

AN
EXAMINATION
OF
THE CONDUCT
OF
GREAT BRITAIN,
RESPECTING NEUTRALS.

“ The ardour, with which the British ministry embarked in the war against
“ France, was presently manifested by, perhaps, the most extraordinary
“ proceeding, that ever appeared upon record: and this was to force the
“ neutral powers to unite in the combination to crush the French republic”.
[British annual register of 1793.]

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AN
EXAMINATION
OF THE
CONDUCT OF GREAT BRITAIN,
SINCE THE YEAR 1791, &c.

No. I.

AN enlightened state of the public mind is no less necessary to the political morality of a worthy nation, than “*a well informed conscience,*” is to the private virtue of an honest individual. In this view, the mild but perfect illumination, given in a recent state paper* to the rights of our flag, in relation to persons of all descriptions sailing under it, appears to be of the highest importance both occasional and permanent. With that paper more than three years before them, neither the friends of England nor the opponents to our administration have been able to shew, that foreign navies can lawfully exercise a right of search, as to any but “military enemies” even in our private vessels. The public mind, thus aided by every pertinent light and perplexed by none, which is not pertinent—makes in the present crisis a conscientious and determined stand upon the noble ground of ascertained truth. It is in vain, that some regret, that the citizens seized on board the frigate Chesapeake, were permitted to go to sea in her, after they had been demanded by the British. This, though it may have been otherwise intended, is an implied censure on Great Britain; because it presumes, that her character is so irregular and violent, that it was to have been expected, that her officers would

* The Letter of Mr. Madison to Mr. Munroe, of January, 1804.

attempt to seize our men, at a moment of peace, in one of our ships of war. The rights of this country to the voluntary services of its own citizens, cannot be suspended or destroyed by foreign irregularities.—We wanted the men, and the men made their own side of the contract by a voluntary engagement in our frigate. It is necessary to observe too, that the right of our own citizens to be employed in the line of their proper occupation, as mariners, cannot be suspended or destroyed by foreign irregularities. The government had offered agreeable employment, and the captured seamen had accepted it of their own accord. British impressment, odious and pernicious as it is, would be rendered infinitely more so, if it could deprive this country of its right to employ its own people, and if it could deprive any class of our people, of their right to be so employed by their native country. A few such feeble and unsound suggestions, relating to a single occasion, are the whole that is opposed to the mass of truth, reason and universal public law, which composes the state paper concerning impressments.

It is true, that the diplomatic letter in contemplation was written and published long before the outrage on the Chesapeake, but its relation to that case has rendered it a subject of the severest scrutiny, by adversary minds.

An anxious solicitude to promote the diffusion of similar truths, in regard to neutral spoliations, and vexations, leads to the present attempt to place the conduct of England, in other respects, in the same just light. It is true that the learning, and the strength, which ensured to our rights on the subject of impressment, an absolute demonstration, are wanted here. But the same anxiety for truth and for justice to our seamen, our merchants and our country, which moved our minister of state, may operate on a citizen, unequal to the task. At all events, he will faithfully contribute to the public cause, *the mite* he possesses.

It is well known to America and Europe (for the appeal is made with confidence to the whole civilized world) that this country, in common with other neutral states, has been extremely harrassed and injured by the conduct of Great Britain in the wars, which have been occasioned by the

French revolutions. At the crisis of the apparent maturity of our negotiations with the British government in the close of the last year, these aggressions had risen to the most offensive and injurious height. The writer of these pages does not pretend to any official information (for he writes not on the motion nor even with the privity of any other person) but he ventures to affirm from abundant and conclusive evidence before the public, that after the form, the substance, and one of the copies of the digested treaty had received the assent and signatures of Messrs. Monroe and Pinckney, and in the final act of delivering the British counterpart, deliberately signed also, a written note was presented by their negotiating ministers, to our ministers, purporting that though the treaty was thus formally signed and exchanged, yet the British government would consider themselves as entitled to do towards the United States whatever we should sustain and permit from the French, in consequence of their decree of the 21st of November and, of course, of any other such decrees*.

No observation is intended to be made here upon this *British accompaniment* of a treaty matured and mutually signed after the decree of the 21st of November, was known. That extraordinary act has happily met with its proper treatment,—an open stand,—calm, decorous, intelligent and firm. So far as our country understands and considers the subject, it is strongly with the government on this point, and that too in the case of many persons eminent in the walks of party opposition.

The state of mind displayed by the British government, in thus endeavouring to draw us into a situation of assent to this dangerous and unwarrantable attempt of theirs, and the spirit of perseverance in wrong, they have manifested in their various orders of council of January 7th and of other dates in this year, have given rise to an opinion, that it would be of the greatest public utility to place before the nation, some of those anterior, successive and numerous acts of the British government, which have illegitimately thrown the neutral states into situations of unprecedented hardship and injustice, and which the history of the British

* See the publication, concerning the proposed treaty at New-York in Sept.

operations since 1791, will prove to have brought on many of those acts of the French and Spanish governments, which resemble the decree of the Emperor of France of the 21st November. Indeed, the conduct of England since the year 1791, would, if unopposed, effect a complete revolution in that wise and virtuous government of independent states, which has been happily secured by the universal law of nations.—It is our duty, our interest, and our right, calmly and freely to examine the subject, that we may be prepared to determine on the conduct we ought to pursue, in the critical season before us.

In order to bring the matters in contemplation, into a clear and defined shape, we decently, but explicitly submit to the whole world, *the high charge, that Great Britain was the first beginner of the illegitimate measures pursued to embarrass and spoliage the neutral commerce of the U. S. since 1791—that she has pursued it so early, so constantly, in a degree so extreme, and in a manner so unprecedented, that she is deprived of every pretence, in reason or under the law of nations, to a right of retaliation, in respect to her enemies, or as a matter, which the impartiality of neutrals ought to permit to her.*

After explicitly taking this serious ground, we shall proceed with the subject, and we shall first notice some contrary suggestions, which have been heretofore made, or appear to have been intended, by respectable persons in our own country.

No. II.

It has been asserted, and was for a time, believed, “ that the government of France has an indisputable title “ to the culpable pre-eminence of having taken the lead “ in the violation of neutral rights; the first instance, on “ the part of the British government (referring to their “ order of the 8th of June, 1793) being said to be nearly “ a month posterior to the commencement of the evil by “ France,” referring to the decree of the French Convention of 9th of May 1794. These are the words, in which

that charge was brought in 1798, against the French government, by the writer of a series of papers in the *Gazette of the United States*, entitled, "The Warning," and signed "Americus." Those papers were manifestly written by a person very minutely informed concerning the transactions of our government, and have been generally so considered.* It is proposed to show that he was greatly mistaken, and that, he but slightly viewed the surface of the subject.

It is an important matter of observation, that a similar way of thinking seems to have existed even in the executive branch of the government, immediately before the publication of "The Warning," referred to above; for, in an official report, it is observed, that, "It may be proper to remark here, that this decree of the Convention" (that of the 9th May, 1793, mentioned in the next preceding sentence) "directing the capture of neutral vessels laden with provisions and destined for enemy's ports, preceded by one month the order of the British government," referring to that of June 8th, 1793. It is true, that there is no direct assertion, that either that British act, or that French act, is the leading act of violation committed by England or France upon the neutral commerce; but the passage unavoidably carries the idea to the reader, and has occasioned some, who have not well examined the subject, to believe that the report exhibits a proof, that "France" in the language of Americus "has really taken the lead in the violation of neutral rights."

Let us examine the evidences we possess, with seriousness, decency, and that candor, which the subject demands.

There is among the records of the department of state, and in the British and American collections of state papers, clear and positive evidence, that England had deliberately matured and consummated the system of violating the neutral commerce above six weeks before the French decree of the 9th of May, 1793, and this too in the most unprecedented manner. Our late minister in London, Mr. T. Pinckney, communicated to our secretary of state, in his letter of the 5th July, 1793, that lord Grenville had ex-

* Written by A. Hamilton Esquire.

plicitly and unreservedly avowed, that the captures of neutral vessels, as directed by the British order of the 8th June, 1793, to that end, were fully understood by both Russia and Great Britain, to be within the intention of the convention between them, which was signed by those two governments at London, on the 25th day of March 1793. From the very extraordinary nature of that convention between Russia and Great Britain, from the distance between Petersburg and London, and from the season of the year, it cannot be doubted, that this important contract, which was mutually signed on the 25th of March, 1793, must have been originated in the autumn of 1792, by the Empress and the British king. In the correspondence between our secretary of State and our Minister in London, we do not perceive the least suggestion of the influence, as an example, of the French decree of the 9th of May, 1793. Such a plea could not indeed possibly be made by lord Grenville, who knew and avowed, that Great Britain had previously bound herself by a solemn compact with Russia, to observe the very conduct, of which the neutral powers complained. Lord Grenville, and the British minister then resident here (Mr. Hammond) have, in their written communications, uniformly pretended, that it was regular and right, under the law of nations. The British government, no doubt, gave their prior orders to the commanders of their ships, as soon as the convention with Russia was signed, that is, in March, 1793; and it is to be presumed, that the known detentions of neutral vessels in the British ports, so early as the autumn of 1792, and the captures of neutral vessels, which the French government assign as the justifying reasons of their act of May, 1793, were made in consequence of the negotiation and completion of that convention and of those first orders. In confirmation of these suggestions, we find that the French minister, M. Chauvelin, in London, strongly remonstrated, in November 1792, against the detention of neutral vessels in the British ports, laden with grain, as contrary to the law of nations, and to the existing treaty of 1766, nay, even as contrary to the laws of England. The British ministry actually applied for an indemnity to parliament. These facts followed by the captures of neu-

tral vessels, after the French minister was ordered from London, on the 24th of January, 1793, and prior to the Russian convention (March 25, 1793) with the avowed design and meaning of the convention between England and Russia, manifest and establish a system, on the part of Great Britain; long premeditated, deliberately begun and continued, and ultimately confirmed by a solemn engagement with the powerful court of Russia, all prior to the French decree of May 1793. The French minister in London, openly remonstrated against the earliest of these measures of the British government, as calculated to produce a famine, on the 7th January, 1793. (State papers, page 235). It is very important to remark that M. Talleyrand (the Prince of Benevento), who is now the minister of foreign affairs in France, was then in London, as the authorised and confidential director of M. Chauvelin. He was also in this country, when the late president Washington made his honest demurs to the provision article of the British treaty of 1794.

The British orders of the 8th June, are expressly called by themselves, "*additional instructions*". The English secretary of state made pretensions to a *right* to adopt such measures, in his negociations with our envoy (Mr. Jay,) and in the formation of the treaty of 1794 with the United States. It is not perceived, therefore, in what manner the French decree of May, 1793, can have *produced* this conduct of Great Britain.

Certainly France acted an unwarrantable part towards us and the other neutrals, in her decree of May, 1793. But having an immense population to support, and with a prodigious band of sailors and soldiers to feed, almost completely shut in, on the land side, by the hostile Netherlands, Germany, Italy and Spain, expecting no grain from the swarming hives of Switzerland, and closely watched by the inimical fleets of Russia, Sweden,* Holland, England, Spain, Portugal, and the Italian states, her *just and founded* apprehensions of a *ruinous and distracting famine*, appear to have been quickened by the instances of capture, some of which are particularised, and others of

* The last king of Sweden was very unfriendly to the revolution in France, till his death.

which are expressly though generally noticed, in the decree of the convention*. Although these circumstances are *absolutely insufficient to justify* France they afford a degree and kind of extenuation for her *following* the empress of Russia and England, which those powers cannot plead for their prior and leading acts, and for the captures and detentions anterior to and during the pre-existence of their convention. That we considered the conduct of Great Britain at the time, as under all circumstances, by much the most exceptionable, must appear certain from our sending a special envoy to London in 1794, and not sending one to Paris. This observation appears the more natural and reasonable, because we had resident ministers, in 1793 and 1794, at both places: Mr. G. Morris in France, and Mr. Pinckney in London. The object of these papers is not at all to justify the spoliations committed by France, nor is it wished even to extenuate them in the smallest degree. That any comparative ideas have been admitted into this investigation, is merely because they unavoidably arise in a free discussion of the subject. To ascertain that any particular measure is not of a certain alleged nature, it may be useful and necessary, to determine of what nature it really is. If fears of famine, and of a concert to produce it, both which now appear to have been well grounded; and if the influence of English and Russian *examples*, have led France to adopt a culpable and unjust measure towards us; still it appears true, and it is important in this investigation, that there really is a number of most serious and premeditated instances of the evil on the part of Great Britain, prior to the French decree of May, 1793.—The contracting parties, England and

* It has been already observed, that M. Chauvelin, the French minister, particularly grounded a part of his remonstrances to Lord Grenville in November, 1792, upon the tendency of the British measures to produce famine or the fear of it in France. The memorial of the English minister, Lord Auckland, to the Dutch government (April 5, 1793) holds up famine, as a calamity about to afflict France, he knowing that the Russian convention had been signed in London, eleven days before—and the empress of Russia, in July, 1793, informed the court of Sweden, that, in consequence of an arrangement made with his Britannic majesty, she had given lawless instructions to the commander of her “fleet, to stop and compel all neutral ships, bound to or freighted for France, “either to sail back or enter some neutral harbor.” Now it is certain, that the convention of the 25th March, 1793 was the only arrangement, that was executed between Russia and England, between that day and July 30, 1793.

Russia, bound themselves to use all possible means with the neutral states to prevent their accustomed and lawful commercial intercourse with France;—from which, among other things, that republic drew many of the comforts and necessaries of life, and the neutrals drew just and fair advantages to the farmer and merchant.

