

that the frequency of the fraud is not denied. The Americans admit, we believe, that the abuse of the American flag is but too common; but they say that it is their business to repress and punish it. But how can that be done? They never do, and from the nature of the cases, never can see it. The British or Brazilian slave trader has no object in showing American colours to American cruisers; on the contrary, they are as wary not to do so as they are not to show their proper colours to British cruisers. The party against whom the deception is practised is the only party that can ever see the deception; while an impostor takes especial care to keep out of the way of him that he personates.

In short, there is not in law nor in reason, in principle nor in practice, the slightest colour or excuse for the jealousy which it is endeavoured to raise against England, in a matter where she asks only what she in return admits to all mankind, and which is asked only in the common interest and common safety of the whole maritime world.

The truth, the plain unvarnished truth and common sense will be sufficient to dissipate all jealousy about the principle; and there are abundant means by which the practical inconvenience may be reduced almost, if not absolutely, to nothing. For this purpose it would be very desirable to know what cases of inconvenience have actually occurred. We hear of complaints, but we have never heard the details of any one cause of complaint, and we suspect that had they been very serious we should have heard more about them: but whatever they may be, no one can doubt that every effort ought to be made to prevent, as far as possible, their recurrence. Any British officer of experience enough to be entrusted with a command, will in three cases out of four, be able to distinguish at a glance, or by exchanging a word through a trumpet, an American ship from any other that he can have a right to visit—except perhaps the British. In any case, the inquiry ought to be so conducted that, in the event of mistake, there should be at least no discourtesy, and as little delay as possible, to complain of; and in the rare cases in which any injurious delay or inconvenience should occur, the officer, or the country, according to the circumstances, would be held liable to make good any damage occasioned by an innocent party—just as a magistrate or policeman would, in such a case as we have before supposed, have to make reparation to a person whom they should have indiscreetly or erroneously arrested.

There is, however, one point of our system for suppressing the slave trade, which we think objectionable in itself, and still more so as tending to produce the inconveniences which we deprecate: we mean the bounty to Her Majesty's ships for the recapture of slaves. These rewards stand, we humbly conceive, on entirely different grounds from belligerent prize—in an erroneous, as we think, imitation of which they have been established. We will not enter into a detail of the many reasons for which we should wish to see this practice wholly abolished; it is sufficient for our present purpose to say that it seems at variance with the spirit of disinterested humanity, which we know, but which *foreign nations* were, for a long time, so reluctant to believe, to be the real motive of our zeal against slave-trading.

But there is a short and easy mode of arranging this question, which would leave nothing to doubt or accident, and would wholly remove all possibility of difference between America and us on the subject. We mean a diplomatic arrangement between the countries; and certainly there never was a more propitious moment for such an experiment. Even as we are writing these lines we have had the great satisfaction of hearing that a joint convention has been very recently signed by *Austria, England, France, Prussia and Russia*, by which each power agrees—in furtherance of the suppression of the slave trade—to grant to the cruisers of the other powers warrants to search, in certain specified cases, and, if slaves be found, to send in for adjudication ships bearing its national flag. This great step—the greatest, we believe, yet made towards the suppression of the slave trade on the seas—does infinite honor to all the contracting parties, and will, we are confident, be received with such satisfaction throughout Europe as to silence the petty and interested cavils of a party in France, which—from the triple motive of opposition to M. Guizot, hatred of England, and zeal for the slave trade—has been very angry at the prospect of this happy arrangement. With Brazil, Denmark, Holland, Naples, Portugal, Sardinia, Spain and Sweden, we had already similar conventions; and thus there is an unanimous concurrence in this great principle of, we may say, the whole civilized world—*except America*; and we cannot believe that she will long consent to exclude herself from so honorable an alliance.—But—whether it is to be done by a convention or some special application of the general principles before stated—we cannot bring ourselves to doubt that this question may be easily, and will be speedily arranged.

We conclude with repeating the expression of our anxious, but respectful hope—we might say our conviction—that, taking them altogether, the points of difference existing between England and America are so inconsiderable compared with the vast importance of the common interests which should unite them, that the wise and honest statesmen who now principally influence the foreign relations of the two countries will be enabled to bring all those differences to an early, honourable, and final close, and to give to that community of interests such additional cordiality and confidence, as may make our two countries in feeling—what, as compared with the rest of mankind, we really are—*independent but friendly branches of one great family.*

[From the New York Albion, 4th March.]

