



Our are the plans of fair delightful poses, Unwarp'd by party rage, to live like Brothers.

A LETTER

To the Honorable H. Grey Otis, BY JOHN Q. ADAMS.

(CONTINUED.)

Washington, March 31, 1808.

As they stand in front of the real causes for the Embargo, so they are entitled to the same pre-eminence in enumerating the causes of hostility, which the British ministers are accumulating upon our forbearance. They strike at the root of our independence. They assume the principle that we shall have no commerce in time of war, but with her dominions, and as tributaries to her. The exclusive confinement of commerce to the mother country, is the great principle of the modern colonial system; and should we by a dereliction of our rights at this momentous stride of encroachment, surrender our commercial freedom without a struggle, Britain has but a single step more to take, and she brings us back to the stamp act and the tea tax.

Yet these orders—thus fatal to the liberties for which the heroes of our revolution toiled and bled—thus studiously concealed until the moment when they burst upon our heads—thus issued at the very instant when a mission of atonement was professedly sent—in these orders we are to see nothing but a "retaliating order upon France"—in these orders, we must not find so much as a cause—no so much as a pretence, for complaint against Britain.

To my mind, sir, in comparison with those orders, the three causes to which Mr. Pickering explicitly limits our grounds for a rupture with England, might indeed be justly denominated pretences—in comparison with them, former aggressions sink into insignificance. To argue upon the subject of our disputes with Britain, or upon the embargo, and keep them out of sight, is like laying your finger over the trait before a series of nights, and then arithmetically proving that they are all nothing.

It is not, however, in a mere omission, nor yet in the history of the embargo, that the inaccuracies of the statement I am examining have given me the most serious concern—it is in the view taken of the questions in controversy between us and Britain. The wisdom of the embargo is a question of great but transient magnitude, and omission sacrifices no national right. Mr. Pickering's object was to dissuade the nation from a war with England, into which he suspected the administration was plunging us, under French compulsion. But the tendency of his pamphlet is to recollect the nation, or at least the commercial states, to the servitude of British protection, and war with all the rest of Europe. Hence England is represented as contending for the common liberties of mankind, and our only safeguard against the ambition and injustice of France.—Hence all our sensibilities are invoked in her favour, and all our antipathies against her antagonist.—Hence too all the subjects of difference between us and Britain are alleged to be on our part mere pretences, of which the right is unvocally pronounced to be on her side. Proceeding from a Senator of the United States, specially charged as a member of the executive with the maintenance of the nation's rights, against foreign powers; and at a moment extremely critical of pending negotiation upon all the points thus delineated, this formal abandonment of the American cause, this summons of unconditional surrender to the pretensions of our antagonist, is in my mind highly alarming. It becomes therefore a duty, to which every other consideration must yield, to point out the errors of this representation. Before we raise the standard of the nation, let us at least examine the purport of the summons.

And first, with respect to the impressment of our seamen. We are told that "the taking of British seamen found on board our merchant vessels, by British ships of war, is

agreeably to a right, claimed and exercised for ages." It is obvious that this claim and exercise of ages, could not apply to us, as an independent people. If the right was claimed and exercised while our vessels were navigating under the British flag, it could not authorise the same claim when their owners have become the citizens of a sovereign state. A relic of colonial servitude, whatever may be the claim of Great Britain, it surely can be no ground for commanding that it is entitled to our submission.

If it be meant that the right has been claimed and exercised for ages over the merchant vessels of other nations, I apprehend it is a mistake. The case never occurred with sufficient frequency to constitute even a practice, much less a right. If it had been either, it would have been noticed by some of the writers on the laws of nations. The truth is the question arose out of America's independence—from the severance of one nation into two. It was never made a question between any other nations. There is therefore no right of prescription.

But, it seems, it has also been claimed and exercised, during the whole of the three administrations of our national government. And is it meant to be asserted that this claim and exercise constitute a right? If it is, I appeal to the uniform, unceasing and urgent remonstrances of the three administrations—I appeal not only to the warm feelings, but cool justice of the American People—No, I appeal to the sound sense and honourable sentiment of the British nation itself, which, however it may have submitted at home to this practice, never would tolerate its sanction by law against the assertion. If it is not, how can it be affirmed that it is on our part a mere pretence?

But the first merchant in the U. States, in answer to Mr. Pickering's late inquiries has informed him that since the affair of the Chesapeake, there has been no cause of complaint, that he could not find a single instance where they had taken one man out of a merchant vessel. Who it is, that enjoys the dignity of first merchant of the United States we are not informed. But if he had applied to many merchants in Boston as respectable as any in the U. States, they could have told him of a valuable vessel and cargo, totally lost upon the coast of England, late in August last, and solely in consequence of having hid two of her men, native Americans taken from her by impressment, two months after the affair of the Chesapeake.

