



"Ours are the Plans of fair delightful Peace,  
"Unwar'd by Party Rage to live like Brothers."

*On British Captures.*

The Observations of the Hon. CHARLES PINCKNEY, late Governor of S. Carolina, and now a Senator of the U. States, from that State, on the mutual claims of the U. States and Great-Britain, which lately appeared in the Register, having been favourably received by our readers, we now lay before them the following Address by him to the Citizens of the United States, on the recent captures of our vessels by the British in the West-Indies.

FELLOW-CITIZENS,

IT is unfortunate for the happiness of mankind, that ambition, avarice, or revenge, have always governed the councils of the most powerful nations. In the earlier ages, their ignorance and barbarism were some excuse; but it is astonishing that learning and the arts, while they have enlightened and embellished the people who have encouraged them, seem not to have softened the ferocious temper of their governments. The same thirst for dominion and revenge, the same disposition to controul the weaker nations prevail as formerly. It is almost in vain we seek for a spot in this civilized world, where the hand of power, or the instruments of avarice, will not reach us by their force or influence. The blessings of peace and freedom, if they are to be found, can only be uninterruptedly enjoyed by a people remote from the busy and perplexed theatre of Europe, and who either possess sufficient force to protect their maritime rights, or are content to relinquish them during a contest among the greater powers. If they determine upon the first, unless their force is such as to make their junction with either a serious inconvenience to its adversary, they risk the evils and calamities of war: if the latter, the loss to a commercial people is incalculable; every class feels it; the merchant, the planter, and mechanic, are alike affected by its consequences.

I have always considered it among the hardships of mankind, that no nation, however just and impartial in its conduct to others, or disposed strictly to adhere to its duty as neutral; however innocent in its acts, or useful in its commerce to the belligerent powers, is suffered to escape. From their recent behaviour, it appears as if no desire to exhibit the most marked impartiality, no condescension, no wish to oblige, will save the commerce of this country from their ravenous grasp. The conduct of France, in capturing our vessels, no man can palliate; it seems to have originated equally in folly and blindness to their own interests; and all that we can at present hope from their earnest desire to negotiate, is, that, having seen their errors, they will make ample reparation. But what shall we say of the captures of our vessels lately made by the British cruisers in the Bahama and West-India Islands? It has so astonished me, and appears so contrary, either to the policy or interests of their government, that it is with difficulty I can believe they are warranted by its orders. They have become, however, so numerous and alarming, and amount to so serious a sum, that they loudly call for the interference of our government—first, to remonstrate, calmly to enquire into the reasons, and still presenting with sincerity the olive-branch, to ask for redress. I know too well the value of peace to my country, to wish it risked for trifling causes; growing as we are in wealth, in population and in consequence, its continuance to her citizens is, of all things, the most valuable, except their national honour. This, however, must at any rate be preserved. With States as with individuals, to punish the first insult is of infinite importance. Our government, with respect to France, has properly chosen this conduct; and it would be as impolitic as dishonourable for her to deviate from it with regard to Great-Britain. Far am I from hoping that she shall ever be driven to the painful necessity. We trust that a nation which declares she has entered into the contest with France with no other view but to secure the order and peace of Europe, only wants to be informed upon the subject, that the moment she knows

her cruisers have violated the rights of a friendly and unoffending power, she will not only make ample reparation for our losses, but punish the aggression of her officers in an exemplary manner.

Understanding, as she well does, her interest, she must know that the conduct of the American government towards her, has not only been strictly just and impartial, but that they have been charged by other nations with being too condescending. At no period, more than the present, must she feel the importance of our commerce. Possessing as we do, articles of the first necessity, and valuable materials for her manufactures, and unbounded in our use of them, where has Great-Britain so excellent a customer, or one whose trade she should more encourage and protect? Ours from whom so much is to be made, and so little apprehended? We have no formidable army or navy to threaten conquest, or invade her maritime rights—we have more territory than we can settle for ages; and our remote situation, the nature of our government, and the temper of our citizens, forbid the idea of our even wishing to acquire distant possessions. Throwing then Justice, and the rights of neutrals out of view, surely, a safe and extensive intercourse with such a people, must be of infinitely more value to Great-Britain than any temporary advantage which may accrue from suffering her cruisers to enrich a few licentious individuals, at the expence of our friendship and connection.

However hitherto fallacious the idea has been, I still entertain the hope that the nations which have injured our commerce, will be convinced that their interest, as well as their honor, require a different behaviour; that much greater and more solid advantages will arise from an open and fair trade, and honourable and just conduct, than the little, degrading system of private plunder: that the capture of harmless and unarmed neutrals, and the ruin of innocent and unoffending families, is unworthy the policy of a great nation: that although they may enrich a few individuals, they never encrease the public wealth: that the benefits to be derived from them, are, in a national point of view, at any rate small; but that when compared with the ingratitude, and too frequently perjury they occasion in unprincipled mariners, the corruption that it is said they sometimes carry upon the bench of Justice, and the spirit of robbery and licentiousness they introduce, they are trifling indeed. It is therefore to awaken them to a sense of their true interest, to allay the spirit of retaliation and revenge, which is rapidly growing in every part of the Union, and before it is too late, to open the way to such explanations as can alone preserve to both, the blessings of peace, that these remarks are submitted with the best and most amicable intentions.

