From the New-York Evening-Post.

NUMBER 4.

(Same subject continued.)

PRESIDENT's MESSAGE.

In consequence of the information received yesterday from Washington, that this measure of repealing the discriminating duties will be seriously and vigorously urged, that it has been already referred to the committee of commerce and manufactures, of which general Smith is chairman, and that three of the five members are in favor of it, we concluded to extend our remarks through another number, which would otherwise have closed with the last. We resume the subject where we left off.

When general Smith adds his authority to that of Mr. Giles, and informs us that "we not only build cheaper than other nations, but that we build better and *sail with fewer hands* and only therefore need *equal proposals to start upon*, he deserves just the same degree of credit, as when he tells us, that because tobacco pays 7-10ths of a farthing per lb. additional duty, *therefore the whole of our carrying trade will go into the hands of the British if we do not guard against the cantingency*. Since however the noble general has embarked so fully in this business, we hope he will permit us, in the stile of the court, *to tender him the aid* of our best advice, as to a previous step, indispensible as we think, to the success of his resolution. We would advise him and Mr. Giles, to draw up and sign with their own names a petition to his Britannic majesty, humbly praying that he would repeal the act of 2 and 3 Ann, made for the encouragement and support of his majesty's navy, and that instead thereof, that his majesty would recommend to his parliament as early as possible, to pass an act to do away all obstructions to the success of the aforesaid resolution, by enacting among other things, that no apprentices shall hereafter enter on board any ship or vessel, and that no hand shall be employed on the high seas, till he shall have attained the full and complete age of 21 years. Without they can effect something like this and much more, we fancy they will be very much puzzled to show how our vessels can be sailed cheaper than the British.

To return to a serious consideration of the subject, we ask, can our vessels afford to carry at *half* price, without any certain prospect of even a return freight? We must recollect, that it is admitted by the friends of the measure, that we shall by its adoption, lose the bringing of our goods *hither*: but, say they, to balance this loss, we shall have our produce *carried to* market cheaper. True—But by whom? Not by our own vessels, for the foreigner having unloaden her cargo, and being obliged to return home, will rather take a freight at half price than go in ballast: And can the American vessels get employment when another offers to do the same service at *half* price? The tender-hearted Mr. Giles, however, almost sheds tears of *sympathies* with these same Eastern and Middle States, because—*they* are to be *benefited so much* by the Resolution, without being aware of their impending good fortune. Let us hear the good man speak for himself; "As a member of a Southern state he could not feel directly interested in the question; so far only as his *sympathies for another part of the union*, more directly interested in the carrying trade, was he concerned; and his *partialities naturally* led him to wish their good, as well as the southern states." And then, "he was very sorry that a member from the eastward should mistake the spirit and tendency of this resolution so much as to suppose it was not calculated for the benefit of the eastern states." It really seems a pity that such an affectionate gentleman should lavish his regard where, it is to be feared he will not meet with a *countervailing* return.

"Now, for all this shew of regard to the eastern and middle states, we shall venture to say, that the measure is in direct hostility to those states, and expressly intended as it will assuredly operate, for the benefit of Virginia and those other southern states which are not their own carriers. One infallible consequence will be, to croud our shores with foreign adventurers in search of freight, and as these can underbid our own carriers, as we have already shewn, they will, of course, take the whole market. Virginia not owning vessels herself, depends altogether on others to carry her tobacco, rice, &c. she therefore, regardless who carries for her, asks only who will carry the cheapest, and this will always be the foreigner, he will of course be preferred. In the same proportion therefore as the price of freight will be lowered to the southern states by this measure, so much are they interested in its adoption. Hence we may learn how to estimate the tender-hearted sympathies of Messrs. Smith and Giles for the eastern and middle states—

Timeo Danaos et dona ferentes.

"This resolution, says Mr. Giles, "is calculated to place us on an equal footing with other nations." To give this information an inviting complexion, however, it ought to appear that we are at present on an *unequal* footing. But as the truth undoubtedly is, that, owing to our *discrimination*, we are on a *better* footing with foreign nations than they are with us—for us now to pass a law for the express purpose of putting ourselves on an equal footing, would be, (if we may adopt the vulgarity for the sake of the illustration) to *give ourselves an Irish hoist*.

