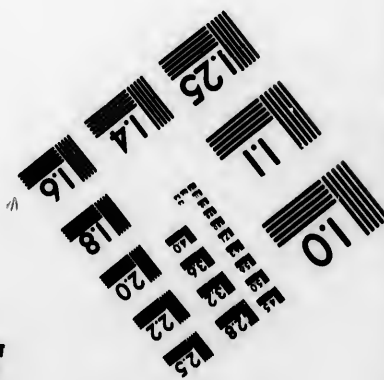
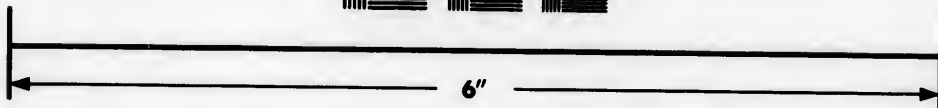
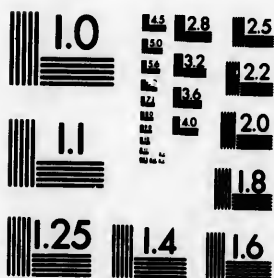


**IMAGE EVALUATION  
TEST TARGET (MT-3)**



**Photographic  
Sciences  
Corporation**

23 WEST MAIN STREET  
WEBSTER, N.Y. 14590  
(716) 872-4503

**CIHM/ICMH  
Microfiche  
Series.**

**CIHM/ICMH  
Collection de  
microfiches.**



**Canadian Institute for Historical Microreproductions / Institut canadien de microreproductions historiques**

**© 1983**

Technical and Bibliographic Notes/Notes techniques et bibliographiques

The Institute has attempted to obtain the best original copy available for filming. Features of this copy which may be bibliographically unique, which may alter any of the images in the reproduction, or which may significantly change the usual method of filming, are checked below.

L'Institut a microfilmé le meilleur exemplaire qu'il lui a été possible de se procurer. Les détails de cet exemplaire qui sont peut-être uniques du point de vue bibliographique, qui peuvent modifier une image reproduite, ou qui peuvent exiger une modification dans la méthode normale de filmage sont indiqués ci-dessous.

- |   |   |
|---|---|
| <input type="checkbox"/> Coloured covers/<br>Couverture de couleur  | <input type="checkbox"/> Coloured pages/<br>Pages de couleur  |
| <input type="checkbox"/> Covers damaged/<br>Couverture endommagée   | <input type="checkbox"/> Pages damaged/<br>Pages endommagées  |
| <input type="checkbox"/> Covers restored and/or laminated/<br>Couverture restaurée et/ou pelliculée   | <input type="checkbox"/> Pages restored and/or laminated/<br>Pages restaurées et/ou pelliculées   |
| <input type="checkbox"/> Cover title missing/<br>Le titre de couverture manque  | <input checked="" type="checkbox"/> Pages discoloured, stained or foxed/<br>Pages décolorées, tachetées ou piquées  |
| <input type="checkbox"/> Coloured maps/<br>Cartes géographiques en couleur  | <input type="checkbox"/> Pages detached/<br>Pages détachées   |
| <input type="checkbox"/> Coloured ink (i.e. other than blue or black)/<br>Encre de couleur (i.e. autre que bleue ou noire)  | <input checked="" type="checkbox"/> Showthrough/<br>Transparence  |
| <input type="checkbox"/> Coloured plates and/or illustrations/<br>Planches et/ou illustrations en couleur   | <input type="checkbox"/> Quality of print varies/<br>Qualité inégale de l'impression  |
| <input type="checkbox"/> Bound with other material/<br>Relié avec d'autres documents  | <input type="checkbox"/> Includes supplementary material/<br>Comprend du matériel supplémentaire  |
| <input type="checkbox"/> Tight binding may cause shadows or distortion along interior margin/<br>La reliure serrée peut causer de l'ombre ou de la distorsion le long de la marge intérieure  | <input type="checkbox"/> Only edition available/<br>Seule édition disponible  |
| <input type="checkbox"/> Blank leaves added during restoration may appear within the text. Whenever possible, these have been omitted from filming/<br>Il se peut que certaines pages blanches ajoutées lors d'une restauration apparaissent dans le texte, mais, lorsque cela était possible, ces pages n'ont pas été filmées. | <input type="checkbox"/> Pages wholly or partially obscured by errata slips, tissues, etc., have been refilmed to ensure the best possible image/<br>Les pages totalement ou partiellement obscurcies par un feuillet d'errata, une pelure, etc., ont été filmées à nouveau de façon à obtenir la meilleure image possible. |
| <input type="checkbox"/> Additional comments:/<br>Commentaires supplémentaires:   |   |

This item is filmed at the reduction ratio checked below/  
Ce document est filmé au taux de réduction indiqué ci-dessous.

10X	14X	18X	22X	26X	30X
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
12X	16X	20X	24X	28X	32X

The copy filmed here has been reproduced thanks to the generosity of:

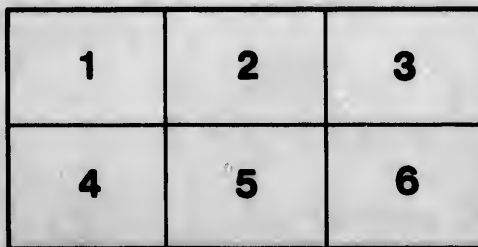
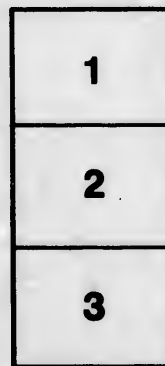
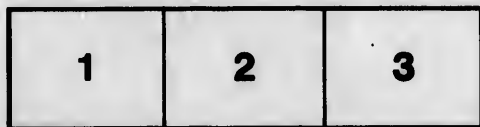
Library of the Public  
Archives of Canada

The images appearing here are the best quality possible considering the condition and legibility of the original copy and in keeping with the filming contract specifications.

Original copies in printed paper covers are filmed beginning with the front cover and ending on the last page with a printed or illustrated impression, or the back cover when appropriate. All other original copies are filmed beginning on the first page with a printed or illustrated impression, and ending on the last page with a printed or illustrated impression.

The last recorded frame on each microfiche shall contain the symbol  $\rightarrow$  (meaning "CONTINUED"), or the symbol  $\nabla$  (meaning "END"), whichever applies.

Maps, plates, charts, etc., may be filmed at different reduction ratios. Those too large to be entirely included in one exposure are filmed beginning in the upper left hand corner, left to right and top to bottom, as many frames as required. The following diagrams illustrate the method:



L'exemplaire filmé fut reproduit grâce à la générosité de:

La bibliothèque des Archives  
publiques du Canada

Les images suivantes ont été reproduites avec le plus grand soin, compte tenu de la condition et de la netteté de l'exemplaire filmé, et en conformité avec les conditions du contrat de filmage.

Les exemplaires originaux dont la couverture en papier est imprimée sont filmés en commençant par le premier plat et en terminant soit par la dernière page qui comporte une empreinte d'impression ou d'illustration, soit par le second plat, selon le cas. Tous les autres exemplaires originaux sont filmés en commençant par la première page qui comporte une empreinte d'impression ou d'illustration et en terminant par la dernière page qui comporte une telle empreinte.

Un des symboles suivants apparaîtra sur la dernière image de chaque microfiche, selon le cas: le symbole  $\rightarrow$  signifie "A SUIVRE", le symbole  $\nabla$  signifie "FIN".

Les cartes, planches, tableaux, etc., peuvent être filmés à des taux de réduction différents. Lorsque le document est trop grand pour être reproduit en un seul cliché, il est filmé à partir de l'angle supérieur gauche, de gauche à droite, et de haut en bas, en prenant le nombre d'images nécessaire. Les diagrammes suivants illustrent la méthode.



A

C

# REPLY

TO

AN "AMERICAN'S EXAMINATION"

OF THE

"RIGHT OF SEARCH:"

WITH

OBSERVATIONS ON SOME OF THE QUESTIONS AT ISSUE  
BETWEEN GREAT BRITAIN AND THE UNITED STATES,

AND ON

CERTAIN POSITIONS ASSUMED BY THE NORTH  
AMERICAN GOVERNMENT.

BY AN ENGLISHMAN.



---

"Nec mihi regna peto: paribus sed (se?) legibus ambas  
Invictas gentes æterna in fœdera mittam."

(*Aeneid*, xii. 190-91, apud HUGO. *GRÆC.* lib. ii. cap. xv.)

---

LONDON:

JOHN RODWELL, 46 NEW BOND STREET.

---

M.DCCC.XLII.

1878

THE COMPANIES ACT, 1862

1862



LONDON: PRINTED BY MOYES AND BARCLAY, CASTLE STREET, LEICESTER SQUARE.

ca  
ab  
its  
qu  
of  
a  
an  
spi  
(no  
the  
tion  
rea  
the  
reg  
be  
and  
site  
weig

## INTRODUCTORY REMARKS.

---

THE pamphlet which gave rise to the publication of the following observations appeared about two months ago at Paris. Professing as its author does to give a fair account of the question "now in discussion concerning the Right of Search," it is so full of misrepresentations of a simple question, contains so many fallacies, and is written in so ingeniously mischievous a spirit, that the writer of this "Reply" thinks (notwithstanding the exciting appeals made by the "American" to the party feeling and national prejudices of those utterly ignorant of the real nature of the case in discussion) that, unless the precept *audi alteram partem* be totally disregarded, the remarks of one who is more likely to be acquainted with the present disputed questions and counter-pretensions than those who never visited the United States, may be allowed some weight.

The author trusts that it will not be considered presumptuous to assume that those recently returned from America, after a prolonged residence in the United States, are more likely to be practically acquainted with the nature of the positions assumed by that republic, and the working of its system, than writers, however distinguished for ability or genius, who have acquired their ideas of the cases in dispute in the neighbourhood of the Chaussée d'Antin, and from those who have an evident interest in mystifying public opinion on the contested points; in which they have been but too successful.

The pamphlet of the "American" not having been allowed to appear in England, it has been thought necessary to reprint in the Appendix the chief passages to which reference is made in this "Reply."

*London, April 1842.*

# REPLY

TO

## “ AN EXAMINATION,”

*&c. &c.*

---

### CHAPTER I.

Summary of the Arguments of the “ American ”—Observations.

THE professed object of the “ American ” is to give “ a summary view of the question of the Right of Search, *as affecting the United States and Great Britain.*”<sup>1</sup>

He affirms that he has endeavoured *fairly*, and in a spirit of courtesy, to discuss this question<sup>2</sup>—that he avoids recrimination, or rather *crimination*; for it does not appear that there is an accusation to retort. He further speaks of not violating the “ courtesies of a liberal controversy,”<sup>3</sup> and throughout the pamphlet there is an assumption of candour and impartial examination, for which it is not easy to find a justification in the tone and arguments of the writer.

<sup>1</sup> Page 4.

<sup>2</sup> Page 5.

<sup>3</sup> Page 8.

Three distinct questions are treated by the "American" under the head of "Right of Search."

1stly, The right of search required for the suppression of the slave-trade, as mutually stipulated between Great Britain and the nations of Christendom, and especially in the late Quintuple Treaty signed in London,—and as proposed for many years to the Government of the United States, and by them alone refused.

2dly, That right of ascertaining the character of a suspicious vessel, which consists in verifying its title to the flag that it hoists; which right is, and ever has been, exercised by the vessels of war duly commissioned of all civilised governments, and arises from the manifest necessity of preventing piracy on the high seas.

3dly, The question of impressment, as possibly connected with a right of search,<sup>1</sup> *i. e.* Whether,—while searching for negroes or slaving equipments, in the one case (under the stipulations of treaty), or when ascertaining, or under pretence of inquiring into, the character of a suspicious vessel, in the other (for the suppression of piracy under the law of nations), American seamen, or the subjects of other nations, may be pressed into the British service?<sup>2</sup>

The last is the only purely American question. For the absurdity of arguing that England means,

<sup>1</sup> Page 23.

<sup>2</sup> Page 24, &c.

under the pretext of enforcing a right of search, to impress French, Russian, &c. seamen, is too gross an abuse of common sense to require a serious reply. Were one necessary, it would be found in a reference to the experience of many generations, and more especially, as regarding the stipulated right of search under slave-trade suppression conventions, to that of the last ten years, and upwards, that it has been in force between Great Britain and France, as well as nearly all other civilised countries.

These questions and arguments, or rather anticipatory denunciations,<sup>1</sup> will be discussed in the course of this Reply. At present let us examine how far the "American" has avoided all "crimination," "violations of courtesy," and how his self-lauded candour and claim to moderation are proved.

It appears scarcely credible that in the same pages containing these ingenuous professions and disclaimers, England is accused directly, or by implication, of the basest motives, of sordid self-interest, masked under a pretended philanthropy; that it is asserted that there would be "*disgrace*" in entering into mutual agreements with her;<sup>2</sup> that the "material interests" of the East and West Indies are her secret motives for seeking suppression of the slave-trade.<sup>3</sup> An indefinite accusation is also introduced,<sup>4</sup> at which the "American" ob-

<sup>1</sup> Coming, however, so late as to carry their own disapproval with them to those who know the facts of the case.

<sup>2</sup> Page 5.

<sup>3</sup> Page 6.

<sup>4</sup> Pages 5, 6.



scurely hints, as though he avoided its discussion from motives of delicacy.