When a nation censures the acts, or complains of the injustice of another, it is proper for their government, or its citizens, to shew, not only that they have been just and upright themselves, but that the injuries they have sustained, have been produced by unjust and illegal measures on the part of those they complain of, and such as are not warranted by the law of nations, or the treaties existing between them.

The subject therefore, I intend to discuss in the present number, is the immense amount of American vessels and property taken by the British cruisers, and carried into the Bahama and West-India Islands, and other parts of their dominions, and the reasons given by their Judges for their condemnation.

The captures made by the British cruisers, have for a considerable time been extremely ruinous to the American commerce. Their depredations, which they have never ceased, even since the formation of the treaty, have lately become so numerous and important, as to oblige the merchants to look to their own government for redress and protection. Many of them, to my knowledge, are enquiring the best means of applying for this redress,

and they will no doubt be heard with the attention due to so important a class of our citizens. The real merchants, the men who trade on their own capitals, and are not the factors or agents of others, are of such consequence to our commerce and revenue, that it is impossible to separate their interest from that of the owners of the soil, or indeed, from the government itself; they are so intimately connected, as in a great measure to depend upon each other. The value of our exports depends upon the capitals, and the number of merchants who are to purchase them; the competition they create, and the safety with which our produce can be shipped. A great part of our revenue depends upon the same circumstances: for without safety to the transportation, and proper prices for our exports, our importations must decrease, and the revenue be lessened. Hence arises the unavoidable necessity of our government to protect their merchants, whenever they find their property exposed to seizures and condemnations unwarranted by the law of nations. To show this will be my endeavour. I shall not apply to the passions, but to the judgments of my readers. I have already said, it is equally my intention and wish to allay, and not to provoke; to produce redress by amicable negotiation, to smoothe the way to that uninterrupted commerce which I well know to be among the greatest blessings either nation can enjoy or secure.

Amidst the variety of captures which have been lately made, the number condemned in the month of August at New-Providence is the most formidable we have seen: it amounts to a sum little short of 300,000 dollars. If any thing like the same number of captures is made in one month, and carried into the ports of Jamaica, Antigua, Barbadoes, Martinico, and the other British Islands in the West-Indies, and at Halifax, and they capture and condemn for the same reasons, all our vessels they may meet going to any of the ports in Europe of the powers at war with them, the American commerce, and so much of its revenue as is dependent upon it, is in a fair way of annihilation; and no prudent people will censure the interference that is claimed.

Out of the numerous condemnations which have been made by the British Court of Vice-Admiralty, I shall select the following, as they contain their own statements, with the reasons of the Judge.

*Mackay and Nicks, vs. the Polacre Ship Adams and cargo.*

The Polacre ship Adams was captured on a voyage from New-York to New-Orleans, and was condemned with her cargo, as prize to the captors.

It appeared, that the owner, who was on board at time of capture, was born in Ireland, had removed thence, and settled in the United States of America, in 1792, and had been admitted a citizen in due form of law, in March, 1796.

Condemnation was urged on these three grounds:

- 1<sup>st</sup>, That the claimant was not an American citizen, but a British subject.
- 2<sup>d</sup>, That the vessel was an adopted vessel of the enemy.

And lastly, that the property was enemy's, and the claimant only covered it in his name.

The Judge, in his decree, confined himself to the consideration of the first point, and declared that the claimant being a natural-born subject of his majesty, and not having been admitted a citizen of the United States of America, until March, 1796, could not be considered, with respect to Great-Britain, as a citizen of the United States, so as to entitle him to trade with the enemies of the King.

*The King vs. the Brigantine Felicity and cargo.*

The Felicity and cargo were owned by an American citizen, and were arrested on a voyage from New-York to Havana.

A part of the cargo turning out, upon search, to be contraband of war, both vessel and cargo were condemned as lawful prize.

It results from these statements, that a British subject, who since the commencement of the present hostilities, that is February, 1793, has obtained letters of citizenship, or in any manner been admitted a subject or citizen of a neutral power, trades with any of the nations at war with Great-Britain; he is liable to have his property engaged in such commerce seized and condemned.

That contraband goods found on

board a vessel, make all other articles in the same vessel belonging to the owner liable to confiscation; and that contraband articles, if shipped by the owner of the vessel in which they are found, subject the vessel to condemnation.

In discussing the opinions and pretences upon which the commerce of our country is so much plundered at present, and on which its future safety so essentially depends, I shall first consider the question "respecting the right of a citizen to leave his country and change his allegiance, and what is the law of nations on this subject." No question is more celebrated in the ancient and modern world than this. Among the ancients, there was no doubt that a citizen had a right to leave his country whenever he thought proper. As Rome, from her power, and influence, and her knowledge of public affairs, unquestionably dictated and fixed the general opinion, I shall consider it necessary, with respect to the sentiments of the ancients, to give the usage of the then masters of the world as collected from Cicero, the most learned and eloquent of her statesmen. He says, "that by the constitution of the Roman commonwealth, no citizen could be forced to leave the commonwealth; or, if he pleased, not to leave it when he was made a member of another he preferred to it. That a little before his remembrance several citizens of Rome, men of credit and fortune, voluntarily left that, and settled in other commonwealths—" and the way, says he, is open from every State to our's, and from our's to every State."

