

these orders, if such has been the fact. What, Sir, retaliate upon an innocent neutral the aggressions which your enemy has committed upon that neutral. The priority of aggressions makes no difference: Each nation must account with us, for the injury done us. I have wondered the government of the U. States, have ever condescended to discuss the question of the priority of these edicts; though it is beyond question, that the Blockade of the 16th of May, 1806, was far more injurious to America than the Berlin Decree of the 21st Nov. following. This extraordinary Blockade, obstructed the commerce of nearly one thousand miles of the sea coast including many important commercial cities and the mouths of several large and navigable rivers. But the advocates of Britain say she had a right to do all this. She had force enough to invest the whole extent therefore it was legally blockaded, whether the force was applied or not.—So I suppose gentlemen would contend that some other coast, equally extensive, was actually blockaded because it might be; and in this way, Britain might blockade every port in the world at the same time.—But the strongest advocates for retaliation, have not pretended that it could be justified until after notice of the first aggression, and neglect or refusal to retaliate. Upon what principle then, was the Order of Council of 8th January, 1807, imposed? This was but forty seven days after the Berlin Decree, and before we could have had notice of it; and yet, Great Britain had a right they say, to retaliate on us for an act which we could not prevent, and of which we did not know! It is in vain to pretend, that this Order was not a retaliation of the Berlin Decree, because left rigorous in terms. It was contrary to the known law of nations, and Britain had the power to enforce it; but France had no power to enforce her Decree and it could be considered but an empty threat.

But it is suggested, that this war is for the protection of British seamen.—This charge is without any foundation. We are contending for the protection of our seamen on board of our own ships. The law of nations admits not the subjects of one nation to enter on board the ships of another, and to take such as they shall judge their own. The case is simple & capable of demonstration. The ocean is the common highway of nations. On it, each has a concurrent, but neither an exclusive jurisdiction. If, then, one nation have a right to take such as she shall judge her own subjects in this common jurisdiction, the other may retake the same subject, if she judges him to be her own. If this nation has a right to recapture, she has, a fortiori, a right to resist the first taking—so that pursuing your principle, one nation claiming a citizen in a jurisdiction common to both, has a right to take him from another, while this other, if she claims him, has a right to resist. But, though the jurisdiction is concurrent on the ocean, it is not so on board the ship.—Here the jurisdiction is exclusive.—The municipal law prevails here. Vattel says, that a person born on ship-board, is considered as the natural born subject of the nation to which the ship belongs, because within the exclusive jurisdiction of that nation. It is true that there are cases, in which a belligerent may enter on board, for certain purposes; for instance, to search for contraband goods, and prevent a violation of blockade. But these are exceptions, and go to prove the rule. It is manifest that these exceptions especially that relative to contraband goods, are the effect of compact. They are part of the conventional law of nations. The natural law never defined what articles were contraband. These exceptions so strictly defined, and carefully guarded, prove, incontestably, the general rule that each nation has an exclusive jurisdiction on board its ships on the ocean. But to pretend that because there is one exception, there is, therefore, another; that because the officers of one nation have a right to enter on board the ships of another, in search of contraband goods, and if they find any that are suspicious, they have a right to carry in the ship for trial, that, therefore, such officers have a right to enter on board and take such men as they shall judge their own, without trial, is, I confess, a course of reasoning which I do not understand. If this right exists, why do not gentlemen give us the proof of it? They are wise and learned in the law of nations, where is the writer on national law, who has undertaken to establish the right of a nation to enter on board the ships of another, and to take such as she may deem her own, without submitting the question to an international tribunal.

But gentlemen insinuate, that British subjects whom we have naturalized, are the subjects of contention; or at least, that a naturalized citizen, has but a local protection. That is, inasmuch as allegiance and protection are reciprocal, and this protection does not extend beyond the territory of exclusive jurisdiction of the nation, so the allegiance is subject to the same limitation. As a consequence of this doctrine, a British subject, naturalized here, is obliged to fight against his native country until he gets three leagues from the shore, and the moment he crosses this imaginary line, he is absolved from his allegiance, and obliged to fight for his native against his adopted country. This consequence alone, is sufficient to make the proposition ridiculous.—But the law has removed every doubt on this subject. Naturalization is defined, the giving a foreigner the rights of a citizen; or convey-

ing a foreigner into a citizen. The word itself carries with it its own definition. Our own law has determined its effect. It was decided in New-York, that it operates retrospectively, and places the man in the same situation as if he had always been a citizen. The principle is the same in England. Coke and Blackstone tell us, that if a man be made a denizen, the children born after he was denized shall inherit, but not those which were born before. But it is not so in the case of naturalization; because naturalization has a retrospective energy. But the British statute which provides for the naturalization of such foreign seamen as shall have served two years on board their ships, puts this question beyond doubt—the act makes them natural born subjects or natives within the kingdom.

