## American.

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Extract of a letter from the Secretary of · State, to James Munroe, Esq. dated 5th

der it. Great Britain, on the contrary, without recurring to any tribunal whateown subjects; and under that cover, as 'sel, to decide the important question of cannot but happen, are often seized and their respective allegiances and to carry taken off, citizens of the United States, | that decision into instant execution, by and citizens or subjects of other neutral | forcing every individual he may chuse countries, navigating the high seas, under the protection of the American flag.

Were the right of Great Britain, in this case, not denied, the abuses flowing from | person to the most humiliating discipline, it would justify the Uinted States in claiming and expecting a discontinuance of its exercise. But the right is denied, and on the best grounds.

Although Great Britain has not yet adopted, in the same latitude with most other nations, the immunities of a neutral flag, she will not deny the general freedom of the high seas, and of neutral vessels navigating them, with such exceptions only as are annexed to it by the law of nations. She must produce then such an exception in the law of nations, in faror of the right she contends for. But in what written and received authority will she find it? In what usage exfind in both, that a neutral vessel does not protect certain objects denominated contraband of war, including enemies serving in the war, nor articles going into a blockaded port, nor, as she has maintained, and as we have not contested, enemy's property of any kind. But no where will she find an exception to this freedom of the seas, and of neutral flags, which justifies the taking away of any person, not an enemy, in military service, found on board a neutral vessel.

If treaties, British as well as others, are to be consulted on this subject, it will equally appear, that no countenance to the practice can be found in them. Whilst they admit a contraband of war, by enu- subjects should be taken out of American merating its articles, and the effect of a real block de by defining it, in no instance do they affirm or imply a right in any sovereign to enforce his claims to the allegiance of his subjects, on board neutral vessels on the high seas. On the contrary, whenever a belligerent claim against persons on board a neutral vessel, is referred to in treaties, enemies in military service alone are excepted from the general immunity of persons in that situation; and this exception confirms the immunity of those who are not included in it.

It is not then from the law or the usage of nations, nor from the tenor of treaties, that any sanction can be derived for the any nation extends, in any case whatever beyond its own dominions, and its own vessels on the high seas. Such a doctrine would give us claim to all nations, and empire of the seas. It would be the less admissible too, as it would be applicable to times of peace, as well as to times of war, and to property as well as to persons. If the law of allegiance, which is a municipal law, be in torce at all on the high seas, on oard foreign vessels, it must be so at all times there, as it is within its acknowledged sphere. If the reason alledged for it be go d in time of war, namely, that the sovereign has then a right to the ! service of all his subjects, it must be good at all times, because at all times he has the same right to their service. War is not the only occasion for which he may want their services, nor is external danger the only danger against which their services may be required. for his security. Again, if the authority of a municipal law can operate on persons in foreign vessels on the high seas, because within the dominion of their sovereign they would the law by being in that situation, how reject the inference that the authority of a municipal law may equally be enforced, on board foreign vessels, on the high seas, against articles of property, exported in violation of such a law, or belonging to the country from which it was exported? And thus every c mmercial regulation, in-time of peace too, as well as of war, for protection might be justly required would be made obligatory on soreigners in time of war, from American seamen, and their vessels, not only whilst within they could only be required in cases the particular provocation to measures of the dominion of the sovereign making the where the lapse of time from its comregulation, but in every sea, and at every mencement, had given an opportunity distance where an armed vessel might | for the American seamen to provide meet with them. Another inference deserves attention. If the subjects of one it is certain that in a variety of instances sovereign may be taken by force from the seamen have been impressed from Amevessels of another, on the high seas, the rican vessels, on the plea that they had not right of taking them when found, implies | this proof of citizenship, when the dates | the right of searching for them: a vexa- and places of the impressments demontion of commerce, especially in time of strated the impossibility of their knowing peace, which has not yet been attempted, in time to provide the proof, that a state and which for that as well as other reasons, of war had rendered it necessary. may be regarded as contradicting the principle from which it would flow.

rights of persons of a regular trial, to American vessels on the high seas. which the most inconsiderable article of an abuse of his power. Can it be reason- States, she constantly refuses to release the U.S. than her enemies would suffer January, 1804, relative to impress- able then, or just, that a belligerent com- from her's American citizens impressed from the addition of them to the crews of mander who is thus restricted, and thus We consider a neutral flag, on the high | responsible in a cause of mere property seas, as a safe-guard to those sailing un- of trivial amount should be permitted, ried within her dominions. Thus, when asserts a right to search for, and seize her ver, to examine the crew of a neutral vesinto a service abhorrent to his feelings. cutting him off from his most tender connections, exposing his mind and his and his life itself to the greatest dangers? Reason, justice and humanity unite in protesting against so extravagant a preceeding. And what is the pretext for it? It is that the similarity of language and of features between American citizens and British subjects, are such as not easily to be distinguished; and that without this arbitrary and summary authority to make the distinction, British subjects would escape, under the name of American citizens, from the duty which they ther he belongs to the one or to the other. I narrow seas, where its domain would b to an arbitrary decision on the spot, by an interested and unresponsible officer? In all other cases, the difficulty and the importance of questions are considered as reasons for requiring greater care and formality in investigating them, and greater security for a right decision on them. To say that precautions of this sort are incompatible with the object, is to admit that the object is unjustifiable, since the only means by which it can be pursued