It is of the utmost importance that we have the explicit declaration of Lord Grenville, that it was in execution and fulfilment of this convention of March, 1793, that the British additional orders of the 8th of June, 1793, were issued. The English secretary of state did not allege, or even intimate, that the French order of the 9th of May was the cause. He knew Great Britain had previously thereto, committed detentions of neutral vessels with grain, and had commenced depredations on neutrals, in the manner set forth in the French declaration of war in February and in the decree of the convention of the 9th May, 1793—and he therefore plainly assigns the British concert with Russia, and a pretended authority from the law of nations, as the true and only causes; and it is upon this British and Russian pretence, that the provision article of our treaty proceeded on the part of the English. Even injured and reluctant America was induced or compelled to yield to this new and illegitimate system of England and Russia. It seems particularly worthy of remembrance, that Lord Grenville also alleged, that Spain would act as England had done, in regard to the neutrals—and we know that Spain did act accordingly*, in the course of the year 1793. We therefore clearly owe our spoliations by Spain, to the support, influence, and persuasions of England and the empress of Russia, in pursuance of the extraordinary convention entered into by them in March, 1793.—A convention, which is not only calculated, by its dreadful ex-

* A treaty was made by Great Britain with Spain, in the very terms of the Russian and British convention:—Also with Austria and Prussia. *This doctrine, so injurious to the trade of the neutral powers, has, therefore, by the zealous and hostile procurements of Great Britain, been extended throughout the councils of Europe.* France, even in her most extreme moments, has certainly been less active in reciprocating it; for with all her influence over the Dutch and Spanish councils, we do not find that stopping of neutral vessels bound to England, has been committed by either Holland or Spain. Even the French decree of November, 1806, is short of the monstrous British convention of 1793, which declares war against *all* trade between France and the neutral countries.

ample and obvious tendencies, to bring down upon France and all future belligerent nations unprecedented and awful miseries, but to inflict upon all neutrals, however peaceful and equitable, the suspension of their ordinary and rightful navigation, the prevention of the sales of their most valuable commodities, the interception of their supplies of foreign comforts and necessaries, and the dependent revenues from exports and imports. It is also, too well calculated to embroil neutrals with the other Belligerent powers. If Portugal should be involved in the present war, England acting upon this principle, would suspend the accustomed and lawful commerce of the United States, with nearly all the civilized world; and France, invited by these examples from 1792, and prompted by notions of interest and necessity, would suspend our rightful commerce with all the rest. In these views, *the convention of 1793*, between Russia and Great Britain, as unreservedly and clearly explained by Lord Grenville to Mr. Thomas Pinckney, is a matter of the *most serious* importance to the United States. It is the real and illegitimate foundation of all the neutral sufferings. To acquiesce in the doctrines and principles which are its avowed basis, must go far to destroy the merchant, the fisherman, and the mariner, and must deeply wound the manufacturer, the planter, and the farmer. No class of citizens—no description of property can escape the direct evil, or its immediate consequences.

Upon the whole, we cannot fail to recognize the British, as *the real devisers and originators* of this grand scheme of neutral sacrifices. The writer of this paper will only add, that it is not to aggravate this country against Great Britain, that this publication is now made, but to promote a prudent and united endeavor, by all parties in America, to terminate British irregularities by a calm, decent and determined stand.

No. III.

The most interesting considerations appear to invite to further temperate and candid discussions of this subject, at the present crisis. This brief investigation, was respectfully and unreservedly communicated, in the early

part of 1797, to the executive, nearly as it is printed, in the two first numbers, with the writer's name. It is hoped, that candour, prudence and decency towards the government and the public interests, were manifested. The subject was not deemed at all proper for open discussion at that moment. Yet it appeared very hazardous to the country, that it was so connected with political inconvenience; for the inculpation of France, in a case clearly and imperiously demanding the inculpation of England *as the originator*, seemed to be made in America, not only without refutation, but even to the apparent conviction of our government. Now, when danger exists, and the Legislature are perhaps about to determine upon important measures, the freedom of the press is used to lay the investigation, with decency and moderation before them and the country.

It will not be denied, that the British proclamation of the 15th of November, one thousand seven hundred and ninety two, and the accompanying directions of that government to their custom-houses, did prevent ships and provisions belonging to powers at peace with all the world, from proceeding to France, contrary to what might have been done by the English statutes, contrary to the French treaty, and contrary to the faith and law of nations. It is certain, that there was then a dreadful war for the principles of liberty, the right of interior government, and the integrity of their dominions, between France on the one part, and Austria and Prussia on the other.

As England was not formally nor actually at war, she was a neutral also; and, though a neutral with numerous treaties of peace and commerce, she acted contrary to the rights, as well of neutrality, as of justice, amity, and peace, in interrupting her sister neutrals in their lawful movements to the ports of belligerent France, from the ports of peaceful Britain, at which those neutrals had touched, or in which they had purchased or laden cargoes, upon the faith of nations, and under the protection of the British statutes and treaties. This conduct, though strongly complained of by France, was repeated, until and after M. Chauvelin's last representation, on the 7th of January, 1793. The friendly vessels of France were similarly treated by neutral England. Thus we see, that England, even when a neu-

tral power herself, so early as 1792, promptly violated the rights of neutral commerce, in open defiance of the law of nations, of various treaties with neutral states and France, and of her own statutes! The ships and property of France (it is repeated) were treated in the same unwarrantable manner, and her legislature resounded with loud complaints. *The French were thus early, plainly, and unquestionably instructed in a lawless method of procuring the indispensable staff of life, at the expense of neutral rights.* But it was pretended by *American* apologists, that it was a measure of general policy in the court of St. James, to guard against a scarcity of grain in Great Britain. This, if true, would only prove, that England promptly violated the neutral rights, to guard, by anticipation, merely against a *possible* scarcity, when she enjoyed interior order and peace.—The original high charge forcibly recurs; *she did thereby set the fatal example of violating neutral rights.* It was several months before France followed her in any similar measure, though urged by the necessities of an internal revolution, and by foreign war, and though under the actual pressure of a famine. But it is manifestly not true, that this British conduct was to guard against scarcity at home; for, on the 15th November, grain was declared inadmissible in Liverpool, at the low duties, and England permitted foreign grain to be freely cleared out in 1792, for all other places except the ports of France, even to supply the enemies of that country, while she ordered her custom-houses to refuse its exportation to France alone. Will it be said that England excluded grain from Liverpool, her great manufacturer's provision market, and permitted it to be exported to all her own friends, and to all the enemies of France, in order to prevent a deficiency of subsistence in Great Britain? But the reality of the intention of distressing France by these prohibitory measures, is indisputably proved by the English refusal to permit the exportation of blankets, cloths and cordage, to France, in 1792, contrary to law and treaty, which actually took place. Perhaps, however, we are expected to believe, that it was intended to feed the good people of England upon bale-goods, iron manufactures, gun powder and cordage.

We have been told that France did not complain of the English stoppage of grain, as an infraction of neutral rights. This, if true, would not alter the injurious nature of the British conduct. It was most natural for France, who was at war with Austria and Prussia, not to complain as a neutral, but to remonstrate as she did, on various grounds, that her treaty was openly broken, and that the laws of England were deliberately violated to injure her alone. But she went further: she declared on the 7th of January, 1793, by M. Chauvelin, her resident minister in London, to Lord Grenville, that *England had broken faith with all Europe*; that foreign merchants had been induced to send their cargoes of grain to British ports by an English proclamation, dated soon after the 15th of November, 1792, which took off the prohibition from foreign grain; and yet, that their foreign grain so imported, was refused a clearance for France alone, about four weeks afterwards. M. Chauvelin treated these measures as highly injurious and offensive, nay, as actually hostile to France, in which he was perfectly regular. He could not with propriety go further than incidentally to make a general representation of a breach of faith in regard to other nations, seeing that they all had ministers on the spot. This criminating representation he did make in the most explicit and serious terms. It appears that Lord Grenville acknowledged, on the 9th of January, 1793, the receipt of M. Chauvelin's representation of the 7th, about the British measures concerning *grain*. He, however gave no other reply to its strong and solemn complaints, but that of declaring, that the English proceedings about the exportation of grain, &c. were founded on political motives of jealousy and uneasiness. He does not deny *one* of the facts brought forward by the French nor pretend that they were measures intended to prevent want in England*. The neutrals re-

* During the time of the transactions we have just stated, British influence and example were leading other powers to injure France and the neutral states. Their own writers inform us of this. The *British State of Europe and Annual Register* of 1793, records that "when the British ministry laid an embargo on *all* vessels in the British ports *laden with corn for France*, the French envoys, consuls, and residents, at Hamburgh, Lubec, Bremen, &c. contracted for corn in those places, &c. In a short time the king of Prussia (then the close ally of England) *being informed of these contracts*, sent letters, of the 19th of January, 1793, to the magistrates of those cities, commanding them, in the most per-

ceived no compensation for the past—nor security, for the future. On the contrary the British government having thus early and thus readily adopted this conduct, so palpably and extremely irregular in itself, and injurious to the powers *not at war*, that is, to their sister neutrals, pursued it till the French declaration of hostilities, on the 1st of February, 1793. This was dated on the very day, previously fixed by England, for sending away M. Chauvelin, the minister of France.

No. IV.

Two circumstances of great delicacy and magnitude, which took place as early as the 17th of August and the 21st of September, 1792, must have excited the attention of the French nation and must have convinced them, that they were soon to meet a zealous enemy in the king of England. A communication from Mr. H. Dundas, of the 17th of August, 1792, to earl Gower, the English minister at Paris, was delivered to the French government, from which it appears, that the British court not only recalled their minister from France, on account of the events of the 10th, on the plea of maintaining neutrality; but that they plainly announced to the French, who were entering upon a new form of government, that any act of violence to the

remptory manner, instantly to notify the French *ministers* to depart in two days." England is said to have previously concurred with Prussia in the Pilnitz confederacy; and certainly did form, in 1793, a treaty with Prussia, in the very terms of the article of the Russian convention, on which we have seen that *all* the neutral spoiliations were founded.

The same English authority adds, that "early in 1793 *neutral* British cruisers "were stationed to intercept the Hamburg and Baltic vessels in their voyages "to France." And that when the French national convention heard of this measure, they gave orders to stop the Hamburg, Bremen, Lubeck, and Dutch vessels. All this was before the French decree of May 9th, 1793, and greatly contributed to bring it on. The detention of all vessels for France, even with foreign wheat, by England, in December, had been communicated by the French ministers in Paris to the convention, who temperately ordered a *reinvestigation of the facts*, before they would act upon the subject. Their embargo was postponed by this moderation and prudence, till February, when the Prussian acts towards Hamburg, &c. and the stationing of the English cruisers, had taken place. Here we may perceive are more of *the early and real beginnings of the long train of causes* of the decree of the emperor of France of November 1806, which however does not prevent our trade to Great Britain, and is therefore far short of the British precedents.

late French royal family, would excite the British indignation, with that of all Europe. The French published the case of the British nation against king Charles the first, as a precedent, justifying the trial of a king. Another communication was made from England on the 24th September, 1792, through their minister at the Hague, to the Dutch government, which appears to be a part of a plan or course of measures of England, and other powers *then neuter*, avowedly to be directed against all those persons, who might participate in such acts against the late royal family of France. These facts, though in themselves merely political, must have occasioned France to see, that those measures, which soon occurred, concerning the neutral trade (taken before the decree of fraternity, and before the affair of the Scheldt,) were founded in a decided hostility to a republic in their country*.

It has been already mentioned, that a separate and special remonstrance against those measures concerning grain, clothing, &c. was made by the French minister, dated in London on the 7th of January, 1793. It concludes with an expostulation of the most serious nature, such as corresponded with the deepest solicitude for the bread of a whole nation, with the apprehensions of famine, and of those irresistible tumults, which famine might be expected to produce, in the midst of a great revolution. It was obvious, that peace could exist but a very short time between the two countries, after this deportment on the part of the English government; and M. Chauvelin was accordingly forced to depart from London, by their order of the 24th of January, on eight days notice.

The French government mention, among the causes of the war, which took place on the first of February, 1793, that the cabinet of St. James had endeavored to obstruct the different purchases of corn, and other supplies made by the French citizens, or by the agents of the French republic; that the same court laid an embargo upon divers vessels, including neutrals, and boats laden with corn for France; while, contrary to the French treaty of 1786, the exportation of corn was permitted to other countries; and

* The British violated neutral rights not to defend themselves, but to overturn the French government.

that the same court had drawn in the *neutral* stadtholder to obstruct exportations from Holland for France.

The dreadful scheme of reducing the whole French people to the terms of the combined powers by famine, at the expence of neutrals rights, was manifestly in a course of negociation during all this time. For, from the 15th of November, 1792, when the British first interrupted the exportation of grain to France, until the 25th of March, 1793, when Lord Grenville, (who communicated with M. Chauvelin) signed the Russian convention in London, there were only four months and ten days. A new and deep laid scheme, which was to centre the views of two remote and great nations, against the power, the politics, and the very subsistence of France, *and neutral rights* could not be matured, even in that time, without the most willing dispositions, in both the contracting parties. The presumption is rather, that England, who has long suffered the uncontradicted assertion, that she had engaged in March, 1793, in the Punitz confederacy, was maturing the plan of famine, *at the expence of neutral rights*, through the summer of 1792; seeing that she unfolded it so clearly in the middle of November, of that year. Be this, however, as it may, after time sufficient to mature it, she put the last finishing hand to the convention of Russia, on the 25th of March, 1793, and announced it openly in the London newspapers of that day. Lord Grenville has given us the true sense and real object of a part of that convention. It was, that Russia and England bound themselves to make such violations of neutral rights as the English made under their additional orders of June, 1793; which were the same kind of violations, as the English had previously made of their own accord, between the beginning of the war, and the date of the Russian convention. The detentions and obstructions of the French commerce of grain by England, from the 15th of November, 1792, till the war in February, were as similar in their nature, design, and tendency, as possible, which we have already shown; *particularly, as to a real and deep injury to neutral rights and commerce*. They were a suitable prelude to the Russian convention, and to the orders of June, and November, 1793, and May, 1795. The words of the Russian and British convention, upon

which the violations of neutral rights are grounded, are that the British and Russians “engage to unite all their efforts to prevent other powers, not implicated in this war [i. e. neutrals] from giving, directly or indirectly, any protection whatever, in consequence of their neutrality, to the commerce of the French, upon the seas, or in the ports of France.” The commerce of provisions is notoriously the greatest branch of the commerce of the world. The French, in peace and in the war with England, and the neutrals had been grossly attacked in that branch of commerce, from November, 1792, to the date of the Russian convention. The English treaty-maker, himself, Lord Grenville, had avowed, that the interruption of the French and neutral intercourse in provisions, was included in, and was a business of the convention. There could be no room for doubts about the injury to neutral trade, which was in effect retrospectively sanctioned, and intended to be continued by that *fatal* and *unprecedented* compact.