This was the opinion of the Roman Republic, and of its luminary, Cicero—than whom the world has not seen a greater man, either as a writer, or an orator.

In examining the leading modern authors on the law of nations, we shall find a general concurrence, at least so far as to establish the opinions necessary to my present purpose.

Grotius, in treating of this subject, says, "Nor are we speaking of going out of one part of the State to another part of the same; but out of the whole State or extent of the dominion of the sovereign. That we ought not to go out in troops or large companies, is sufficiently evident from the end and design of civil society, which could not subsist if such permission was granted: and in things of a moral nature, what is necessary to obtain the end, has the force of a law. But the case seems quite different when a single person leaves his country, as it is one thing to draw water out of a river, and another thing to divert the course of a part of that river. Tryphonius expressly says, that "every man has a right to choose the State of which he has a mind to be a member." And Cicero, in his plea for Balbus, commended that privilege which every one has, of "not staying in any State against his inclination." and he calls the "power of either keeping or parting with one's right, the foundation of Liberty."

Vattel, in his dissertation on the same subject, allows that many distinctions are necessary in order to give a solution to the question, "Whether a man may quit his country, or the society of which he is a member?" 1<sup>st</sup>, the children have a natural attachment to the society in which they are born. Being under the necessity of acknowledging the protection it has granted to their fathers, they are obliged to him in a great measure for their birth and education; they ought then to love it, express a just gratitude, and return the benefits they have received. "But every man born free, the son of a citizen arrived at years of discretion, may examine whether it be inconvenient for him to join in the society for which he was destined by birth." If he finds that it will be no advantage to him to remain in it, he is at liberty to leave it, making a return for what it has done in his favour, and preserving, as much as his engagement will allow him, the sentiments of love and gratitude toward it.

In another place Vattel says, "a citizen may quit the State of which he is a member, provided it be not at such a conjuncture when he cannot abandon it without doing it a remarkable prejudice." And in a third, "every man has a right to quit his country in order to settle in another, when, by that step, he does not expose the welfare of his country."

The result of these opinions is, that among the ancients the right of a citizen to quit his country when he pleased, was unquestioned. That among the moderns the right is admitted at all times, except at a conjuncture when "he cannot abandon it without doing it a remarkable prejudice;" that is, in time of extreme danger, when an enemy has actually invaded the country, or is about immediately to do so.

This is the utmost latitude the meaning of the words "without remarkable prejudice," will admit. It is allowed, that the citizens who in this situation abandon their country, endeavour to secure themselves, instead of defending it, manifestly violate the pact of society, and are deserters which a State has a right to punish; but it must be in cases of extreme necessity and danger; in no other, by the law of nations, is the restraint admitted.

When a country is engaged, merely in a naval war, or in distant expeditions, and no danger threatened at home, her subjects or citizens have then as perfect a right to expatriate themselves, as at any other. England has been more than one half of the last hundred years at war, and not above once or twice during that period has she been attacked at home, and that by her own subjects, in attempting to place another Monarch on the throne: these insurrections lasted but a short time, and for the remainder of the century, the country was in security and tranquillity.

If, therefore, the opinion was to prevail, that, during any war, whether naval or otherwise, or however distant in its operations, her subjects could not change their allegiance, notwithstanding their affairs, their necessities, or even their healths might require it, they would continue to be as they have been for half a century, imprisoned and deprived of their rights; confined like plants to the spot where they happened accidentally to spring, and compelled to vegetate there at the will of their sovereign.

[To be concluded in our next.]

GERMANY.

*Taking of Manheim.*

FRANKFORT, SEPT. 21.

The Archduke Charles has, by his speedy marching towards Philippsburg, relieved that fortress from the bombardment of the French, and forced them to retire towards Manheim. This day I have to communicate to you, the important intelligence that the Duke has completely beaten the enemy near Neckeraw and Manheim, drove him out of all his strong holds, and took the city of Manheim and 1800 Frenchmen, among whom are the Generals of the Maelen and Le Folle, and 61 officers were made prisoners. Two standards, 18 cannon, 3 howitzers, 13 ammunition carts and 7 waggons loaded with balls, fell into his hands. The following is an extract from the Duke's letter, dated the 8th, which he transmitted from head-quarters at Schwelzingen, respecting this glorious affair.

"After raising the siege of Philippsburg, the bombardment of which had lasted for six days, the greatest part of the hostile troops drew across the Rhine, and took a position on the left bank from Ogerheim towards Wurms. The division Le Roche garrisoned the fortrefs of Manheim, and the entrenchments which were erected during the summer at Neckeraw. The fortrefs of Manheim was not in the least demolished, as has been announced in the public prints. The works were partly as before, and partly so improved, that they appeared perfectly secure against any coup de main. The village of Neckeraw, which is totally surrounded by an