RIGHT OF VISITATION AND SEARCH.

We give place to the Message from His Excellency the President to the Senate, on the supposed misunderstanding existing between the governments of Great Britain and the United States, on the eighth article of the Ashburton Treaty; also the letter of Mr. Webster, accompanying the documents called for by the Senate, in reference to the same subject. The documents themselves are not yet printed.

The tone of these two communications is very pacific and satisfactory, so much so as to give assurance that the point in dispute will be amicably arranged. The President, indeed, says that the "difference of the two governments is rather one of definition than of principle;" and he at the same time awards justice to the motives and objects of the British Cabinet. Mr. Webster's letter will bear a similar interpretation, and we therefore have no apprehension whatever that the peace of the two countries will be disturbed by this question.

The public journals of the United States are beginning to make the proper distinction between the belligerent Right of Search, and the mere act of Visitation, to ascertain the true character of a suspicious vessel found at sea. It is indeed surprising how the two should have been confounded:—no nautical man, we believe, ever did confound them. Fears have existed that the Right of Visit, might perchance, when exercised by injudicious officers, degenerate into the right of Search; or, in other words, that the practice of visiting may be abused. But this fear is provided against by the emphatic manner in which Lord Aberdeen assures the American Government, that all and every act of such abuse shall be fully atoned for; and by the further fact that an act of that sort has already been satisfactorily arranged and due reparation made; thus giving on behalf of Great Britain a practical illustration of the purity of her motives and the integrity of her professions.

It is a very common error to suppose that this right of Visitation is a new maritime principle set up by England. Nothing can be more erroneous, for the practice has ever been in force with every Navy in the world;—it is indeed coeval with the earliest existence of navies. Without it ships of war in the time of peace would be useless, and they would sail the ocean, the jest and laughing-stock of pirates, and the contempt of mankind. As well might we establish a Police without power to arrest criminals, Courts without authority to enforce their decisions, or send an Army in the field without ammunition, as to attempt to abrogate this great function of the armed ships of civilized nations. Not only have the British, the French, and other European ships of war, at all times overhauled and visited vessels of a doubtful character, but those of America herself, as is known to all persons conversant with the practices and usages on the "highways of nations." The right and the practice, is, and has been so common, that we wonder why it has been questioned; and in proof of what we assert, we beg to copy the following paragraph from the New York *Evening Post*:—

RIGHT OF VISITATION AND SEARCH.—There is, in the practice on the ocean, a distinction between a Visitation and a Search. It is the practice for men-of-war, while on their cruising ground, to hail, to order to lay to, and to send a boat on board merchantmen whenever the commander may deem it expedient. We have seen the commander of our own American men-of-war overtake merchant vessels and packets, sailing under the Spanish flag, and with Spanish papers, command the same vessel to lay to, and send an officer on board and inspect the ship's papers. They have also fired a twenty four pound ball across the path of Foreign merchantmen, and thereby caused that vessel to steer from her course, pass under the man-of-war's stern, and answer for themselves. It is not, we presume, the practice to approach every vessel that may be discovered. A suspicious appearance of the stranger determines the commander. In some cases we have seen the American man-of-war give chase, and crowd sail upon sail, and at the same time fire ball after ball over the chase; and in one instance, of a chase between two swift ships, the chase, a Baltimore clipper, was determined to raise no flag, and to continue a defiance, until she saw the American flag, when the man-of-war luffed to fire. This kind of visit is a distinct thing from a Search.

We close the subject by giving the following conclusive remarks made by Mr. Everett in the House of Representatives on Monday last.

[From the Globe of Tuesday.]

THE TREATY.

Mr. Everett next obtained the floor, and said—he came now to the Right of Visitation, about which so much had been said; and this he took it, was not a British, but an American question. When presented as a British question, every man in the House rose in opposition to it; but when presented as an American question—as the claim of the United States against the whole world—he hoped it would meet with a more favorable reception. With this brief preface, he begged leave to offer his amendment, exhibiting his views of all that could be said on the subject. Mr. E. then submitted the following:—

"And be it further enacted, That it shall be the duty of the commander of each of said vessels of said naval force to visit all vessels found on the coast of Africa, or within one hundred leagues thereof, which he shall have reason to suspect to be American, and to be engaged in the slave trade, for the sole purpose of ascertaining