In regard to the declaration of lord Grenville, it really appears, that nothing can be more explicit. Mr. T. Pinckney was officially making a representation against the injuries to us from the plan of operating on France, by neutral detentions, captures, and spoliations, as executed under, or intended by the British June orders. Lord Grenville said, that Spain would pursue the English line of conduct that is, would violate neutral commerce, and that Russia and England had previously intended it by their compact of March, 1793. The particular case of that business actually in discussion, by the two ministers, was the June orders, to the end of reducing France by famine, by interrupting our and other neutral intercourse and commerce with her. It follows, logically, that if the convention intended the object, the execution of the object was an execution and fulfilment of the convention. Those papers, as received by the department of state from Mr. Pinckney, appear to afford the most clear and positive evidence, that England, by a treaty requiring months to digest and complete, had deliberately matured, in March, 1793, the fatal system of violating neutral commerce, in a manner absolutely unlawful, and most pernicious and unprecedented, above a month before the French orders of May. It may

be repeated, that she also appears to have commenced it on the 15th of November, 1792, and to have pursued it for months after, by her own unlawful and separate acts, *before Russ a concurred.*

We were told that the measure, as once settled by treaty, was against England, and in our favor. This is not at all the question with France. *The Danes say it was a breach of neutrality even to treat on it.* It is not likely, however, that a measure is on the whole, against England and beneficial to us, which she urged; nay, *absolutely forced us into;* which our government reprobated, in the English sense of it, in 1793, which English sense of it, the late president Washington honestly demurred against in 1795, and for which he refused to ratify the British treaty, until he should be satisfied that a measure, which he supposed the English to consider as an execution of it, was countermanded by them.*

The measure of violating the commercial rights of America will plainly appear, to any candid examinant, to be a part of the great system of measures, infracting the rights of pacific and neutral nations, adopted by the combined powers to annoy the French in their revolutionary struggle. We know that the revolution was odious to them from its outset. For, in the month of August, 1792, Austria and Prussia, the two leading members of the combination against France, declared in a public manifesto, that all Europe had beheld the French revolution with increasing indignation for four years; that is, from the first dawnings of liberty, in the year 1788, in the meeting of the "Notables;" and it has been frequently declared, in the course of the measures pursued by them, *that the French were not entitled to the ordinary benefits resulting from neutral intercourse,* with, what they denominated, "regular governments."—The ministers of England, abroad, have gone the utmost lengths upon this subject. One of them, Mr. Drake, declared to the republic of Genoa, in 1793, "that in the present war against the usurpers of the supreme power of France, no government can declare itself neuter, without becoming an accomplice."

* the British renewal of the order to detain provision vessels in May, 1795, only six months after our British treaty was signed by Mr. Jay.

The annals of the world cannot produce an equal outrage upon neutral rights. It is an appropriate preamble to *the immense volume* of their illegitimate anti-neutral orders of council.

So early as the 23d of May, 1793, when the British orders of June did not exist, Lord Harvey, the British minister at Florence, declared in a letter to the Tuscan prime minister, that the continuance of the neutrality of the grand Duke of Tuscany would depend upon the opinions of the combined powers, concerning the inconvenience arising to them from the immense supplies, which were drawn from Tuscany to supply France.* A large fleet of grain ships had sailed for Toulon eleven days before. The same lord Harvey communicated circular letters to the Russian and all other foreign ministers residing at Florence (the very seat of the neutral Tuscan government) informing them, that he had announced to the grand duke the expected arrival of a great British and Spanish fleet in those seas, with a view to learn the effect upon the duke's known neutrality, and of producing a departure from that neutrality. Lord Harvey continued to observe to the Russian minister, that the grand duke's reply (*adhering to neutrality*) was incompatible with the designs and interest of Europe. He then states the conduct of the duke as different from that of the principal powers of Europe, and says, that he doubts not, that it is thought necessary "to guide" that neutrality, in a manner more suitable to the circumstances of the times, and to the views of the powers allied against France.

Here we see an inferior British minister, prepared no doubt by previous instructions, so early as May, 1793, with a grand British and Spanish fleet of 32 ships of the line, *assuming to forbid legitimate neutral supplies for France to be made by an independent neutral commercial prince*, at a court distant about 1500 miles from England! And to whom does the English minister address himself? To the *Russian* ambassador there, who was some thousands of miles from his Empress, and who gave him *instantly* a concurring reply. Can it be doubted, then, that these ministers were acting on the ground of the Russian and

* These are very far short of what the U. States could furnish.

British convention of March, 1793, or of a prior understanding and orders? Were they not preventing a *neutral* power from giving protection to the all-important French commerce for supplies, by reason of its neutrality?

These are some of the numerous and irresistible evidences of this grand British and Russian scheme of neutral injuries.—We see it in the captures, and detentions of neutral vessels, which were made before the French decree of the 9th of May, 1793, (of some of which that decree complains) and were in actual execution of the Russian convention, which lord Grenville confessed to be a part of the same plan, though attempts were made here to deny what the British maker of the convention asserts he himself did! Further evidence is to be found in the great number of treaties, which England made and procured in 1793, with various powers, in the *unlawful* terms or nearly in the terms of that Russian convention, which was declared to be fulfilled, in regard to that object, by orders for such captures and detentions as we complain of, and as the British additional orders of the 8th of June, 1793, and 5th of May 1795, occasioned to be extensively repeated upon us. A still further proof is to be found in the noticed conduct of Great Britain, in the Spring, Summer and Fall of 1793, to the republic of Genoa, and the grand duke of Tuscany, the latter of whom was given to understand by the British minister, as we have seen, that the great supplies he furnished France, were cause of offence to England and her allies, and by his being ultimately forced by the English to abandon his neutrality. (See Mr. Pinckney's letter of 1793.)

It ought to be candidly and well remembered, that France made her decree, so that it was to cease whenever neutral provisions should be exempted from seizure by her enemies; and she did not pretend to confiscate, as prize, as England now does, the neutral property. Great Britain could terminate the French irregularities whenever she would become regular herself.

Fair and serious appeals to the love of justice and peace will receive, it is believed, due attention in America, wherever they circulate. If enlightened public opinion should contribute to influence, without passion or disorder, honest errors, evil designs or dangerous prejudices, it must be deemed an inestimable result of the wisdom and virtue of the people. It has been shewn that Great Britain really began, in the autumn of 1792, the system of encroachment upon the rights of neutral nations, and that she maintained and pursued that system through the months of November and December, 1792, and through the months of January, February, March and April, and until the decree of the French convention of the 9th of May, 1793. We know, that it was confirmed as to European France, by her orders of June, 1793, and in regard to all the colonies of France, in November, 1793. We ought to be sensible, that this British plan brought upon us numerous Spanish captures and spoliations, by means of a treaty to that end, made by Spain and England early in 1793. We ought particularly to consider these positive evidences before us, that Great Britain was the real and principal cause of bringing on us the late injurious conduct of republican France. For, when a great belligerent power, like England, applies zealously and unremittingly to all the other enemies of France, and to all neutrals, to concur in or countenance such an unprecedented scheme of destructive, unauthorized, and unjust warfare, it is impossible to prevent the rising of the most powerful and irregular passions in France against England, and those who in any wise, countenanced this fatal English and Russian measure. The happy and honest prudence, which was observed on the same occasion by the intelligent director of the councils of Denmark (the late count Bernstoff) well merits our attention, and will be seen in the following extract from his reply to the British communication of the oppressive and ruinous system, to which their additional orders of the 8th of June 1793, avowedly appertained. The illustrious and virtuous Dane declared, he could not even

treat upon the subject, as a faithful neutral; and then, repelling this monstrous inroad upon neutral rights, by reason, by justice, by humanity and even by the former conduct of Great Britain herself, he thus expressed himself—

“ The point in question” said count Bernstorff,“ is only
 “ with respect to private speculations of the sale of uncon-
 “ traband articles of produce and grain, the disposal of
 “ which is not less important to the seller, than it is to the
 “ buyer, and to the freight of the vessels of a nation, whose
 “ chief support is depending on the advantages they reap
 “ from their navigation and corn trade. If it be permitted
 “ to furnish blocked up ports and fortified towns, belong-
 “ ing to an enemy, *it does not appear to be justice in the*
 “ *same degree, to extend similar misery to others, who are*
 “ *innocent; and even in France, there are provinces that*
 “ *could never have deserved such an increase of misery from*
 “ *the hands of England or its allies.*

“ The want of corn, as a common consequence of the
 “ want of a supply of provisions, is not so extraordinary a
 “ circumstance in France, as could only have been pro-
 “ duced by the late events. France has, at all times, been
 “ obliged to draw provisions from other nations, Africa,
 “ Italy, and America supply that country with more pro-
 “ visions than the Baltic. Their necessity in applying to
 “ other nations for provisions, is so far from being new,
 “ that in the year 1709, when there was a real famine in
 “ France, England never thought of making use of such
 “ arguments as she does at present.

“ On the contrary; soon after Frederic IV.* was en-
 “ gaged in a war with Sweden, which kingdom, as well
 “ as France, is dependent on other nations for the supply
 “ of provisions, he used the same arguments to prevent
 “ the supply of provisions to an enemy, in order by those
 “ means to subdue him, and endeavored to apply a case
 “ to a whole country, which is only applicable or justifi-
 “ able with respect to *blockaded* towns or forts.

“ He was obliged to renounce that project, on account
 “ of the weighty representations made on that subject, by
 “ other courts of Europe, and *particularly by that of Great*

* Of Denmark in the time of Queen Anne, of England.

“ *Britain*, who declared a *new* principle, and *rejected* “ *it as unjust*.

Thus then we see, that the principles of the system and plan of inflicting upon France the miseries of famine, *by neutral detentions and spoliations*, was firmly resisted by Denmark, and that they were formerly rejected by *England herself* as an unjust innovation upon the universal law of nations.

This is a matter of no small or momentary importance to the U. States, for it permanently affects our surplus grain, rice, flour, beef, pork fish, and vegetables—as also our carrying trade. It is therefore necessary to bear in mind the avowed principles of the French and British nations, and the time and manner of their being unfolded by their conduct and public acts. England asserts that she may take neutral provisions for a whole people, going to their *unblockaded* places in neutral ships. France and all the neutrals deny this; and England herself and other powers formerly declared it “unjust,” and new: that is to say, an iniquitous innovation on the law of nations. England perseveres and persuades many other powers into the scheme. The neutrals omitting or failing to obtain redress, France is burdened with immense expense to procure bread, and subjected to the most palpable dangers of convulsion and famine. Thus circumstanced, France promulgates an act (May 9, 1793) declaring, that she will from necessity follow the example of England, and take neutral provisions going to her enemies, *paying for them, at the price in the place of destination*—but that she will continue to do so *only* till her enemies shall abandon their pretended right to take neutral provisions going to unblockaded ports.

Let prudence and conscience decide the matter, and pass a sound judgment in this interesting case.

No. VI.

As the constitution and laws of England did not admit that government to avail itself of the execution of the British and Russian convention of March 1793, without acts of Parliament indemnifying the ministry of the day for

each order for the seizure of neutrals against the law of nations, and as the orders of the 8th of June 1793, were thus illegitimate; and further as the frequent passing of acts of indemnity would excite the attention of neutral governments, and of Englishmen, a measure of a singular and *unprecedented* cast was adopted on the 17th of June 1793, which was calculated, by an insinuation or implication, to cover the British orders of that month, and all those which England might chuse to make during that war*. The executive and judiciary departments of Great Britain had laid down in the most formal, solemn and open manner, before the whole world, in the case with Prussia, of the Silesia loan, that the universal law of nations and existing treaties were the true and only rules to govern the British courts of admiralty, and that the crown never interfered to give rules or directions to these courts, yet an act of Parliament was passed, as a necessary accompaniment to the illegitimate convention with Russia, which act contained the following words:

Section 35. " Provided that nothing in this act contained shall be construed to restrain his majesty, his heirs or successors *from giving such further rules and directions from time to time, to his respective courts of admiralty and vice admiralty for the adjudication and condemnation of prizes,* as by his majesty, his heirs and successors, with the advice of his or their privy council, shall be thought necessary and proper."†

The convention of Britain with Russia and this section of their law of 1793, which far exceed, in principle, the French decree of the 21st of November, 1806, laid the whole commerce of all neutrals, as a devoted sacrifice on the altar of unlawful power. These two acts of England struck at the vitals of the independence of our country, for a nation whose whole floating property can be seized and condemned upon the ground of foreign conventions, and foreign orders, which she cannot modify or restrain, is, in solemn truth, not independent. That country alone maintains its station among the powers of the earth, whose

* This Section and the addition by *the British alone* to the proposed treaty of December 1806 are nearly connected.

† See the famous case of the Silesia loan at large, and the abstract herein.

territories, whose flag, whose property and whose people are completely respected, according to the universal law of nations and to her own treaties voluntarily made. This England rightfully demanded of all the world. Let all the world demand this of England. It peculiarly behoves the American merchants to convince themselves of the necessity of standing on this impregnable ground. From it alone can vital and permanent safety to their interesting pursuits be derived. If our government must yield any part of the law of nations, we can have no security for the remainder. Commerce must become precarious, and domestic consumption in the form of home manufactures must employ our people and our funds; for our commerce will perish with the subversion of the only rule for the government of the republic of independent states—the universal or prescriptive and written law of nations. This august code is *the federal constitution* of the civilized world. It may not be violated with impunity by any power. Its violation may not be allowed by any power, without baseness and ruin.

But let us return to our historical review—It has been maintained in these papers, that it was erroneous and unjust to ascribe to France, the origination of the neutral sufferings—a matter of great importance with respect to the claims of retaliation set up by England. An entire view of that division of the subject was given in our first numbers, commencing in 1792, and bringing the enquiry down to the date of the British orders of the 8th of June, 1793.

A distinguished act, continuing and extending those violations, took place secretly in the British privy council on the 6th of November, 1793.* It went the length of au-

* COPY)

George R. Additional instructions—6th November, 1793, to all ships of war and privateers, &c.

“ That they shall stop and detain all ships laden with goods, the produce of any colony belonging to France, or carrying provisions or other supplies for the use of such colonies, and shall bring the same, with their cargoes, to legal adjudication in our courts of admiralty.