He acts "wisely in his generation" in thus confining himself to inferential accusations, well knowing that the Government whose conduct is thus impugned, has reason to court publicity and invite discussion,—he, like a good advocate, evades it.

Were the writer of this Reply to cite all the passages in which these and similar accusations are made or insinuated, almost every page of the pamphlet might be quoted;<sup>1</sup> he confines himself to noticing some of the more prominent. In these will be found denunciations of England's lust of universal dominion; assertions that she threatens (alluding to passages in newspapers!) to become "constable of the ocean," or, as he elsewhere words it, adapting his phraseology to those whose national jealousy or hostility he in reality seeks to excite against England, "*prefet de police*" of the high seas.

He even ventures to prophesy that French crews will be forcibly mustered and pressed; that our interests in African commerce are so wonderfully great as to be the real motive for all the expense and trouble attending our suppressive measures against the slave-trade. But, perhaps, the most surprising accusation is that in which the French are forewarned that Great Britain has the delibe-

<sup>1</sup> Pages 1, 5-8, 10, 13, 15-20, 22, 24, 29, 32, 35, 40, 44, 48, 59, 62, 76.

rate purpose in view of declaring all French merchandise illegal or seizable<sup>1</sup> in time of peace; of course—if he had not luckily put them on their guard—with the tacit and highly probable acquiescence of the French Government and of their powerful navy!

This and some other as ludicrously extravagant propositions (if they are not, as one would suppose, ironical?), unsuitable as they are to a grave discussion, pretending to be carried on in good faith, would not require a serious answer, but for the mystification they have effected among those ignorant of the subject, or blinded by party spirit and national prejudice. It is not credible that this pamphlet, or at least these parts of it, can, as it is said, have been written by General Cass.

These denunciations will be examined. But first the arguments on the ostensible question at issue, immediately relating to the right of search, demand attention.

The real objection<sup>2</sup> of the United States Go-

<sup>1</sup> He does not clearly explain whether French goods are to be declared slave produce, and detained as such.

<sup>2</sup> The other ostensible objections alluded to by the "American" are so puerile, that he does not attempt to lay any stress on them. *Ex gr.* "A natural indisposition," (see p. 15), on account of "threats," which are yet to be pointed out. The "interruption to commerce," &c. which the experience of many years has proved not to arise from it.

That there are *real* objections on the part of the United States, is however, certain, as will be stated in these pages.

vernment to agreeing to the right of search, as stipulated with other nations, is, that it might give an opportunity for impressment. This, it must be allowed, is a serious and reasonable motive for refusal.

Were this objection made in good faith, the answer to it would be as satisfactory to the "American" to receive, as it is easy to an Englishman to give.

During *peace*, impressment is contrary to the law of England. The "American" is either ignorant of this fact, or does not think it expedient to bring it forward. In *time of war*, the right of search is admitted as a belligerent right, leaving the question of impressment just where it was.

Americans sometimes think, and frequently affirm, that British men-of-war are always manned by means of impressment.<sup>1</sup> Let it then satisfy the "American" to be informed that of the large navy that Great Britain has now afloat, not a man has been enrolled forcibly,—not even as the French conscription is raised, which meets his comparative

<sup>1</sup> A minister of the United States has been heard to account for the comparative greater difficulty and time required to man an American than an English man-of-war, by remarking that the Americans did not resort to impressment like the English, and expressed surprise when informed, that in time of peace, no law of impressment existed in England. It is fair to suppose that many Americans and French may share in this common belief.

approbation; nor even in as compulsory a manner as the United States militia is called on to serve; but entirely by voluntary enlistment.<sup>1</sup>

Let it further calm his evidently morbid nationality to learn that from the ameliorations in the service, and especially the system of engagement for a term of years, instead of that for an indefinite period, the establishment of naval schools, &c. &c., there is no difficulty whatever in manning the British navy, as every day's experience proves; that even in time of war it is very unlikely that impressment will again be required; that should it ever be thought necessary by those accustomed to look on it with less repugnance than it ought justly to excite, it is doubtful whether, in the present state of feeling on that subject, it will be enforced. Besides, several thousands of British merchant-seamen would, on the breaking out of war, be, from the consequent diminution of the commercial marine, at liberty to enter the navy at once.

Under any circumstances it will hardly be asserted seriously that the "foretaste" to which he

<sup>1</sup> A bounty is occasionally given, as in the army, when any difficulty, emergency, or unusual want of seamen exists; and this bounty is not, as in the United States navy, *subsequently deducted from the pay of the seamen*, a system that looks very like making a "Yankee bargain," for which the English sailors entering the American service are quite unprepared. It occasions much just discontent among these men, of whom there are great numbers on board the United States men-of-war.

alludes of the treatment of the vessels of the United States, France, and the Hanse Towns, was the result of a stipulated right of search for the suppression of the slave-trade!

But here it is necessary to remark, that the "American" adopts a system throughout his "Examination" of confounding the different questions at issue, as well as others quite irrelevant, so that it is difficult to discover when he means to allude to the *stipulated right of search*, or to the *right of verification* of the character of a suspicious vessel; as also whether his arguments are meant to apply to the Quintuple Treaty, or to the general usages of maritime nations, founded on the necessity of protecting lawful commerce. This, however, may be attributable to the hasty mode of publication to which apologetic allusion is made in the preface.

But whatever view he takes of these questions, let the "American" point out a case of impressment of American, French, or German seamen, under the pretext of measures suppressive of the slave-trade. He cannot. Yet the stipulated right of search has been exercised for many years with the latter nations.

The right of search is, he contends, excepting when founded on mutual conventions, a belligerent right; during war, therefore, United States vessels will be visited as heretofore. Impressment not existing in time of peace, no apparent motive exists

for refusing the mutual agreement now adopted by all Christendom, unless the covert reason be the opposition of the slave-holding interest, which, as long as the present system of the United States Government exists, will be exerted to prevent aught which may ensure the extinction of the slave-trade, or shew a real opposition to slavery.

But the "American" says that the right of search will give Great Britain the "*virtual supremacy*"<sup>1</sup> of the ocean; because she has more ships of war than other nations. If by this he means that, having a stronger navy, she has, so far, a certain sort of superiority, it is a self-evident proposition that no one will dispute; nor will an "Englishman" wish that the fact should be otherwise. But it is quite a *non sequitur* to say that this superior force will be abused; and, moreover, with the deliberate and sordid calculation that he hesitates not to impute to British naval officers.

The facts of the case tend directly against the argument of the "American."<sup>2</sup> England has a much greater number of merchant-vessels than other nations, and the stipulated right of search being mutual, ninety-nine vessels of hers will probably be searched for one of some of the parties to the slave-trade suppression treaties, and at least double the number of those of any of the high contracting parties.

<sup>1</sup> Page 8.

<sup>2</sup> Page 9.

But have the fatal results that he so confidently predicts been felt by French commerce, or that of the other high contracting parties? It would be unnecessary further to dwell on these declamatory and unfounded denunciations. The commerce of all the nations parties to slave-trade suppression treaties has prodigiously increased in the years that have passed, during which the right of search has mutually existed, and no interruption of the slightest importance has been occasioned.

But he says that it is the mode of exercising the right of search, as well as its consequences, that makes it so repugnant to American feelings, and then his fertile imagination suggests a description of the hardships and insults to be apprehended.

By a reference to the regulations by which the British men-of-war are guided in searching a slaver, it will be seen that no officer under the rank of a lieutenant can board and examine a vessel; the greatest forbearance, and all the courtesies consistent with this necessarily unpleasant duty, are enjoined; nor let it be said that these instructions are disobeyed. The orders of the British Admiralty and of the different Commanders-in-Chief are enforced with at least sufficient strictness; and it would go hard indeed with any officer found neglectful of them;—he would soon afford a vacancy for the promotion of others.

The picturesque description, therefore, of the



insolent tyranny of a "young midshipman" is purely imaginary.

Impressment, as well observed by Mr. Rush,<sup>1</sup> is, "as between the two nations, a question *sui generis*." But, from the mode of treating the question of right of search, intentionally or otherwise adopted by the "American," it is scarcely possible in reply to reduce the discussion to any clearly defined argument. Imitating at once, therefore, his manner of confounding the different questions at issue, whether solely regarding the United States and England, or France also and the other powers of Christendom, and adopting from him the journalist style of assuming the indefinite "we," we shall proceed to remark upon some of his arguments, apparently more applicable to questions of general international law, than specially to those pending between Great Britain and the United States.

It is thus we regard the refusal of the United States (if the late extraordinary declaration of a

<sup>1</sup> In Mr. Rush's "Residence in London" is to be found the best and most temperate statement of the real hardships of impressment, as affecting Americans. The perusal of this statement, although, of course, written with a leaning to the side of the United States, gives rise to painful reflections; and, while shewing the extreme difficulties of the question, is calculated to cause every Englishman, even if not already opposed *in toto*, as so many are, to the system of impressment, to question the justice or expediency of enforcing it as heretofore.



minister of the United States, followed by the "American," in the present pamphlet, are to be regarded as declaratory of the deliberate purpose of the United States), to allow the right of interrogating a vessel bearing the flag of that country.

The "American" accuses England of making "interpolations" in the law of nations, declaring that she seeks, either solely or in conjunction with other nations, to dictate on the high seas, &c.; can a greater innovation,—and if backed by a sufficient force,—a more strange dictation be attempted than that now, for the first time, avowedly essayed by the "American?" The American must be aware that, before the United States existed as a nation the right of a man-of-war to examine a suspicious vessel on the high seas not only existed in theory, but has ever been carried into effect. The self-evident necessity for such a proceeding to secure the ocean from the predatory misrule of pirates, would be sufficient to render the novel and singular restriction of international maritime right now proposed by the "American," inadmissible.

We again follow an example afforded by the "American," of pushing to extremes his own arguments; a system to which he continually resorts.<sup>1</sup> We will assume that the pretension to a right of

<sup>1</sup> See pages 16, 19, 21, 29, 32, 51, 59, &c. French "commerce suppressed"—the "case of a French conscript," &c.

exemption from all question of their respective flags had been adopted from the new code of the youngest of maritime powers, by all Christendom:<sup>1</sup> that is, that every nation were to threaten (as the "American" now does vicariously for the United States) to go to war at once,<sup>2</sup> if vessels under their respective flags were examined. The result would be, that every pirate would be sure

<sup>1</sup> We ought, according to the "American," to say the rest of Christendom; but in truth, although by no means implying that there are not Christians in the United States, we must observe without disparagement, that this term is by usage applied to countries where Christianity was established, while America was inhabited only by its aboriginal possessors. We well remember the good-humoured hilarity excited, and this in a *salon* of Paris, where there was but one Englishman present, by the claim somewhat energetically sustained, and accompanied certainly by an ebullition of temper, set up by an eighth "Champion of Christendom," in the person of a young and popular American.

<sup>2</sup> It is amusing to observe how throughout his pamphlet the "American" commits wholesale the very faults with which he reproaches others; complaining of threats, while he breathes defiance. It is thus that the supporters of slavery in the United States, consisting of nearly the whole press, north and south; characterise those who wish to act up to the professions of their Declaration of Independence, as "fanatics, violent demagogues, assassins, blood-thirsty miscreants," and other gentle epithets; when what do we see?—the pro-slavery mobs—albeit composed of worshipful men—attacking, plundering, burning, and murdering those who contend for justice and real liberty to the coloured people, "free" or slaves; and in *no instance* have we ever seen an attempt, backed by other

of entire impunity, by merely hoisting the flag of any other nation than that of the man-of-war about to board him. Thus, "for the sake of a quiet life," and to avoid national quarrels, the free-booters of all the world would be suffered to make the high seas their undisturbed manor.

It is not, however, likely that the "American" will find other nations ready to follow in the wake of the United States. She will have alone the unenviable singularity arising from affording, *de jure*, if not feasible in practice, protection to piracy and slave-trading; the latter being also, according to her own laws, Piracy.

But the absurdity of this novel though characteristic pretension is felt by the writer himself. He admits<sup>1</sup> that suspicious vessels may—nay must—occasionally be boarded by men-of-war of other nations, although covered by the flag of the United

arms than argument and reason, to get rid of the disgrace and misfortune of slavery.

Thus, the self-styled Texians—in fact refugees or emigrants, to speak with courtesy—from the United States, have the astounding effrontery to affirm that their cause is that of "freedom and enlightened government;" when the very *primum mobile* of their singular treachery towards the Mexican Government, which afforded them an asylum, was, that by the laws of Mexico, slavery was abolished. The government of Spain foresaw, upwards of twenty years ago, the present result. (See Correspondence of Spanish Government and United States, on Cession of Florida, &c.)

<sup>1</sup> See pages 50, 54.

States, or that of any other nation ; and that such a proceeding will cause no *bellum internecivum*, because necessary for the protection of legitimate commerce ! What more is required ? O yes, but he says, " this will be done and not resented ;" it is " inevitable and will be *pardoned*," but it is *no right*,—what miserable quibbling is this !

The fact is, that finding the assumed position to be untenable, he of course gets into contradictions in defending it.

It is taxing unnecessarily our patience, and the good sense of the reader, to expose in detail the poor special pleading in page 52.<sup>1</sup> Thus you may visit a vessel bearing the United States flag *if she be not an American* ; how are you to ascertain that fact without boarding ? The answer to the prisoner calling for quarter,—“ I'll grant you any thing you wish, but your life,”—is an illustration of the position taken by the “ American.” Thus, in a similar spirit, the district law of the capital of the United States allows that a black or yellow man may be free, but when no one claims him, he is sold for his jail-fees and expenses.<sup>2</sup>

<sup>1</sup> See Appendix.

