

the Government of Great Britain, then within the harbors or waters of the United States, immediately and without any delay to depart from the same, and interdicted the entrance of all the said harbors and waters to the said armed vessels, and to all others bearing commissions under the authority of the British Government.* This, in its bearing, was a hostile measure; for, at the same time that this interdiction of British vessels was proclaimed, the fleets of France had free access to the ports from which their enemies were thus imperiously excluded. And this step was taken, before the President knew in what light the British Government would view the act of its officer. The proclamation was, to a considerable extent, a retaliation of the violence complained of, for, by the sudden stoppage of supplies, it caused no small inconvenience and privation to many of H. M. vessels at that time in the harbours of the United States; whilst at the very moment when this method of self-redress was put in execution, a demand for satisfaction and reparation had been despatched to the British Government. That Government, before any suit for satisfaction had reached it, disavowed the act on the ground that "the right of search, when applied to vessels of war, extended only to a *requisition*, but could not be carried into effect by actual force." Captain Humphries was recalled and Admiral Berkeley suffered the severe disgrace of being superseded. In this frank and honorable spirit did the British Government,—before one word of complaint or expostulation had been borne across the Atlantic,—promptly and spontaneously testify their concern at the mistaken proceedings of their officer, and their cordial desire to make reparation. It will be apparent, we think, to every one that their treatment of the affair exhibits, in a very strong light, the President's proclamation as a measure premature and unjustifiable.

Right of Search,†

In the American mer-

* *American Weekly Register*, 28th Sept., 1811.

† Extract from Mr. Sheffey's speech in the House of Representatives, on the bill to raise an additional military force—January, 3, 1812:—"He protested against waging a war for the protection of any other than native born American seamen, or those who were citizens when the inde-

chant service, about the time of the war, there were between *thirty* and *fifty* thousand of our seamen employed, many of them descenders, and liable to be reclaimed as such; and, as to the rest, their impressment was just as lawful from a merchant vessel of the United States as an English vessel; for surely their having sought the service of the United States,—probably for the very purpose of evading that of their own country in the hour of peril—did not absolve them from their allegiance, nor render nugatory the established law of nations, that "every State has a right to the services of its subjects, and especially in time of war." On the trial of the men taken from the Chesapeake, it was shown that three of them were unquestionably American citizens, but that they had entered the service of Great Britain voluntarily: the fourth, who was convicted of piracy and mutiny, and for these crimes hanged, was a native British subject.

We can readily understand that American seamen, whether native or naturalized—language, garb, appearance, and other characteristic peculiarities being the same in both cases,—may have been now and then mistaken for British seamen, and, as such, impressed into the service of Great Britain; but there is positively no proof, either that the impressment was made with wilful disregard of ascertained origin, or that the mistake

pendence of the country was achieved. It was enough to protect them while they remain within our territories. Within these we had a right to make regulations. But we had no right to make regulations on the ocean, which would conflict with the pretensions of all civilized nations, who claimed the allegiance of their native born subjects either by the divine right of the governors, or by implied compact. He should not inquire whether these claims were compatible with the rights of man. It was sufficient that they grew out of the established usages and principles of civilized kingdoms, which we had no right to controvert out of our own limits. He would therefore not protect any other than natural American citizens on the ocean. We did not deny the right of England to search for property; she went further, and claimed the privilege of searching for her seamen. The similarity of our manners and language occasioned her to abuse the privilege in some cases by the impressment of our seamen. This was not an abuse of principle but of honor. And before we go to war with her for impressment he would make her this offer: he would agree not to let any man enter our merchant vessels but a natural citizen of these United States."