“ By his majesty’s command,

(Signed)

“ HENRY DUNDAS.”

thorising the seizure of all American and other neutral vessels, and even of the allies of England, having on board the produce of the French colonies, or provisions, dry goods, and other supplies for the use of any French colony. The French dominions in the East Indies, and the West Indies were equally and fully included. Thus the whole French empire, which chequered the terraqueous globe, was posterously treated like a little blockaded port—for their European dominions remained under the operation of the unrescinded order of the 8th June. The Americans and other neutrals were subjected to incalculable injuries and innumerable violations. This, too, contrary to all decency and precedent, was done in a *secret* manner; for information of its existence was suppressed, even at the British admiralty, till late in December; and it was not till the 25th of December following its date that our minister at London (Mr. Thomas Pinckney) obtained a copy of it, as will be seen by his official letter to the secretary of state, in the president's message to Congress of the 4th of April, 1794. Here was a most serious act of continuance of the violations of neutral rights *in pursuance of the Russian convention*, grounded upon a mere intention to attack, in December, some French colony.—It was accompanied by various circumstances to render it irregular, offensive, and injurious. It was clandestine, being kept from the view of all the neutral ministers in London, for seven weeks after its date, and even reserved among the secret papers of the British lords of the admiralty. In the mean time, passages of four and five weeks carried it to the West-Indies:—and our unsuspecting mariners, our vessels, cargoes, and money, were odiously entrapped in the fatal snare. Thus did they secure the possession of our sailors, our vessels, and our mercantile capital. Even in the case of a blockade, the law of nations and the treaties of England with the powers then owning the majority of neutral shipping,* required a proclamation, and notice of the blockade, and a knowledge of it by the neutrals, to justify the seizure. Reason and conscience require the same. But Great Britain, treading under foot those obligations of the laws of nations and of her own treaties and all decency and

* The Danes and Swedes.

justice to us, clandestinely made and transmitted to her naval commanders the orders of the 6th of November, when no blockade existed. By those orders, a neutral American or Dane, bound with French sugar, coffee, &c. from the U. S. a neutral country, to Denmark a neutral country, nay even to Spain or the Austrian Netherlands, then countries of the powers combined with England in the war against France, were rendered seizable, though the cargo was neutral property also, but grew in a French colony! By the same order a cargo of American produce and other goods, which could by the *arrete* of August, 1784, be carried to the French colonies in peace, was to be treated in like manner! Is it possible, that any secret order can be more extravagantly, more irregularly injurious to an enemy, and more violative of neutral rights, than the British system of orders of June the 8th, and November 6th, 1793, as they stood in force, through the months of November and December? It was April, 1794, before we knew, that the November order either existed or was countermanded. When we did obtain the knowledge of its being countermanded, the mischief was all done.—It was accompanied too with the very unsatisfactory and offensive information that it was not rescinded from any conviction in or admission by England, that it was wrong; nor did they profess that they would not repeat it. On the contrary, they explicitly avowed that it was countermanded, because it had served the occasional end for which it was issued. They added too a reason contrary to the just rights and dignity of our government and nation. They said, that it was intended to produce an effect upon the interior circumstances and affairs of our country and government! Professing to consider it censurable to interfere with the interior concerns of a foreign country, the British secretary of state did so interfere in the same breath. He committed a dangerous derogation from our right of interior government, and gave to our minister Mr. Pinkney (as an apology!) the assurance, that he had no right to do it. He affected to treat *the complainers in America against their orders of council*, as the enemies of Great Britain and of our own government! Mr. Genet having been caused by the French to expiate

his offence by the loss of all his honors and emoluments, France stood on clear ground. Lord Grenville must be considered, therefore as the predecessor, in 1793, of all the unrepaired irregularities of foreign diplomatic characters, in their transactions with our government. His conduct has never received any censure, or notice, so far as we are informed, except those manifestations of it, given in Mr. Pinckney's letter of the 9th of January, 1794, wherein he states, that "of course he said nothing, (in reply to Lord Grenville) of our internal affairs, nor, of those of France," they being our foreign allies.

The next British orders of the 8th of January, 1794, authorised the seizure of all neutral vessels, bound from the French West India colonies to Europe; also of all French West India produce from those islands bound to the ports of neutrals, or even to those of the allies of England. Yet the British afterwards led us into a treaty for carrying not only their West India but their East India produce to our ports during the war—Thus the very means used to aid all their own colonies, have been made the cause of seizure against all the neutrals, when serving a part of the colonies of France. Neutrals too, who had secured by treaty the right to protect the goods of an enemy in their neutral ships were deprived of this stipulated right, in order to injure France. But the section of the law of 1793 concerning orders of council protected the ministers. These were new repetitions of violations of neutral commerce, which manifested to France the British determination to continue, upon every call of interest or instigation of hostility, ingeniously and without precedent hardily to apply the system and principle, they had commenced and reiterated in 1792, & 1793. They never permitted the irritability of the French to be abated, nor the wounds of neutral rights to be cured. If the French became inflamed at the sight of their own wrongs, and at the vast expences, injuries, and dangers, which they produced, Britain surely was the cause.

No. VII.

It has been unfortunate for *neutral* commerce, that the merchants could not know, in time to avoid confiscations,

the detached sections of foreign laws, executive orders, &c. &c. by which their property was unwarrantably condemned. It is of consequence, that they should now see and understand these great sources of danger. Nothing can protect our merchants, but our maintaining inviolate the law of nations. We have contended, that our property was often captured and condemned without any real and sound lawful authority, and, of course, against existing law. It is proposed now to offer to the American merchants a decided opinion on this subject, which a very great majority of them will receive as the most respectable and indisputable. It comes from Mr. King, who as a man of natural abilities, as a lawyer, an experienced diplomatist, and perfectly informed by the English ministers themselves, in recent negociations, of all their pretensions, writes thus in the 40th page of his pamphlet in "Reply to war in Disguise," published by Riley & co. of New-York, and S. F. Bradford, of Philadelphia, in February, 1806. He expressly states as follows, in regard to British captures.

"The prize courts therefore spoke to neutrals (by their decrees) this clear and distinct language. We acknowledge, that by the law of nations you are *entitled* to the prohibited commerce, and should not hesitate to restore your captured property, but we are bound by the text of the king's instructions. Where they do not apply we shall restore, as we did during the American war; and as soon and as far as the instructions may be withdrawn, so soon and so far, we will conform our decrees to the law of nations."

Again in page 41, Mr. King writes more concisely, though indeed not more explicitly thus. "It has in the strong and pointed terms of Sir William Scott," (the present judge of the High Court of Admiralty of Great Britain,) "been *adjudged*, that the text of the king's instructions is the true rule of a prize court."

The conduct of the British naval commanders, upon the foundation of the order of council of January, 1794, and on the plea of blockading islands, was *very dreadful* to America. It is certain that blockading a *fort, a castle, a town, or a port*, is a precedented and common measure. But the blockading *a whole groupe or chain of islands*, at

one time, and the blockade of *an entire great island*, like St. Domingo, is a new stretch of English naval refinement. The island of St. Domingo is considerably longer than the kingdom of England, and it is therefore *a preposterous affectation of blockade*, to put all the ports of it under an inhibitory proclamation, because one port or two are properly and really blockaded. A *ruinous* list of captures, however, took place under these orders and proclamations of blockade, by the English, during the year 1794, and examples as wild, as loose, and as injurious, as possible to the French, and to the neutrals, were set by the Bermudians, Halifaxmen, Providencemen, and British frigates to the French cruisers.

In the close of that year, the treaty was hesitatingly made by Mr. Jay, and Lord Grenville, between the U. States and Great Britain. It was thought only better than war by persons of both parties. By this treaty the British, by *mutual contract*, gave to the Americans, and we *accepted several new rights, to trade in the war*, with the English colonies in the East and West Indies; which rights were of the same nature, as certain other rights to trade, in the war, which the French had allowed by their own separate acts to the Americans. Those rights to trade, granted by the French, were constantly made *the avowed ground* to confiscate *neutral* American ships and cargoes by the British orders of council and courts of admiralty, *because the neutral Americans, as it was alleged, thereby undertook to aid the French colonial agriculture*. Yet great complaints have been made, that the French have condemned American vessels for giving the same aid to islands taken from themselves by the British, though we had guaranteed those islands by the treaty of 1778, then in force. Here the French have acted much more favorably to the neutrals than the English; for their courts do not hold the general English principle, viz. to condemn vessels from the East and West India British colonies, because the privilege of trading with those colonies was given to us in the war, and was not previously allowed by law, in peace. Thus the English afford an example extremely injurious to the neutrals, which the French have refrained from following. This is an important truth.

It is an essential point of difference in the conduct of France and Great Britain, that France has hitherto admitted the doctrine, that her citizens may change their allegiance and become American sailors, merchants, and ship-holders. The opposite doctrine is held by England—and many a fine ship has been endangered or expensively detained by the impressment of native Englishmen, married in America, and become, legally, citizens of the U. States. Numerous captures have taken place because the cargoes were the property of Englishmen thus become Americans, who had bought goods in places belonging to the enemies of England. The English courts deny the American citizenship, of such former English subjects, and condemn their property, because they are persons claimed as British subjects, and have done business in countries belonging to their enemies. To a country like ours, incessantly receiving foreign merchants and capital, this is an immense disadvantage, arising from the conduct of England alone, and not followed by France.

England may fairly be considered as having forced America into an entirely new act, for a neutral power, in making the provision article of Mr. Jay's treaty; an article expensive, dangerous, and even capable of being rendered fatal to France. It may be justly asserted that this provision article is without precedent in the annals of the civilized world. No neutral nation ever before made such a contract with a power at war. It is said to be advantageous to us, and to France, and yet England adopted the measure of her own accord, before the treaty, and insisted upon it in making the treaty! It cannot be doubted that England did consider the provision article, as, on the whole, very injurious to France and very advantageous to herself.

When the treaty was signed in London, on the 19th of November, 1794, the orders of the British council, which had injured and disgraced the neutrals, and brought on avowed defensive retaliations from France, were either revoked or considered as superceded. In this state of things, the treaty and Mr. Jay arrived in America. The President received the treaty early in March, 1795. No objection to it being promulgated, and the senate being called to receive it for ratification, there was every reason

generally to presume, that it was so far agreeable to the President, that he would offer it without objection to that body, as indeed he afterwards did. Such being the appearance of things in the beginning of March, it may be fairly presumed, that the British government relied in May (two months after the call of the senate) with firm confidence, that the treaty would be ratified before any thing, England might then do, could be known in America.

In this state of things the new orders of the British King in council of May, 1795, for carrying in our provision vessels, were issued. To judge of the shock to France, let us remember how the bare rumour paralyzed the late President Washington. He made an immediate and solemn stand, and caused it to be made known to the British minister, that *he would not return the treaty while those orders were continued in force*. The British minister here, suggested the advice of revoking them for a time, to give a factitious moment of their non-existence, for the ratification of the treaty! He explicitly proposed, however, that they should then be renewed! How dangerous to the neutrals were the examples of British conduct, set before the government of France. The English minister acting thus, is publicly known to have solicited the executive of this country, for the favour of being made the bearer of the treaty to England. Instead of continuing to be informed, that the provision orders must be revoked before the treaty would be signed; the President's signature was subscribed to the instrument, and *the benefit and honor of carrying it to England conferred upon the British minister, agreeably to his request*. It is with infinite pain, that such facts are noticed. But they are necessary to show the deportment of England, and her title to injure us now by repeating original aggressions under the name of Retaliations.

The British orders of May, 1795, may be deemed faithless to us, and peculiarly offensive and injurious to France, who would as naturally consider them as explanatory of the British sense of the treaty, as our own President is known to have done. It is years since the publication of that fact was made in America; with what degree of good intention or prudence will not be discussed. The captures under these orders were so many, that at the end of twenty

two months, about one hundred and twenty cases were carried into the British high court of admiralty appeals. These were chiefly our European adventures, wherein the cargoes and vessels are large and valuable. Not a dollar of these is saved by Mr. Jay's treaty which does not affect them. It only retrospected, and left England to spoliage at will in all future times.

No. 8.

Great Britain was not contented to make and execute her own anti-neutral orders of council and to give open indemnity for those breaches of *public* law, in the manner we have seen, but she used her utmost endeavors in the year 1793, to lead other powers into the adoption of those unprecedented and illegitimate provisions in her convention with Russia, which we have already noticed. Prussia, Austria, and Spain were drawn by England into similar engagements, and America, Genoa, and Tuscany immediately witnessed the separate or joint efforts of Great Britain and her lawless associates to coerce them into an injurious and degrading submission to this new English project of *depriving the opposite belligerent of all the benefits of neutral commerce*. Let it be well remembered, that this act was commenced, matured and published in *London*, under the official signatures of the British and Russian ministers on the *25th of March 1793*. *There, then and thus* was the unlawful foundation laid for all the subsequent violations of neutral rights, by this great anti-neutral combination.

Let us suppose for a moment, that, upon the receipt of that Anglo-Russian treaty at Paris in the close of March, 1793, whereby the French were attempted to be deprived, by dint of naval power, of all rightful and legitimate intercourse with neutrals, the government of France had instantly avowed the right, the duty and the necessity of retaliating the measure, in form and substance, and had immediately passed legislative and executive acts, directing the total prevention of neutral intercourse with Eng-

land and her dominions, No sober and honest American will doubt, question, or deny, that such a law and decree of France in 1793, would have been justly chargeable to Great Britain, and that it would have been a clear, simple, and mere retaliation on the part of the French. It requires but little effort of a sound mind and an honest heart then to place to the account of the government of Great Britain, the various infractions of our neutral rights by the governments of France and her allies, which have occurred since the dates of those numerous and stupendous violations of those rights in the years 1792, and 1793, which have been faithfully represented in the former numbers of these papers.

“*The law of nations,*” till *England* thus began, was the great charter of American peace—that peace the God of nature gave, and we estimate, as a most blessed fruit of his divine will. We had but to be just, and public happiness was ours!—but alas, the scene is changed. The foundations of the law of nations have sustained from the hands of England, in her early treaties with Russia, Prussia, Austria, and Spain, a rude and deliberate stroke, intended to destroy it—and with that law, to destroy our peace. If we trace the conduct of Great Britain, further, similar evidences but thicken around us.

Let us proceed in the painful, but necessary duty.—In the progress of the war of 1793, Spain and all her allies, including England, were unable to protect her from the vigorous attacks, which this unprecedented engagement with England in that year brought upon her. She was forced to abandon her English connection and to save herself from ruin by engaging on the side of France. No sooner had this new war of palpable Spanish necessity taken place, than the English admiral, Nelson, published a proclamation, dated off Cadiz, declaring to the neutrals, that on that account, “it was found right that Spain should no longer have any trade!” The history of the civilized world never before recorded an instance of a mere blockading admiral at a port, attempting to proclaim to all nations that a whole kingdom was no longer to have any trade, to the total consequent and illegitimate destruction of neutral rights. Will any man wonder, that powerful bellige-

rent monarchs should, in retaliation, do half what a secondary English admiral has thus done many years before.

This strange and extravagant act of admiral Nelson's is a part of that monstrous and crude mass of British violations of neutral rights, which are to be found in the orders of their king in council, in the proclamations of their generals and admirals, and even in the acts of parliament, under the two heads of

Blockades and regulations of neutral trade.

These acts of the British government are, in a great many very important instances, and for much the greater part, entirely unsupported by law or reason, in direct violation of the law of nations and indisputably injurious to neutral rights. As they apply to one important subject, they are most accurately, faithfully and ably characterized in the following concise summary of the English conduct, in the pamphlet (of 1806), written by Mr. Madison: a work which every neutral statesman and merchant, and every honest belligerent, should carefully read and well consider.

“ The system of Great Britain, (says this invaluable
 “ pamphlet) may therefore now be considered, as announ-
 “ ced to all the world, without disguise, and by the most
 “ solemn acts of her government. Her navy having des-
 “ troyed the trade of her enemies, as well between the
 “ mother country and their colonies, as between the
 “ former and neutral countries, and her courts, by
 “ putting an end to re-exportations from neutral coun-
 “ tries, reducing the importation into these to the mere
 “ amount of their own consumption, the immense surplus
 “ of productions accumulating in the American posses-
 “ sions of her enemies can find no outlet, but through the
 “ free ports” (of the British West Indies), “ provided for
 “ it, nor any other market than the British market, and
 “ those to which she finds it her interest to distribute it:
 “ with a view to which she not only allows her enemies to
 “ trade with her possessions, but allows her subjects to
 “ trade with her enemies. And thus, in defiance as well
 “ of her treason laws, and of her laws of trade, as of the
 “ rights of neutrality, under the law of nations, we find

her, in the just and emphatic language of the President, “ taking to herself, by an inconsistency, at which reason “ revolts, a commerce with her own enemy, which she “ denies to a neutral, on the ground of its aiding an enemy “ in the war.”