<sup>2</sup> See advertisements in newspapers of the United States, Washington, Baltimore, &c. *passim*.

## CHAPTER II.

The "American" regards Newspapers as Official Documents—  
 Prominent Fallacies in his Arguments—Protests against a  
 Practice that he admits is necessary—*Reductio ad Absurdum*  
 of his Arguments—Law of Nations not a Written Code—  
 Case of the Caroline.

THE "American's" Examination appears to have been elicited by, or to be in answer to, certain articles in different English newspapers. It is true that on one occasion he refers to "threats"(!) used by Lord Aberdeen.<sup>1</sup> But otherwise throughout he seems to regard as state papers the different articles of journals expressing the opinion of

<sup>1</sup> In discussing the accusation of using threatening language, we might give some instances of what justly may be called threats. The Message of General Jackson to Congress, in which that President of the United States plainly declares, that unless France does as directed by the United States, the latter will at once proceed to make reprisals,—these are truly menaces. When the State of Maine, backed by a large body of national representatives, proposes to take possession of the territory over which Great Britain very wrongly allowed a dispute as to temporary jurisdiction to be admitted,—if it be true that such admission is made,—this is a threat. To go farther back, when the United States declared that unless Spain gave up the Floridas, they would be taken possession of, &c.—these *are* threats.

the writers, or of a party, respecting the right of search.

Is it necessary to inform the "American" that neither the *Times*, the *Sun*, *Scotsman*, &c. &c. however respectable as organs of public opinion, and however well written their columns, are *not*, like journals in some other countries, official publications? But in the absence of any tangible objection to the dignified and courteous tone of Lord Aberdeen, who merely states a fact, which even the morbid susceptibility of the "American" can hardly distort into a "threat," the writer quotes and answers largely certain articles of the London papers, occasionally with approbation.<sup>1</sup>

Such importance does he give to these articles, that he actually places them in juxtaposition with a mention of the acts of the British Government (see pp. 10, 11), as the appointment of Lord Ashburton, &c.

But if the "American" takes up the gauntlet with the journals of the day, he has no right to quarrel with them for using the style adapted to newspaper writing; nor can he justly tax the *Times* with levity in not adopting the grave language of an official despatch or diplomatic memoir.

<sup>1</sup> It is asserted that some of the English papers admit articles written by Americans; and that these Pseudo-English writers should occasionally have published articles of most startling and un-English tendency, is thus easily explained.

Under any circumstances, misrepresentation of the remarks in those papers should have been avoided.

The *Times* does not say that the English are to be the exclusive "constables" of the ocean, or "*prefets de police*" of the high seas. It is evident that what the British and other governments of Christendom claim for themselves, is by them mutually allowed to others. It is upon this foundation that all international law is based.<sup>1</sup>

In the Appendix some of the remarks of the "American" are *seriatim* quoted and commented upon. We shall here point out a few of the more prominent fallacies on which he founds his arguments.

1st. With respect to the doctrine of allegiance, he affects to suppose that the British Government alone refuse to consider their seamen when naturalized in the United States, as absolved from their allegiance. Let us ask him whether if France had in natural resentment, resorted to war on the publication of General Jackson's minatory declaration, and a Frenchman had been taken in arms against his countrymen, would he have escaped hanging, because, forsooth, he had passed through the forms required by the United States "interpolation" in the law of nations, or of allegiance (or procured false attestations to that effect,

<sup>1</sup> "The whole international code is founded upon reciprocity."—WHEATON'S *Elements of Inter. Law*, vol. ii. 83.



a much more frequent case), and claimed to have no allegiance to France?

2dly. The question of impressment does not regard any of the powers but the United States; yet the "American" does not hesitate to imply that it does. Neither does it now affect the United States, nor the right of search, impressment not existing in time of peace.

3dly.<sup>1</sup> He asserts that an American ship is as much within the United States jurisdiction *on the high seas*, because covered with their flag, as the "territory of the United States."

This is utterly erroneous in principle and practice. The high seas are not under any particular jurisdiction. A man-of-war cannot in a foreign port, or within a certain distance of a foreign coast, board or seize a merchant-vessel, being within territorial jurisdiction<sup>2</sup>—not so on the ocean. The man-of-war, by bearing the commissioned officers of a civilised power, has the right, for the security of the navigation of its own country as well as of that of all other nations (and this is a *reciprocal* right, be it recollected, not confided to any one "*prefet de police*" of Christendom), to prevent maritime freebooters from carrying on a war on the great highways of the world,

<sup>1</sup> Page 29.

<sup>2</sup> A strange contradiction exists in the rules laid down by American authorities on this head, which is remarked upon elsewhere.



against the interests of all. The merchant-vessel is neither equally entitled nor adapted, as the "American" argues, to perform such duties.

4thly. Another fallacy is the assertion that "A seaman on board an American ship is protected by *his national flag*."<sup>1</sup> If he is a Frenchman or an Englishman, is his national flag that of America?

5thly. Throughout the whole of this controversy no question "of conversion," such as that imagined in p. 32, *can* in good faith arise, inasmuch as, firstly, impressment cannot be exercised in time of peace, and, secondly, it has been proposed specifically to guard against it if required.

The case of the *Caroline* will be the subject of separate mention; but, 6thly, as among the fallacies, here pushed to extremes, is that of confounding a right strictly confined to *self-defence from military aggression*, growing out of that case, with the exercise of *civil jurisdiction*.<sup>2</sup> Moreover, it is incorrect in point of fact, that British subjects "entered the territory of the United States;" it was the ungoverned or ungovernable citizens of the United States that occupied and invaded British territory.<sup>3</sup>

7thly. Another fallacy, which deserves to be called by a less moderate term, is the assertion that, although impressment is only exercised in

<sup>1</sup> Page 31.

<sup>2</sup> Page 32.

<sup>3</sup> Their "patriots" occupied Navy Island, coming and supplied from the United States' shore.

time of war, the Government *might* authorise it in time of peace.<sup>1</sup> This is pushing an argument to an extreme widely at variance with "courtesy" or "fair discussion."

By a parity of reasoning we might say almost any thing that suited the purpose of a fictitious argument. For instance, the United States only claim the right of enslaving (or imprisoning and selling for jail fees) the free blacks and mulattoes of the district of Columbia and the Southern States of the Union; but they *might* extend it over all the United States, and to every Englishman, Frenchman, or other foreigner in the United States, whether coloured or not, &c. &c.

8thly. The rejection of the proffered stipulation against impressment is defended by a gross fallacy. Even the remarkable talent for distorting straight-forward meanings shewn by the "American," has failed to prove how the express stipulation in question can "be tortured" into any "recognition" of the right of impressment.<sup>2</sup> That the flag shall protect "*their* seamen" is easily conceded, but they wish to extend it to others. It is hardly possible to read pages 37 and 38 and acquit the writer of bad faith.

9thly. Does the "American" mean to insist that the flag of the United States *does* "*prove*" nationality?"<sup>3</sup> The unhappiness of the illustration

<sup>1</sup> Page 36.

<sup>2</sup> Page 37.

<sup>3</sup> Page 45.

of "*Tom and Jack*"<sup>1</sup> is another strong specimen of the fallacies of the author. If the vessel, instead of being merely *visited*, were to be fired at and taken possession of, the "*knocking down Tom*" might be a parallel case. But if a policeman civilly asks Tom or Jack, whom he meets under suspicious circumstances on the high way, who they are, and where they are going? there is no breach of the peace.

10thly. So, in carrying out his inapplicable illustration, the "American" cites the regulations of a parish as applicable to the ocean. The case of a master or parent, and a child or servant, is not in point. A *magistrate*, or *public officer*, meeting a child or servant, and erroneously stopping him on suspicion, would be quite justifiable. A man-of-war is to be looked on when on the *high seas* as being a commissioned and public authority, no matter of what nation, as none has *there* exclusive jurisdiction. But the "sheriff's officer" does not "knock down" the person he interrogates, nor must the man-of-war sink the merchantship. In these cases, as well as in that of A and B, in page 54, the "American" loses sight of an essential point which renders his argument wholly fallacious, viz. that the ocean is not within any peculiar civil or military jurisdiction; on it the "constables" or "sheriff's officers" are the men-of-

<sup>1</sup> See Appendix.

war of all civilised nations. And here it is as well to remind the "American" of a circumstance that appears to have escaped him, viz. that the vessels of war of the United States invariably act like all others in this respect, whenever occasion requires, as is notorious to all conversant with such matters.

The right of protecting the high seas from piracy is no "new pretension," nor is "universal exemption of all vessels" in time of peace from "visitation" possible, without utter insecurity to legitimate maritime commerce;<sup>1</sup> and, therefore, such a suicidal principle is inadmissible. "The burden of discussion," or rather proof, is light on this head; but we have also in our turn the right to invite the "American" to prove his position to be tenable — no easy matter.

Mr. Stevenson, supported by the "American," who, however, only professes a " cursory examination" of the matter, doubts that this universal principle and practice have been adopted "to the extent" that we maintain.

The "American" argues that the practice cannot have prevailed to any great degree, as it would have given rise to discussion and examination. It appears a much more logical deduction, to say that this practice has not been *abused*, and, therefore, it has never (until now) been called in question,

<sup>1</sup> Appendix.

when, to suit "peculiar institutions," and the peculiar feelings arising out of them, it does not answer the purpose of a peculiar government to admit it.

Yet in the next sentence is an admission that "*its abuse*," which is, as in other cases, all that the United States could have to complain of, has neither been prevalent nor sufficient to cause the evils or the complaints, which he affirms necessarily accompany it. That its use is established is fully proved by the experience of naval officers for successive generations.

Besides in page 51 there is an admission, which, with the exception of a cavil at verbal distinctions, goes all the length required, viz. that, *de facto*, the stopping and verifying the character of vessels *has taken place, and continues to be a naval right by usage, which is as harmless in practice as necessary in principle and fact.*<sup>1</sup>

This, it is true, is followed by a favourite rhetorical figure of the "American," viz. pushing his argument to an absurdity, by asserting that Great Britain will exercise this right in all places and on every vessel!

He subsequently again admits,<sup>2</sup>—such is the pressing nature of the dilemma in which the "American" finds himself by undertaking the defence of a false position,—that an officer, French or Eng-

<sup>1</sup> Page 51, Appendix.

<sup>2</sup> Pages 53, 54.

lish (while doing precisely what we contend has been, and must be, left to the discretion of such officer), in verifying the character of a suspicious vessel, will not give rise to a "complaint on *the part of any government*;" yet he still tries, *more suo*, by special pleading, to return to the assertion of the illegality of the act, illustrating his meaning by giving an example of the working of American municipal law, in justification of this interpolated prohibition of one of the usages recognised by international maritime law.

Admitting, as he does, that piracy is proscribed by the law of nations — that it is the duty of all powers to support and enforce that law — he adds that the act of doing so will be "excused" but not "justified."

Such quibbling attempts<sup>1</sup> at argument might perhaps be expected in the pettifogging practice of a village attorney, but are novel in the discussion of the law of nations.

With respect to the alarum so frequently sounded in the ears of the French throughout this pamphlet (and the motive for which is as evident as it is invidious), that "*all French vessels*" may be searched by a British ship,<sup>2</sup> it is sufficient to reply that all our stipulations with France are "*reciprocal*."

After all, the "American" cannot quite shut out

<sup>1</sup> Page 55.

<sup>2</sup> Page 56.

the strong conviction of his erroneous position, and allows that "circumstances might justify" the exertion of the right of even forcible verification of the character of a suspicious vessel. So that *ae facto* we perfectly agree.

A glaring fallacy, which can hardly have been inserted but on the strength of the evident ignorance of the whole subject and groundless excitement of that party whom he is *really* addressing, is the assertion that, because merchant-vessels, or those not in the service of a regular navy, may be questioned, the men-of-war of all nations may likewise be searched. It is not possible that the "American" can be ignorant of the privileges and exemptions universally conceded to men-of-war, as bearing the military commission of a sovereign power. By a parity of reasoning, he will argue that England will cause foreign men-of-war to pay duties like merchant-ships, will not accept the word of the commander regarding the sanatory state of his vessel, &c. &c.

The man-of-war, by right of the commission it bears, ascertains the character of a suspicious vessel; but if this be improperly attempted with a foreign man-of-war, it would, of course, only be yielded to superior force, as being contrary to usage, and, according to circumstances, might give rise to serious consequences. In short, while endeavouring to argue away the fact of the liability of merchant-vessels to be examined, he gets into the dilemma of



being obliged to suppose that an equal right exists with men-of-war; thus imagining one fact in order to suppress another.

With respect to the two specimens of the carrying an argument to the utmost verge of absurdity, viz. that England "*has only*" to declare illegal all employment of her subjects—and the other that the transportation of the merchandise of "France" (why France and not the United States, if this discussion were *bonâ fide* that of an *American* and English question?)—is *only* to be declared piratical—we only can reply by a *tu quoque*, as the cases are as likely on the one side as the other,—the United States having been the first, as the "American" boasts, to declare the slave-trade piratical, *may* also declare French merchandise illegal. We felicitate him on the truthfulness of his suppositions, and the air of candid conviction with which he adds, "Let no man say such things will not happen!"