are such as connot be justified. The evil takes a deeper die, when viewed in its practice as well as its principles. Were it allowable that Britis! vessels on the high seas, it might at leas be required that the proof of their allegiance should lie on the British side. This obvious and just rule is, however. sailing under the American flig, and sometimes even speaking an idiom proving him not to be a British subject, i presumed to be such, unless shewn to be American citizen. It may safely be atfirmed that this is an outrage and an indignity which has no precedent, and which Great Britain would be among the last nations in the world to suffer, if offered to her own subjects, and her own practice in question. And surely it will alag. Nor is it always against the right not be pretended that the sovereignty of presumption alone, which is in favor of the citizenship corresponding with the flag, that the violence is committed. Not unfrequently it takes place in defiance of the most positive proof, certified in du. more than any thing would countenance form by an American officer. Let it not the imputation of aspiring to a universal! be said, that in granting to American seamen this protection for their rights as such, the point is yielded, that the proof lies on the American side, and that the want'of it in the prescribed form justifies the inference that the seamen is not of American allegiance. It is distinctly to be understood, that the cerlificate usually called a protection to American seamen. is not meant to protect them under their own, or even any other neutral flag on the high seas. We can never admit, that in such a situation, any other-protection is required for them, than the neutral flag itself on the high seas. The document is given to prove their real character, in situations to which neither the law of nations, nor the law of their own country, are applicable; in other words, to protect them within the jurisdiction of the British laws, and to secure to them, within every other jurisdiction, the rights and immunities due to them. If in the course be subject to that law, and are violating of their navigation even on the high seas, the document should have the effect of repelling wrongs of any sort, it is an incidental advantage only, of which they avail themselves, and is by no means to be misconstrued into a right to exact such a proof, or to make any disadvantageous interference from the want of it.

Were it even admitted that certifica'es themselves with such a document. Yet

Whether therefore we consult the law probably not be pursued into effect, if and the peculiar interest which Great Bri-

Taking reason and justice for the tests dictates of reason and justice, no warrant, I an amicable arrangement between the two of this practice, it is peculiarly indefen- no pretext can be found for the British pations. sible; because it deprives the dearest practice of making impressments from

into it, whenever she can give for a reason, that they were either settled or marthe voluntary consent of the individual fainconsistencies cannot be i nagined.

Notwithstanding the powerful motives which ought to be felt by the British government to relinquish a practice which exposes it to so many reproaches; it is foreseen that objections of different sorts | claimed, will be within a jurisdiction inwill be pressed on you You will be told first, of the great number of British seaowe to their sovereign. Is then the dif- men in the American trade, and of the ficulty of distinguishing a mariner of one in cessity for their services in time of war country from the mariner of the other, and danger. Secondly, of the right and and the importance of his services, a the prejudice of the British nation, with cept her own, will it be found? She will good plea for referring the question wheel respect to what are called the British or abandoned by the general stipulation required. Thirdly, of the use which weath! be made of such a sanctuary as that of American vessels, for desertions, and traiterous communications to her enemics,

> 1st. With respect to the British seamen serving in our trade, it may be remarked, first, that t'e number, though considerable is probably less than may be supposed. Secondly, that what is wrong i in itself cannot be made right by consideration of expediency or advantage. Thirdly, that it is proved by the fact, that the number of real British subjects gained by the practice in requisition, is of i conside rable importance, even in the scale of advantage. The annexed report to Congress on the subject of impressments, with the addition of such cases as may be reversed; and every scamen on board, in the hands o. Mr. Erving, will verify though going from an American port, and the remark in its application to the presant war. The statement made by his presece-sor during the last war, and which is also annexed, is in the same view still more conclusive. The statement comprehends not only all the applications made by him in the first i stance, for the liberation of impressed seamon, between the month of June 1797, and September, 1801. but many also which had been made previous to his agency, by Mr. Pinckney and Mr. King, and which it was n. cessary for him to renew. These applications therefore may fairly be considered as embracing the greater part of the period of the war; and as applications are known to be pretty indiscriminately made, they may further be considered as embracing, if not the whole, the far greater p rt of the impressments, those of British subjects as well as others. Yet the result exhibits 2,059 cases only, and of this number 102 seamen only, detained as being British subjects, which is less than 1 20 of the number impressed, and 1,142 discharged or ordered to be so, as not being British subjects, which is more than half of the whole\_number, leaving 805 for further proof, with the strongeat presumption that the greater part, if not the whole, were Americans or other Aliens, whose proof of citizenship had been lost or destroyed, or whose situation would account for the difficulties and delays in producing it. So that it is certain, that for all the British seamen gained by this violent proceeding, more than an equal number who were not so were the victims; it is highly probable that for every British semen so gained, a number of others, less than 10 for one, must have been the victims, and it is even possible that this number may have exceeded the proportion of 20 to one.