Could it have been credited of Great Britain or of any other respectable government, that they would have passed laws to promote and facilitate trade between the British dominions, (and by British subjects) with the dominions and ports of France, after entering into four solemn treaties with the great European states to prevent the neutrals from trading with those very French ports and dominions, under the penalty of a degrading and fatal confiscation? Can it be expected by Great Britain, that the neutral world will ever submit to the substitution of so monstrous a system of *monopolising* inconsistency and oppression for the eternal justice of the laws of nations.

The hostile influence of the government of Great Britain upon neutral trade, has been manifested in another form, particularly unjust, injurious and offensive. From the earliest time the British courts of admiralty have burdened both acquitted and condemned vessels and cargoes with costs and charges, fatal to ordinary adventures; and every shade of inconsistent opinion, from acquittal to condemnation in cases turning on the same principle, has marked the decrees of the judges themselves. The more high and proud are the claims of the British judiciary department to honour and confidence, in its dispensations of justice at home, the deeper is the stain of such facts, in their administration of law to neutral suitors.

Such as we have stated in these papers was the conduct of the British government towards her belligerent adversary and the neutral states in *the first months* of the war of '93. So did she teach that adversary, by her own illegitimate example, to impede, to harrass, to despoil, to mulct, to diminish, and to destroy the commerce of neutrals—so did she induce and teach Spain, Russia, Prussia and Austria. So did she coerce the U. States, Genoa and Tuscany: and so did she attempt Denmark and Sweden. So did she still continue to act towards us in the month of November, 1806, when the government of France adopted

its acts of avowed and actual retaliation. For this act of France, erroneously supposed at the first to be a total prohibition of neutral trade with the British kingdoms, England sets up, against the universal law of nations, and a new formed treaty with the U. States a pretension to a right to retaliate; *profiting of her own wrong*, against the maxims of our common law, and the absolute rules of reason and justice.—The great original parent-aggressor and seducer of Europe, in the moment of a retaliation inferior far to her acts of provocation, and drawn by years of malconduct on herself, preposterously claims from that retaliation a right to repeat her innumerable malefactions against the most useful and necessary of her neutral friends! The law of nations she had long and often torn, in public, to miserable tatters, and our new treaty was not to bind *her*, because *she* had taught France *her own new system of commercial blockade*. On us, the written letter of the treaty articles and the old fashioned rules of the law of nations were to continue absolutely obligatory. The treaty with England, though suspended or annihilated there by a convenient ruse of her dictation, was to be and continue “*the supreme law of the land*” in the U States. Thus did England prove, that she had repeated her injuries till our apparent insensibility caused her to believe we had *no feelings*; and that she had deceived us by the color of law in her council orders and of regularity in her pretended blockades, till we find *no sense*. The hopes of the two countries are brought now into a narrow ground, capable of fair and thorough explanation. We are two nations. Both independent.—The universal prescriptive law of nations must govern both, as to *men* and *things*. No dispensation can be claimed by either party, as of right. We can yield no solid provision of the law of nations, with safety or innocence. The times require of us an enlightened, a sincere, and an undaunted neutrality.

No. IX.

It may be well for the United States calmly and closely to enquire and to consider what would have been the state of things between them and Great Britain, if the treaty of December had been perfectly satisfactory in all its articles, and if it had been mutually ratified, without the attempted British rider.

From the state of things in the month of December 1806, immediately before its date, and from the course and condition of things since and at present, we could not have expected, that it would have made any difference in the conduct of Great Britain, beyond the strict dictates of its component articles and provisions. In all those important, numerous and diversified cases and circumstances, which the treaty did not contemplate and which no treaty can embrace or effectually provide for, in all those cases resting merely upon the universal law of nations, we should remain subject to the usual English operations, founded on grounds like her stipulations of 1793 with Russia, covered by her act of the 17th June 1793 and its continuance in 1803, and exemplified in her orders of council from June 1793 to January 1807, with the fluctuating principles of her admiralty judges, and the habitual extortions of the other officers of those tribunals. If an effectual remedy for the incessant aberrations of Britain from public law, could not be secured, a treaty, which would have left us open to the usual discretionary repetition of them, in virtue of the despotic pretension of the English crown, to make rules for the government of their courts in the condemnation of our property, would have subjected us to the most serious evils. We should have been bound even in our own courts, by the law of nations and the ratified treaty, while an order of the King and Council would direct British captures and ensure British condemnations of our ships and cargoes. The repetition of the orders of June 1793, at the first moment in 1795, that it was supposed Mr. Jay's treaty was ratified, and the attempt in December last to release themselves from the obligations of the new formed

treaty in the very act of exchanging it, too plainly instruct us what *what could and what would* be done. Unpleasing indeed is it to believe, that the general order of things in any foreign country, is such as to forbid the hope...as to bar the possibility of a satisfactory arrangement with her. Yet such, it is sincerely believed will be found to be the *factitious* state of things, which the several administrations and legislatures of Great Britain have created there, since the year 1791. This serious idea is not suggested as an attack upon her, but as an important reflection upon those historical truths, which have been submitted in these papers.

What then is to be done. It is easier for humble individuals, and even for able and responsible public men to see immense evils than to devise a cure. Yet the present case seems to call for one. The simple though vast evil of our situation is, that *the laws, which governed the republic of independent states before 1792 have been, since that period, in an uninterrupted course of infraction and suspension by the nation with whom our differences depend.* To bring things back to that sound and right state, which our mutual honor and interests require and admit,—*the restoration of the universal law of nations to its proper sanctity,* is all that is necessary. All without this will be nugatory for us and will issue in sure disappointment and new vexations, embarrassments and injuries. It is vain to hope for either peace or honor, or profit, while any foreign government undertakes to legislate for neutral states by a sole unauthorised executive order. The commercial spirit of England has been pampered with an inordinate quantity of the richest food. “*The single company of merchants of England,*” for example, “*trading beyond the Cape of Good Hope,*” have expelled all the nations of the civilized world from the Peninsula of India, and have laid at the feet of its own stupendous trading monopoly eighty millions of the enslaved natives! England has annihilated the commerce of its European enemies in every sea, and turned its streams all upon itself. It has for several years fixed its eyes upon the trade of America, the merited reward of the political morality of our civil institutions and of our love of peace. We have lately seen or now examined the sys-

tem, which England has devised to subject our persons, our ships and our cargoes to seizure and confiscation. The insufferable outrage on the frigate Chesapeake is but a single item in the list of British injuries. We desire not to inflame, but we should deprecate half cures for ancient, inveterate and multiplied sores. Let not either England or America deceive herself with the hope of a real or permanent harmony, without a remedy, which will reach the whole disease.

If England shall not return to the ground of friendship and justice, under the law of nations, what is to be done? It may be wise calmly and thoroughly to consider the nature of our present intercourse and to discontinue all such parts of it as may produce good effects on her without injuring ourselves. We may find it wise to prohibit the entry of all their ships both public and private—of all their rum—of all their East India cottons and silks—of all their woollen manufactures—their leathern goods—their grain liquors—their silks and linens—their fine glass—and such other goods as careful reflection may suggest. We may forbid their subjects to trade—perhaps to remain here—and such manner evince our just dissatisfaction at their deportment towards us.

We hear, upon every occasion of such suggestions, declarations that England will make war for such treatment. She shuts us out of every port she chuses, refuses all our manufactures, and much of our produce, presses our seamen, mulcts our lawful trade in her courts, violates our flag, and incessantly commits a long list of other wrongs, and if we adopt measures to show our just displeasurs or to compensate the damage, she threatens war. She injures—much—deeply—variously,—and will make war if you take measures of remedy! If England or any other country will so make war, we ought undauntedly to meet the conflict. But her government ought to take good care. Unjust and unprofitable wars bring public discontent. All the neutral states—all the impartial world must be against England on this occasion, and with America. Her whole injury to us will be some plunder and suspension of our trade. We shall soon feed on hers in our turn. We shall take from her, with certainty, much of her present manufactur-

ing system. We shall do much better than in the revolutionnry war. Our country will be more comfortable and prosperous than any other, and we cannot help the loss of that honest and beloved peace, which England will once more, have taken from us. Our operations against the dependencies of England will, if we are not mistaken, greatly surprise her, in more than one quarter, and on more than one occasion.

In case of a war, *thus brought on against law, justice and reason by Great Britain*, she will fall into the deepest and most settled odium in this country. Ancient prejudices will be renewed. Former wounds will be again opened. New hatreds will arise. Never will true reconciliation grow again, in the lives of of the present generation. The name of Great Britain has gone forth with much sensation to many nations. Peals of indignant resentment have reverberated from the coasts of the Atlantic to the side of the Danish Sound. These have been again driven to the shores of the Marmora, and the coasts of Egypt. Violent discontents against England have spread in many directions, and if she forces this reluctant country into such a war, the world will be convinced, that the subversion of her commerce, the source of her perverted navy, is necessary to the peace of the earth.

No. X.

Among the earliest the most unlawful and the most offensive violations of American neutrality by the British navy, was their practice of forcing our citizens into their belligerent marine service. It merits a place therefore, and not a small one, among the numerous supports of *the high charge* we have made. It will be remembered, that Mr. Jay labored, and that he labored in vain, so early as the year 1794, to place this matter upon satisfactory ground. Great Britain, combined with other powers, as she professed in her manifesto of October 1793, to restore monarchy in France, compelled every *impressed* American to

fight against the vital principles of our constitutions during the existence of the French republic. Washington in January 1796 avowed to the world, that he was attached to the principles and struggles of the French revolution, because they were similar to our own. These impressions subjected us to the hatred, the contempt, the retaliations of the French. They once meditated the execution of men, whom we should so suffer to be used against their country.

The safety, the respectability and the political morality of the U. States require of us an intelligent and faithful adherence to the law of nations in our foreign relations. The prudence of this country and the candor of Great Britain should concur in asserting and admitting the truth and the importance of this position. The belligerents have respectively a right to keep the neutrals in the course of this universal public law: and the neutrals have an equal right to keep the belligerents in the same course.

We have no right, as neutrals, to permit, or to cause, our citizens to enter the belligerent armies or navies. The belligerents have no right to force those citizens into their battalions or their ships of war. In doing so they would grossly violate and endanger our neutrality. They would render us at once odious and contemptible. An unfounded claim of the British parliament cost us our peace in 1775. We say unfounded, because it was against the constitutional law of that day, and has been deliberately and explicitly abandoned in the case of Ireland, by the repeal of the British statute respecting that kingdom called "the declaratory act," which asserted the right of the English parliament to bind Ireland, in all cases whatsoever. The same illegitimate principle, and a similar declaratory act produced the war of the American revolution and all its immense expenses. It is well known, that, in the course of that war, monstrous expenditures were made by this country and that besides all she could pay she labored long under a debt of seventy millions of dollars. We repeat it.—An unfounded claim of Great Britain cost America the war of 1775 and the immense losses and expenses of the revolution. This is not mentioned to produce irrita-

tion, but to nourish a virtuous and salutary spirit of union at home, and to excite considerations of justice, and an honourable prudence in Great Britain. She again prefers an unfounded claim upon this country. She does not declare by law, but she intelligibly declares by practice, that she has a right to enter the ships of America for the purpose of impressing seamen. We say after our government, with a confidence, calm and sincere, that no nation has such a right against our ships. We ask without heat, the British public officers and subjects here, or their government and counsellors in Europe, to point out a single clause or section of the law of nations, which countenances, or even contemplates such a right. We affirm that no treaty; no British writer on the law of nations, ever sanctioned this unfounded claim. We assert that "the right of search," under the law of nations, is extended by no treaty, no author beyond goods contraband of war, goods of belligerents and military enemies. We calmly challenge the ablest and the most learned Englishman, here or in Europe, to shew that any treaty or any writer on the law of nations of any country, has ever mentioned a right of a belligerent to enter a neutral ship to search,

I. For enemies, not military :

II. For the subjects of the searching power :

III. For passengers of any nation :

IV. For seamen of any nation in the service of the neutral power, or of its merchants.

The law of nations authorises not the entry of neutral ships for such purposes. The law of nations must govern. It is inadmissible for one power to say they will not ever give up practices, for which they can shew no law. It is justly offensive. It is deeply immoral. It is even a cause of war. It is destructive of the neutrality of nations. It is public despotism. It is to trample on the law of nations and tread the rights of neutrals under foot. It is an injury to adversary belligerents. It is a breach of neutrality in nations at peace to suffer it from one party. It produces disgusts, resentments, violence and war.

It is in vain to plead, that Americans and Englishmen appear alike and speak the same language, because the indisputable principle of law is, that no belligerent has a

right to enter a neutral ship to search for persons, who are not really military enemies. Let not violent assertions and determinations be resorted to. Let not the alleged necessities of belligerents be pleaded to the exclusion of the greater necessities of neutrals. It is far more necessary for the United States, not to give just cause of war to the continent of Europe, than it is for Great Britain to press unlawfully passengers and seamen to man ten or fifteen sail of sloops of war and frigates.

It will not be fair to say that these papers are partial to France, or against England, we contend only for the laws of neutrality and of sacred peace. We mourn over the wounds of mangled humanity. Our faithful government exerts its parental care to save us from those evils. It is for this, among many other causes, dear to our hearts. We approve its conduct with all our minds—with all our souls. Let not our fellow men of England any longer persevere in error. They have not a shadow of public law for impressment in our ships. It is not the interest of England to render it necessary for America to become a belligerent for unlawful injuries. Our government has shewn temperate, and just dispositions towards Great Britain. Its members are bound by the inviolable restraints of written constitutions, to do right and to avoid doing wrong—We have no power or influence here to assure the passage of acts of indemnity, as in other countries: The laws reign here over the heads of our public agents. *Fiat Lex—ruat coelum* is the constitutional motto of the chief American functionary. He may yield himself to no considerations unknown to the laws. He cannot, nor is he, we confidently and affectionately trust, in anywise disposed to surrender the liberties, the comforts, the neutrality of our faithful and intrepid mariners to the illegitimate claims of foreign nations—He well knows, that all our oppressions, in this form, since the year 1792, have proceeded from G. Britain. No other nation has done to us this pernicious and humiliating wrong; this illegitimate, this vast injury. Great Britain does this insulting wrong to no other nation. She never enters Danish or Swedish, or German, or Russian ships to impress her subjects in them; though she well knows many of those subjects are on board of those ves-

sels, and they are easily distinguishable there. The presence of difficulty to distinguish Americans from Britons sinks to nought before this single fact, for England does not abuse the right of search by attempting to impress in other neutral vessels. These insults and injuries are all for us alone. This remark is not intended to aggravate—If there be in it ought of aggravation, it consists in its weighty truth.