With respect to what constitutes Christendom or not, it is not worth while to reply to the thin-skinned remonstrance. But the list of those nations who have entered into treaties for the suppression of the slave-trade, and stipulating a right of search, leave a rather discouraging minority on the side of the government striving to throw obstacles in the way of that suppression—France, Russia, Austria, Prussia, Naples, Sardinia, Spain,



Portugal, Denmark, Sweden, Holland, Belgium, &c. &c. &c.

Lord Aberdeen may well be justified in his general statement respecting the "great brotherhood of nations," to which the United States forms an exception.

The "American" declares, *ex cathedrâ*, that the United States is ready to bow to the law of nations; but sneeringly asks Lord Aberdeen to put his finger on that part of the law of nations supporting his argument on the present question. It would not be difficult to cite many authorities confirming our positions; but at present we will be content to refer to one not likely to be controverted by an American.

Speaking of a certain argument relating to the claims of the United States on Denmark, Mr. Wheaton says,<sup>1</sup> "The observation became important when it was considered that the *law of nations nowhere existed in a written code, accessible to all, and to whose authority all deferred; and that the present question regarded the application of a principle of doubtful authority,*" &c. We could be content to leave the ironical question of the "American" with this citation as an answer; but the highly respectable authority of Mr.

<sup>1</sup> *Vide* Wheaton's "Elements of International Law," vol. ii. p. 261.

Wheaton bears even more on one of the chief points at issue. Speaking of treaties, the *laws of navigation, &c. &c.*, "Such regulations should be regarded only as the spontaneous homage of man to the paramount Lawgiver of the universe, by delivering his great works from the *artificial shackles and selfish contrivances* to which they have been *arbitrarily and unjustly* subjected."<sup>1</sup> Can any thing be, physically or morally, more applicable to the treaties for the suppression of the slave-trade?

The "American" has brought forward, in a manner as inapplicable to the question at issue as invidiously in its bearing, the affair of the *Caroline*, arguing under the law of nations.

Let us examine the acts of the United States Government in reference to a case somewhat more decisively an invasion of the territory of a foreign and friendly power than the affair of the steam-boat.

"*Head Quarters, Pensacola, 28th May, 1818.*—Major-Gen. Andrew Jackson has found it necessary (!) to take possession of Pensacola. He has not been prompted to this measure from a wish to extend the territorial limits of the United States, (as the result has clearly proved!), or from any unfriendly feeling on the part of the American Republic to the Spanish Government," &c. &c.

<sup>1</sup> *Vide* Wheaton's "Inter. Law," vol. i. p. 254.

(save the mark), After saying that it was solely to prevent the inroads, murders, burnings, &c. of the Indians (lately imitated by the American patriots in Canada), he proceeds to say that the weakness of Spain to restrain these evils being acknowledged, and especially as they had even been obliged to furnish the "Indians with munitions of war" (the supplies from the United States arsenals to the self-styled *Canadian* "savages" at Navy Island, to wit); "the immutable laws of self-defence, therefore, compelled the American Government to take possession of such parts of the Floridas in which the Spanish authority could not be maintained" (an excellent precedent). "Pensacola was found in that situation, and will be held until Spain can furnish military strength sufficient to enforce existing treaties," &c. &c. (a very Daniel), "Col. King will assume the command of Pensacola as a military and civil government" (civil and exceedingly cool), &c. "This property is necessary to the United States, and under its laws may be held (no doubt), an equivalent being paid." An exceedingly pleasant mode of proving friendship to Spain.

We will in our turn now request the "American" to put his finger on the particular passage or text of the law of nations, that prescribes or justifies this trifling liberty of Gen. Jackson's with his friend and ally — that is not, *à fortiori*, an authority for Great Britain in the case of the Ca-

roline, or rather would have been so, if, instead of confining ourselves to destroying the *corpus delicti*, the piratical steamer,—we had seized the adjacent parishes and the military stores and government property, as “convenient or necessary” for our purposes; and had appointed a governor—say Col. M’Leod for instance—of the districts over which the United States could not or would not exercise that control required to protect a neighbouring state from outrage? Let it be also recollected that the major part of these murderous pillagers in Canada were natives of the United States, an aggravation not found in the case of Pensacola.

## CHAPTER III.

Real Motives for Refusal of the United States to accede to the Slave-trade Suppression Treaties — Slavery in the United States — Legality of Slavery as defended by the "American" — Treatment of Slaves in the United States contrasted with that of Slaves in other Countries — Abolition of Slavery not productive of danger — Interference in the Concerns of other Nations — Quotation from the "Times."

HAVING expressed our belief that the "American" does not state the real objection of his government to the mutual right of search, but that there are unacknowledged motives which induce it not only to refuse to make one of the "great brotherhood" of Christian nations in endeavouring to extinguish the trade in man, but, *per fas aut nefas*, to strive to prevent others from assisting in that holy purpose, it is expedient to declare what those motives are.

We are not called upon to apologise for attributing this want of good faith to the "American," as we have shewn that throughout his pamphlet are scattered denunciations of the motives and Machiavelism of England, her ambitious, but hidden, designs, her crusade of philanthropy, &c. — terms calculated, *ad captandum*, for that public, to whose passions and prejudices he, in fact, addresses himself.

feelin  
the s  
its m  
utter  
hum  
estim  
Mark  
speak  
by th  
cons  
pare  
tion  
justif  
from  
subse  
cessa

1  
Engla  
terest  
libera  
Engla  
while  
treasu  
sition  
but it  
signs,  
Africa  
land  
Franc  
under

The real obstacle to right action or to proper feeling in the United States on the suppression of the slave-trade, is the existence there of slavery in its most hopeless and unmitigated form. This must utterly prevent all real participation in the work of humanity, as it perverts the religious and moral estimate of the crime of man-selling or buying. Mark the apologetic strain in which the "American" speaks of slavery:—"It is not," he says, "illegal by the common consent of mankind." But by the consent of Christendom it is; besides, is he prepared to admit that in the first attack and destruction of Algiers by Lord Exmouth, England was not justified in seeking to prevent that piratical power from enslaving the subjects of any nation?<sup>1</sup> When, subsequently, France in her turn insisted upon a cessation of the system of enslaving captives in

<sup>1</sup> It is a satisfactory reply to those who, even in this act of England, as in every other, see nothing but sinister and interested motives, that among the hundreds of Christian slaves liberated at that time, there were no Englishmen, and that England had suffered less from Algiers than any other nation; while the reduction of that place cost her much blood and treasure, without the slightest attempt at profiting by her position. Many will be at present inclined to call this Quixotism, but it is hard to see in it "selfish motives," "ambitious designs," &c. &c. or the exclusive compassion for the natives of Africa,—all matters of taunt, *usque ad nauseam*, against England on the part of the "American" and the Republicans of France, whom he seeks to enlist as his allies and supporters, and under whose protection he seeks to strike at England.

Algiers, would the Americans have protested against the proceeding, as a dictation and improper interference in a "legal" practice? for slavery was legal in Algiers, as it is now in Turkey, Egypt, the United States, Brazil, and some other countries.

If the "American" declares the system of slavery legal, he admits that if he were a prisoner in Africa, he would have no right to complain of being enslaved.

We must also protest against the accuracy of his panegyric on the treatment of slaves in the United States. So far from being daily softened, as he asserts, the very contrary is the case.

It is not the purpose of this Reply to discuss the subject of slavery or the slave-trade, excepting as incidental to the arguments of the "American," and as introduced by himself. But when he argues<sup>1</sup> that the "*status* of slavery is not illegal by the common consent of mankind, because it has existed from the earliest ages of the world"—does he not perceive to what a length such reasoning commits him? Crime of every kind has also ever existed; and without speaking of murder, robbery, &c., let us but go back, as the "American" does, to the Old Testament, and we shall find authorities for polygamy, concubinage, the marriage of brother and sister (by the same father), &c. &c. Does he cite the sale of "the son of Jacob in Egypt"<sup>2</sup> as a justification of slavery? We do not conceive, as

<sup>1</sup> Page 65.

<sup>2</sup> Page 67.

he apparently does, that it is mentioned with *ap-  
probation* in the Bible?

If he goes to the Old Testament for authorities, why not rather take those passages more in accordance with the milder and chastened doctrines of Christianity? Thus, for instance, he will find in Exodus,<sup>1</sup> "He that stealeth a man and selleth him, or if he be found in his hand, he shall surely be put to death." This goes far, it seems to us, in condemnation not only of the slave-trader, but the slave-holder.

Citations might be multiplied if the limits or nature of a pamphlet permitted. But we cannot allow the startling charge brought against our West India planters to pass unnoticed:<sup>2</sup> it is our duty to give it an unqualified contradiction.

We, however, can also say that the treatment of slaves by the "southern planters" of the United States cannot be justly compared to that experienced in the British West Indies; but it is because the treatment of the slaves in Georgia, Louisiana, and some other states, transcends in cruelty and abomination any thing that has existed for generations in our colonies. We could give hundreds of examples of this, were it necessary; and we do not speak without experience of the subject.

The increase of slaves being comparatively greater than that of masters in some of the southern states cited as a proof of their good treatment,

<sup>1</sup> Chap. xxi. verse 16.

<sup>2</sup> Page 65.



is a fallacy so gross, that we can hardly acquit the "American" of a want of fairness in thus quoting it.<sup>1</sup> He is well aware that, besides the malignant effect of the climate of the southern states on constitutions of European origin, the active and increasing slave-trade carried on both by land and sea from the middle states annually, suffices to fill up the mortality produced by the horrors of the situation of the southern slaves.

Will the "American" seriously contend that the daily increasing stringency of the laws of the southern states against slaves and coloured people, are proofs of the "mildness of disposition" respecting this "unfortunate class of society," tending to improve their situation? Alas for the candour or the information of the "American!" It is felony to teach a coloured man to read or write; even in the northern states, schools for coloured people have been as *illegally* as unjustly suppressed; going farther than the United States code of morality usually goes, *i. e.* as far as the *law allows*. To imitate the biblical references of the "American," well may the treatment of the coloured class in the United States be compared to that of the Israelites in Egypt:<sup>2</sup> "Ye shall no more give the people straw to make bricks as heretofore," but "let more work be laid upon them."

The coloured class, slaves or free, are reproached with ignorance, indolence, vice, &c. and

<sup>1</sup> Page 65.

<sup>2</sup> Exod. v. 7, *et seq.*

yet the sources of religion, morality, and useful education, are shut out from them;<sup>1</sup> and as the Egyptians said of yore, the "American" says, "Ye be idle, ye be idle." They are loaded with fetters (often physical as well as moral), and then punished for not advancing *passibus æquis* with their oppressors.

Did the favourable disposition exist towards this "unfortunate class" that the American asserts, would not the very reverse of all this take place? Would not schools be encouraged, especially for the free blacks and coloured races? Would not the free coloured people be allowed, as in the West Indies, Spanish America, the Brazils, &c. &c., equal privileges with those of European origin? To the shame of the United States be it spoken, that in the measure of justice towards their countrymen of all colours, every nation, Christian or not, infinitely surpasses the North Americans.

Like all other great measures of justice, this fairness of spirit and dealing towards the coloured races is at the same time an excellent line of policy. Instead of having to guard at all times, but particularly during war, against a domestic enemy, whom by their social and political code they seek to vilify and oppress, the rest of America

<sup>1</sup> See Note in Appendix, on a late trial at New Orleans of an agent of a Bible Society for offering Bibles to slaves; and the declaration of the judge, that "slavery is as dear to an American as religion itself."

gives them, *de jure* and *de facto*, all the privileges of freedom, and in case of foreign invasion would, consequently, find in them ready and numerous defenders. What would be the case were the United States at war with a powerful enemy?

But here we come to a part of the implied arguments of the "American," in which, however ingenious and astute in using the legal weapons, the *avocasserie* so familiar to Americans in all discussions, he lays himself and his countrymen open to grave charges, while making mysterious inferential denunciations.

Like almost all Americans (at least, when speaking "*coram nobis*" in Europe), the writer of the "Examination"<sup>1</sup> declares himself the enemy of slavery, and the advocate of its abolition; but implies that others would, in getting rid of slavery, "carry fire and devastation into a peaceful (?) community." Does he mean that emancipation could produce this? Let him look at our West India Colonies, wherein, he says, the treatment of the slaves was worse than in the United States. What is the result? England has a considerable disposable force withdrawn from the colonies, rendered unnecessary by the discontinuance of slavery. No assassination, nor even a semblance of dangers of the nature that he deprecates, occurred on this great and glorious occa-

<sup>1</sup> Page 66.

sion; and latterly the defence of the islands has been confided to black regiments, who have consequently been enrolled in greater numbers, and to whom the climate is not injurious.

If he means that education and the elevation of the free coloured classes would have the effect of rendering them worse subjects or citizens, he gratuitously supposes a phenomenon in the results of increased intelligence and equitable treatment. But let him look again to the experience of Great Britain in her colonies, where they have practically, as well as in theory, the same position and exercise the same privileges as their white countrymen; have difficulties or danger been the result? If we look to South America, some of the most distinguished generals and legislators are of mixed blood, and of every shade.

An American thinks he answers every objection by saying "prejudices exist." Are we to legislate with a view to foster noxious prejudices, or so as to destroy them?