It cannot therefore be doubted, that the acquisition of British seamen, by these impressments...whatever may be its advantage, is lost in the wrong done to Americans ignorantly or wilfully mistaken for British'subjects, in the jealousy and illwill excited among all maritime nations by an adherence to such a practice, and in redress on the part of U.S. not less disagreeable to them than embarrassing to G.Brit. in, & which may threaten the good understanding which ought to be faithfully cultivated by both. The copy of a bill beought into Congressunder the influence of violations committed on our flag, gives force to this latter consideration. Whether it will pass into a law and at the present session, is more than can yet be said. As there is every reasonto believe that it has of nations, the tenor of treaties, or the any hope can be supported of a remedy, by tain has in preventing a practice of affect.

There is a further consideration which ought to have weight in this question. Great Britain has the less to say in ex- Although the British seamen employed property ceptured on the high seas, is en- cuse for this practice, as it is in direct in carrying on American commerce, be in titled; and leaves their destiny to the contradiction to the principles on which some respects lost to their own hation, yet will of an officer, sometimes cruel, often she proceeds in other cases. Whilst she such is the intimate and extensive connexignorant, and generally interested by his claims and seizes on the high seas, her monot this commerce, direct and circuitous, want of mariners, in his own decisions. own subjects voluntarily serving in Ame- with the commerce, the manufactures, re-Whenever property found in a neutral rican vessels, she has constantly given, venue, and the general resourses of the grounds to capture and condemnation, discharging from her service Ameri an mariners on board American vessels, may the rule in all cases is that the question | citizens, that they voluntarily engaged in | truly he said to be rendering it the most shall not be decided by the captor, but be It. Nay, mo e, whilst she impresses her | valuable servces. It would not be extravacarried before a legal tribunal, where a own subjects from the American service, gant to make a question, whether G. Briregular trial may be had, and where the although they may have been settled and tain would not suffer more by withdrawing captor himself is liable to damages, for married, and even naturalised in the U. her scamen from the merchant vessels of her ships of war and cruizers.

Should any difficulty be started concerning seamen born within the British dominions, and naturalized by the U.S. vors her pretensions, she pleads the vali- since the treaty of 1783, you may remove dity of that consent. When the volun- it by observing : First, that very few, if tary consent of the individual stands in the any such naturalizations can take place, way of her pretensions, it goes for no- the law here requiring a preparatory resithing! When marriage or residence can dence of five years, with notice of the inbe pleaded in her tavor, she avails herself tentionto become a citizen entered of reof the plea. When marriage and resi- conditwo years before the last necessary dence, and even naturalization are against formality, besides a regular proof of good her, no respect whatever is paid to either! | moral character, conditions tittle likely to She takes by force her own subjects, vo- be complied with by ordinary sca-faring luntarily serving in our vessels. She persons, Secondiv, that a discontinuance keeps by force American citizens, invo- of impressments on the high seas will lantarily serving in hers. More flagrant | preclude an actual coalision between the interfering claims. Within the jurisdiction of each nation, and in their respective vessels on the high seas, each will, inforce the allegiance which it claims. In other situations the individuals doubly dependent of both nations.

Secondly, The British pretentions to domain over the narrow seas are so obsolete and so inde ensible, that they never would have occurred as a probable objection in this case, if they had not actually frustrated an arrangement settled by Mr. King with the British ministry on the subject of impressments from American vessels on the high seas. At the moment when the articles were expected to be signed, an expected to be signed, an exception of the" narrow seast was urged and insisted on especially across the channel to France. by lord St. Vincent; and being utterly madmissible on our part, the negociation Was abandoned.

> The objection in itself has certainly not the slightest foundation. The time has been, indeed, when England not only claimed, but exercised pretensions scarcely inferior to full soveregaty over the seas surrouncing the British isles, and even as far as "Cape l'inistère to the south and Van Staten, in Norway, to the north. I was a time, however, when reason had little share in determining the law, and the intercourse of nations; when power alone decided questions of right, and when the ignor-nee and want of concert among other maritime countries facilitated such an usurpation. The progress of civilization and information has produce d a change in all those respects, and no principle in the code of utilic law is at present better established, than the common freedom of the seas beyond a very limited distance from the territories-washed by them. This distance is not, indeed, fixed with absolute precision. It is varied in a small degree by written authorites, and perhaps it may be reasonably varied in some degree by local peculiarites. But the greatest distance which would now be listened to any where, would make a small proportian of the narrowest part of the narrowest seas in question.

