



“Ours are the plans of fair, delightful Peace,
“Unwarped by party rage, to live like Brothers.”

POLITICAL

FROM THE BALTIMORE REGISTER

FRIENDLY CONVERSATION

Between GAIVS & TITUS on Political Subjects:—applicable to the present state of things.

Gaius. Well neighbor Titus, how do things go with you? The peace-party must, ere long, prevail.

Titus. I hope it will, neighbor Gaius.

G. Do you so? What? you have changed your principles, then? have you come round to our side! Well, I always took you for a man of sense.

T. No change at all! I have uniformly been the friend of peace.

G. How! not changed? and a friend to peace? Why neighbor, have you not generally defended the justice and propriety of the war?

T. Certainly I have, and I do so still.

G. Hey day, neighbor: why, you are quite paradoxical; you contradict yourself. You say you are the friend of peace, and yet you defend the war. Now it seems to me, that he who advocates war cannot heartily wish for peace! It is a contradiction in terms.

T. Your zeal, neighbor Gaius, does not allow you to see that you mistake a pun for a truism. You are the friend of peace; so am I. In that point we agree. But peace may be enjoyed upon various conditions. A nation may repose in a state of the most profound peace, and yet every individual of the nation be a slave. One nation may be in subjection to another, and the vassal nation enjoy uninterrupted peace. For my part, I will accept neither of these conditions of peace, I insist upon fair, just, equal and honorable terms. In a word, I would cherish peace as the first of blessings, but I will not court it at the expense of sacrifices degrading to a freeman.

G. Aye, aye! now you are upon French soil: I see what you would be at: you are for Bonaparte's notions.

T. Not at all.

G. Yes, yes! you are for the continental system, for the treaty of Utrecht, and all that; you want free ships free goods. Ah! neighbor Titus, you are gone—a gone man—you are now under French influence! French influence! French influence!

T. Not quite so fast, neighbor Gaius. Instead of railing, let us reason a little upon this subject.

G. Well, let us hear your reason, as you call it.

T. I affirm then that the republicans of the United States do not ask Great Britain to admit what Bonaparte may choose to call the continental system; they do not ask her to acknowledge and visions of the treaty of Utrecht.

G. No?

T. No, neighbor, they do not.

G. What do they require? Come, I'll keep you to the point.

T. Why, they ask nothing more from Great Britain than that she should faithfully observe the old, established law of nations.

G. What! do you deny that you want to exempt our merchant vessels from the right of search? And will you pretend that the right of search is not authorized by the law of nations?

T. Ah! my good friend, these words, "right of search" are the cause of a great deal of delusion. There is a right of search admitted by the law of nations, and a right of search claimed by Great Britain, but not admitted by that law.

G. How can that be? Pray explain.

T. I will. The right of search which the law of nations admits, is a search for enemy's property on board neutral merchant vessels. This is a right which the United States do not oppose. It is not only an established right, but it is also a reasonable one; for a neutral nation would

depart from its neutrality if it were to do for a belligerent power what that power could only do for itself in time of peace. To prevent a neutral's doing this, that is, to prevent the clandestine transportation of enemy's property, the right of search is allowed.

G. You seem to be very learned in the law, neighbor. You appear to be a man of nice distinctions!

T. If you do not distinguish, how can you judge? Suppose I were to assert that a man has a right to live; nobody would deny the truth of it. But could it be thence inferred that a man has a right to live by thieving?

G. Certainly not, neighbor Titus. The right to live, clearly implies the right to live honestly, according to law, and not otherwise.

T. There we agree. And it is precisely this kind of distinction that the republicans make with respect to the right of search. There is an indisputable right to search for enemy's property, and the right has been extended to the seizure of persons in the military service of the enemy. But no where, that is, in no treaty, in no book of public law, is a search for unarmed individuals stated a part of the law of nations, or the right to seize and bear them off acknowledged. The right of search refers to things belonging to the enemy of him who searches, and not to things belonging to the searcher or to the neutral who is searched.

G. Very well neighbor Titus. Yet, if an officer enters a ship to search for enemy's property, and in the prosecution of the search, finds there a subject of his sovereign, may he not take him and carry him off in virtue of the subjects, allegiance? May a man not take his own wherever he finds it?

T. Not at all neighbor. A man may recover his own in the manner which the law prescribes; but he cannot take it by force upon his own mere will and motion. A landlord cannot forcibly drive out a tenant, although the house may unquestionably belong to the landlord. The owner must proceed as the law directs. If a person owes you money, can you go and take the amount out of the money-till of his shop?

G. No, no! I don't say that. But that is a different case; for if you were to permit a man to pay himself in that way, rogues would avail themselves of the practice, and take money when it was not due.