The object of these papers is to place affairs between Great Britain and America on the only just, firm and satisfactory ground on which they can be rested—*the ground of indisputable public Law*. It is the law of nations only which prevents a foreign ship of war from impressing sailors and passengers out of unarmed vessels, in the bays and rivers of neutral countries. It is the same law of nations, which protects the neutral vessel from being boarded *for impressment* on the high seas. Annul or violate that law on the ocean, and you may witness its violation in our narrow seas, our bays, our rivers, and our ports. Certain and known law is as necessary to the peace and harmony of nations, as of civil societies.

Great B. prides herself in her courts of Common Law. If those courts or her admiralty courts would not give remedy to the owners and master of a violated neutral ship, lost by impressment of its seamen, that cause of honest pride must lamentably fail. There is no instruction of the crown; no order of the king and council, those arbitrary substitutes for legitimate rules, to warrant “the detention” of passengers and seamen and carrying them in for a sort of legal adjudication or impressment. American citizens, fathers of families, are torn from their peaceful and lawful occupations in contempt of the law of nations, because they *may* be Englishmen!!—*Reason is reversed*.—An English sailor might well remain free from impressment, because an English navy officer could not distinguish him from an American. But it is preposterous to say they may lawfully take an American, because they cannot distinguish him from an Englishman. 'Tis to subject our independent nation to a *British general warrant*. Can the American officers enter English ships and impress their seamen *because they look like Americans?* It is believed, that the

English sea captains, mates, and sailors would, in such a case, do those things, which were proposed in the recent bill of a late Senator of Maryland. The government, people, merchants, and seamen of England would be transported with resentment were the navy officers of the U. States to impress the crews of English merchantmen on the coast of Great Britain.

This business has reached a stage, as it regards the rights of the belligerents and the rights and duties of neutral America, which requires the calm advancement and firm maintenance of the whole truth. It is of no consequence to this argument, that our laws do not warrant the impressment of seamen, for if they are exempted hereby "common law" principles, they are equally exempted thereby in England, and we had hopes that this consideration would have secured us justice on the subject of our mariners, when the whig names of Fox and Grey were found among the negociators. But it is not the least of the mortifications of the day, that the whigs of England have been, at least, the involuntary framers of a treaty, which leaves the seamen of this single neutral state exposed to the despotic operation of British impressment. If there be any thing righteous in law or sacred in justice; if there be any meaning; any sincerity, in the allusion to a community of language, blood, morals, and religion, we may still hope that an arbitrary power over the bodies of unarmed men, committing themselves to the protection of our neutral flag, will be quickly and completely abandoned by Great Britain. Yet, however, the actual aggression of British impressment remains among the earliest, the most dangerous, the most offensive, and the most injurious evidences of *the high charge* we have ventured to make.



No. XI.

A charge so high and so solemn, as that we have made against the British government, should be accompanied by the most explicit allegations, the fairest truths, and the

soundest arguments on our part. These considerations may serve to excuse our attempt to add to the discussions on the subject of impressment certain observations, which might not be convenient *between ministers of state*, though unexceptionable and useful from a free press. In doing this, perspicuity will often require a repetition of the official arguments.

We present to our readers with confidence, the position of our government, that the law of nations does not authorize a belligerent power to enter a neutral ship on the high seas, for the purpose of searching for, or taking out any persons but military enemies. Such an act cannot be justified by the proper or local laws or constitutions of a particular belligerent country, because foreign municipal laws do not affect neutral ships, and persons out of the jurisdiction of the power at war. Nor can it be admitted that a concurrence of *municipal* laws, would render a principle valid in *public* Law.

These opinions are unreservedly displayed, because they are believed to be correct, after examination and reflection, and because they can be counter argued, if wrong. But if England had a right to impress her own subjects at sea she ought to abstain from it on board of American ships, because she cannot ascertain them. "The difficulty to distinguish." Americans from Britons is an ingenious turn of expression. The correct language is that, in every case, wherein the British cannot ascertain their subjects, from their similarity to our citizens, there exists an *insuperable* impediment to the execution of this extreme personal process of impressment.

No officer, with the clearest and strongest warrant, can conscientiously, safely, or lawfully take hold of any person in virtue of such warrant, without first ascertaining his man. By the common law, the man, wrongly taken in such case, may resist to death without being guilty of murder. If held, he will recover damages for false imprisonment. If every Englishman, falsely taken within the Island of Great Britain, can thus have remedy for the wrong against the high sheriff of London, or the officers of the civil administration, surely neutral citizens cannot, with impunity, be made prisoners on board their own vessels, out of the

English jurisdiction, at the discretion of every young midshipman or lieutenant. When it is done, the English officer is subject to damages, or we are in a worse condition than subjects.

It is a solemn and imperious duty of the United States to take a calm stand upon the strong ground of law and reason, to prevent injury and to obtain remedy in such cases. We have a clear right to urge too, that Englishmen, lawfully contracted to us, as seamen and passengers, are bound to remain with us, till the contract shall be performed—and that this constitutes another *insuperable* objection to taking them from us by impressment.

There is no law of either nation, forbidding our agreeing with British seamen and passengers, and we might as morally and justly break the contracts of our citizens with their subjects for goods, as they break their subjects contracts with us for services or as passengers. We repeat the suggestion, that law must necessarily govern in the business and personal intercourse between Americans and Britons, if they mean (as we do) to preserve a good understanding. We do not invade their personal rights. They must cease to invade ours. We do not invade their rights of property: They must not continue to invade ours.

The practice of the impressment of the *particular* class of British subjects, called “seamen,” even within the British jurisdiction, is not capable of being pursued, without an illegitimate sacrifice of the principles of the compacts between the nation and their king in the great charters. Nothing but an act of parliament (perhaps not that) can abrogate the stipulations of these charters.—The long custom of impressing, like the custom of purchasing seats in parliament, cannot legalize the measure. Hence no man has ever been hanged for murder on account of a death clearly produced in resisting impressment. Great Britain wants soldiers more than sailors: yet she does not venture to impress men to fill her regiments, bound to the same places as her ships of war. The impressed sailors are uninformed, violently conveyed away, confined in floating prisons, and therefore unable to resist, with success, the particular measure of oppression often dealt out to

them, even in times of the most calm and serene peace. The illegitimacy of the impressment of real Englishmen, within their jurisdiction, increases the dissatisfaction of the Americans at the impressment of persons in our ships on the high seas. We know it to be unlawful and oppressive, and that it justifies our citizens in resistance, at every hazard. We notice this, because America has been violently censured for introducing a bill into her legislature to clothe this right in certain, known and permanent language. It will not be denied, that the captain and crew of a British merchant ship, (if neutral) on the high seas, would be justifiable in shooting to death an American lieutenant and press-gang, (if we were at war with France) who should be in the act of taking the contracted American seamen and passengers out of such neutral British merchant vessel. If so, the same rule must work in our favor, now we are neutral, and England at war. The proposed bill, therefore, went only to declare the law; not to make it. Great Britain, in her confidential cabinet, ought to consider, that her practice of impressment is giving rise to serious discussions with a nation, which are full tenants in common with her, of all the legal ground of the British empire, of the 3d day of July, 1776, which we shall chuse to occupy.

We are desirous to press this particular subject, on the consideration of the British government, because it makes her many enemies in our country, and may make us many enemies out of our country. Her public men and subjects here, have witnessed a very indecorous newspaper attack on this particular subject, upon our government, considered to be the work of a foreign minister of a belligerent power, remaining in America. It is therefore, no pretence on our part, that we are considered to have been careless of our neutrality with respect to our seamen. There are persons, both American and foreign, who firmly believe that Great Britain wishes, by engaging our seamen in her ships of war, to embroil us with her enemies. The English government know how utterly averse we are to engage in this war, and therefore such an opinion in the nation, and in our public councils, would be very unfavorable to her. We speak plainly on all our subjects. It is the language required in this critical time, from a reasonable and correct

neutrality, and from a legitimate amity towards all the belligerents. We hope, however, that we speak with good temper.

There are circumstances connected with this subject, which ought to engage the consideration of Great Britain, if she wishes to maintain her standing in the United States. During the session of congress in which the non-importation law was passed, a member of the Senate from Maryland, introduced a bill, to declare the legality of American resistance to British impressment, by all the force and arms of the impressed persons. In the next following session of the legislature of Maryland, he was elected their governor. This is an impressive fact, as shewing the feelings and judgment of the wealthy and populous middle state of Maryland, concerning a strenuous opposition to the long continued, repeated, and unremedied aggressions of Great Britain against our flag, our property and our mariners.

There is no hostility in presenting such facts to the prudence of Great Britain, in her legislative chambers, her executive councils, her courts of appeal, her prize tribunals, and the public halls of her manufacturers and merchants. The impressment of our seamen was the particular object of the Maryland senator. We wish it to be perceived, that there is no prospect that the United States will any longer endure the violation of their flag by impressment. England would resist by force, *according to the form of our bill*, and in every way, our impressments of her trading ships crews. We may, therefore, resist her impressments in every corresponding manner. She may with justice and good conscience resort to the laws of peace. We have already done it in our non-importation act. Our citizens must be protected from unlawful arrests, and from conversions of their neutral hands to the purposes of an illegitimate warfare against nations with whom we are at peace.

No. XII.

In a former number of these papers we mentioned a section of a modern act of the British parliament, relative

to the dictation of rules and regulations for the prize courts, which adjudge neutrals, by the British king in council.

This unjust and unprecedented law is entitled an act for the encouragement of the British seamen and manning their navy! *For these purposes*, it countenances the idea, that the king of Great Britain may direct the conscience and judgment of the courts of admiralty, in condemning our ships and cargoes, against a treaty or the law of nations! It appears to have been a part of the new system, whereof the treaty with Russia, of March, 1793, and the June and November orders of that government of the same year, made a part. The section to which we refer, is in vol. 39, p. 276, of the British statutes, and runs thus:—

Section 35. *Provided always*, and be it enacted, that nothing in this act shall be construed to restrain his majesty, his heirs and successors, from giving such further rules and directions from time to time, to his respective courts of admiralty and vice admiralty, for the adjudication and condemnation of prizes, as by his majesty, his heirs and successors, with the advice of his or their privy council, shall be thought necessary or proper.”

In considering the above recited section of the British act of Parliament of June the 17th, 1793, the important reflection forcibly arises, that no such provision of a statute ever occurred before that year.

A second and very important reflection occurs, that the *rules and directions to the courts*, which the king and council of Great Britain might think proper and necessary, might be, and sometimes are beyond or contrary to the universal law of nations.

A third and very important reflection occurs, that *those rules and directions to the courts*, might be contrary to existing treaties between Great Britain and other powers. This was the case with respect to the Danes and Swedes, in the instance of her orders of November 6, 1793, for the treaties of those nations with England made enemies goods safe in their ships.

It is now intended to be shewn, that the *constitution of Great Britain*, as it was laid down by such eminent jurists as the late lord chief justice Mansfield, did not allow the courts of admiralty or vice admiralty, to consider the rules

and directions of the king and council as of governing force.

No case can be more correctly adduced than that of the *Silesia loan*, between England and Prussia, to establish the doctrine, that, by the constitution of Great Britain, the law of nations and existing treaties formed the exclusive legitimate basis of the adjudications of their courts of admiralty and vice admiralty, and appeals. On that occasion the great law characters employed by his Britannic majesty, were Sir George Lee, judge of the British *prerogative* court, Sir Dudley Ryder, the attorney-general of Great Britain, Mr. W. Murray, (afterwards lord chief justice Mansfield) then the royal solicitor-general, and Dr. G. Paul, the royal advocate general in the courts of civil law. These great characters, in the civil and common law, attached to the crown by offices of great honor and profit held at its pleasure, will be found to have decidedly rejected all authority, but that of *positive treaties* between Great Britain and Prussia, whose subject's property was in question, and the *universal* or customary law of nations. Their language goes to the exclusion of the innuendo of the section of the act of parliament, above recited.

Mr. Murray (afterwards lord Mansfield) and his able and learned associates state, that they are commanded to give their opinions, how far the king of Prussia's expectations are consistent with "*the established rules of admiralty jurisdiction, and the laws of this kingdom*" of Great Britain.

They further state, as "*clear established principles of law*, that by the maritime law of nations, universally and immemorially received, there is an established method of determination, whether the capture of enemies goods on board of the ship of a friend, &c. be or be not lawful prize; and that the condemnation thereupon, as prize, must be in a court of admiralty, judging by the law of nations and by treaties." They do not in the slightest manner or degree recognize the authority of an act of parliament, or of an order of the king in council, in virtue of such an act, or of any supposed royal prerogative, as legitimate or equitable, or as a rule to them in a tribunal, which concerns all foreign powers.

It is further stated by these able and learned officers of the British crown itself, that “ if the sentence of the court of admiralty be thought erroneous, there is in every country a superior court of review, &c; and that this superior court judges by the same rule which governs the court of admiralty, viz. the law of nations, and the treaties subsisting with that neutral power, whose subject is a party before them.” Nor one sided acts of a parliament, nor one sided orders of a king in council, are acknowledged to be law or rule or direction to these courts, whose jurisdiction includes all sides, and all nations and their paramount universal law.

The British crown lawyers proceed to declare, that “ in this method all captures at sea were tried during the last war by Great Britain, France and Spain, and submitted to by the neutral powers. In this method, by courts of admiralty acting according to the law of nations and particular treaties, say they, all captures at sea have been *immemorially* judged of in every country of Europe. Any other method of trial (say Murray, lord Mansfield and his associates) would be manifestly, unjust, absurd and impracticable.” Such is the true character of the section, and of the doctrine it insinuates, as though it had been known and received and sound.

In the next section, they speak of the law of nations, as the general rule capable of being varied or departed from only by mutual agreement, between two powers. Treaties and usage (the written and prescriptive law of nations) are recognized as the certain known and only rules of courts of admiralty in all cases of captures. They recognize the right of judges of the admiralty to be “ left free, and to give sentence according to their *conscience*.” “ Every foreign prince in amity, say they, has a right to demand that justice shall be done his subjects, in those courts, according to the law of nations and particular treaties, where any are subsisting. If, *in re minime dubia*, these courts proceed upon foundations directly opposite to the law of nations or subsisting treaties, the neutral state has a right to complain of such determination. *But there never was nor never can be any other equitable method of trial.* All the maritime nations of Europe have, when at

war, from the earliest times, *uniformly* proceeded in this way, with the approbation of all the powers at peace. They add these remarkable declarations, that “ in England the crown never interferes with the course of justice. No order or intimation is ever given to any judge: and that “ the British minister knew, that it was the duty of the courts of admiralty to do equal justice;”

It is again declared by these British judges and lawyers, that “ all ships of war were bound to act, and *courts of admiralty to judge according to the law of nations and treaties.*”

We have been careful to make copious quotations from the formal official opinion and report of this British judge and these British crown lawyers, in this most famous, important and well considered case of the capture of neutral Prussian ships by the British public and private ships of war, which gave rise to the question of the Silesia loan.—They are conclusive.—But yet we must ask the utmost attention to their answer to the fourth Prussian article, wherein the Prussian government states, “ that the British ministers have said that these questions (between “ the belligerent British and the neutral Prussians) were “ decided *according to the laws of England.*”

The English judges and lawyers answer “ that the British ministers “ must have been misunderstood ; for the law “ of England says that all captures at sea, as prize, in time “ of war, must be judged of in a court of admiralty, according to the laws of nations, and particular treaties, “ where there are any.” They add that “ there never existed a case, where a court, judging according to the “ laws of England, only,* ever took cognizance of a “ prize.”