The "American" then obscurely hints at having seen more misery, as he insinuates<sup>1</sup> resulting from injustice, among the lower classes in Europe than in the United States, and he significantly declares that this has been the result of his experience, although "*he has not visited Ireland.*"

<sup>1</sup> He says that the sufferings to which he alludes are *not* occasioned by poverty and climate.—Pp. 66, 67.

As we have no motive for not speaking plainly on this matter, we will ask the "American" whether he has ever seen the lower classes of France or England driven in caravans for hundreds of miles, men, women, and children, to be sold? If he has seen, as we have in the United States, the husband sold separate from his wife, and, *vice versá*,—children torn from their parents, and sold at public auctions, often under execution for debt, &c.—men imprisoned without a shadow of accusation of crime, and then sold for their jail-fees? Has he ever seen (white) parents sell their own coloured children? Has he seen the revolting punishments inflicted on the estates bordering the Mississippi, and in the cities of the south? We could go on much farther if our limits allowed; but we only add, that unless he can shew similar wanton and wilful inflictions, for which one class exclusively furnishes the hereditary victims of another, and that these enormities are supported by deliberate legislative authority, his hinted accusations must be regarded as unfounded calumnies, put forward to produce a certain false impression in the unscrupulous spirit of special pleading, that pervades his whole pamphlet.

That the miseries occasioned by poverty,—a large population in comparatively confined limits, the rigours of climate, and the consequences of intemperance or vice,—are felt in Europe much

more visibly than in America,<sup>1</sup> will not be denied ; with the gigantic exception of the lower classes, *i. e.* the slaves of the southern states, whose occasional physical comforts by no means alter the real horror of their general position. But these calamities are not in Europe directly attributable to the perverse and unchristian enactments of one set of men exercised against another in the same community.

The "American" implies that those who expose the abominations of American slavery, and its evident consequences, are preaching murder, revolt, &c. in a peaceful community.<sup>2</sup> Let him look at home. As long as Americans confine themselves to strictures on the British Government, whether in Ireland or elsewhere, and condemn, however uncourteously, and on *ex-parte* exaggerations, the political and party errors which they think they perceive, they only do what is usual in all countries where a press and the habit of discussing public matters exist. Also, when English journalists or authors point out the facts of American slavery, and give their opinion as to the results of the system in case of a foreign war with a powerful nation, they also exercise an

<sup>1</sup> Except, perhaps, in the larger Atlantic northern cities, in winter.

<sup>2</sup> Ever ready, however, to invade their neighbours, whether in Canada or Mexico, and, as in the latter, for the perpetuation of slavery, &c.

undoubted right.<sup>1</sup> But opinions and predictions, well or ill-founded, or expressed, are not undue interference in the internal concerns of another nation; neither are they deserving of the epithets of "incendiarism," "excitement to revolt" (*disaffection* in the case of slaves is a normal and inevitable *status*), "massacre," &c. But we will shew what conduct *does* deserve these designations.

We were about to give a summary of late proceedings in the United States by certain advocates of the repeal of the Union,—not of their own different states, but of that between England and Ireland. But the *Times* (the paper so largely quoted by the "American") of 1st March contains so able an *exposé* of this matter, that we confine ourselves to citing the article in question:—

"If we were to abandon ourselves to the *first* feeling which such documents as the letter of Governor Seward to the Secretary of the 'Albany Repeal Association,' and the speech of Colonel Johnson at a late 'repeal meeting' in Kentucky (both of them published among our Irish news a few days since), are calculated to excite, we might merely be amused. Both of them are characteristic specimens of that hyperbolic style which to our Trans-

<sup>1</sup> Who will say, with the experience of the last war with the United States,—in the advance of the English troops to Washington, when the assistance of the slave population was so useful,—that fatal results to the United States from pertinaciously keeping a domestic enemy in their own hearths, instead of converting them into a loyal peasantry, are either improbable or unmerited?



atlantic brethren appears fine writing or speaking. The Governor's reply to a request that he would join the Albany Repealers seems to be a leaf torn out of some manuscript history of the War of Independence, which was employing his leisure hours. 'Sir,' he begins, 'the Continental Congress, as you undoubtedly recollect, assembled in Philadelphia in 1775, soon after the shutting up of the town of Boston by the royal troops.' Afterwards he speaks of the '*fidelity* and affection of the Irish people to *America*,' as 'constituting a national trait,' laments in pathetic terms over the loss to Ireland of 'the protection of that Parliament which did America no wrong' (the *protection* of the venal and jobbing Orange Parliament which sat in College Green before the Union), and trusts that 'the patient abiding of the meek' (O most meek Daniel O'Connell!) 'may not always be forgotten.' The Colonel takes a higher flight, &c. For instance:—

“ ‘Ireland feels that she is not an integral portion of the British empire,—every act of the British Parliament tells her that she is an alien, an outcast, a neglected, an oppressed one. Ireland spurns the oppressor, and stands forward to vindicate and establish her right to self-government. Her struggle is peaceable—it is moral, irresistible, sublime. She does not struggle, as we struggled against British power, with the bayonet and the cannon. No; she adopts another and a different force—the force of argument, of moral reasoning, of intellectual electricity. With these forces she hopes to rend asunder the puny manacles of British tyranny.’

\* \* \* \* \*

“ But we cannot dwell upon the ridiculous, when looking at such documents as these, and considering



who the persons are from whom they proceed. Mr. Seward is Governor of the state of New York ; Colonel Johnson was once Vice-President of the United States, and (if a similar dispensation of Providence had taken place to that which elevated Mr. Tyler to the Presidential chair) might have been first magistrate, might have ruled the destinies of peace and war, in the Western Republic.

*When, therefore, we find such persons coming forward in public, not merely to express an opinion upon Irish politics, not merely to heap all manner of false and filthy abuse upon the Crown and Legislature of Great Britain, but to promote the organisation of societies in America for the express purpose of keeping sedition alive and subsidising demagogues in Ireland, we feel that what they say and do acquires from their station political importance; much more when we find not merely the associations which they encourage, but one of themselves, asserting doctrines of democratical propagandism quite as arrogant and pernicious as any which ever emanated from the actors in the French Revolution, and openly recommending rebellion and bloodshed to the subjects of Queen Victoria. We are compelled to inquire whether such proceedings can be suffered to go much farther without seriously affecting the state of public relations between the British and American Governments?*

“The principles expressed in the following extract from Colonel Johnson’s speech, if acted upon to any extent, either by the Government, or, with the connivance of the Government, by combinations of private citizens, *would speedily put an end to all possibility of friendly intercourse between the United States of America and any other portion of the civilised world:—*

“ ‘The cause of general liberty is too dear to American freemen not to wish her complete success. Some per-

' sons may take exceptions to these meetings, and may  
 ' doubt the prudence of American citizens interfering in  
 ' the cause of the oppressed. Gentlemen, my opinion is,  
 ' that the cause of honour, and virtue, and charity, when  
 ' honestly followed, will always be found a prudent course.  
 ' Above all, it is the only course which American freemen  
 ' can pursue. This is the land of the free and the home  
 ' of the brave, and we have an undoubted right to sym-  
 ' pathise with the oppressed, to feed the hungry, and  
 ' clothe the naked, from wheresoever they may appeal.  
 ' We have the right, and may we never be wanting in the  
 ' disposition, to aid in the disenthralment of oppressed  
 ' man, whether under an Irish or an Eastern sun.

\* \* \* \* \*

' I have great confidence in the Irish people. I have  
 ' great hopes they will accomplish their freedom, not only  
 ' because they are brave, but that their cause is just.  
 ' They are proceeding in a peaceable discussion and en-  
 ' forcement of their rights. I hope they may never be  
 ' driven from this course; *but, even should they be driven*  
 ' *to the last resort of freemen, I care not—if lives must*  
 ' *fall, I care not. It is the right of man to enjoy self-*  
 ' *legislation. Blood is the price that is sometimes paid for*  
 ' *liberty; and if blood is to be shed for that sacred cause,*  
 ' *there are no men on earth more ready to shed their blood at*  
 ' *its sacred shrine than Irishmen. We are bound to do every*  
 ' *thing in our power to restore that country to freedom, and*  
 ' we all shall feel proud of the share we may take in the  
 ' great cause.'

"This in Kentucky, from the man who was late Vice-  
 president of the United States! Nor does Colonel Johnson  
 stand alone in this language, as may be seen by the fol-  
 lowing *pacificatory* anecdote, related by Mr. Steele on

Friday, to the assembled Repealers of Dublin. It seems that a Mr. Mooney has been sent over to confer with the sympathisers as the credited agent of Mr. O'Connell:—

'Some time ago,' said Mr. Steele, 'among the American newspapers sent me, was one with a report of a public meeting of the friends of Ireland, at which Mr. Mooney attended, and made an admirable speech, in the pure spirit of an O'Connellite. An American gentleman, who followed him (Counsellor Smith), declared that the point on which he differed was this,—that Mr. Mooney had declared his faith in the power of moral suasion; *but he* (Counsellor Smith) *had no faith in the power of moral suasion; that, in his opinion, justice was to be wrung from the blood-stained hands of England only by gunpowder suasion and American suasion. And this,*' said Mr. Steele, *'was hailed by the assembly with peals of applause.'*

"We should be glad to know what the Americans would say, if associations were to be formed, and public meetings held in England, not for the redress of *imaginary grievances of parties enjoying liberty, license, and political power*, but for the liberation of the *slaves*, whom these talkers about liberty decline to emancipate? What if we were to send remittances of money to the American abolitionists? What if our ex-ministers of state were to make highly-coloured speeches, to the effect, that 'liberty is too dear to English freemen not to wish her complete success;' that 'we have the right, and may we never be wanting in the disposition, to aid in the disenthralment of oppressed man, whether under an American or a southern sun;' that 'they have great confidence in the American slaves;' that 'even if they should be driven to the last resort, they' (our ex-ministers) 'care not; if lives must fall, they care not. It is the right of man to

‘enjoy liberty; blood is the price which is sometimes paid for liberty; and if blood is to be shed for that sacred cause, there are no men on earth more ready to shed their blood than the American slaves?’ We shall be glad to know whether our statesmen would not have quite as much right (as undoubtedly they would have far more semblance of reason) to utter and send over to America such suggestions? And does any one believe that, if our legislature permitted Englishmen publicly to combine for the purpose of overthrowing the government and disorganising the social system of the United States, by a servile insurrection and massacre, the Americans would be silent, and tamely submit to the outrage?

“Incendiaries, such as this Colonel Johnson and Counsellor Smith, are pirates and enemies of the human race. *The nation which has no government capable of suppressing their proceedings, or which, having such a government, will not suppress them, is savage, and not civilised.* It is time, we think, for Lord Aberdeen to look to this.”

Now it is to be recollected that these speeches and declamations are not made in a corner, nor by obscure individuals; that these communications are made directly to the leader of the party in whom the United States think to find a means of wounding Great Britain in the most vulnerable point; nevertheless (though we may squabble among ourselves), the Americans may find themselves egregiously mistaken in counting on the “fidelity and affection” of Ireland for slave-holding Republicans.

What, as is well suggested by the *Times*, would the Americans say if Lord Palmerston or Lord

Brougham, &c. &c. were to occupy their leisure hours in addressing the coloured people of the United States,<sup>1</sup> and particularly the slaves of the

<sup>1</sup> The following extract from a letter published in the Irish and English prints (see *Morning Herald*), and addressed by Mr. R. P. Macdonnell to Mr. O'Connell, is so germane to the matter, that, albeit feeling that its style and language are more congenial to those of the American Repealers than is perhaps decorous, we add it as a comment on the proceedings in question :—

“ A new and important auxiliary appears lately, however, to your proceedings, in our liberal sympathisers of the United States of America, who not only bring to your aid the congenial revolutionary doctrines, but acceptable subsidies in hard cash ; who, in proof of their sincerity in urging the dissolution of our union, preserve and extend their own ; who, to testify their anxiety for our freedom, keep their own fellow-creatures, Americans born, in slavery, buying, selling, bartering them as a cow or a horse ; and who, as a proof of their zeal for religious liberty, set fire to, and burn to the ground, in the dead hour of the night, the unprotected convent, immolating in the flames those pious, defenceless females, many of them our countrywomen, who had proposed to devote their lives to the education of their youth. Such are your boasted, bloated, blustering allies, presuming to lecture us and Great Britain on the freedom and rational liberty of mankind, and that, too, at a moment when a collision is threatened to enforce those regulations necessary to prevent an inhuman slave-trade, which, so long as it continues, must evidently place them next in civilisation only to the *cannibal*.

“ Can any person say but that these very dollars, which you clutch with such ecstasy, may not be the tainted profits of some slave speculation, or the money actually received as the price of a fellow-creature ? Your sympathising ‘ hunters,’ too, after

south  
scrip  
the y

having  
count  
with l  
your  
forsoo

“  
their l  
—nay  
propo  
rica ?  
public  
—but  
you, s  
for ra  
slave  
*nibbli*  
of the  
their  
howev  
a stop

south, making public speeches, and raising subscriptions in England in aid of their throwing off the yoke of the slave-drivers, &c. &c.? *Jam satis.*

having chased, as a wild beast, the poor native Indian from his country and his home, slaughtering his naked, defenceless tribe, with his murderous rifle, bring their blood-stained tribute to your coffers. Are these, I ask, the polluted means by which, forsooth, the regeneration of our country is to be achieved?

