

There is another reason against resorting to overt acts, before negotiation has been tried, and it much concerns the tranquillity of nations that it should be generally and habitually observed. While things hold the shape of discussion, considerations of prudence may operate on both sides, arguments and pretensions canvassed in Cabinets being easily retracted ; but not so overt acts, which pledge the authors of them to their subjects, their antagonists and the world at large, including posterity.

The proposition for engaging the British government to make the experiment of giving up the search of merchant vessels for their seamen, is expressed in terms of levity, in which it is dangerous to indulge in a national document. If Mr. Fox's administration, however, *really thought of tempering* on this head, other administrations in England are not likely to follow the example. The laws of modern maritime nations universally allow the search of merchant vessels, in order to detect enemy's property and men ; and for a still stronger reason may they search them to detect their *own* men, and above all, their own *deserters*. All seamen, it must also be remembered, by universal consent, are considered as military men ; these and a few marines making the whole crews of vessels of war, consequently the search after seamen is not a branch of *municipal* law, as Mr. Madison asserts ; but of belligerent and general law. All foreign nations act upon this rule, both for seamen and for deserters ; and so will America for deserters, at least, in cases of war occurring on her side. On the whole, it is a very dangerous experiment to attempt a course of action against the usual laws of nations, in matters respecting a state of war. A wantonness of legislation in this respect, without regard to established practice, even for introducing pacifick maxims, may lead to war, before we are aware of it. Our President may propose new laws at home, which his Congress may adopt ; but abroad, we must, for the present, follow the laws observed by others.

It is not necessarily true, that in the final adjustment of a dispute, every thing is to be given up to the party *first* injur-

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