T. Exactly! That is the thing! You have hit the very nail on the head. If you allow the British to search for their seamen on board our merchant vessels, they will take seamen that are Americans. And this you know has been the consequence of the practice of what is called impressment.

G. You argue pretty closely, neighbor; but tell me, I beg of you, why, if a British officer may carry off a merchant vessel from her course for having enemy's property on board, he may not take, if British seamen when found among the crew of such vessel? If he has a right to take his enemy's property he may certainly take his own.

T. If I argue closely, friend Gaius I think you reason cunningly. Yet there is a very sufficient answer to your question. In the first place, the search for enemy's property is permitted by the law of nations, whereas the search for persons (except for such as are in the military service of the enemy) is not. The one, therefore, is a lawful act; the other is not lawful. This of itself, is a very broad and conclusive line of distinction. In the second place, the property of an enemy, although seized and carried into port, is not appropriated to the sovereign's use until it is tried in a court of admiralty and condemned according to known laws; but when a seaman is seized, he is at once appropriated to actual service, without legal trial, and without judgment. If you justify the taking of men under the right of search for property, you necessarily admit that the rule of right ought to be observed in relation to persons as well as to goods. The

subject, in that case, ought not to be put into service until he has had a fair hearing in a court of justice and has been proved what he is alleged to be. Enemy's property is not condemned until it is proved to be such.

G. Do you think that the king can wait for the tedious forms of the law, in order to procure the services of his subjects?

T. Tedious forms of the law! Why bless me, Gaius, are you a freeman? And talk thus! What would become of you, and me, and all of us, if it were not for the forms of the law? If our fathers had argued as you do, we might still have been dependants of Great Britain; for what did the British ministry ask before our revolutionary war commenced, but the right to take our money without the forms of law; in other words, to tax us without our having representatives in parliament? which is contrary to the constitutional law of a free state. Suppose you owed me money, for the payment of which I could not conveniently wait the time which the forms of the law rendered indispensable; would you think it right that I should take hold of you (I being the stronger) and take the sum due to me out of your pocket? Would you think it a sufficient excuse in me to say I could not wait for the tedious forms of the law? Would you not make a great outcry, and try to have me punished?

G. Well; perhaps it may be wrong to send British seamen, impressed from neutral vessels, into service without a hearing or regular judgment. I think nevertheless, the king has a right to take them.

T. Then you think the king has a right to do a thing not lawful. But you must not forget, neighbor Gaius, that the king of Great Britain, whatever he may do within the limits of his own kingdom, can exercise no right with respect to other countries which the law of nations does not sanction. That is a position which you cannot controvert. If the law of nations gives him such a right, I will thank you to tell me where I can find such law; if it does not, he clearly has none. But, putting this part of the question entirely out of dispute, you must confess that even if the king has a right to take his own subjects, he has no right to take American citizens.

G. I grant that. But, then, you must allow that you naturalize British born subjects; and these you call American citizens. It is of that which the British complain.

T. The naturalization of foreigners, neighbor Gaius, is not a party question. It is provided for by the constitution of the United States; which is proof that it was a point agreed on by the wise men who framed that instrument. And indeed why should we not naturalize them? G. Britain does it. Have not the United States a right to do, as a nation, what Britain has a right to do?

G. Ah! The British are an old nation?

T. Indeed, is that your argument? Let me put the case home to you.—You are thirty years of age; I am fifty. Are not your rights as a man equal to mine? The moment you were twenty one, you were of age; the being of age with respect to individuals is the same as being independent with regard to nations. As soon as the nation is independent, she is equal, as to rights to any other nation. Rights, among equals, are reciprocal. What one may do another may do. If G. Britain naturalizes native American citizens, the United States may naturalize native British subjects.

G. Aye, aye; but you wish to employ in our merchant vessels British born subjects who are not naturalized.

T. By no means. On the contrary, and it must be within your own recollection, that to distinguish between citizens of the United States and foreigners who were not citizens, an act of congress was passed on the 28th of May, 1796, whereby the collectors of customs are directed to

grant certificates of citizenship, which certificates have since obtained the name of protections. That act was approved by General Washington; which shows he was in favor of protecting naturalized citizens.

G. Yes, neighbor, Titus. But British seamen have taken advantage of that law; and by perjury have procured protections, by which they have passed for American citizens.

T. The best institutions may be abused. The existence of the act, notwithstanding, is full evidence that the American government did not wish to encourage the employment of British seamen on board our vessels. The act authorizing certificates, was moreover, voluntary, and such a measure as Great Britain could not require us to adopt. So far at least, it was indicative of an honest intention. If Great Britain still found herself a sufferer, she ought to have proposed the adoption of further precautions. If the United States had refused to do so, then Great Britain might have reasonably complained.—You must, however, admit, that whilst the British complain of injury by our naturalizing and employing their seamen, they ought to have shewn an upright disposition on their side, by ceasing to naturalize Americans and by discharging from their own vessels every person who was a citizen of the United States. Regulations of this nature between nations, can only be fair and lasting when they are reciprocal.

