

they fancy their rights and their honour are concerned, but few are so extremely tender and so little ready to exercise their reason and their impartiality as a certain class of Americans. It is enough always for such men, that Great-Britain exercises a right which produces some inconvenience to us, or which reminds them of her naval power, without stopping to inquire whether she is singular in her pretensions, or whether we claim the same for ourselves. Indeed this description of overboiling patriots would be the very first men to cry hosanna to any of our naval officers who should do a bold and questionable thing to any neutral nation, if that act should promote our interest or our glory.

In examining this claim of taking out *their own* subjects from neutral merchant ships, by belligerents, we shall consider,

- 1st. The principles on which it is founded.
- 2d. Its antiquity, in point of usage by Great-Britain.
- 3d. The ordinances of France on the same point.
- 4th. The former negotiations on this subject between us and Great-Britain.

5th. The unalterable resolutions of Madison on that subject, as expressed in a letter which was written in 1807, to our ministers, chiding them for having dared *almost to adjust it*, and declaring that *our flag must cover all English sailors who have been here two years*, whether naturalized or not, both prospectively as well as *retrospectively*.

It will appear from this last document, that there is no hope of an adjustment, because the offer to exclude British sailors, lately made, is so expressed, as that it will admit of our employing them in one day after they have landed, if we make them *American citizens*—such we shall shew must have been the intention.

1st. We shall consider the principles upon which all belligerents claim the right to the service of all their citizens or subjects in time of war.

It is one of the principles the most universally admitted of any which we know of, that allegiance and protection are reciprocal; that every nation has a right to the services of all its citizens in time of war—that the allegiance due from a native citizen endures during his life, and although some liberal writers contend for the right of expatriation, or a change of allegiance in time of *peace*, yet even these writers deny this right to any citizen when his country is at *war*. This maxim is a fundamental one of the common law of England, and has been adopted by us since our separation from that country.

In a very famous case in Connecticut, which was tried before Judge Ellsworth, in which one Williams had attempted to change his allegiance, had obtained the rights of a French citizen, and had accepted a command in the French service, the federal court decided, that no American citizen could change his allegiance, and sentenced Williams to punishment for compromising the neutrality of the United States, by entering into the service of a foreign state. The United States were then at *peace*, and of course our courts adopted the narrowest possible construction;