But the Answer to his Excellency's Speech has brought up the question of retaliation; & a wonderful degree of sympathy is excited for his Majesty's subjects. Newark is artfully selected, probably as the first aggression. I suppose the burning the defenceless villages on the shore of the Chesapeake, are instances of British mercy. The exciting the Indians to indiscriminate massacre, was British mercy. The brutalities of that Vandal, Cockburn, are instances of this mercy! The cold-blooded murders of that Goth, Proctor, are further instances of it! Who were the aggressors in this business of retaliation? The advocates of perpetual allegiance will say America!—With them, a man is fixed to the spot where he drew his first breath. If an American, on a visit to England, happens to have a son born there, though the parent should immediately return with him to America, this child owes an allegiance which he can never shake off; and if some thirty years afterwards, in defending his soil from British pollution, his house from conflagration, or his wife and children from rape, he happened to be made prisoner, he is condemned as a vile traitor to his Majesty, is sentenced to be hanged by the neck until he is almost dead, to be cut down, his bowels to be torn out by violence and thrown in his face, his head cut off, his body dissected into quarters to be at his Majesty's disposal.—This is a necessary consequence of perpetual allegiance, and a faint picture of British humanity.

But we are charged with driving the aborigines from their inheritances. It is but a short time since Mr. Jefferson was an object of ridicule, for his regard for the Indians and his disposition to civilize them. Now, that they are the allies of his Majesty, all hostility against them is evidence of a disposition to exterminate them.—Never was a charge more unfounded, cruel or pernicious.—We have used them as children. They had no ground of complaint against us; and what good motive could have induced his Excellency to infuse into the minds of the people and of these Indians, that the U. States are determined to drive them off.—The effect is beyond doubt. It will awake them to vengeance, and the innocent blood which may flow in consequence, may one day be required of us, who disseminate charges so groundless and injurious.

But it is said this is a war against New-England. Here is the attempt again to excite local jealousies. New-England has interests peculiar to herself; she must be separate. The Hon. Chairman, probably, looks forward to the period, when we can speak of the Kingdom of New-England; and possibly anticipates, that Josiah the First may be its future Sovereign. And Sir, though I utterly abhor a Monarchy, if we must have a King, I should be as willing that gentleman should wield the sceptre as any other. I should prefer him to George the Third; for I do not think him quite so crazy. I should prefer him to the P. R. for he possesses the charities of domestic life, which his royal highness, does not appear to be overburdened with. I should prefer him to Bonaparte, because, tho' he is a military man I do not believe he is capable of doing half so much mischief. Having said this to pacify the Hon. Member of his favorite subject, I shall now proceed to examine that part of the answer which relates to the Embargo. Gentlemen have a wonderful faculty of denouncing laws as unconstitutional. It was to be expected that those gentlemen who regard their reputation as correct lawyers would have deliberated before they decided. At least it was hoped, that inasmuch as we have a tribunal competent to decide this question and that very speedily, gentlemen, instead of threatening to legislate against the legislation of Congress, would have taken the means to have a decision in the Courts of the U. States. Are they afraid to trust the Federal Judges? Do these gentlemen lack wisdom and integrity? Or is it this wisdom and integrity which they are afraid of? The other Embargo was deemed by some unconstitutional, because it was unlimited; but it was decided otherwise in this State; & if I mistake not the Hon. Member from Worcester, argued in favor of its constitutionality. The objection to the Embargo is, that it restricts the coasting trade, and gentlemen seem to insist that the right to regulate commerce among the several States, means between State and State. I will read you the opinion of Gen. Washington on this subject.—(Here Mr. H. read a communication of the President Washington to the Senate, 28th March, 1794, and insisted that it was in point.) But that clause in the Constitution which authorizes Congress to provide for the common defence and general wel-