Perhaps some of the believers in Mr. Giles recollecting what he has just said, that "the restraint of the [discriminating] law, retards and counteracts enterprize & industry," may be inclined to ask whether our commerce has this advantage over other nations, and whether it is owing to our discriminating act? We, therefore, here oppose to Mr. Giles, his friend, Smith, himself: and beg leave to refer the reader to one or two passages from general Smith's speech on this very occasion, as given in the Aurora. "We are now, says he, in a very different situation from that in which we stood on the passing of the *discriminating* law; at that period we had an insufficiency of tonnage, and it was necessary to create a competent quantity;" *discriminating duties* were laid; *the measure appeared to operate as a charm*; and beyond the calculations of commercial men, *our tonnage doubled* in a short period." Now then unless this general will undertake to shew that like causes will not produce like effects, it seems rather embarrassing to reconcile this declaration, with this resolution. The discriminating act, says he, doubled our tonnage; and he holds in his hand a bill to repeal this act. But he says our situation is changed, that is, as he himself explains it, bettered. Surely then, unless it is now *too* good, there is no force in the observation; but on the contrary, our situation is by the peace rendered more disadvantageous, and according to himself therefore, our trade, if any thing needs additional encouragement.

But let us hear Mr. Giles once more. "The British act is framed to *countervail the advantages* which we derived from a state of peace." It will be recollected that Mr. Smith had been observing in the outset of his speech, that we no longer possessed the *advantages* arising to us from the late *war*, and he was only solicitous to provide against the *disadvantages* which might be expected to follow from a state of *peace*; but, says his friend, it will *countervail the advantages* of a state of *peace*. May we be permitted to ask Mr. Giles what he means by *countervailing the advantages* of peace? *To countervail* a duty is to lay a duty of equal amount against it, and to *countervail an advantage* is to set against it an *equal advantage*, which would make the two even. Does this bright luminary then men that, if we derive *an advantage* from peace, and carry more than we did in war, the British have contrived by this act to carry more too? And is this the *contingency* against which we are to provide, *or our whole carrying trade go into the hands of the British?* In what ridiculous and disgraceful absurdities does a man involve himself by undertaking to assign reasons for a measure, which he cannot fairly defend, and which it is very certain he does not understand?

It must by this time be evident we think, to every reflecting reader, that this resolution is, as it respects the United States at large, calculated to promote the very evil which it makes show of encountering. It will remove an obstacle, which now lies in the way of all foreigners, and prevents their coming into our ports and taking from us our carrying trade; for it is not pretended that its operation will or can be confined to the British. The measure is, in this respect, at direct variance with the policy of all nations, which is and always has been to adopt and preserve such regulations and restrictions as to foreign tonnage and importations, as to afford their own shipping such a decided advantage over foreign shipping as almost to ensure them the carrying trade of their own country. The immediate consequence is a relaxation in our navigation, the staple of the eastern and middle states; thereby throwing out of employment that numerous class of valuable mechanics, who are more or less connected with ship building; it will drive a great portion of our sailors into foreign service or leave them at home without employment, and consequently without bread; by destroying the nursery for our seamen, it will weaken our principal reliance in time of war---a point of immense national importance. As to the effect on the revenue we have seen what that would be, and that for the last ten years, it would have amounted to a loss of 4,500'000 dollars.

And what, we ask again, are the good effects to be expected? Are they not undefined, and do they not altogether rest in conjecture? On wild incoherent guesses? And those too the guesses of gentlemen, one of whom appears to know nothing at all of the subject, and the other owes it to our charity that his misrepresentations are allowed the shield of similar ignorance?

Our commercial treaty with Great-Britain expires in less than two years from this time, when it is expressly contemplated in that instrument, that the two nations shall renew their negociations, "for the more exact equalization of the duties on the respective navigation of their subjects and people in such manner as may be most beneficial to the two countries."

It was supposed that it would require two years for either nation to be able correctly to estimate the effects of peace on their commerce, so as to afford a basis for placing them with respect to each other, on a permanent and mutually advantageous footing. And does not common prudence then require us to wait for this period and see the consequences?