On the 15th of October, the King of England issued his proclamation commanding his naval officers to impress his subjects from neutral vessels. This proclamation is represented as merely "requiring the return of his subjects, the seamen especially, from foreign countries" and then "it is an acknowledged principle that every nation has a right to the service of its subjects in time of war." Is this, sir, a correct statement either of the proclamation, or of the question it involves in which our right is concerned? The King of England's right to the service of his subjects in time of war is nothing to us. The question is, whether he has a right to seize them forcibly on board of our vessels while under contract of service to our citizens, within our jurisdiction upon the high seas?—And whether he has a right expressly to command his naval officers so to seize them—Is this an acknowledged principle? Certainly not.—Why then is this proclamation described as founded upon uncontested principle? And why is the command, so justly offensive to us, and so mischievous as it might then have been made in execution, altogether omitted?

But it is not the taking of British subjects from our vessels, it is the taking under color of that pretence, our own, native American citizens, which constitutes the most galling aggravation of this merciless practice. Yet even this, we are told is out a pretence—for three reasons.

1. Because the number of citizens thus taken, is small.

2. Because it arises only from the impossibility of distinguishing Englishmen from Americans.

3. Because, such impressed American citizens are delivered up, on truly authenticated proof.

1. Small and great in point of numbers are relative terms. To suppose that the native Americans form a small proportion of the whole number impressed is a mistake—the reverse is the fact. Examine the official returns from the Department of State. They give the names of between four and five thousand men impressed since the commencement of the present war. Of which number, not one fifth part were British subjects.—The number of naturalized Americans could not amount to one tenth—I hazard little in saying that more than three fourths were native Americans. If it be said that some of these men, though appearing on the face of the returns American citizens, were really British subjects, and had fraudulently procured their protections; I reply that this number must be far exceeded by the cases of citizens impressed, which never reach the department of state. The American consul in London estimates the number of impressments during the war at nearly three times the amount of the names returned. If the nature of the offence be considered in its true colours, to a people having a just sense of personal liberty and security, it is in every single instance of a malignity not inferior to that of murder. The very same act, when committed by the recruiting officer of one nation within the territories of another, is by the universal law and usage of nations punished with death. Suppose the crime had in every instance, as by its consequences it has been in many, deliberate murder. Would it answer for silence the voice of our complaints to be told that the number was small?

2. The impossibility of distinguishing English from the American seamen is not the only, nor even the most frequent occasion of impressment. Look again into the returns from the department of state—you will see that the officers take our men, without pretending to enquire where they were born; sometimes from the wantonness of power. When they manifest the most tender regard for the neutral rights of America, they lament that they want the men.—They regret the necessity but they must have their complement. When we complain of these enormities, we are answered that the acts of such officers were not authorized; that the commanders of men of war are an unruly set of men, for whose violence, their own government cannot always be answerable; that inquiry shall be made.—A court martial is sometimes mentioned.—And the issue of Whitney's court martial has taught us what relief is to be expected from that.—There are even examples I am told, when such officers have been put upon the yellow list. But this is a rare exception.—The ordinary issue, when the act is disavowed, is the promotion of the actor.

3. The impressed native American citizens, however, upon duly authenticated proof are delivered up. Indeed! How unreasonable then were our complaints! How effectual a remedy for the wrong! An American vessel bound to an European port, has two, three or four native Americans impressed by a British man of war bound to the East or West-Indies. When the American captain arrives at his port of destination, he makes his protest, and sends it to the nearest American minister or consul.—When he returns home, he transmits the duplicate of his protest to the Secretary of State. In process of time, the names of the impressed men, and of the ship into which they have been impressed are received by the agent in London. He makes his demand that the men may be delivered up. The Lords of the Admiralty, after a reasonable time for enquiry and advertisement, return for answer, that the ship is on a foreign station, and their Lordships can therefore take no further steps in the matter. Or, that the ship has been taken and that the men have been received in exchange for French prisoners. Or, that the men had no protections (the

impressing officers often having taken them from the men.) Or, that the men were probably British subjects. Or, that they have entered and taken the bounty (to which the officers know how to reduce them.) Or, that they have been married, or settled in England. In all these cases, without further ceremony, their discharge is refused. Sometimes their Lordships, in a vein of humor, inform the agent that the man had been discharged as unseaworthy. Sometimes in a sterner tone, they say he was an imposter. Or, perhaps by way of consolation to his relatives and friends, they report that he has fallen in battle, against nations in amity with his country. Sometimes they coolly return that there is no such man on board the ship; and what has become of him, the agonies of a wife and children in his native land may be left to conjecture. When all these and many other such apologies for refusal fail, the native American seaman is discharged; and when by the charitable aid of his government he has found his way home, he comes to be informed that all is as it should be, that the number of his fellow-sufferers is small; that it was impossible to distinguish him from an Englishman, and that he was delivered up on duly authenticated proof!

