

merely on the single fact of the granting commissions of war, by one nation, within the territory of another; but on the aggregate of the facts; for it states the opinion of the President to be, that "The arming and equipping vessels in the ports of the United States, to cruise against nations with whom they are at peace, was incompatible with the sovereignty of the United States; that it made them instrumental to the annoyance of those nations, and thereby tended to commit their peace."—And this opinion is still conceived to be not contrary to the principles of natural law; the usage of nations; the engagements which unite the two people; nor the proclamation of the President, as you seem to think.

Surely not a syllable can be found in the last mentioned instrument, permitting the preparation of hostilities in the ports of the United States. Its object was to enjoin on our citizens "a friendly conduct towards all the belligerent powers;" but a preparation of hostilities, is the reverse of this.

None of the engagements in our treaties, stipulate this permission. The XVII article of that of commerce, permits the armed vessels of either party to enter the ports of the other, and to depart with their prizes freely: but the entry of an armed vessel into a port, is one act; the equipping a vessel in that port, arming her, manning her, is a different one, and not engaged by any article of the treaty.

You think, Sir, that this opinion is also contrary to the law of nature, and usage of nations. We are of opinion it is dictated by that law and usage; and this had been very maturely enquired into before it was adopted as a principle of conduct. But we will not assume the exclusive right of saying what that law and usage is. Let us appeal to enlightened and disinterested judges. None is more so than Vattel. He says, l. 3, §. 104, §. "Tant qu'un peuple neutre veut jouir sûrement de cet état il doit montrer en toutes choses une exacte impartialité entre ceux qui se font la guerre. Car s'il favorise l'un au préjudice de l'autre il ne pourra à pas se plaindre, quand celui-ci le traitera comme adhérent et associé de son ennemi. Sa neutralité seroit une neutralité frauduleuse, dont personne ne veut être la dupe.—Voyons donc en quoi consiste cette impartialité qu'un peuple neutre doit garder.

Elle se rapporte uniquement à la guerre, & comprend deux choses. 1. Ne point donner de secours quand on n'y est pas obligé; ne fournir librement ni troupes ni armes, ni munitions, ni rien de se qui sert directement à la guerre. Je dis ne point donner de secours et non pas en donner également; car il seroit absurde qu'un état secourut en même tems deux ennemis. Et puis il seroit impossible de le faire avec égalité, les mêmes choses le même nombre de troupes, la même quantité d'armes de munitions, &c. fournies en des circonstances différentes; ne forment plus des secours équivalens, &c." If the neutral power may not, consistent with its neutrality, furnish men to either party, for their aid in war, as little can either enrol them in the neutral territory, by the law of nations. Wolf, §. 1174, says || "Puisque le droit de lever des soldats est un droit de majesté qui ne peut être violé par une nation étrangère, il n'est pas permis de lever des soldats sur le territoire d'autrui sans le consentement du mai-

§ *As long as a neutral nation wishes to enjoy this situation with certainty, it ought to shew in every thing, an exact impartiality, between those who are at war. For if it favour the one to the prejudice of the other, it cannot complain when that other shall treat it as an adherent and associate of its enemy. Its neutrality would be a fraudulent one, of which none would be the dupe. Let us see then wherein consists that impartiality which a neutral people ought to observe.*

It regards war only, and comprehends two things. 1st. To give no succour when not obliged thereto; not to furnish freely, either troops, arms, ammunition or any thing which directly serves for war. I say, to give no succour and not to give it equally: for it would be absurd in a state to succour two enemies at the same time. And besides it would be impossible to do it with equality, the same things, the same number of troops, the same quantity of arms, ammunition, &c. furnished in different circumstances, are no longer equivalent succours.

|| *"Since a right of raising soldiers is a right of majesty, which cannot be violated by a foreign nation, it is not permitted to raise soldiers on the territory of another, without the consent of its sovereign."*