fare is amply sufficient. Who can doubt of the importance of this measure to the common defence? We are starving ourselves to feed our enemies. They suffer exceedingly; and perhaps this is the cause of more than half the clamor. Gentlemen feel compassion towards the District of Maine. The people, to be sure, suffer privations, and they are willing to endure them; but they are not starving, nor severely distressed; and very few of them would thank us for our condescension. The Embargo was a measure called for by both parties; and the people had rather bear it, hard as it is, than that their enemy should be fed. But gentlemen threaten Legislative interference. Are they prepared for this? They mean surely by a State law to repeal the Embargo, and enforce the repeal against the Officers of the General Government. This is coming out. If they are in earnest, I like this. You have talked long enough. We begin to doubt your nerve. Your rich men have probably made up their minds, as well as those of desparate fortunes. They probably understand the meaning of the word revolution.—They have probably thought where they shall be when the wheel stops. But gentlemen magnify the ill success and the disgrace of this war. This was expected. It seems to be a subject of exultation. I too, regret as much as any man, the disasters of our arms. But it was not entirely unexpected. We had been thirty years at peace! The art of war was of course neglected: Our revolutionary heroes have, one after another, passed off the stage of action. In a free country you must begin hostilities without preparation. If you prepare, the people will know for what; and if so you tell your enemy, and his preparation will be correspondent.—If so, you may as well be at war at once. We had to encounter the prejudices of a people inured to peace, and to resist a desparate faction who were advocating the enemy and throwing every obstacle in the way of the government. We had to raise troops and obtain money. These obstacles are overcome. And have we met with nothing but disaster and defeat? Were the defence of Fort Mifflin, Fort Stevens, Sacket's Harbor and Craney Island, disgraceful? Are our unparalleled triumphs on the ocean, disgraceful? Was the success on Lake Ontario, and the complete and signal victory on Erie, when, with an inferior force we captured in fair battle, a whole fleet, disgraceful? Give me such disgraces as these and you are welcome to all the laurels which thicken round the brow of the mighty Cockburn.

The Speech and reported answer speak of debts and taxes. We were once told, that a national debt was a national blessing. I never believed it. In war we must have debts and in peace we must pay them. Taxes sufficient to pay the interest, is all a people at war ought to endure; and this is all we shall be obliged to endure. But his excellency intimates, that the debt will continue as the union of the States. Was this intended as a hint to the people, that to avoid the debt, they must divide the States? I don't apprehend that the people of this Commonwealth are yet ready to pay their debts that way.

Our government, it is said, discover no disposition to peace, and that they have taken no measures to put an end to the war. These are groundless assertions. We offered to remove the former Embargo, as to England, if she would remove her edicts. We accepted of Erskine's propositions. We declared War on account of Impressment and the Orders in Council. The orders were suspended, and we immediately proposed the cessation of hostilities, on the single condition of suspending the practice of impressment during the armistice; and offered the exclusion of British seamen from our employ, if Britain would totally abandon Impressment. A similar offer was made by Mr. Monroe to Admiral Warren.—We passed a law, excluding British seamen from our employ. We adopted the proffered mediation of the Emperor of Russia, and sent ministers to Petersburg for the purpose of treating; and this, too, while Russia was at war with France, and fighting for England.—In this situation, at a time when the efforts of France were most powerful, and it was expected that Austria would join her, Mr. Madison being under French influence, a tool of Bonaparte, agreed to submit the dispute to the investigation of the ally of England, and the most powerful enemy of France. And when Britain refused this reasonable proposition, & proposed to treat separately, we agreed, and ministers have been appointed. But his Excellency has discovered evidence of French influence, in the proposition of Bonaparte, that America should treat for a General peace with the allies of France. Has his Excellency forgotten when Lord Castlereagh claimed his party by the name of "our friends in Congress?" What can influence this government and people in favor of France? It is passion, prejudice or interest, that creates a partiality of one nation for another. We have no French language, laws, constitutions, manners nor customs. We have no French merchants, agents or spies, among us. Can Governor Strong and his friends boast of minds as free from British attachments? Have they no prejudices, either civil or religious, that draw them to the world's last hope? Sir, it is in vain to disguise it, the opposers of the Government are under a very fatal British influence. I do not mean by this, that they are sold to Britain, or that they would dare openly to aid her. I mean to say, that they have attach-

ments and partialities for Britain, that are extremely dangerous to the liberties of this country. England is our mother country, the nation from whom we descended. The tombs of our ancestors are there. Every man has a strong attachment to the land where are deposited the ashes of his fathers. We speak the same language. It has been said by some one that it was the policy of France to make her language the court language of Europe, that she might, the better, maintain her influence at those courts.