Such was the constitution and law of England, the law of Europe, the law of all the nations of the world, accurately laid down, after deliberate official examination, and consideration in the responsible characters of British judges and crown officers by William Murray (afterwards earl Mansfield) and his associates, in this important commission. This solemn proceeding was had in conse-

* *This is equally strong against pleas, under British municipal law, in regard to impressments in our ships.*

quence of an express order of king George the Second of G. Britain, to those public characters, through his principal secretary of state, the duke of Newcastle. The duke's letter, covering these law officers joint answer to Mr. Mitchell, the Prussian secretary of legation, contains some important confirmations, and declarations. In his second paragraph, he expressly and without qualification asserts, that "the law of nations is universally allowed to be the only rule, in such (neutral prize) cases where there is nothing stipulated to the contrary by particular treaties, between the parties concerned." The Duke, as secretary of state, further declares, that the report or opinion of those crown officers, is founded on the principles of this law of "nations," and that the courts of admiralty, "including both the inferior courts and courts of appeal, *always* decide according to the universal law of nations only: except in "those cases, where there are particular treaties between the powers concerned, which have altered the dispositions of the law of nations, or deviated from them."

The duke of Newcastle also declared, that the alarm given by the Prussian conduct to the whole nation and by the extraordinary nature of the subject, had determined the king of G. Britain to take time to have things examined to the bottom and maturely considered. Hence we see, that the king, the prime minister, the admiralty judge, and the crown lawyers, (including one of the most extensive learning, profound wisdom, and decided attachment to the legitimate prerogatives of the crown) have sanctioned the position, that no power, right, or prerogative "to give rules and directions to the courts of admiralty, for the adjudication and condemnation of prizes" existed in the king and council of Great Britain—Such a power therefore, could not be inferred from, recognized, saved, or confirmed, by the 35th section of the act of 33d of Geo. the 3rd, chapter 66. Nor do the words of that section grant such a right or prerogative to the crown. It is therefore correct to assert, that all condemnations of neutral American ships and cargoes, made and confirmed by the British courts of vice-admiralty and appeals against the law of nations, or beyond or without that law, upon the orders of the king of England are unjust, illegitimate, matters of

rightful complaint on the part of the neutral countries, and which authorize us “ to demand that justice be yet done us, in those British courts, according to the law of nations”, for all captures prior to Mr. Jay’s treaty and since its expiration; and according to the law of nations and that treaty, for all captures during its being and continuing in force. Never was there a fairer, sounder or stronger ground to require, that a commission be established to ascertain our damages and injuries, with costs, charges and interest, in all cases wherein detentions, captures and condemnations have occurred, solely in consequence of those British executive orders. We have suffered deeply from this act, from British anti-neutral treaties, and orders of that crown; but the injurious consequences in the wars of 1793 and 1803, and *in future wars* cannot be estimated.

We have before remarked, that our original nation of the 3d of July, 1776 having been divided in due form, we are full tenants in common with our late British compatriots in all the ground of the constitution and general laws of our former empire, *which we choose to occupy*—and we may add, that at the epocha of our separation, no such section existed. It cannot therefore in law, right, or conscience be used to affect us, but the settled doctrines of *Mansfield* and his associates may be specially pleaded in our favor. There can be no doubt, that a foreign course of practice, under such orders, against the law of nations, is a sufficient cause of war, whenever it occurs without redress. Nor can it be denied, that this unprecedented section, and that of the British act of 1803, in the same words, would give a broad foundation for similar executive orders of other foreign governments, if they passed without our protest.

No. XIII.

The notorious perversions and misapplications of the principles and rules of *blockade* are among the most pernicious fruits of the British irregularities of 1792 and 1793. The forcible prevention of neutrals from the lawful carrying of supplies to France from peaceful and neutral England, Hamburg, &c. and the British conventions with Russia, Spain, Austria and Prussia, after the war had

began, with the conduct observed to Genoa, Tuscany and America, the attempts of England upon the Danes and Swedes, and the monstrous practice of neutral impressments, held forth to the British naval commanders the greatest encouragement of *the practice of insult and injury against law.* The new and unwarrantable section of the act of parliament of the 17th of June, 1793, impliedly sanctioning executive interference in judicial trials and decisions, and in the capture and confiscation of neutral property, under those *forms* of law, placed the illegitimate acts of admirals and ministers under the broad cover of an universal indemnity, if even a *secret* order of an irresponsible chief magistrate could only be obtained. What evil practice did not such a state of things teach France? What vexation and injury did not such a condition of things hold out to the neutral states? The unauthorized regulation of all neutral trade, under the name, pretence, and forms of "*Blockade,*" in cases wherein the rights of Blockaders and the duties of neutrals did not occur or exist, was a shorter step, on the part of Great Britain, *from the ground of lawless violence* on which she stood when executing her convention with Russia, than was her monstrous step *to that ground,* from the situation of a correct co-neutral before her French war, or from the situation of an honest and orderly belligerent after the commencement of her quarrel with France. The neutrals were to be harassed, spoiled and impressed till they would consent to become parties in the war on the English side. The whole French people were to be deliberately starved, till they would consent to the abandonment of their colonies, the partition of their home dominions, and the abolition of their civil constitution. To accomplish these things, the king of Great Britain, in the manner we have seen, usurped the legislation of the ocean, and substituted orders of himself in council for the universal prescriptive law of nations and for his own obligatory treaties. To produce the surrender of the French colonies, they were deprived of all trade by the order of council of November 1793, contrary to the rights of belligerent Tuscany, Prussia and Russia and of neutral America, Denmark and Sweden. At that stage of British irregularity, the new perversions of the name of Blockades were not thought of,

nor were the forms adopted. A short but unparalleled order, directing the seizure as well of belligerent allies as of neutrals, if going to or coming from or carrying the produce of a French colony, was *secretly* adopted. The British commanders followed up this act, by proclamations of Blockade respecting places and islands, which they did not either invest or attack. But it answered the purposes in the halls of their admiralty, for the courts had the orders of the British king and council as "*rules*" for the condemnation of the neutrals, and they found the name of blockade in the law of nations and in the proclamations of the naval commanders. The fact of *no blockade* would not be admitted against the letter of an Admiral's proclamation, in favor of a defenceless neutral.

In a short process of time another consequent step in this injurious work was openly taken. Admiral Sir Horatio Nelson (afterwards Lord Nelson) undertook to announce to the Neutral consuls residing in Cadiz, that on account of her war with England, "it was found right that Spain should no longer *have any trade*," and that Cadiz would consequently be treated as a blockaded port, and all the neutrals were to suffer accordingly, if they should attempt the trade. Here were the forms and name of a blockade illegitimately announced upon the ground of annihilating the Spanish trade, and with it the lawful trade of neutrals. Admiral Nelson could have been regularly impeached for illegitimately using the name and forms and rules of Blockade for a purpose not at all military, and avowedly to annihilate merely the trade of a belligerent at the expence of neutral rights. It may be said that England would have laughed at the application; but this would only prove, that, she would laugh at high crimes and misdemeanors against neutral rights under the universal law of nations. Here again, France and Spain must have seen, that England would promptly violate neutral rights, whenever it should seem to be her interest, without the least appearance or pretence of necessity.

The occlusions of the Elbe and the Weser, under the name, form and regimen of "*blockade*", are measures of the same unlawful character. In these cases, the unhappy people of the electorate of Hanover, whom the British Government could not protect, and whom they did not attempt to relieve, were deprived of the opportunity to ex-

port their produce and manufactures and to import their necessary supplies. Their electoral prince (and political father) transferred to a foreign land, used the foreign navy of that foreign state, to destroy their occupations and means of subsistence, against the law of nations, when he could not protect them. Let it not be thought that suggestions so affecting as these are published to offend. Let it rather occasion the government and people of Great Britain to perceive, that her illegitimate and ardent career of anti-neutral conduct has unhappily occasioned her to transcend all the laws of reason and humanity, and all the limitations of indubitable right. When England was a neutral in 1792 and '93, she destroyed the neutral Hanoverian market for grain, in the Hanse Towns: and since she has been at war, she has interrupted their whole import and export trades. She has obliged dependent Hanover to be neuter, to avoid the attacks of the French, and has driven Tuscany out of her neutrality to fight France. Thus she has hitherto acted, towards neutrals and subjects, as seemed good in her own eyes, and sets up a pretention to annihilate a digested treaty with us, because France retaliates *some* of her irregularities: *And here let it not be forgotten*, that whatever may be the date of any British aggression on neutral rights, or whatever may be the time of any British contravention of the usages of war among civilized belligerents, her four treaties of 1793*, are the broad and deep and early and original and real foundations of all, which she has since done and which the other belligerents, adversary or allied, have followed or retaliated.

It is true, that the government and people of the United States have not a right to make formal complaint of the conduct of the belligerent powers in other and remote countries, but as the friends of Great Britain often justify her conduct at sea by the measures of France towards the countries subjected by her arms, it is not irrelative to our subject to advert to the anterior English conduct in this respect. The principles, which the British commanders by land and sea, adopted in the early stages of the first war, are fully displayed in a case before us. General Sir Charles Grey, at present Earl Grey, and admiral Sir J. Jervis now Earl St. Vincents, in the early part of the year 1794, took possession of the French island of Martinico. In the course of

* with Russia, Austria, Prussia and Spain.

their public acts and proclamations, as printed in Debrett's British state papers, it appears, that these two commanders openly demanded of the people of Martinico "a sum of money adequate to *the value of the conquest* (the island and its rich contents) destined to reward the valour, to compensate the excessive fatigues, and to make good the heavy expence incurred by the British soldiers, who with unshaken firmness and matchless perseverance achieved the conquest" and they expressly hold forth the idea that this measure is in lieu of "*a general confiscation*". Such proclamations, in the first West India campaign and before France had adopted similar measures, are unhappy additions to *the volume of real British examples* to the French commanders by sea and land.

There are not wanting many respectable British authorities to prove the unwarrantable and systematic interferences of the British government, in the first year of the war, with the rights of neutrals and the independence of their councils. In the historical division of the new annual Register of Great Britain, the able and candid authors of that respectable work, do not hesitate to admit before their own nation and government, the neutral states and the belligerent powers, that "the ardor with which the British ministry (of A. D. 1792-3) embarked in the war against France, was presently manifested by, perhaps, the most extraordinary proceeding, that ever appeared upon record, and this was, *to force the neutral powers to unite in the combination to crush the French republic.*"

We do not mention the recent instances of British dictation to the neutral states. We are well aware, that in those instances, we should be met by the suggestion of an alleged necessity, of which they claim to be the sole judges, and by pleas in respect to self preservation, which did not exist till the termination of the French directories, and do not apply to our sincere, distant and useful neutrality. Our object has been to verify with calmness, decency and perfect truth, the charge against Great Britain of original aggression against neutrals, and to show the injustice of her claim of retaliation. For this reason, we have generally adduced facts, either of dates anterior to the French and English war of the 1st of Feb. 1793, or to the French decree of the 9th May, 1793, and English proceedings, which have grown out of the early

* Extract from proclamation

diplomatic, legislative, naval and military proceedings of Great Britain. It is not however, to put the British government in the wrong, as to the times past, that this examination is now made. It is amicably to persuade and induce her to be right in future; or in case of our country failing of success in so fair and necessary an object, to endeavor, by a collection of truths, to illuminate the paths of right, of duty and of interest, which lie open before us. It has been too often the misfortune of British politicians to desire the benefits of incompatible circumstances and situations. Not long after the treaty of 1733, it appeared that England, then at peace, wished to manufacture, to fish, to trade and to carry for all the world; yet, employing, as she did, two thirds of her adults, with many of their families, in those pursuits, her political economists complained, that this wooded and agricultural country, supplied them and their colonies with the provisions and lumber, of which they stood in need. They wished to farm for the world too, and to cut wood where they had not people. Now that England is at war, she wishes to have all the benefits of a nation at peace. As she cannot at the moment, hold competition with neutrals in cheap navigation and trade, she endeavors unfairly and unlawfully to maintain the forms and rules of military blockades, *to monopolize the commerce of the world*. She commits aggressions on neutrals, for a series of years and claims the right of retaliation, which belongs to her adversaries. She denies the lawfulness of supplying and buying from her enemies, and in the face of the world, enacts statutes to enable her own subjects to do those things. She seizes, by the sword, on all India and deprives the civilized world of the commerce with seventy or eighty millions of their Asiatic inhabitants, and she complains loudly when her enemies afterwards, deprive her, by the same sword also, of commerce with a smaller number of the people of Europe. It is believed to be necessary to her future beneficial intercourse with this country, that she claim nothing of us, inconsistent with public law—that she do towards us nothing contrary to it—and that she be zealous to facilitate the foreign sales of our produce, or contented to see us manufacture and consume it at home. The British nation is not either strong enough, numerous enough, or so situated and circumstanced, as to do the whole business of all mankind.

On a dispassionate consideration of the preceding historical facts, in their palpable connection with the Anglo Russian convention of 1793, we trust, that the high charge of original aggression on neutral commerce will appear to be fully established against the British government. If the continuance, increase, and multiplication of those aggressions are not admitted by Great Britain and her friends, a brief recital will be sufficient to shew them to the impartial world.

Actual impressments of Britons and other aliens and of our own citizens have never ceased. England has persevered to execute her own *doubtful* municipal law on board of our ships on the high seas, in violation of the law of nations, of our neutral rights, of written mutual contracts, and of the safety of our property and crews. She has been utterly regardless of our neutral duties and dangers in this respect; and to finish the subject, she at the same moment takes our own contracted American citizens, on the high seas out of our own vessels, making them prisoners, the neutrals, while she claims of us alleged, but unascertained British deserters, in belligerent form.

The British government continues to encourage and to maintain their public and private ships of war and courts, out of neutral property, by suffering the exaction of the most extravagant and unfounded bills of costs and charges, as well in cases of *cleared*, as of condemned vessels and cargoes—to the great vexation, obstruction and injury of our neutral trade.

