether with friends or enemies' ports, by exempting every article and vessel whatever there from capture. Thus did they singularly favor in May the great mass of the dominions of the king of Prussia, who had "in a hostile manner," taken possession of the German dominions of the same prince, who is king of G. Britain, and for which act and the exclusion of British ships by Prussia, the British king had unblockaded friends, allies and enemies, in April, on four great rivers of imperial Germany and Denmark. Thus was the neutral with those four rivers of the German Ocean, or North Sea, illegitimately arrested, under the penalty of a total confiscation, for certain hostilities and municipal laws of the king of Prussia, which much of the benefits of that trade, by the known means of Prussian rivers, with an offensive affectation of rightful maritime power, was permitted to the identical prince who committed the recent hostility and ordained the offensive municipal law! Thus did the British government, within the knowledge of France, purchase the favor of her enemies, by the scandalous consideration of the rights of the neutrals, and of her allies. It is remarkable, that this act of May, 1806, was in the same year as the Berlin decree, and preceded it by only a few months of military agitation and operation. It cannot be doubted, that the emperor of France had in particular and serious contemplation the four above mentioned acts, No. 7, No. 9, 10, and No. 11, of the British government. The last seven of the British series, including those four, were within the short term of ten months. The 4th, 5th, 6th, 7th, 8th and 9th, considerations in the preamble of the Berlin decree, leave no room for doubt, but that the public or non-municipal parts of that decree were intended to be specific or virtual retaliations. "We have resolved to enforce against England (says the closing sentence of the preamble) the usages which she

has consecrated in her maritime code."

XIII.

It is a very curious circumstance, that the 23d May 1806, G. Britain, then operating on the temper and interests of Prussia, even issued a special order of the king in council, to exempt the Prussians (catching fish, and conveying them fresh to market) from seizure and confiscation! The lords commissioners of the British treasury and admiralty, and the judge of the high court of admiralty, were specially charged with the effectual execution of this business, in favor of the Prussian fishermen. No war being declared against Prussia, it must have required all the learning and consideration of the high judge and the lords of appeals, to discover by what order of blockade these fish-boats could have been otherwise confiscated. It was a singular return for hostilely seizing Hapover, and banishing British ships from the Prussian states. Britain, evidently grasping the monopoly of the world, under the pretext of defending her dominions and commerce, uses the occasional power of her navy, to convert the walls of that monopoly, into a substitute for subsidies to co-act, to win and to support allies. She discriminated to a hair in this case. Nay, she split the hair. Fish to be eaten fresh, might be caught by the Prussians, because commerce does not result from eating up the fruits of the national industry, but fish to be salted, might not be caught, even by them, because commerce is promoted by the sales, exportation and freight. The neutral Danes, Hamburgers, Bremeners, and Oldenbergers, could not send their own people and fishing boats in and out of their own neutral ports, territories and rivers, to catch and salt fish, lest it should enable them to partake, in power with the British navy. This little act of G. Britain, was worded so as expressly to distinguish the Prussians, though for the sake of decency, it extended, by general words, to others. The whole north of Europe, even blockaded neutrals and allies, were permitted to nourish themselves with fresh fish, but not to trade in fish salted.

We have next to render manifest, that the British courts of admiralty have greatly contributed to the illegitimate injury, and to the unjust detriment of the powers not engaged in the war.

Neutral Hamburg ships have been unlawfully condemned as prizes to British cruisers, because taken in returning from a neutral Russian port to their own home, with neutral cargoes, though the two mouths of the river Elbe were owned by the neutral Danes, and the neutral Hamburgers, the sovereigns of the district of the Ribenbittel or Rirzbuttel.—The high court of admiralty of G. Britain undertook to inflict the penalties of the breach of a legitimate military and hostile blockade against the manifest

rights of the two independent states of Hamburg and Denmark, in amity with G. Britain. This high handed act was a subversion of the legal and judicial order of the world, was calculated to deprive the neutral Hamburgers and Danes of their right to trade in supplies not only to France and her allies, but to interior German neutrals and allies of England, not maritime. The trade of these neutrals and allies themselves, in the sales of their own produce and manufactures to us, and in the purchase of foreign goods for their own wants of us and others, was also arrested. The dominions of the crowns of Austria, Saxony, Denmark, and other states, lie on the blockaded rivers Elbe, Trave, Ems and Weser.

