

would be counterbalanced by the advantages we derived from the war in Europe. Indeed it is probable if our Government had maintained a system of impartial neutrality, and had imposed no restrictions on trade, that notwithstanding those decrees and orders, we might, by reason of our neutral character, have enjoyed a commerce more lucrative for the last seven years than would have fallen to our share had the whole world been at peace.

In May 1810, the Congress directed that the Non-Intercourse Act should cease as to that belligerent which should first so revoke its edicts, as that they should cease to violate our neutral commerce; and that it should operate on the other which should neglect so to do within three months after the President's proclamation declaring the fact that such revocation had taken place. On the 10th of August following the Duke of Cadore in a letter to our Minister in France stated that the Berlin and Milan decrees were revoked, and that after the first of November then next, they would cease to have effect, it being understood that the English should revoke their Orders in Council and renounce their new principles of blockade, or that the United States should cause their rights to be respected. This letter was considered by the President an absolute repeal of the French decrees, though it appeared to many persons at that time to have been only a provisional repeal upon conditions that might never happen, and was not confirmed by any instrument of which the Courts or people of France were obliged to take notice. The President, however, on the 2d November 1810, announced by Proclamation that the decrees of Berlin and Milan were revoked; and in March following the Congress passed a law confirming that proclamation, and the revival of Non-Intercourse against G. Britain.

When our Government was thus committed, it was the policy of the French Emperor to convince the British Nation that his decrees were not revoked, and he took effectual measures for that purpose. His public ships by his authority and under his instructions, committed depredations on our commerce, and burnt our vessels; the French cruisers and privateers captured them, and they were condemned in their Courts; nor has France made the least reparation for the plunder. On the 31st of March, 1811, the Emperor declared to his Council of commerce that the decrees of Berlin and Milan were the fundamental laws of his Empire.—Many other declarations of this kind were made by the French Government, and though our ministers remonstrated against them as containing no exception in favor of the United States, and requested some authentic act of the French Government to justify our national measures, no satisfaction could be obtained. If the President had then revoked his proclamation, the numerous evils that have followed from that unfortunate measure might have been prevented. But as if the French Emperor was determined to put our Government in the wrong, the Duke of Bassano in May, 1812, when it might be presumed that war between this Country and England would take place, produced to Mr. Barlow a decree which bore date the 28th of April 1811, repealing the decrees of Berlin and Milan, and assigning as the cause of the repeal the Act of Congress of March 1811. To suppose therefore that the French decrees were repealed on the 2d of November 1810 involves the

absurdity that the effect took place long before the cause.

At the same time that the above decree was produced by the French minister, he informed Mr. Barlow that the decree had not been published, but declared it had been communicated to our former Minister in France, and likewise sent the French Minister here, with orders to communicate it to Mr. Munroe. On the correctness of this statement it may be improper to form an opinion until our Government explain the transaction. But of this we may be certain, that if that decree was made in April 1811 according to its date, it was concealed for the purpose of producing a war between this country and Great-Britain; for the party who concealed it well knew, that if the decree was known in England, the Orders in Council would be revoked. If the decree bore a false date, and had not been communicated to our ministers no man either in the administration or among the people, can hereafter doubt concerning the character of the French Government or the impositions practised upon us.

The principal remaining alleged cause of hostility is the impressment of seamen from our merchant vessels.

The war in Europe opened to these states such an extensive field for commercial enterprise, that it might have been difficult to procure immediately such numbers of American seamen as could profitably be employed. Our wealth and navigation increased with a rapidity which has never been exceeded; many thousands therefore of British seamen deserted that service for a more safe and lucrative employment in ours; and greater numbers might have resorted to us, if they had not been apprehensive that the British navy would reclaim them. But if there had been no competitors from abroad, as men will always employ their industry in the manner they find most advantageous, the high price for that species of labour would soon have induced a sufficient number of Americans to become seamen; in that case the danger of impressment by British ships would have been prevented. It appears therefore that British seamen have been patronised at the expense of our own; and should Great-Britain now consent to relinquish the right of taking her own subjects, it would be of no advantage to our native seamen, it would only tend to reduce their wages by increasing the number of that class of men.

The British Government has never claimed a right to take our native American seamen; had such claim been made, we should all have united to resist it. Great-Britain only claims the right of taking her own subjects from neutral merchant vessels. In doing this from a similarity of language our citizens have sometimes, been subjected to imprisonment. But so far as I have heard they have been discharged when application was made in their behalf, and evidence found of their citizenship, in some instances there may have been a wanton exercise of power by the Impressing Officer, but it is impossible for the best regulated state wholly to controul the actions of its subjects or restrain all its military and naval officers in their distinct operations, from insolence and oppression; it is therefore a rule of national law, that the faults of individuals shall not be imputed to the nation, unless they are approved and ratified by Government.

Some abuses must undoubtedly happen from the difficulty of distinguishing Americans from Englishmen. But it appears from

the examination already made, that these abuses have been greatly exaggerated and that only a small number of native Americans are in the British service, who have not voluntarily engaged, and of these the British Minister before the war requested our government to furnish a list that measures might be taken for their discharge. It is probable that more than one third of the native American seamen belong to this state, and three fourths are supposed to be from the state of New-York and New-England; if the number detained in British ships, had been great, the complaints would have been loudest from this part of the Union; but the fact has been quite otherwise. You, gentlemen, represent every town in the Commonwealth, and will be able to ascertain how many of your neighbors, are held without their voluntary consent, in the navy of Great-Britain.

All the European nations agree in founding allegiance upon the circumstance of nativity; they claim and treat as subjects, all those who are born within the confines of their dominions, although removed to another country in their youth. This doctrine of allegiance is also the common law of our own country, and as such, it often has been, and probably always will be recognized by our Courts.

The Sovereigns of Europe have also universally assumed the right of prohibiting whenever they please, the departure of their subject out of the realm; and we are told by the most approved writers on the law of nations, that a state has just cause of complaint against another which entices away and employs its useful subjects. That every government has a just claim to the services of its subject in time of war, and that all those who abandon their country when in danger are deserters which she has a right to punish. It was upon this principle that our laws for the confiscation of absentees estates were passed, and if the principle is unsound those laws were unjust.

Great-Britain complains that we have allured her seamen into our employment, by holding up superior inducements to them to quit her service and engage in ours, and this too, at a time when she was contending for all that was dear to her against the most formidable and efficient force that in any age of the world has been united under one head. She asserts that her seamen are essential to her safety; that though they are not liable to be taken from our national ships, and we have a right to protect them while they remain within our territories; yet if they pass into her dominions, or if in transacting their own affairs on the highway of nations they come within her power, she has a right to take them in virtue of her prior claim; that the nations of Europe have for ages claimed and exercised this right, and that she can never relinquish it so long as we employ her seamen, without endangering the existence of her navy. What hope of peace then, can be reasonably entertained while such a sacrifice is required of her? A nation ought first to do justice to others before it demands justice of them; when war was declared, we knew that Great-Britain had suffered greatly by the desertion of her seamen into our service; but had we done any thing to prevent or discourage it? though she alleged that they were necessary for her defence; and to us they were only useful as the means of acquiring wealth.

In the war between France and England we professed to be a neutral nation. This