“ Will any of their *enlightened* press,—will any member of their legislature,—will the sympathising Governor of New York,—nay, will their President himself venture to hint, much less propose, the abolition of slavery in the United States of America? No; they may blaspheme with impunity,—they may publicly and impiously deny the existence of God unrestrained,—but no man dare assert the freedom of their fellow-man. If you, sir, possess a particle of consistency, or one spark of feeling for rational liberty, should you not rather sympathise with the slave population of the United States of America, and instead of *nibbling* as you do at the question, urge them to avail themselves of the first favourable opportunity to rise in a mass, shake off their chains, and stand forward as free men? I rather think, however, that our Liberator will decline doing so—it would put a stop to the dollars of our kidnapping sympathisers.”

## CHAPTER IV.

Real Causes of Opposition to the Suppression of the Slave-trade—Slavery and Internal Slave-trade—Non-recognition of Hayti—Illegal Imprisonment of Coloured Foreigners—Right of Petition violated—Contradictions, &c. &c.

BUT we have asserted that the true causes of the opposition which the United States Government has ever offered to those measures by which alone the suppression of the slave-trade can be effected, are to be found in the fact of slavery and the slave-trade itself being an integral part of its system, and in some states the most prominent of their "institutions."

Is it surprising that the existence of slavery, and the habits of thinking engendered thereby, together with the interested and unceasing efforts of all the southern states, influencing as they do the whole Union by means of the "*auri sacra fames*," should prevent an Executive, entirely dependent on the numerical majority, from effectually taking part in any measure morally or practically opposed to slavery and the slave-trade?

Their repeated cry is to rally around their "*sacred institutions*," however "*peculiar*" (*Anglicè*, slavery and the slave-trade in the United



States), and in the sense of the "*sacra*" *fames* the term is sufficiently applicable.

The refusal to join Christendom in any real effort for the freedom of the African race, is a trifling result in comparison with other effects produced by this strange anomaly in the social system of the United States, although it is much easier in that republic to force upon the government the most violent measures, involving "only" an infraction of treaties with foreign powers, the law of nations, or of international usage, than to infringe the constitutional privileges of the United States, or depart from the rules and doctrines bequeathed by its founders, yet, has the all-pervading proslavery spirit effected even this in many instances.

One of the precepts of the great Washington recommends the United States, while avoiding "entangling alliances," to acknowledge governments *de facto*, without entering into questions regarding disputed dynasties or successions, and taking into consideration the geographical, social, and political isolation of the United States: his wisdom is in this, as in so many other instances, evident.

Accordingly, we find this principle incorporated in the policy and exemplified in the acts of the United States, as in the instance of the ephemeral government of Dom Miguel in Portugal, the prompt recognition of the states into which Spanish America is now divided, &c. &c.



But the independence of Hayti, existing as a separate government, both *de facto* and *de jure*, for many years, has never been acknowledged by the United States. Even the other day a proposal for this just, and apparently natural and politic measure, was not even listened to in the Congress. Can more startling inconsistency exist? And why? Because the slave-holding states dictate to the whole federation, whatever and whenever it seems good in their eyes.

By treaty, as by the general law of nations, French or British subjects entering a port of the United States, have the same reciprocal rights, personal and other, that Americans enjoy in England or France. But what is the fact? If a French or English vessel enter the southern ports of the United States, and her coloured seamen or passengers go on shore, they are, without a shadow of foundation for a complaint against them, immediately incarcerated, in conformity with a state-law, and so kept, in defiance not only of treaty and international law—these, in the eyes of the citizens of the southern states, are comparatively trifling,—but in direct contravention of the law of the United States.

Cases have repeatedly occurred of this outrage upon foreign nations, this monstrous breach of every civilized code. It is true, that on remonstrance being made by the consul of the nation, whose subjects are thus maltreated, the case is

refer  
Uni  
tion  
nour  
in th  
eith  
all t  
obje  
take  
perh  
prot  
  
men  
and  
  
1  
rage  
to ci  
cases  
“  
visio  
racy  
“  
—E  
“  
cons  
“  
it is  
state  
ELL  
thos  
Puff  
adm

referred to the supreme government, and the United States court *decrees* the instant liberation of the French or English subjects, and pronounces the illegality of their imprisonment. But, in the meantime, weeks elapse, the vessel is thus either detained in port, for her hands or passengers all the while in jail, or sails, having completed the objects of her voyage, and, despairing of justice, takes them with her; if left behind, they might perhaps be *sold* for their jail-fees, as slaves, unless protected by their consul.<sup>1</sup>

Can an abuse of the right of search or impressment offer any thing approaching to this outrage and insult to foreign powers? Were the great

<sup>1</sup> Although these notorious acts are so self-evidently an outrage on all general or national law that it may be unnecessary to cite authorities touching them, we refer the reader to a few cases in point, taken solely from American jurists.

“The stipulations of a treaty are paramount to the provisions of the constitution of a particular state of the confederacy.”—*Circuit Court of the United States*, 1806.

“A state law, inconsistent with a subsequent treaty, is void.”—ELLIOTT'S *Diplomatic Code*, vol. ii. p. 310, § 353.

“The British treaty of 1783 repealed all the state laws inconsistent with its provisions.”—DALLAS' *Supreme Court*, &c.

“Whenever *right* grows out of, or is protected by, treaty, it is sanctioned against all the laws and judicial decisions of the states, ‘and whoever may have the right, it is protected.’”—ELLIOTT, vol. ii. p. 331, § 530.

We might add many American legal authorities, and add those more cogent and more universally known, of Grotius, Puffendorf, Martens, &c. &c., but the case clearly does not admit of dispute, even in the United States.

European governments inclined to the hostile measures always so promptly suggested, particularly of late, by the representatives of the southern states of America, in congress assembled, there would have been, on fifty occasions, a declaration of war by the European powers, that would fully carry its own justification with it. And for what is this system—unworthy as it is of a civilized community, and unknown in the “brotherhood of nations,” Christendom—adopted? Why is risk incurred of exhausting the forbearance of foreign nations by these illegal barbarities? Because it suits the slave-holding states so to dictate to the union.

One of the most essential and undoubted rights given by the constitution of the United States, is that of petitioning through their representatives in congress. Yet what do we daily see in practice at Washington? this right trampled under foot, the whole fabric of policy and legislative independence tottering, and the sage counsels and provisions of the most distinguished men that America ever produced, utterly set at naught. And why? To suit the purposes of the slaveholders and their representatives, who dare not meet discussion on that which they know, and feel to be, utterly indefensible, and, therefore, prefer subverting the whole political framework of their country, and imposing their yoke on the entire federal union.

We might multiply examples of the invasion of the state rights of the non-slave-holding states by

the c  
acqu  
is su  
ling  
the  
in c  
tion  
polit  
exer  
oper  
exist  
their  
carr  
by r  
land

mod  
Stat  
try  
in c  
self  
oth  
tect  
Afr  
tha

cap  
The  
Uni  
Eng

the dictatorial spirits of the south, and of the tame acquiescence of the north, but it is needless. It is sufficient to cite one prominent fact—one startling and disgraceful proof of the utter unfitness of the United States to act freely as a government, in conjunction with Christendom, for the extinction of the slave-trade, and of the moral and political impossibility, as long as the domination exercised by the southern states lasts, of their co-operation in this great and just work; viz. the existence of the traffic in human beings within their own territories, and along their own shores, carried on actively, unceasingly, in the face of day, by miscreants who make it their business both by land and sea.

The “American” keenly feels what a subject of mockery it would be that the vessels of the United States should be employed in capturing their countrymen, and bringing them to the gallows as pirates, in certain latitudes, whom, when committing the self-same violations of laws, Divine and human, in other parallels of latitude, they would have to protect. Can that be a hateful felony on the coast of Africa, that is a legal<sup>1</sup> and approved profession on that of North America?

<sup>1</sup> Legal in the same sense that the slavery of European captives in Algiers was legal, or may, elsewhere, be so now. The Regency of Tunis has, however, set a bright example to the United States, by abolishing, at the suggestion of France and England, not only the slave-trade, but slavery, black or white.

The monstrous inconsistency would be too strongly felt, and the unequal measure of justice to the criminals in the two cases would be too glaring. Moreover, from the very nature of the political institutions of the United States, it is impossible to carry any measure, right or wrong, against the sense of the numerical majority. The prominent moral defect, the crying sin against equity and humanity of the inhabitants of the United States, is their utter injustice towards all classes, or races of men, but that from which they themselves take their origin. North America does not regard, or, at least, *treat* men of a different complexion—black, brown, yellow, red, &c., or of mixed blood—as human beings. They deny their equal privileges, social or political; they shut them out from the courts of justice; nay, *in foro conscientia*, they appear to acquit themselves of all guilt, in oppressing by violence, or deceiving by treachery, any man of a different race from themselves.

Look at the treatment of the Indian tribes. Solemn treaties are made with them by the general government,<sup>1</sup> which, whenever it suits the purpose of any separate state, are set aside without scruple or hesitation. Look at the Indians in Florida. There is a name deservedly eminent in that unjustifiable war, that cannot be pronounced without raising the blush of shame in the forehead

<sup>1</sup> See notes in Appendix.

of ev  
many  
V  
rema  
breth  
pale  
Ame  
of Af  
ing i  
judic  
recip  
preju  
of sla  
T  
sight  
and t  
the j  
justic  
the s  
cepti  
T  
wher  
cons  
this  
to th  
T  
his f  
1  
blood  
s

of every right-minded "American," and there are many such—we mean that of "Oceola."

Without stopping to examine the source of the remarkable absence of all fellow feeling, with his brethren of the human race in general, out of the pale of his own peculiar family, on the part of Americans, we turn to the results as affecting those of African descent.<sup>1</sup> The *fons et origo* of this feeling is, doubtless, slavery; but at present the prejudices of colour, and the pro-slavery feeling, are reciprocally and renewedly cause and effect. The prejudice of colour is in its turn the great abettor of slavery.

The combined action of the selfish and short-sighted pecuniary interests of the southern states, and these industriously fostered prejudices, pervert the judgment, and deaden all feelings of right and justice in the United States, as regards slavery and the slave-trade, and blinds the usually keen perceptions of Americans.

The "American" himself, in the very pages wherein he declares his detestation of slavery, unconsciously betrays, in the warmth of argument, this national obliquity of vision in all that relates to the subject of slavery and the coloured race.

Thus he asserts, or implies, while indulging in his favourite mode of discussion<sup>2</sup>—the *reductio ad*

<sup>1</sup> Or in whom there exists a shade, however slight, of African blood.

<sup>2</sup> Page 59. See Appendix.

*absurdum*—that England has an equal right to declare piratical the transportation of the merchandise of France, as to declare the slave-trade piracy,<sup>1</sup> shewing with singular *naïveté* the real feelings of an “American” respecting the coloured race.

The slave-trade is only in his eyes a contraband trade; that traffic he regards as a breach of a fiscal or political regulation, but not as a crime against human nature.<sup>2</sup> It is with him certainly a *malum prohibitum*, but not a *malum in se*. The traffic in man is thus put upon a par *quoad* legal right and moral feeling with that of “the wines of Bordeaux, the silks of Lyons, or the rich and elegant manufactured articles of Paris.”

Would the “American” thus argue if the question related to Americans enslaved in Morocco? And yet, in order to justify the slave-trade industriously and legally carried on, of native-

<sup>1</sup> Either forgetful, apparently, that the United States have also declared slave-trade piracy, and that his “*reductio*” is, therefore, equally applicable to the enactments of his own country; or possibly feeling conscious that the American law on this subject is waste paper, and never intended to have a practical effect.

<sup>2</sup> Yet he will find some of the most respectable authorities of his own country taking a different view. Thus, Mr. Wheaton (“*Elements of International Law*”)—“The African slave-trade is contrary to the law of nature,” &c. &c.

The same writer further contradicts some deductions of the “American” still more pointedly. Thus:—“A vessel engaged in the slave-trade, contrary to the laws of its own nation, cannot

born  
midd  
him  
men  
7  
tions  
unna  
I  
incap  
usua  
The  
cont  
dual  
we t

be tal  
other  
A  
tical  
In  
this c  
of M  
“  
abstr  
and a  
it is  
whic  
1  
much  
this c  
Euro  
call



born Americans,<sup>1</sup> in the United States, from the middle to the southern states, it is necessary for him to consider his fellow-creatures and countrymen as legitimate objects of commerce.

To such conclusions and monstrous contradictions does the endeavour to support a false and unnatural principle lead the "American."

In a word, Americans are, generally speaking, incapacitated from seeing or arguing with their usual clearness and talent on the subject of slavery. The dictation of southern feelings on this matter continually involves them, nationally and individually, in startling contradictions. Thus, whether we take into consideration the leading sentences of

be taken to the court of another country; *but if the laws of that other country be violated, &c. the capture is not unlawful.*"

A still stronger principle is laid down, which goes far practically to confute those laid down by the "American."

In Elliott's "American Diplomatic Code," vol. ii. § 323, is this citation from the precedents laid down by the Civil Court of Massachusetts, 1821:—

"The African" (and we presume every other) "slave-trade, abstractedly considered, *is inconsistent with the law of nations*; and a claim founded upon it may be repelled in any court wherein it is asserted, *unless the trade be legalised by the nation to which the claimant belongs.*"

<sup>1</sup> For the human beings thus sold, be it recollected, are as much Americans as the man-sellers and buyers who carry on this creditable business. The African origin of the one, and the European descent of the other, rendering their title to be thus called, equal.



the well-known Declaration of Independence,<sup>1</sup> so manifestly opposed to the acts of the United States that it would be ridiculous, were not the consequences of this glaring inconsistency so lamentable to human nature,—or whether we turn to the publications of the day, as, for instance, the pamphlet of the “American,”—continual dilemmas and contradictions are the result of attempts to sustain a tottering, ruinous, and indefensible system.

