

In the sedulous investigation of the question we have now to consider, I am greatly mistaking if we shall not find both parties in error; and if the fault be imputable to America only, the impressment of a single American seaman, knowing him to be such, or even not knowing him to be a British subject, is sufficient to deprive us of the right of throwing the first stone.

In retracing the state of man to a state of nature, we find him a wanderer over the wide world; and confinement within narrow limits is so repugnant to our feelings, that millions now in England who never have been and never will be out of it, would be miserable to be restrained by force from going to the Deserts of Arabia—Paradise and old Madeira are imprisonment and physic to the man who is confined to the one, while the other is poured down his throat.—And if the rigor of political institution lay some restraints upon our vagabond propensities; they should be such only as are required by special obligation or the necessity of the case. And if every man have a right to better his situation; he is least of all to be restrained who finds it difficult to procure subsistence at home.

But however diverse may be the opinions of the writers on the law of nations in respect to the right of emigration; I find nothing, off our own statute book, to justify that species of expatriation for which the American Government has contended:

It would not be quite right here to withhold from the reader a Dictum of Wicquefort, especially as it is introduced in the discussion of a subject where it might not be looked for. In the 13th parag. of his 11th chapter he says, the emigrant having become the subject of a new sovereign, is obliged to obey him, and to serve him, even against the person of him who was his sovereign; but being so no longer, cannot *desire* of him any duties to the prejudice of the last. These are strong words; but I cannot consider them of sufficient authority on the grave question of battle and murder: nor am I satisfied that Wicquefort would have used them if that had been the question immediately before him, although in another part of his work (c. 9. parag. 8) he ridicules the ignorance of those who assert that nothing can free a subject from the jurisdiction of the sovereign of the country where he was born. The object of Wicquefort was, to show that a subject might be naturalized, and be appointed ambassador from his new to his former sovereign. To assert the interests of his employer in this case against the pretensions of his former sovereign, does not appear to me of that serious complexion that drawing the sword would exhibit.