Enough, of this disgusting subject, I cannot stop to calculate how many of these wretched victims are natives of Massachusetts, and how many natives of Virginia—I cannot stop to solve that knotty question of national jurisprudence whether some of them might not possibly be slaves, and therefore not citizens of the United States.—I cannot stay to account for the wonder why, poor, and ignorant, and friendless as most of them are, the voice of their complaints is so seldom heard in the great navigating states. I admit that we have endured this cruel indignity through all the administrations of the general government. I acknowledge that Britain claims the right of seizing her subjects in our merchant vessels, that even if we could acknowledge it, the line of discrimination would be difficult to draw. We are not in a condition to maintain this right, by war, and as the British government have been more than once on the point of giving it up of their own accord, I would still hope for the day when returning justice shall induce them to abandon it without compulsion. Her subjects we do not want. The degree of protection which we are bound to extend to them, cannot equal the claim of our own citizens. I would subscribe to any compromise of this contest, consistent with the rights of sovereignty, the duties of humanity and principles of reciprocity; but to the rights of forcing even her own subjects out of our merchant vessels on the high seas, I can never assent.

The second point upon which Mr. Pickering defends the pretensions of G. Britain, is her denial to neutral nations of the prosecuting with her enemies and their colonies, any commerce from which they are excluded in time of peace. His statement of this case adopts the British doctrine as sound. The right as on the question of impressment, so on this, it surrenders at discretion; and it is equally defective in point of fact.

In the first place, the claim of G. Britain, is not to "a right of impressing on this neutral commerce, some limits and restraints"—but of interdicting it altogether, at her pleasure, of interdicting it without a moment's notice to neutrals, after solemn decisions of her courts of admiralty, and formal acknowledgments of her ministers that it is a lawful trade—and on such a sudden, unnotified interdiction, of pouncing upon all neutral commerce navigating upon the faith of her decisions and acknowledgments, and of going with confiscation the greediness of her cruisers. This is the right claimed by Britain; this is the power she has exercised. What Mr. Pickering calls "limits and restraints," she calls relaxation of her right.

It is but little more than 2 years since this question was agitated both in England and America, with as much zeal, energy and ability, as ever was displayed upon any ques-

tion of national law. The British side was supported by Sir William Scott, Mr. Ward, and the author of War in Disguise. But even in Britain the doctrine was refuted to demonstration by the Edinburgh reviewers. In America, the rights of our country were maintained by numerous writers profoundly skilled in the science of national and maritime law. The answer to War in Disguise was ascribed to a gentleman whose talents were universally acknowledged, and who by his official situations had been required thoroughly to investigate every question of conflict between neutral and belligerent rights which has occurred in the history of modern war.

Mr. Gore and Mr. Pinckney, our two commissioners at London, under Mr. Jay's treaty, the former in a train of cool and conclusive argument addressed to Mr. Madison, the latter in a memorial of splendid eloquence from the merchants of Baltimore, supported the same cause; memorials, drawn by lawyers of distinguished eminence, by merchants of the highest character, & by statesmen of long experience in our national counsels, came from Salem, from Boston, from N. Haven, from N. York & from Philadelphia together with remonstrances to the same effect from Newburyport, Newport, Norfolk and Charleston. This accumulated mass of legal learning, of commercial information and of national sentiment, from almost every inhabited spot upon our shores, & from one extremity of the union to the other, confirmed by the unanswered and unanswerable memorial of Mr. Monroe to the British minister, and by elaborate research and irresistible reasoning of the examination of the British doctrine, was also made a subject of full, and deliberate discussion in the Senate of the United States. A committee of seven members of that body, after three weeks of arduous investigation, reported three resolutions, the first of which was in these words:

"Resolved, That the capture and condemnation, under the orders of the British government, & adjudications of their courts of Admiralty of American vessels and their cargoes, on the pretext of their being employed in a trade with the enemies of G. Britain, prohibited in time of peace, is an unprovoked aggression upon the property of the citizens of these U. States, a violation of their neutral rights, and an encroachment upon their national independence."

On the 13th of February, 1806, the question upon the adoption of his resolution, was taken in the Senate. The yeas and nays were required; but not a solitary nay was heard in answer. It was adopted by the unanimous voice of all the Senators present. They were twenty-eight in number, and among them stands recorded the name of Mr. Pickering.

Let us remember that this was a question most peculiarly and immediately commercial, and not agricultural interest; that it arose from a call, loud, energetic and unanimous, from all the merchants of the United States upon Congress, for the national interposition; that many of the memorials invoked all the energy of the legislature, and pledged the lives and properties of the memorialists in support of any measures which Congress might deem necessary to vindicate those rights. Negotiation was particularly recommended from Boston, and elsewhere; negotiation was adopted; negotiation has failed, and now Mr. Pickering tells us that Great Britain has claimed & maintained her right! He argues that her claim is just, and is not sparing of censure upon those who still consider it as a serious cause of complaint.

But there was one point of view in which the British doctrine on this question was then only considered incidentally in the U. States; because it was not deemed material. Mr. T. the discussion of our rights, both of which examined it chiefly as affecting principles between a belligerent and a neutral power. But in fact, to countenance an infringement of the rights of others, as well as the rights of peaceable nations, was an unjustifiable enlargement of the sphere of hostile operations. The enemies of Great Britain had taken the universal law of nations a right, to the benefits of neutral commerce.