

But there is another stronger reason why this subject has not been discussed by writers on the law of nations.—Until the present war, the cases of belligerents seeking the protection of a foreign neutral flag, were necessarily rare. Since commerce has become important, within the last two hundred years, the only nations which have been neutral have been Holland, Denmark, and Sweden. These nations overflowed with seamen. The belligerents have been England, France, and Spain. The English sailor had rather starve on board his own ships than seek an asylum in the merchant vessels of countries whose habits, customs, and discipline are so different from his own; and as to French or Spanish sailors, so loose and dirty in their habits, a Dutchman or a Dane would never admit them into their ships, let their distress for seamen be ever so great. Besides, the laws of France and Spain are so severe that their seamen dare not enter into foreign service.

But when the United States became neutral, the British sailor found an asylum in our service.—The high wages of neutral service, similarity of manners, language, food, and discipline, invited him to our employ. The habits also of our southern states forbade them to enter the sea service, while their enterprize induced them to attempt to rival us in navigation.

A friend of mine, who resided seven years in South-Carolina, assured me, that there was but *one seaman* from the port of Charleston, who was a native of that state.*

From these causes, obvious, undisputed and generally admitted, the British marine was stripped of its strength, and our southern states became clamorous for the right of naturalizing and *protecting all sailors*, of whatever nation, and as the English furnished us seven-eighths of this *foreign mass*, the evil became intolerable, and could be resisted only by the right of reclaiming them on the high seas.

If, therefore, *no other nation* had heretofore exercised this right—if it was even novel in Great-Britain, surely this *new case*, and the extreme exigency of it, would have justified her in assuming the practice.

For where is the sensible or candid man who will deny that the laws of nations, like municipal laws, must vary and accommodate themselves to the changes in the commerce and relative condition of nations? The whole law of bills of exchange and policies of insurance has grown up out of nothing within two hundred years! And if the divulsion of a great empire, and the erection of an immensely powerful state, speaking the same language with the nation from which it is separated, shall have created difficulties and embarrassments unknown to the ancient world, are there to be no changes in the usages of nations so circumstanced?

The narrow point of the question is, Has Great-Britain a right

* NOTE. The period, to which my friend alluded, was from 1786 to 1793. There may be a few more *natives* of that state in the sea service at this day—but the habits of all the southern states forbid their entering into that service. There are native Americans who sail out of the southern ports, but they are chiefly of northern origin.