What are, in fact, the prerogatives claimed and exercised by Great Buitain over these seas? If they were really a part of her domain, her authority would be the same there as within herother dom. in. Foreign vessels would be subject to all the laws and regulations framed for them, as much as if they were within the harbors or rivers of the country. Nothing of this sort is pretended. Nothing of this sort would be tolerated. The only instances in which these seas are diatinguished from other scas, or in which G. Britain enjoys within them, any distinc. tion over other nations, are first, the compliment paid by other flags to hers. Secondly, the extension of her territorial jurisdiction in certain cases to the distance of four leagues from the coast. This first is a relic of ancient usurpation, which has thus long escaped the correction, which modern and more enlightened times have applied to other usurpations. The prerogative has been often contested, however, even at the expence of bloody wars, and is still borne with illwill and impatience by her neighbors. At the last treaty of peace at Amiens, the abolition of it was repeatedly and strongly pressed by France; and it is not improbable that at no remote day it will follow the fate of the title of "King of France," so long worn by the British monarchs, and at length so properly sacrificed to the lessons of a magnanimous wisdom. As far as this homage to the British flag has any foundation at present, it rests merely on long usage and long acquiescence, which are construed, as in a few other cases of maritime claims, into the effect of a general though tacit convention. The second instance is the extension of the territorial jurisdiction to four leagues from the shore. This too, as far as the distance may exceed that which is generally allowed, rests : on a like foundation, strengthened per- : been proposed with reluctance, it will haps, by the local facility of smuggling,

ing so deeply her whole system of revenue, commerce and manufactures; whilst the limitation itself to 4 leagues necessarily implies that beyond that distance no territorial jurisdiction is assumed.

But whatever may be the origin or the value of these prerogatives over foreign flags in one case, and within a limited portion of these seas in another, it is obvious that neither of them will be violated by the exemption of American vessels vessel, is supposed to be liable on any when she could give, as a reason for not British nation that in other respects its\_from impressments, which are no wise connected with either; having never been made on the pretext either of withholding the wonted homage to the British flag, or of smuggling in defiance of British

This extension of the British law to four leagues from the shore, is inferred from an act of parliament passed in the year 1736 9 (i. 2 c. 35) the terms of which comprehend all vessels foreign as well as British. It is possible however, that the former are constructively excepted. Should your enquiries ascertain this to be the case, you will find yourself on better ground than the concession here

With respect to the compliment paid to the British flag, it is also possible that more is here conceded than you may find to be necessary. After the peace of 1783 this compliment was peremptorily withheld by France, in spite of the remonstrances of Great Britain; and it remains for your enquiry, whether it did not continue to be refused, netwithstanding the failure at Amiens to obtain from Great Britain a formal renunciation of the claims

From every view of the subject, it is reasonable to expect that the exception of the narrow seas, from the stipulation against impressments, will not be inflixibly maintaine l. Should it be so, your negociation will be at an ead. The truth is, that so great a projection of our trade direct & circuitous, passes through those channels, and such is its peculiar exposure in them to the wrong practised, that with such exception may remedy would be very partial. And we can never consent to purchase a partial remady, by confirming a general evil, and by subjecting ourselves to our own reproaches, as well an to those of other nations.

Third, It appears, as well by a letter from Mr. Thornton, in answer to one from me, of both which copies are enclosed, as from conversations with Mr. Merry, that the facility which would be given, particularly in the British channel, by the immunity claimed for American vessels, to the escape of traitors, and the desertion of others whose services in time of war may be particularly import at to an enemy, forms one of the pleas for the British practice of examining American crews, and will be one of the objections to a formal relinquishment of it.

This plea, like all others, admits a solid and satisfactory reply. In the first place, if it could prevail at all against the neutral claim, it would authorise the seizure of the persons described only, and in vessels bound to a hostile country only; whereas the practice of impressing is applied to persons, few or any of whom are alleged to be of either descriptions, and to vessels whithersoever bound, even to G. Britain herself. In the next place, it is not only a preference of a smaller object on one side to a greater object on the other; but a sacrifice of right on one side to expediency on the other side.

## SHERIFFALTY.

LIENRY TRAPNALL begs leave to in-II form his friends, and the voters of the city and county of Baltimore, generally, that he still continues to offer himself, a candidate for the office of Sheriff; and he again respectfully solicits their friendship-and suffrage at he ensuing election.

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Nov. 28

February 4

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Septembre 4

February 10

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