But the president declares that it is with *satisfaction* he finds that "the British parliament have anticipated the subject so far as to authorise a *mutual* abolition of duties and countervailing duties." We shall not stop here to enquire by what authority the British parliament can pass a *mutual* law between the countries, but cannot avoid observing that after the preceding discussion, no one, we fancy, will doubt the readiness of Great-Britain to abolish the countervailing duties on her part. Her statesmen would have shown themselves less quick-sighted than we have ever known them, if they had refused their acquiescence to a measure so unequivocally in favor of their own commerce. Have we not seen that the annual balance of duties has been greatly and invariably against her, and that by this "*friendly* accommodation," as our president calls it, she effectually removes this *unfriendly* balance at a stroke? Without meaning to call in question the liberality of that country in this instance, still we cannot regard this measure in any other light than merely as an acceeding on her part to an invitation given on ours (for we do not forget that this has been stated on the floor of the house of commons) in which her inclination and her interest are no way at variance with her complaisance.

While engaged in writing the above paragraph, a gentleman has called at the office who was in London at the time this subject was before the British parliament, and assures the editor that but one impression prevailed there at that time, which was, an unaffected surprise that the Americans should thus hastily abandon the only navigation act they ever had, and the constant operation of which, had been highly beneficial to them. Well might they express surprise; but they knew not what it is for a nation to be blessed with a philosophical chief magistrate, who substitutes the theories of the closet for the wholesome lessons of experience; and who, instead of consulting the good of the whole, suffers himself to be influenced by petty local views and interests.

The president has chosen to tell us that the conduct of Great-Britain in this particular shews a *spirit of justice*, but the truth is, this is an affair of mere profit and loss, in which each side is supposed to calculate on the basis of gain; *justice* and *injustice* has no more to do with it, than it has in regulating what articles shall be deemed contraband of war. This observation is only indulged here to shew in how very loose a manner Mr. Jefferson writes, and how very loosely he thinks too. All we have to consider is, whether the existence or the abolition of the discriminating duties will be most advantageous on the footing of commercial gain—if advantageous, let us retain them as long as we can, that is, till the time contemplated in the treaty, the end of two years after the late peace between Great-Britain & France—if disadvantageous, let us instantly abolish them. But in judging of this we humbly entreat congress will be willing to take into consideration the interests of the middle and eastern, as well as of the southern states; and cannot but indulge the hope, that the commerce of our common country will not be sacrificed to partial interests or to a *dog-in-the-manger* ENVY.

Congress of the United States.

HOUSE OF REPRESENTATIVES.

Wednesday, December 29.

Mr. Gray addressed the house in the following words:

Mr. Speaker,

I rise to offer to the consideration of this honorable house, a subject of an uncommon nature.

In order that the crime of murder may no longer be deemed honorable, and with a view to mark with disgrace a wicked and pernicious practice, which has lately destroyed the social harmony of some of our fairest cities, and brought some of our most valuable citizens to an untimely end, I move the following resolution.

Mr. Gray then offered a resolution for the appointment of a committee with instruction to enquire into the expediency of disqualifying any person from holding an office under the government of the United States who shall hereafter be concerned in a duel, or in sending or carrying a challenge.

Ordered to lie on the table.

John C. Smith, from the committee of claims, made a report on the petition of Charles Hyde. The report disallows one part, and sanctions another part of the claim of the petitioner.

Referred to a committee of the whole on Friday next.

Mr. Southard offered a resolution for the appointment of a committee with instructions to enquire into the propriety of granting further time to the proprietors or holders of military land warrants to obtain and locate the same.

Carried, and referred to a select committee of five.

Mr. Davis called up his resolution instructing the committee of elections to enquire whether Mr. Van Ness had not forfeited his seat by accepting the appointment of major in the militia of the territory of Columbia.

Mr. Van Ness said that so far as the decision of the house might affect him personally, he felt little concern; but so far as it affected him as a representative of an important state, he was not so indifferent. He had no objection whatever to the proposed enquiry being made. As it involved the decision of an important principle, it deserved great attention. He had no doubt of the enquiry being made with that candor and fairness which, in most cases, characterized the proceedings of the house. He was far from imputing any impure motives to the mover or seconder of the resolution. It would be as derogatory in him to impute, as in them to entertain, any views dishonorable or base. He had risen barely to state his wish that an enquiry might be made.

Mr. Elmendorf proposed a verbal amendment, which was not agreed to.

The resolution was then adopted without a division.

Mr. Davis said that while on the subject of seats improperly held, he hoped another member would, by resigning, relieve the house from the necessity of deciding on his case. He questioned whether a territorial delegate could represent a state. He alluded to the state of Ohio. It appeared to him that a state must be represented in a full manner, by representatives entitled as well to vote as to debate. The gentleman, therefore, who held his seat as the representative of the territory, could not remain in that character after the territory had become a state; neither could he be considered as the representative of the state, inasmuch as he had been appointed under the territorial government. Mr. Davis concluded by giving notice that unless the gentleman resigned, he should offer a motion to vacate his seat.

