

might be effected for five per cent. while on the other hand, those bound to or from a French port, could not be insured against English cruisers for fifty per cent.—These facts being admitted, let them be applied to the known principles of public law;—*that law which, when it sanctions the practice of blockade, takes care to confine its rights and privileges strictly to those who actually make an investment by such a naval force as can prevent or punish transgression.*

But enough is said on this point to prove, that the Berlin decree cannot be justified or even palliated on ordinary principles; there has, however, been a pretended excuse for it, set up in the plea that the British rule of 1756 was such a new and extravagant doctrine, as would authorize the French to stop all trade with Great Britain.—One of the Edinburgh Reviewers has advanced something like this in October 1807, and it has been repeated by a senator of the United States in a publick letter. As the former writer had discussed the general principle with no common ability in April, 1806, and the latter must have had opportunity to examine it fully and to profit by the lights of others, it may be thought extraordinary that such a groundless plea should be so pertinaciously maintained.

Both these writers ought to have known that by the maritime code of France, promulgated in the beginning of the last century, and its essential principles sanctioned anew, in 1744 it is declared, that all property laden in the port of an enemy by a neutral, and bound to any country whatsoever, except the country of the said neutral, is good prize, although the property should bona fide belong to the neutral;—and that every article, the growth or manufacture of an enemy, found going from a neutral to an enemy's port is also good prize; which, with other declarations and provisions of a similar spirit, and some still more severe toward neutrals, are vindicated on the ground of a right, *thus* to injure the commerce of an enemy. It is not proposed here to examine the merits or demerits of these various claims of belligerents, nor to show what is or ought to be considered as the law of nations, in regard to the conflicting claims of neutrals and belligerents; but to shew that the charge

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