The new overstrained and contradictory opinions and decisions of their admiralty tribunals, and their frequent contraventions of the law of nations in consequence of their holding, as “the rule of their courts, the text of the British king’s instructions,” continue illegitimately to injure and destroy our property and trade; while British merchants, seamen and vessels are often licenced by the crown or by law to give those supplies to their enemies, and aids to their enemy’s agriculture, for which they detain our citizens and condemn our property.

The operation of blockade, (a more and strict military measure) continues to be substituted by *ever varying and arbitrary commercial interdictions*; measures levelled at the neutrals, preposterously and unlawfully called by the name

of blockades, accompanied by an immoral and fatal confiscation of ship and cargo, by the seduction and compulsion of many of our harassed seamen to enter in their ships of war, and by the subjection of the rest to insult, injury and final impressment.

The practice of issuing orders of council, working suspensions and abrogations of the law of nations, in the British prize courts, and inducing like abuses and retaliations by the enemies of Britain, has been continued through fourteen years. In the year 1803 the section of the British statute of the 17th of June, 1793, indemnifying their ministers and navy officers for all infractions of neutral rights, for which they can exhibit an order of the king in council, was deliberately re-enacted. To confiscate the property of a proud subject of the British king, requires a joint act of her three estates in parliament. To confiscate the property of a degraded neutral, requires only an order of the British crown!!! To such a pass has the British government at length arrived on this subject, that preposterously demanding of us *a right* "to profit of their own wrong," they extravagantly avowed in December last, that they were to be considered, as holding in their own discretion the future issuing of these orders of council, to meet their enemies avowed retaliation of them: and this too, so as arbitrarily to suspend their own engagements only, in a treaty intended to correct their executive usurpation of the legislation of the seas.

The long continuations, repetitions and extensions of the British violations of our neutral flag, persons, property and rights, and the excesses which have marked them since she attained her present naval superiority, with the false positions, fatal to the trade and peace of the world; that her naval superiority and commercial monopoly are necessary to be maintained and must be used to her own illegitimate advantage, ought to be considered with calmness, wisdom and firmness by the United States.

The injuries inflicted and the influence exercised in the last 16 years upon the neutrals states form a topic of the most *interesting* consideration at this crisis. It is our duty to examine into their origin and causes, without warmth. We have recently seen a decree called a blockade from the emperor of France more extensive than any *single* act of a bellige

rent power, since the commencement of the French Revolution. It is however, to be carefully observed, that, the idea of being considered as accomplices in the plan of monopoly, which the Emperor charges on England, is strictly confined to the neutrals of *the continent of Europe*.—This strong and explicit French denunciation is couched in terms, which cannot, by the most forced construction, be deemed to include the United States. It will be remembered also, that the apparently extreme idea, that “*to be neuter*” in these modern wars, is in fact to be “an accomplice,” was first unhappily proclaimed by the government of Great Britain. We have already seen that in the year 1793, the British minister at Genoa declared, in form and in writing, to that government, in terms of absolute generality, that to be neutral, in the pending contest of England with France, was to be, ‘*an accomplice*’ of the latter. This unfortunate and excessive precedent, set by Great-Britain to France, was couched in language, which included *every* neutral country, and, of course, actually and fully comprehended us. It is a matter therefore of no small importance in an accurate and candid estimate, that in the French act of 1806, actually *retaliating* that of England of 1793 in regard to “*neutral accomplices of belligerents*,” France has been as correct *towards us*, as Great-Britain was incorrect in her unwarrantable precedent. Another important point of comparison, as to the treatment we now receive from the two countries, merits our temperate, candid and serious consideration. It is useless and injurious to admit passion.—Though France has issued her decree of blockade of the 21st of November, we find that the only communications we have from their government, and from our minister at that court, hold out to us positive assurances that our convention (freely and fairly made by France and by us) is to govern, and not the subsequent Decree of last November, made by France alone, and her cruisers in the Atlantic have acted accordingly. But England, having formed a treaty with us on the 31st of December, holds out to us in a rider made by her self alone, and in the speeches of her minister in Parliament and *in her January order of council*, that neither, the treaty as made, nor the law of nations is to govern. This conduct is the more remarkable, because they knew of the French decree before the treaty was framed.

It is a most unfortunate and indeed an unreasonable thing, that Great Britain should claim to consider, that *retaliation* for the violation and illegitimate treatment of neutrals is to be made *now* by her. She claims *against us*, a right to “*retaliate*” the uses, which France had proposed to make of neutrals, although England has been making those uses of all the neutrals in every year since 1792! It would not be incumbent on us to interfere in this discussion, but that England claims a *right* to use the French act to justify *repetition* of the vast and numerous injuries she has done us, from year to year, in, and since 1792. *Great Britain really knows this full well:* and the government and people of America *know it as well.*—Let her honestly and prudently examine her proclamation and executive orders in 1792, the remonstrances of M. *Chauvelin* under the direction of M. *Talleyrand* in that year, and the act of Parliament to indemnify her ministers. Let her read once more *her own great leading anti-neutral treaty* of March 1793 with Russia, and the similar treaties into which other powers were forced and induced by her: Let her candidly remember too, her orders of June and her secret orders of November 1793, and the conferences and correspondence of Mr. *T. Pinckney* and Lord *Grenville* on those painful subjects; with the calm, comprehensive and unanswerable representation of the whole, in the papers of Mr. *Jefferson*, then our secretary of state, laid before Congress by President *Washington* in 1794: Let Great Britain impartially examine her orders of council of January 1794, May 1795, January 1798, and at other times, with the illegitimate proclamation of Admiral *Nelson* off Cadiz in 1797, and similar acts of her other admirals, announcing the determined *annihilation of a nations whole trade* under the preposterous affectation of legitimate blockades. All these were *prior* to the French decree of November 1806, and were *the real and indisputable causes of that decree.* To talk to us therefore of our duty to oppose that decree is to remind us, *in the most forcible manner*, of the duty we are under to *oppose and to procure the abrogation of the British precedents, which have truly brought it on the world.*

Let Great Britain hasten to enable the neutral world to take just and effectual measures for the abrogation of the late French Decree, by worthily and wisely treading back the unlawful steps, with which she has unhappily advanced

during more than fifteen years, in her diversified and ruinous violations of neutral rights. It is in vain for her or for us to deceive ourselves. Nothing but *a return to justice under the Law of Nations*, can preserve harmony, serve her real interests, or secure inviolable those of the United States. We have proved too clearly, by our long and patient sufferance of vast, numerous, and repeated injuries, that we have not been hasty to seek or hazard discord. Things are at last arrived at the most serious lengths. 'Tis unwise to hope that matters can happily remain as they are, or run longer on as they have done since 1792.—Weighty—solemn—awful circumstances, at home and abroad, have taken place, deeply affecting them and us. New events of equal magnitude seem likely to arise. The times are portentous. If Great Britain is not determined to add to the evils, which press or menace her, the just loss of our good-will and an inevitable privation of much or all of our custom and trade, *she will not persevere in violating the legitimate protection, which our flag should give to all persons, but military enemies*, and which it should completely afford to neutral property, in every branch of lawful commerce. The United States will solemnly, sincerely and truly deprecate a recurrence to *the system* of counter measures, whereof our government has been forced to display *the principles*. But the government and people of Great Britain cannot fail to collect from the history of the two last sessions of our national Legislature; from the temperate and frank declarations of our chief magistrate, and from the conferences of our respective ministers here and in Europe, that *America is really, justly, and deeply concerned for her rights and interests, and for her neutral character and her neutral obligations*. It is time for us to end *the real war upon our citizens*, our property and our flag, which Great Britain has *long* waged. The practice has been deeply injurious to the neutrals: The example, if continued, may become ruinous,

No. XV.

The dispositions of Great Britain towards the United States of America, after the peace of 1783 and before the wars produced by the French revolutions, were not marked by symptoms of kindness, or respect. They did not send

a minister hither till the year 1791, though we joined in territory and had extensive connections. Their most distinguished commercial writer, a member of the Irish lords and British commons,* countenanced the idea, that it was not the interest of the maritime powers of Europe to relieve us from the depredations of the piratical states of Barbary. For this zealous anti-American work, he has been long since rewarded by a British peerage and an office of profit. It has been publicly stated in a pamphlet written by a confidential member of our administration,† that the British government meditated the dismemberment of our country at the Ohio. In 1786, they agreed with France, that free ships should make free goods. But in 1791, the report of their privy council particularly advised, that such an agreement should not be made with us: and they have conducted their treaties in the most decided and rigid conformity with that partial recommendation. Other circumstances of a more offensive nature might be stated, but it is not wished to prevent a dispassionate consideration of existing circumstances.

Our object in these notices is to shew to Great Britain, that early causes of dissatisfaction have occurred on her part.

After their war with France had taken place, Great Britain distinguished us, beyond other neutrals, by many emphatic expressions of an adversary character, by a series of interpositions in our affairs, by attempts to commit our neutrality with the other belligerents, and by establishing principles, which bore upon our interests more than upon any other neutral. She established a press in the hands of one of her own subjects, in the bosom of our national government, to depreciate the principles of our institutions and to oppose the rights of our neutrality; and her public editor seduced the printer of our government gazette to the views and principles of Great Britain.‡ For these services the typographical agent of England received public honors on the floor of their legislature from the mouths of their ministry.—The great Premier of England declared in his place in the house of commons, that “the inventors of the doctrine of the sovereignty of the people were the

* Lord Sheffield in his commerce of the United States.

† The late A. Hamilton, Esq. in his pamphlet on the treaty of 1794.

‡ See letters of Noah Webster Esq. to A. Hamilton Esq. in defence of President Adams.

enemies of their kind.’’ In pursuance of the assertion in their report of council of 1791, that they had formed a party in our senate, they carried into execution their hopes of corruption, as was proved in the case of an expelled member of that body.—The same British minister, who was their agent in this corrupt attempt to commit our neutrality, communicated to their American provinces, that he had drawn us into an arrangement on the subject of St. Domingo, which might be strongly hoped to implicate us in a war with that power.—British impressments of native neutral sailors, on board of neutral ships, were confined to the citizens and flag of the United States.—The impressment of Britons and other aliens, sailing as seamen and passengers in neutral vessels, was committed only on board of our ships. ‘To our neutral minister alone did a British secretary of state presume to insinuate* that the honest and reasonable complainers against the British orders of council as we have seen they are) were the intemperate enemies (such of America and England.—On our immense legalized traffic in wood, grain, vegetables, molasses, taffia, &c. &c. with the French colonies, did the prohibitions of the British order of council of November 1793, impose ruin—a traffic established by the French in peace *according to municipal and public law*—and annulled by the British in war *against all law*.—Upon the Americans, only, has been imposed that refinement in the business of neutral spoliations, by which two several and distinct voyages *to and from* the United States, have been pretended to be made *one*, in judicial form, in order to work the confiscation of our ships and cargoes, and to destroy our commerce.—In our case alone has the British inconsistency occurred of taking the benefit of our new war trade to support their colonial agriculture, while the like trade in support of their enemies colonial agriculture is adjudged to be cause of ruinous condemnations of our vessels and cargoes. We refrain cheerfully from a further exemplification of the peculiar injuries to this neutral country—this useful country, which has been the most abundant source of the materials of British manufactures and of British necessaries, and the greatest purchaser of her redundant commodities.

The rescinding of the dangerous articles in the Russian,

* Lord Grenville to Mr. T. Pinckney.

Prussian and Spanish treaties of 1793, or the candid abandonment of the principle, if the British nation should find herself at war with those three powers; the repeal of the 35th Section of the act of the 17th June 1793 or the similar section of 1803, and a frank declaration against the principle of them; an abandonment of the pretension to make rules and regulations for the trial and condemnation of neutral property; the relinquishment of the practice and pretension of impressment in our vessels; satisfactory declarations upon the subject of blockades and a general restoration of its proper sanctity to the law of nations would revive good humour between the two Countries, and open before each the bright prospect of mutual happiness. We expect and desire nothing beyond the duties, which justice requires of Great Britain. Some have alledged, that self preservation forbids her present compliance. This is a recent pretence, and cannot be considered as just or true, or admissible. No light or imaginary obligations impel our government to preserve to us, their constituents, our personal rights by sea and land, the rights of our flag, our rights of property, the duties and rights of neutrality and the many blessings of the law of nations. The impressive facts in the preceeding pages will perfectly convince even candid Englishmen, that Great Britain has not claims upon our gratitude, sufficient to induce us to become "knights errant" against *the combined powers of the European continent*. No: we are ready to walk with England in the paths of justice, amity, and mutual benefits. But, if she continues to deviate, we may righteously cultivate our separate interests. We may continue her legalized exclusion from a portion of our trade. We may extend the principle further. We may include persons, and private ships as well as manufactures and public ships, in our reluctant prohibitions. We may select more objects of exclusion than we have yet chosen; or we may occupy the whole field of painful interdiction. Unjustly wounded in our external commerce, we may recur with wisdom and energy to the invulnerable object of home manufactures. Obstructed in the foreign sales of our agricultural productions by English orders of council and pretended blockades, we may create for these productions at home a great, certain and steady market, by encreasing exclusions of British manufactures. It is a sound maxim in our political economy, that *so far as*

we cannot trade abroad, we shall certainly manufacture at home. Great Britain may cherish opposite opinions, but a very little time of separation, particularly in war, would convince her of a fatal error. Those among us, who are not disposed to promote manufactures, will perceive the necessity for their aid *to support our agriculture*, which is plainly created by the naval irregularities of Great Britain, and by her endeavours to monopolize external commerce. In the beginning of the recent wars, she made a combination to accomplish naval dictation; but having quarreled with Spain, and we may add perhaps with Russia, she aims at the *monarchy* of the Ocean. As she lessens industry and activity at sea on the part of the neutrals, she will increase both on shore. Every maritime enemy of England is made to her a source of profit, for she captures, without law, neutrals trading with them, and affects to legalize the trade of her own subjects with the same enemies. Neutrals are forbidden to trade between the ports of adversary Belligerents, while by a strange perversion of law and right, those adversary belligerents, trade with each other. Our neutral ships are adjudged, in British courts, not to make free goods, while the belligerent ships of England carry as free goods, the riches of Mexico and Peru for their Spanish Enemies. The peace loving nations are to be deprived of the trade of one belligerent by all the means in the power of England,* who is thus to monopolize the commerce of her adversaries, at the expence of the rights of all friendly neutrals. This war is made her trade : and her trade is war. The spoils of neutrals fill her ware houses, while she incarcerates their bodies in her floating castles. She seizes their persons and property as the rich fruit of bloodless victories over her unarmed friends. Permitted, in peace, by an unthinking world, to lay on their commerce with her dominions every possible restriction, so as to encrease her private ships and seamen, she has made for herself out of those means, that naval superiority, which has so much injured the neutral states in the wars produced by the French revolutions. The painful recollection of past injuries, the solemn imminence of incalculable dangers and the awful prospect of a ruinous substitution of power for right, require a stand.

JURISCOLA.

* See her treaties with Russia &c. March 1793.