Mr. Randolph said that on examining the rules of the house, he found two to which he wished to draw their attention. One in the following words: "When the reading of a paper is called for, and the same is objected to by any member, it shall be determined by a vote of the house." This rule had yesterday been decided (and in his opinion correctly) to apply only to papers *already in the possession of the house*, and not to those which had never before been heard. But, sir, said Mr. R. I find another rule directing that all petitions, memorials and other papers addressed to the house, shall be presented by the speaker, or by a member in his place, and a brief statement of the contents thereof shall be verbally made by the introducer, &c.---- And wherefore? That the house may not be betrayed into the reading of that which it might be indecorous in them to hear. Conceiving, then, that they should be guided in the interpretation of their rules by the same principle which governed courts of justice in the construction of a law; 'the adopting of such an interpretation as would give meaning and efficacy (if practicable) to every part of the instrument;'—he had yesterday been compelled, however reluctantly, to differ from an authority eminently entitled to his respect. Since, whilst he concurred in the construction given to the rule which he had first read, he could not perceive that the right of the house to *refuse* to *be put into possession* of improper matter, was thereby at all affected. Otherwise the provision contained in the second rule, was rendered altogether nugatory.

But since it had been adjudged that any communication however volumnious; any petition however frivolous; any memorial however foreign to their jurisdiction; any paper however it might insult the dignity, however it might derogate from the honor of the house must, if required by a single member of necessity, be read; he conceived it his duty to endeavor to relieve the house from the embarrassment of being compelled to listen to a libel upon itself. To refuse which was, as he conceived, a right inherent in every deliberative assembly. He had drawn his proposed amendment in such terms as to leave untouched the sacred right of petition. A right which no one prized more dearly, and no one was more disposed to cherish and defend than himself. This important privilege he believed would not be affected by the resolution which he was about to offer. Since where redress of grievance was really sought the petitioners had always the choice of inoffensive terms in which to express themselves, and nothing was more easily discernible than a petition whose object was the benefit of those preferring it, and one which was made a cover to insult those to whom it was preferred. He concluded with moving the following amendment to the rules of the house to be inserted after that which had last read:

"That if any petition, memorial or other paper, so presented, shall, in the opinion of any member, contain matter insulting to the dignity or derogatory from the honor of the house, the reading of such paper shall, if objected to, be determined by a vote of the house."

Mr. Eustis observed that by the decision of yesterday, it appeared that every paper presented to the house must be read. If that decision was correct, the house had tied itself down by its own rules and subjected itself to the necessity of hearing every paper offered, however long, or however improper.

Mr. Eustis said it appeared to him necessary that this evil should be remedied. But he could not think it necessary to confine the power of exclusion to matter derogatory to the dignity of the house. There were other good causes for exclusion; the length of a paper; the manner of it being offensive, or the matter. It appeared to him a first principle that every paper offered was in the possession of the house, and might be read, or not. He had, therefore, wished the resolution of the gentleman from Virginia had been predicated upon a broader principle, viz. that if the reading of any paper should be objected to, the sense of the house should be taken. Suppose, said Mr. Eustis, I present a petition containing 150 pages. According to the rule, the reading of it cannot be dispensed with but by general consent, not even for other business of the greatest importance. Mr. Eustis then moved the following amendment of Mr. Randolh's resolution:

"But if any petition, memorial, or other paper, so presented, shall in the reading be objected to by any member, the further reading of the same shall be determined by a vote of the house."

A member enquired, whether as the resolution and amendment went to rescind a standing rule of the house, it was in order to decide upon them the day on which they were offered.

The speaker declared it was in order, as they did not go to rescind, but only to amend the standing rules.

The resolution and amendment were then taken up for consideration, when, on motion of Mr. Varnum, they were referred to a select committee, consisting of Messrs. Randolph, Eustis, and L. R. Morris.

Thursday, December 30.

Mr. Claiborne presented the petition of Sampson Henderson, praying pecuniary relief. Referred to the committee of claims.

Mr. Mitchill moved a resolution for the appointment of a committee for enquiring into the expediency of amending and revising the several acts respecting patents and copy rights, to report thereon by bill or otherwise.