The original representatives of the southern states were infinitely more consistent and mindful both of practical truth and logical consequences, in proposing the insertion of an exception in this much-quoted exordium, viz. : “All men are created equal,” &c. “*except negroes,*” &c. It is not generally known that this concession to the “peculiar institutions” of the southern states was attempted,<sup>2</sup>

<sup>1</sup> As many English readers are not aware of the extent to which American principle and practice are at variance, we subjoin an extract from this famous Declaration :—

“We hold these *truths to be self-evident*:—that all men are created equal; that they are endowed by their Creator with certain *unalienable rights*; that among these are life, *liberty*, and the *pursuit of happiness*,” &c. &c.

This document also says that “a decent respect to the opinions of mankind” called forth this *Declaration*. What feeling for the opinions of mankind is to be inferred from the *conduct* of the United States?

<sup>2</sup> The original draft of the Declaration of Independence, with the excepting clause now expunged, is still in existence in the United States.

and  
but  
prac  
Uni  
the  
lutid  
the  
spun  
horn  
time  
corn  
free  
to  
Sou

and albeit its insertion would, *de facto*, have been but a homage to a deplorable truth, as far as the practical treatment of the coloured classes in the United States is concerned, it was repudiated by the unanimous voice of the leaders of the revolutionary movement, and by the great majority of the rest, whose sense of inherent right and justice spurned the idea of thus legalising all the abuses and horrors of slavery and the slave-trade; for at that time the pro-slavery spirit had not, like a blight, corroded the whole union, so as to invade the freedom of the northern states, and force them to succumb to the interested dictation of the South.

## CHAPTER V.

Non-observance by the United States of the Law of Nations—  
 No Law but that of Force respected by North Americans—  
 Treatment of Indians—Oceola—M'Leod's Trial—President's  
 Speech.

As international law is invoked by the "American" whenever he thinks it tends to support his arguments, while, in general, the United States Government and people are prone to frequent though vague appeals to its provisions, even on trifling occasions, let us examine how far they have acquired the right thus to appeal, by a strict observance on their own part of the law of nations.

Reciprocity being admitted to be the foundation of international law, that nation which either cannot or will not practically abide by its provisions, may be said to forfeit its right to demand its observance by other nations.

We have no hesitation in declaring that the Government of the United States, *as at present constituted*, being incapable of enforcing among its inhabitants obedience to international law, must so far be regarded as out of the pale of the law of nations; and it is alone by reason of its geographical remoteness from nations of greater or

equa  
 prac  
 wor

Uni  
 toge  
 it is  
 Exe  
 thei  
 obe  
 othe

far  
 Gov  
 have  
 the  
 may  
 caus  
 stat  
 that  
 tion  
 emp  
 the  
 bor

war,  
 nal  
 Am

equal power that this fact has not been long since practically forced on the attention of the civilised world.

From the character of the Government of the United States, and the defects in its federal union, together with the temper and habits of its people, it is, *de facto*, impossible for the weak American Executive to compel the several states, or these in their turn to oblige their respective inhabitants, to obey the rules which regulate the intercourse of other independent nations, or respect their rights.

We do not now examine the question of how far the wishes and good intentions of the general Government,<sup>1</sup> with which alone foreign nations have, *de jure*, to treat or act, are nullified by the acts of the people; it is very possible that it may often sincerely wish to avoid giving just cause for resentment on the part of neighbouring states, and may deprecate for the best reasons that a *casus belli* should be forced upon other nations by its unruly "citizens," who are literally and emphatically not "*subjects*," nor practically under the empire of the laws of their own states, *quoad* bordering foreigners, much less that of the general

<sup>1</sup> "The Supreme Government can alone make treaties, declare war," &c.—WHEATON'S *Elem. of International Law*, i. 88, 89.

"The President is the sole organ of the nation in its external relations. . . . He must execute a treaty," &c.—ELLIOTT'S *American Diplomatic Code*, ii. 284, § 171.

Also, Constitution of the United States.

international law that regulates the intercourse of natives of other countries.

The principle upon which the North Americans act, collectively or individually, is, to use a vulgar expression, "Heads I win, tails you lose"—take every thing, concede nothing. The favourite toast at every public meeting in the United States is (as those who have frequented such meetings must be well aware), "Our country, right or wrong;" and on this principle does the North American Government invariably act respecting other nations.

When the law of nations appears to favour their views, it is cited as sacred and incontrovertible; when it is opposed to them, it is asserted to be antiquated, carried to extremes, or inapplicable to modern times or "peculiar institutions."

No law but that of superior force will ever be respected by the United States or its inhabitants,<sup>1</sup> in their relations with other countries. This, we fear, is one of the worst, and, for the peace of the world, the most dangerous characteristic of a purely democratic Government.<sup>2</sup>

<sup>1</sup> It is needless to separate the *Government* from the *people* in questions partially affecting other Governments; in the United States the one is identical with the other, or coerced by it.

<sup>2</sup> A Government in which the *numerical majority* are the rulers, can only be good when the mass composing it are well disposed. Without referring to Montesquieu's principle of "virtue" and "honour" being the main-springs of certain opposite forms of Government, it is obvious that a self-governed

sive  
cult  
of th  
inde  
V  
popu  
the c  
teen  
mom  
with  
any  
ment  
in op  
engag

commu  
uncont  
ruling  
never a  
a strict  
and Am  
these b  
Govern  
Whene  
state, c  
Canada

<sup>1</sup> C  
outrage  
a much  
pass un  
Americ  
eight o

Without stopping to prove the general aggressive nature of republics, which would not be difficult did our limits admit, let us revert to the history of the United States ever since it has been an independent Government.

While comparatively weak, and with a small population, the United States made treaties with the different independent native tribes; guaranteeing to them their lands and territories. The moment that it suited their purpose, the treaties with the unfortunate Indians were violated without any effectual control from the Supreme Government, and ultimately some states<sup>1</sup> positively acted in open defiance of the declarations and solemn engagements of their nominal Government.

community, composed chiefly of Puritans, would enact, when uncontrolled, laws such as the "blue laws" of Connecticut; a ruling majority of slave-holders, as in the United States, would never allow justice to the coloured race. Among the Bucaniers a strict moral code could not be expected, &c. The Georgians and Americans of Florida wished for the lands of the Indians; these being the weaker, and the professed wishes of the general Government set at nought, the usurpation was quickly effected. Whenever the people of the United States, or of any individual state, choose to go to war, whether in Maine, the frontier of Canada, or Mexico, they will do so.

<sup>1</sup> Georgia in particular was disgracefully notorious for its outrages upon the unfortunate Indians, generally, in that state, a much more estimable race than their oppressors. This did not pass unnoticed by the better and more liberal portion of the American press. The series of letters published (about twenty-eight or twenty-nine) under the signature of Penn, at Phila-

Latterly this scandalous oppression has been reduced to a system, and carried into execution in a spirit the most ruthless and unchristian. Still a semblance of shame at the gross maltreatment experienced by the Indian nations, aided by the special-pleading spirit of Americans, induced a sort of homage to public opinion in the declarations of Georgia and some other states, that they "*only extended their laws over the Indian tribes dwelling within their limits*" (solemnly and legally guaranteed to the Indians, however, in fee-simple). This sounds plausible until we examine those laws. For instance, by the laws of Georgia no Indian can institute a suit in a court of law against a white man. The testimony of an Indian is not legally received; he cannot exercise the privileges and rights which are absolutely essential to his existence, much less defend his property from the rapacity of the citizens who have thus thrown the *protection* of their iniquitous laws over him. What has been the natural consequence? The Indians, far advanced in civilisation, and making rapid progress in every way — having established printing-presses, and reduced their language to rules and

delphia, ably expose the abominable conduct pursued towards the Indians. Unhappily this, as well as other excellent publications, produced no effect in staying the hand of the spoiler. Some intemperate and vituperative articles were written in reply, and the usual Southern arguments threatened—the bowie-knife and Lynch law.

sys  
wild  
whi  
defe  
asse  
" tu  
" th  
" ho  
equa  
prop  
posse  
tions  
E  
whos  
instit  
Adve  
Irving  
restin  
North  
to exp  
tryme  
the b  
works  
justice  
Indian  
T  
and s  
trollin  
sidera  
by any



systems, made roads, &c. &c.— are driven into the wilderness among hostile tribes, in a country for which they are utterly unfitted; and all this is defended, or at least explained, by the mendacious assertion that “it is to be regretted that the unfortunate and inherent defects, habits, and nature of the Indian, prevent his thriving in the neighbourhood of the whites.” Give him the protection of equal laws and privileges, and the security of his property, such as the Indian enjoys in the British possessions, and the utter hypocrisy of these assertions will be apparent.

But all Americans are not guilty like those whose better feelings are seared by the “peculiar institutions” of the south. In the “Astoria,” and Adventures of Capt. Bonneville, of Washington Irving,—in the letters of Penn,—in the late interesting and honest statements of Catlin “On the North American Indians,”—albeit the desire not to expose too completely the misdeeds of his countrymen has evidently kept the mass of wrongs in the background,—in these, and in many other works, is to be found the proof of the hateful injustice and oppression long exercised towards the Indians by the Republicans of the United States.

This theme, so disgraceful to the United States, and so strongly proving the hopelessness of controlling a democratically governed people by considerations of right, justice, or good faith, in short, by any thing but force or self-interest, would give



ample scope for volumes ; but at present we shall only touch on one point, as being the crowning wrong, one of the foulest blots on the escutcheon of the North American Government in their conduct to the Indians. We allude especially to the treatment of the Florida Indians. The origin of the war being gross injustice and violation of treaty, — the mode of carrying it on merciless and indiscriminate butcheries, and latterly the use of bloodhounds! Would it be believed, but for the official admissions of the authorities of the United States themselves, and by the defence of the atrocity in question by the self-styled “chivalric” Southerners, that in the nineteenth century, in a country calling itself civilised, and claiming to a place in the “great brotherhood of nations,” called Christendom, that bloodhounds should have been deliberately sent for, several times, to Cuba, for the purpose of hunting the fellow-creatures of the enlightened citizens of the United States from their natural, legal, and stipulated lands?

Such is the deplorable fact ; at the same time, did our limits permit, we would gladly insert many excellent articles, written in a praiseworthy spirit of humanity by writers in the United States, repudiating with just horror these barbarous proceedings, and shewing their keen sense of humiliation, particularly in the north, at being forcibly made the accomplices and sharers in the universal odium rightly attaching to such abominations.

Eu  
att  
pre  
and  
beli  
rica  
pro  
frie  
and  
over  
ped,  
then  
take  
prisc  
T  
Euro  
disgr  
in t  
mart  
cour  
char  
army  
we r  
1  
don by  
with r  
settler  
Guard

What would have been the course of any European Government had its subordinates thus attempted to outrage humanity? The instant prevention of all such horrors, and the disgrace and punishment of the perpetrators.

Or look to the case of Ocoola: enticed by his belief in the honour and good faith of the American generals and their staff, under the sacred protection of a flag of truce and an invitation to a friendly conference, this noble and gallant chief and warrior, constantly victorious against all the overwhelming force sent against him, was entrapped, and by what is styled by some Americans themselves "dastardly treachery," made prisoner, taken to Charleston, where he shortly died in prison.<sup>1</sup>

The mind revolts at such conduct, and every European reader will anticipate the exemplary disgrace and recall of all those officers implicated in this dishonourable perfidy. Neither court-martial nor punishment, we believe not even a court of inquiry, was held to vindicate the sullied character of the United States Government or army. The guilty parties are still employed, and we read in the message of President Tyler eulo-

<sup>1</sup> The reader is referred to a work lately published in London by the protector of a nephew of the renowned Ocoola, rescued with much difficulty from the tender mercies of the American settlers in Florida. ("Narrative of Ocoola, written by his Guardian. London, Hatchard, 1841.")

gistic mention of "our brave officers and men," of their earning "unfading laurels," and of the "conduct of the gallant officer at the head of the troops in Florida,"<sup>1</sup> &c. We trust that the concluding recommendation in this paragraph of the President's message may be given in better faith than it is likely ever to be followed, although, when we bear in mind the merciless butcheries, the use of bloodhounds, and the treachery towards Ocoola, it might almost pass for a piece of cruel irony, or an attempt to make the world believe that the conduct of the United States towards the Indians accorded with its tenor, viz. "Our duty, as well as our best interests, prompts us to observe, in all our intercourse with them [the Indians], *fidelity in fulfilling our engagements, the practice of strict justice* [see Indian treaties, Ocoola, &c.], *as well as the constant exercise of acts of benevolence and kindness* [bloodhounds, to wit]. *These* [?] are "the great instruments of civilisation, and through the use of them alone can the untutored child of the forest be induced to listen to its teachings." (!) Alas! for precepts and practice.

The foregoing passage is cited from the message of President Tyler to Congress, of 7th December, 1841; and were any proof wanting of the dilemmas, the false positions, into which the Su-

<sup>1</sup> Possibly, however, not the actual perpetrator of the deed which really gave the advantage to the United States troops.

preme Government of the United States is forced, in endeavouring to reconcile its practical defects with such a state of relations with foreign Governments as might give a right to appeal to the principles of international law,—“the Comity of nations,”—it would suffice to refer to some of the paragraphs of that document, wherein the executive attempts to explain away the real embarrassment of its position, and falls into contradictions even with the maxims and principles of its own Government, as well as with those of the law of nations.