G. Yet, all this does not prove that Great Britain has not a right to her own subjects.

T. I do not question that right. I am discussing the question of allegiance. Allegiance is a question between a subject and his sovereign. Permit me, nevertheless, in going along to observe, that if a government may transport a man or hang him, for his crimes, it seems nothing but just that the subject should be allowed to abdicate a government for tyrannical. On this head, it has been said that a subject owes allegiance for the protection which the sovereign affords. If, then, for crime, the tie may be cut by the one party, why may it not, for the same cause, be cut by the other? The same reason holds good in both cases; and tyranny is a crime as enormous as highway robbery. But, it is not my intention to discuss the question of the sovereign's rights to his own subjects. All I contend for is, that he has no right to impress our citizens.

G. Ah, my friend, now you are coming round to my side. If our citizens are taken it is by mistake! And as soon as they are proved they are given up! They are, I assure you.

T. O ho! Proved, say you? What then; the British are to be permitted to seize their subjects on board our vessels without proof! but if they carry off our citizens by violence they may keep them till we prove them. Very well, Gaius; that is your logic, is it?

G. Why did you not admit that the king had a right to his own?

T. Yes; But no right at all to ours. Let the king have his own and welcome; but let him not touch ours. If our citizens are led into captivity, it is the same to me whether it is done by mistake or design. I look to the fact of their being taken.

G. Why, then, do you oppose impressment generally?

T. In the first place, I oppose it because it is contrary to the laws of nations. In the second, I oppose it because impressment is a mode of reclaiming British subjects which inevitably involves the taking of Americans. It is the mode which is obnoxious. National, like individual, rights, to be enjoyed, must be reciprocally compatible. The king has a right to his subjects—the republic has a right to her citizens. Now, it is clear that if one of these rights is so exercised as to impair the other, there is wrong done to the party

whose rights are impaired. The mode of exercising the right by which the wrong is done, ought, therefore, to be abolished, and some other mode substituted.

G. And pray what is your mode?

T. It is this. If Great Britain naturalizes American seamen that we should naturalize Britons. If Great Britain will exclude American born citizens from her ships, we will exclude British born subjects from ours. If Great Britain will agree not to employ American seamen, we will agree not to employ British seamen. The mode of doing this shall be a fair mode. Before any seaman is shipped, he shall produce proof of citizenship to the collector of the customs—British consul or other agent, shall have the right of being present, and may object to the shipping of any individual; on establishing the fact of his being a British subject, the man shall not be employed.

G. Your plan seems fair enough.

T. Fair enough! Can any thing be fairer? Only compare it for a moment with the mode of impressment.—By impressment, a British officer takes a man by violence, upon his own bare assertion, which in general has no better foundation than that his majesty wants men and must have them. The poor sailor is torn away into servitude and frequently does not obtain his liberation for several years. But according to my method, there is a regular tribunal before which the parties can be heard; where evidence may be produced; where the seaman is within hearing of those among whom he was born; where the British consul may scrutinize his proofs, detect his frauds, and reclaim him to the king's service. Another advantage results from my mode of ascertaining the citizenship of a man before he sails, the merchant's voyage is not delayed or broke up, and the peace and happiness of families are not destroyed. I want the trial of subject or citizenship to take place on land, before a regular commissioner on each side, and not at sea, where there is no court whatever. Let sailor's nativity be determined before and not after he sails.

G. But, will your administration consent to this mode?

T. Consent, why they have consented. It is what they offer Great Britain at this moment.

G. But as Great Britain has a right to her own subjects, and her taking our citizens by impressment is merely an accidental wrong, which is rectified as soon as our citizens are identified; do you think, Titus, that war is expedient? I say admitting it to be just, do you think it is expedient?

T. Why, look you, Gaius; as to the impressments of our citizens being an accidental wrong, you are mistaken; for if a right, the exercise of which is inevitably accompanied with a wrong, be practised, then the wrong is just as wilful as the exertion of the right, seeing they are practically inseparable. Suppose, for example, your sons and mine were so much alike, that they might easily be taken one for the other; in case of compelling your children to labour, if, instead of your own, you seized mine, and obliged them to work, and did it frequently; say if you always mistook my children for yours, would you think it unjust in me to propose an examination of the persons of our sons before seizure? Would it not be my duty, if you persisted, to oppose you by force, until you agreed to an investigation before the taking? As to the remedy of the wrong, as soon as our citizens are identified, by release of persons impressed that is no satisfaction for the original seizure. Besides if it were satisfaction, in what a mortifying way is the release procrastinated! The American sailor is taken, transferred from ship to ship—from station to station. He writes to a consul of the United States, or to his friend from one ship