Before offering the resolution, Mr. Mitchill observed that his object was to simplify the existing statutes respecting patents, by comprising them in one act.

Resolution agreed to without a division.

SALEM, December 23.

Arrived at the Vineyard, on Sunday last, ship Adventure, captain Benjamin Webb, of this port, from Calcutta. Left there, 2d August, the following American vessels; brig Sally, Ashton, [illegible] port, to sail in 20 days; ship Essex, [illegible]rne, of do. just arrived; ship Bonnetta, Lauder, of Boston, to sail in 20 days. Spoke in the river, a ship belonging to Baltimore, Solomon Russell, master; ships Ulysses, Mugford; Commerce, West, and Martha, Shillaber, all of Salem.

BOSTON, December 23.

Extract of a letter from a gentleman on board the ship Hazard, captain Rowen, of Providence, to his friend in this town, dated Valperaso prison, April 16, 1802.

"By this opportunity I inform you of my misfortunes, as well as of a number of my countrymen. On the 1st of April we were boarded by the Spaniards, and were plundered and assaulted; several were shot and stabbed, others cut and beat in a very cruel manner. The captain had his coat torn off his back, and we were all thrown into prison without a rag of cloaths to wear."

NEW-YORK, December 29.

Yesterday arrived here the British packet Lady Arabella, captain Porteus, in 50 days from Falmouth, with the November mail. She sailed from Falmouth on the 9th of November, and brings London papers one day later than heretofore received. As the mail was not delivered at the post-office in time for the delivery of letters and papers, we are unable this day to give any articles from the paper of the 7th ult. which we shall receive this morning.

Passengers in the packet, Mr. Notnagel, of Philadelphia, Mr. Dawes, Mr. Vandershot and Mr. Enssen.

Arrived on Monday night, the brig Paisley, Johnston, in 15 days from Cape-Francois. Sailed in company barque Mary, for Norfolk. Spoke, off the Cape, sch'r ——, Codwise, in 21 days from Philadelphia, bound in. Dec 15, lost sight of the Mary, and came up with the French ship le Prudence, three days from the Cape for Baltimore. Same night came up with the ship John, 8 days from the Cape for Turks-Island, but could not get to windward, so that the captain thought proper to bear away for New York. In lat. 37, 30, spoke the brig Commerce, 2 days from New-York, for Alexandria.

Same day, the Spanish ship Primrose, Taggert, in 17 days from Havanna. Left brig William, Thompson, of New-Haven, for New-York, in three days; sch'r ——, Hubbard, to sail for do. in 3 days; sch'r ——, Frost, of New-York; schooner Hiram, Rogers, of New-York, bound to leeward; ship ——, Bartley, of New-York, do. Sailed in company, and got ashore on the Florida reef, the ship ——, Pratt, of and for London, and would probably be lost. No American vessels admitted; but a few under Spanish colors, were permitted to trade to America with particular cargoes. Flour was 12 dollars, the duties on which amounted to 6 dollars and 50 cents! Captain Taggert informs, that an order had been sent from Havanna to the government of New-Orleans, to deliver that place up to the French!

Same day, the French sloop Elizabeth, Bardaix, in 47 days from Cape-Francois. This sloop was sent off immediately after the death of Le Clerc, with a French officer on board, with dispatches both for the French minister, and for the government of the United States.

December 30.

We have perused letters from Cape Francois of the 14th of December, received by the Paisley. One of them under that date, says "An advice boat arrived here this day with 200 troops from France. They left France in company with a fleet, having on board a reinforcement of 14,000 men, which may be hourly expected. Notwithstanding the present favorable weather, the sickness continues to a very alarming degree."

Other letter state, that immediately on general Rochambeau succeeding to the command, he ordered a detachment of troops to Fort Dauphin, who retook that place from the negroes.

Extract of a letter from a respectable house at Paris.

(By the Richmond, from Havre.)

"The bills of general Le Clerk on our government, that I hold, have been paid, as well as a large amount of others, held by different individuals here; and I have no doubt but provision has been made for the whole amount."

A French corvette arrived on Tuesday from Cape Francois, with dispatches to our government. She brings nothing new from thence, having had a passage of upwards of forty days. The death of general Leclerc, we understand, is not much lamented by the French troops, who place more confidence in general Rochambeau's skill and experience.