In the memorable case of the Charlotte, captain Coffin, taken so long before as October 1793, and never decided upon or condemned through the whole war, which was ended by the peace of Amiens, in October 1801, the British court of admiralty appeals, after the renewal of the war, in May 1803, and condemned the vessel, explicitly proclaiming to France, that the government and admiralty tribunals of Great Britain intended to deprive France in that new war, of the profits of neutral commerce, in a greater degree, than in the former war of the year 1793.

The British admiralty courts condemned vessels which were not in their own proper ports or within the sphere of their jurisdiction, which had not been done before and which were even pronounced to be illegitimate condemnations in the war of 1793. This conduct also proved to France that a regard for law and judicial order and regularity in those courts had shamefully decreased, and was not corrected by the British crown.

The blockade of Havre de Grace, and the Seine, though communicated by Lord Grenville to Mr. King, as a measure to prevent a French invasion, was made the basis of condemnations by the British admiralty tribunals, perverting the constitutions and the objects of those courts, and confounding all ideas of legitimate or proper blockades with proper or ordinary or defensive cruising against an enemy; to the extreme injury of neutral navigation and trade and so as to insure the just resentment of adversary belligerents deprived thereby of the regular benefits of the usages of war.

A new doctrine was set up and adopted in the British admiralty, that a ship sailing from a West India island with true and positive bills of lading or contracts to deliver in the U. States, and no other; real port-lege bills or sailors contracts expiring there and no other; and under British or American policy of insurance confined in law and fact to the arrival in the U. S. must, even after landing, settling duties and freight and taking in the goods under a new bill of lading,

freight, policy and destination to an unblockaded port in Europe, be made lawful prize, on pretence that the second voyage was a part of the first: a plea set up in the war which followed the peace of Amiens. This pretence, that the second of these two distinct voyages was a continuity of the first, was against truth, reason and law. During these very strange doings in the British courts of admiralty, the British admitted our ships to be exempted from seizure for a destination to France, even though we sailed with that intention (by way of England) taking a licence from them. The intention and alleged continuity were not causes of condemnation, if we passed our ships and cargoes through the avenues of British monopoly. Such coercions and seductions of neutrals into British ports naturally created the highest ideas of injury and offence in the adversary belligerents; and a disposition to meet G. Britain in the same way.

The pliability and inconsistency of the British admiralty tribunals have been a source of deep and very offensive injuries to neutral trade and of corresponding detriment and provocation to the adversary belligerent, occasioned in a manner derogatory from public law and from the rights which result from the usages of war among civilized enemies. The importance of this ground for the just complaints of neutrals, and of resentment and excesses of the adversary belligerent, together with the length of this paper, occasion the delay of it for another number.

JURISCOLA.

* If a policy of Insurance; made in London with the co-operation of the subjects of the capturing belligerent, is not accepted to prove the precise existence and legitimate termination of the voyage to the exclusion of all ideas of pretended continuity, it is impossible to transact the business of the world. If a British policy is such a requisite and conclusive manifestation of the cardinal truth, then one of any European or other nation, in amity, must be so likewise.

From the N.Y. Columbian, Sept. 11.

Court of Enquiry.

The court of enquiry on the conduct of Com. Rodgers in the action between the President and Little Belt closed the testimony in the case yesterday, and will probably terminate the proceedings to-day.

The court, as heretofore stated, consists of

Capt. Stephen Decatur, president,
Capt. Charles Stewart,
Capt. Isaac Chauncey; &
The hon. William Paulding, jun. judge associate.

Of the evidence furnished to this court, on the oaths of the several witnesses examined, we present a brief outline, in the order it was adduced, and leave the public, in a case where doubt is impossible and conviction irresistible, to make its own comments. Whenever the proper leave is obtained, the proceedings in their official shape and extent, shall be given to our readers. The first witness examined, was