

this practice subjected to the caprice and whim of every petty naval officer, without being entitled to the privilege of a trial by a court of law, a solemnity necessary to the condemnation of even a bale of merchandize.

To this plausible objection there are various answers.—The same loose, informal, arbitrary mode of decision is by the acknowledged law of nations sufficient to turn a ship out of its voyage—to defeat the best projected plans—to expose a crew to all the evils of capture and detention.—Even the American navy exercises the same arbitrary power over the persons and property of their fellow-citizens.—In a late case the *Ariadne*, owned by Mr. Goddard, of Boston, has been seized at the whim of a naval officer, the crew removed out of the ship and made prisoners, and the ship and cargo sent back for trial, when she had committed no offence. If it be said that the admiralty courts will give relief, by awarding damages in such cases, the answer is, that such damages are rarely given, and are never adequate to the injury; and it may be added, also, that every seaman illegally impressed has a like remedy, in the courts of law of Great-Britain, and if their poverty and friendless situation preclude them from seeking it, it is the duty, and it would be very easy for a neutral government to appoint agents to prosecute for damages, which we have no doubt would be honourably awarded in all cases of illegal detention.

But the best answer to this objection to the universal practice of belligerents of taking out their *own seamen*, is this, that the same caprice, the same informal and uncontrolled authority is exercised rightfully by the law of nations, so far as respects *enemies* found on board neutral ships. This would be found as extensive an evil to neutrals, if a case should ever happen in which a neutral and a belligerent should speak the same language, and the other belligerent should have as great a superiority as Great-Britain has upon the ocean.—In such a case, the neutral would often be exposed to seizure and detention, being mistaken for an *enemy*; and all the objections which are made to the exercise of the right over his own subjects in neutral vessels by a belligerent would apply with as great force, and yet no question could exist as to the right.

We have said, that one cause of the silence of writers upon the law of nations, as to the right of belligerents to *reclaim their own seamen*, when found within a common jurisdiction, like the high seas, was, that this right had never been questioned.—It was a right so superior to others which were admitted, that no man could raise a doubt upon it. Belligerents have a right to take out their enemy's property and the persons of their enemy.—Would they not have a right to take out *their own property*, forcibly, or fraudulently, or improperly withheld? They have a right to take out their enemy's persons—have they not also a right to take out their own subjects, who owe them allegiance, and who have fraudulently or forcibly withdrawn themselves from the duties which they owe their sovereign?