What then must be the power of Britain over us, who not only gives a language to the court, but to the people? The advantage is infinite. We are inundated with her books. Law, politics, and divinity are literally imported. The student at law, reads English history, politics & law, eulogized by English writers, and leaves off admiring their constitutions and probably wishing that ours resembled them more. The divine reads English sermons, and some times preaches them, in which the writer takes care to boast of the rights of Englishmen; and in this way, England is believed not only the bulwark of our policy, but of our religion.—This is not all; British merchants, agents, and perhaps spies, speaking the same language, can deal & negotiate with wonderful facility.

And add to this, Sir, the privilege granted by the treaty of 1794, to refugees, to return with their love of royalty and hatred of republicanism, and to recover and hold lands, as citizens, and you have some of the streams of British influence; streams, which I apprehend are converging to a torrent, which may one day sweep away the liberties of our country. But why do I pursue this course to prove the existence of British influence, when there is a party in this country who go step by step with the British Ministry, who justify every aggression, and whose main aim is, that Britain can do no wrong! when our Government and Legislatures are withholding their aid, discouraging the people, and throwing every obstacle in the way, both of prosecuting the war, and obtaining an honorable peace. Look at all this, and if you are not convinced of British influence, you would not be persuaded should one rise from the dead.

Suppose we were at war with France, and a party should justify every act of France, and condemn every act of your own government; would you not have reason to say that party were under French influence? If in the progress of the war, one of your naval heroes should capture and destroy a French ship of equal force, and we should spread a resolve in our Journals in this Senate, that it was against our morals and religion to rejoice at the event or to thank the hero, would it be uncandid to say, that the hand of Napoleon was in this? If some reverend clergyman should denounce the President as a Nero, existing at the conflagration of Rome, because she had recommended a resistance of French aggression, should we not have some reason to suspect that this holy man was a little biased in favor of France? I might proceed, but I sickened at the prospect. Gather all the public acts of the Legislature of the Province, from the charter of William and Mary, down to the Revolution, and I doubt whether you will find so much unequivocal, unalloyed loyalty to the British government, as has been exhibited by the public documents of this Commonwealth since the War.

Well may you complain, that the people are emigrating. It is not the sterility of the soil—for this, with industry, the handmaid of virtue, is comfortably productive;—it is not the rigor of the climate, for this contributes to health, and health to happiness. It is the pestilential atmosphere of the British influence from which they flee. You see on all sides a want of American feeling, and a total dereliction of revolutionary principles. Where are the monuments of your revolutionary glory? What have you done with that sanctuary where a Warren, an Adams & a Hancock, preached the immortal principles of freedom? It is now used, I suppose, for the purpose of villifying the government, eulogizing G. Britain, and feasting the agents for insulting the sovereignty of the American people. Where is Beacon Hill? The monument is thrown down, the hill itself swept into the dock, and the tables of stone, on which were written the achievements of the revolution, are hidden behind the back stairs of the State House. Why do you hang by your walls the trophies of your victories? They serve but to remind us. They are monuments of glory that is departed. Like the memory of joys that are past, pleasant and painful to the soul.

I apprehend that your party has arrived at a crisis, in which it is equally dangerous to advance or retreat. The Union, I believe is in no danger from your intemperate proceedings. But they may prove fatal to yourselves. Man may be compared to a ship.—Reason is the helm, passions are the sails, good and bad fortune are prosperous or adverse winds and hope is the anchor. That man commences his voyage across the sea of time. With his reason, his passions, and his hopes, under proper regulations, he can stem the storms & tempests which beset him in his course, and will at last arrive at his haven in peace, in safety and in triumph. But his helm of reason lost, under the control of blindfold prejudice or passion, he is driven on rocks, shoals and quicksands, and meets with inevitable shipwreck. Take care that this be not the shipwreck of your party.