

certain acknowledged rights, it is omitted merely because it was never questioned.

The great question between us and Great-Britain is, whether her claim to demand and *take her own seamen* on the *high seas*, is a novel or unjust principle?—Whether it is a violation of our rights, or an interpolation in the doctrines of international law?

The law of nations admits the right of belligerents to enter on board of neutral merchant ships for the purpose of making certain examinations. They have a right to examine, *1st*, Whether they are carrying articles contraband of war.—*2nd*, Whether the property be that of an enemy.—*3d*, They have a right to examine strictly the *persons* on board, because if they are *enemies*, they have a right to take them out.

Here, then, there is an end, by the acknowledged law of nations, to the absolute inviolability of the flag. The high seas are, by these *acknowledged* and universally admitted principles, considered a sort of common territory, in which certain rights of belligerents may be exercised which are not permitted in *neutral countries*. If then a belligerent may take out of a neutral ship *persons* owing allegiance to his *enemy*, though shipped in neutral countries, it must be on the principle that the neutral flag on the high seas cannot protect all who sail under it.—It admits the right of examination and search, and seizure of *persons* as well as *papers* and goods.—These are undisputed and unquestioned rights.—But if a belligerent can take out his *enemy* from a neutral ship merely because he may possibly *injure him hereafter*, with how much more reason can he take his own subject, who owes him perpetual allegiance and *whose service he actually needs*? I shall shew, in my next essay, that all the objections that have been urged against the claim of *Great-Britain*, arising from the arbitrary and imperfect nature of the inquiry by an ignorant and obstinate naval officer, apply as well in one case as the other.

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NO. VI.

THE PRINCIPLES ON WHICH BELLIGERENTS CLAIM THE RIGHT TO TAKE THEIR OWN SUBJECTS ON THE HIGH SEAS.—THE ANTIQUITY AND UNIVERSALITY OF THIS CLAIM.

By the ordinances of *France*, it is provided, that neutral ships, in order to be entitled to the benefits of neutrality, must be navigated by a crew of which the captain, mate, and two-thirds of the seamen are subjects of the neutral country.—It is also provided, that no seaman shall be entitled to the privileges of a neutral citizen, unless he shall have been *naturalized* in such neutral country before the *commencement of the war*.

One of the most popular objections to the claim of Great-Britain to search and take out her own subjects, is the one stated by Mr. Madison, in his war message, and that is, that seamen are by