Thus, speaking of the trial of Mr. M'Leod, arising out of the case of the “Caroline,” to which the “American” refers, mark the confused, contradictory assumptions, and the fallacies put forth. After assuming that the British Government declared that M'Leod, if concerned in the destruction of the Caroline, acted under the orders of his Government, the President adds, that our Government “has thus been answered in the only way in which “she could be answered by a Government the “powers of which are distributed among its several “departments by fundamental law;” meaning that the acquittal of the English officer by the illegal court by which he was tried was a satisfactory answer. Thus entirely setting aside the *gravamen* of the case, which neither depended on the acquittal nor condemnation, but on the *trial* of M'Leod—a glaring violation of the law of nations.

If the constitution of the United States be such as to prevent the executive from practically observing international law, as President Tyler apologetically declares, one of our positions is thus proved by himself, viz. that the United States Government, *as at present constituted*, is without the pale of the law of nations.<sup>1</sup>

He then proceeds to say, and apparently with gravity, "*Happily* (!) for the people of Great Britain, as well as those of the United States, the "only mode by which an individual arraigned for "a criminal offence before the courts of either "can obtain his discharge, is by the independent "action of the judiciary, and by proceedings equally "familiar to the courts of both countries." Thus inferentially assuming that had a similar infraction of the law of nations been attempted by a court of justice in England, the course of our Government would have been similar to that of the United States in the case of M'Leod. So gross a fallacy is scarcely pardonable in a formal public document of the highest (*de jure*) power of the Government of the United States.

His own subsequent mention of the conduct of the British authorities in the case of Grogan, for instance, offers too glaring a contrast to the deliberate insult to Great Britain, and the infraction of international law, perseveringly carried out in the acknowledged illegal trial of Mr. M'Leod.

<sup>1</sup> See note in Appendix.

In thus slurring over the case of Mr. M'Leod, the writer seems quite to forget that the British officer was under the protection of the law of nations, and that therefore ordinary courts of law had no action upon him. The British Government, had the case been reversed, would have ordered his instant release, and probably with ample compensation, as in the case of Grogan.

We purposely avoid citing the multitude of authorities that crowd upon us from the pens of all the most celebrated jurists and writers on international law. Grotius, Puffendorff, Vattel, &c., as well as more modern writers, Martens, Kluber, &c., all coincide in this view. But we cannot but invite attention to certain authorities, purely American, as more strongly shewing the false position assumed respecting this case.

Thus, Elliott's "Diplomatic Code," vol. ii. p. 343, § 626 :—"The municipal law of one country *cannot* change the law of nations so as to bind the subjects of another country."

And as shewing that relations with foreign countries supersede the local laws of a state :—

"The British treaty of 1783 repealed all the state laws inconsistent with its provisions."—DALLAS, *Sup. Court*, &c.

Further :—"A state law inconsistent with [even] subsequent treaty is void."—ELLIOTT, vol. ii. p. 310, § 353.

Also :—"Wherever a right grows out of, or is

“protected by, a treaty” (and, *à fortiori*, by international law), “it is *sanctioned against all the laws and judicial decisions of the States; and whoever may have the right it is protected,*” &c.—ELLIOTT, p. 331, § 530.

President Tyler then observes—“In cases of this kind (Mr. M’Leod’s) a Government becomes politically responsible only when its tribunals are shewn to have rendered unjust and injurious judgments in matters not doubtful,” and affirms that Great Britain has supported this principle. We beg to deny, *in toto*, both the principle and practice here asserted.

We must repeat that M’Leod was under the protection of the law of nations, and that the United States *was* and *is responsible* for the outrage committed upon him, by persisting in his trial, from the moment that his acts were recognised as those of his Government by Great Britain. And the “*result*” of his trial, to which a triumphant appeal is made, does not alter the legal international question one iota.

But, admitting President Tyler’s novel principle of a Government being only responsible for an infraction of the law of nations, by the illegal trial of a foreigner under its protection, in case of the decision of such illegal court being “shewn to be unjust,” &c., what an inextricable web of contradiction is thus woven! The decisions of an illegally acting court do not involve responsibility

to  
Go  
wr  
tri  
app  
jur  
doe  
acu  
is t  
and  
the  
or r

and  
festl  
pros  
appe  
dec  
alrea  
the

“ G  
“ ca  
“ th  
“ St  
“ co  
“ ex  
“ wi  
“ rec  
that



towards the aggrieved nation, on the part of that Government which does not or cannot prevent the wrong, unless that decision is, by some subsequent trial (before what tribunal, or by what process or appeal, is not shewn) proved "unjust and injurious!" This is pitiable; the more so as it does not proceed from either want of ability, legal acumen, or, we verily believe, good intention, but is the inevitable consequence of the cruelly false and humiliating position in which the executive of the United States is placed, by possessing defective or merely nominal constitutional powers.

By a parity of reasoning, if the pseudo trial and sentence of M'Leod had been found "manifestly unjust," as being too lenient, some *patriot* prosecutor—Grogan, for instance—might have appealed to this anonymous tribunal, which is to decide, in last resort, on the decisions of the court already allowed to sit in judgment in violation of the law of nations!

But the message also declares that—"If in Great Britain a power exists in the crown to cause to be entered a *nolle prosequi*, which is not the case with the executive power of the United States, upon a prosecution pending in a state court, yet *there*, no more than *here*, can the chief executive power rescue a prisoner from custody without an order from the proper tribunal directing his discharge." (With this difference, that the order for his discharge in a parallel case in



England would not be delayed twenty-four hours.)  
 “ The precise stage of the proceedings at which  
 “ such order may be made, is a matter of municipal  
 “ regulation exclusively, (!) and not to be com-  
 “ plained of by any other Government.” (!)

This is, in fact, saying that Great Britain, or its Government, in the person of M'Leod (for it must be recollected that M'Leod, from the moment that he was acknowledged to have acted only as the agent of his Government, disappears, legally, as an individual before the court, and that it is the *British Government* that is tried), cannot be released from a prosecution for felony by any action of the general Government of the United States, *as at present constituted!*

Instead of agreeing that this state of things is not to be complained of by a foreign Government, the very reverse appears the case, and, moreover, until the very obvious and absolutely necessary modifications be made in the constitutional law of the United States, that nation is estopped from all right to appeal to the law of nations, being unable itself to guarantee the necessary reciprocity.  
 —Q. E. D.<sup>1</sup>

This appears to have struck the executive so strongly, that he immediately adds:—

“ I cannot fail, however, to suggest to Congress  
 “ the propriety, *and in some degree the necessity*, of

<sup>1</sup> See Appendix, for the late message of the President of the United States.

“ making such provisions by law, as far as they  
 “ may constitutionally do so, for the removal at  
 “ their commencement, and at the option of the  
 “ party, of all such cases as may hereafter arise,  
 “ and *which may involve the faithful observance and*  
 “ *execution of our international obligations*, from the  
 “ state to the federal judiciary. This Government,  
 “ by our institutions, is charged with the *mainte-*  
 “ *nance of peace, and the preservation of amicable*  
 “ *relations, with the nations of the earth, and ought*  
 “ *to possess, without question, all the reasonable and*  
 “ *proper means of maintaining the one and preserving*  
 “ *the other. . . .* This Government *ought to be*  
 “ *competent* in itself for the high duties which have  
 “ been devolved (*sic*) on it, under the organic law,  
 “ by the states themselves.”

Can we desire a more ample admission than is  
 here to be found of the inability of the Government  
 of the United States, as *at present constituted*, to  
 cause the observance of international law and  
 obligations by its own people or states, and, con-  
 sequently, its forfeiture of a right to appeal to the  
 law of nations, that regulates the intercourse of  
 other Governments ?

We request attention to the subjoined extracts,  
 particularly the last, in support of our view of the  
 case of M'Leod :—

“ Le principe qui veut qu'une nation acquiesce  
 “ à la sentence prononcée par un tribunal étranger  
 “ et compétent, *souffre une exception particulière*

“ à l'égard des cas dont la décision doit être puisée,  
 “ *non dans les lois particulières de tel état, mais dans*  
 “ *les principes du droit des gens universel ou positif.*”  
 —MARTENS, *Droit des Gens Moderne*, vol. i. livr. iii.  
 ch. iii. § 97.

But what can be stronger than the following authority against the position assumed by the United States Government :—

“ Every sovereign is the acknowledged arbiter  
 “ of his own justice, and cannot, consistently with  
 “ his dignity, stoop to appear at the bar of other na-  
 “ tions to defend the acts of his commissioned agents,  
 “ much less the legality of those rules of conduct  
 “ which he prescribes for them,” &c. &c.—WHEATON.  
 ELLIOTT'S *American Diplomatic Code*, vol. ii. § 107.

This appears so entirely applicable to the case of Mr. M'Leod, that no further comment is necessary.

Before dismissing this subject, we must be allowed to remark on a discrepancy between the statement made in the message above referred to, that the Government of the United States “ cannot order a *nolle prosequi*,” and the maxims of American jurists. In Elliott's “ *American Diplomatic Code*,” vol. ii. p. 284, § 172, we find, “ The President *may* order a *nolle prosequi* to be entered.”

## CHAPTER VI.

Arrogant Conduct of the United States towards other Governments—Case of the Creole—That of the Amistad—Praise of Texas—Repudiation of State Obligations—Jefferson's Opinion of the Action of the "Numerical Majority"—American Vessels engaged in the Slave-trade.

THE strong contrast presented by the conduct followed by the United States towards other countries, and that which it strives to exact on their parts,—the "heads I win, tails you lose," principle (we must beg pardon for speaking so irreverently)—is continually exemplified in the political and diplomatic history of the United States.

It is not without surprise that we see the "American" bringing forward the case of the *Caroline*<sup>1</sup> in illustration of some of his positions; either forgetting that "those who live in glass-houses should not throw stones," or counting on the utter ignorance of all transatlantic matters of that part of the Parisian public for which he writes. Thus the supposition, as regards England, that she might attempt to exercise sovereignty at pleasure, and imprison Americans, as a corollary to the burning of the steamer, would not, as we must remind him,

<sup>1</sup> See Appendix, p. 32.

be a *reductio ad absurdum* if applied to the United States. We refer to the conduct of Gen. Jackson in imprisoning the Spanish Governor of Florida, after a formal capitulation, at his will and pleasure, in time of profound peace,<sup>1</sup> to force the delivery of certain papers, to which the United States had no right. But the motto of the "American" is that of all his countrymen -- "Our country, right or wrong." Acts that if attempted, or, indeed, such as do not go to the hundredth part of the extent of those practised by the United States towards other nations, or their subjects, whenever they have the power, raise a war-whoop from one end of the federation to the other, if the necessity of self-preservation forces other Governments to adopt them; thus rendering peaceable neighbourhood with a people governed as the United States are, almost hopeless.

Look at the more recent case of the Creole. A party in the United States, and some whose

<sup>1</sup> The first use that Gen. Jackson made of his authority, when duly made over to him by the Spanish Governor, was to imprison him, Col. Callava, and another officer in the Spanish service, in the most illegal and arbitrary manner. In Eastern Florida, Col. Coppenger was treated with similar indignity and outrage. (See official correspondence on the subject; also "Annual Register," 1821, &c.)

"*Væ Victis*" was the motto of the United States on this occasion, as on others. See also case of Arbuthnot and Ambrister, two English prisoners of war, put to death in cold blood by the American General.

nar  
the  
the  
the  
for  
was  
sen  
Nay  
viol  
part  
nat  
Eng  
for  
dec  
"An  
is a  
inde  
Unite  
colle  
atten  
not th  
or is  
the B  
e  
but is  
3  
consi  
rican  
ii. p.

names stand high in this country, have actually the indecency to propose an armed crusade,<sup>1</sup> for the purpose of enslaving their countrymen, whom the laws of a free country had left at liberty to act for themselves, in conformity with that right which was the alleged foundation, as it is the opening sentence, of the Declaration of Independence! Nay, it is actually argued that Great Britain must violate her own laws in order to enable certain parties in the United States to violate those of nature,<sup>2</sup> and the general law of nations,<sup>3</sup> within English jurisdiction. This is almost too monstrous for belief, particularly in the face of the recent decision in the United States in the case of the "Amistad."

The effrontery with which one line of argument is adopted by the United States when their own independent jurisdiction is in question (as in the

<sup>1</sup> If, as is asserted in the legal evidence published in the United States, it be true that the American Consul at Nassau collected all the Americans he could find, armed them, and attempted to regain possession of the Creole "by force," ought not the *exequatur* of that functionary to be instantly withdrawn? or is this outrageous conduct, this introduction of Lynch law into the British territory, to be passed over?

<sup>2</sup> "The African slave-trade is contrary to the law of nature, but is not prohibited by the *positive* law of nations."—WHEATON.

<sup>3</sup> "The African slave-trade, abstractedly considered, is inconsistent with the law of nations," &c. &c.—ELLIOTT'S *American Diplomatic Code, Civil Court of Massachusetts*, 32, vol. ii. p. 292, § 323.

case of the *Amistad*), and reversed when they find themselves *mutatis mutandis* (as in that of the Creole), in a similar position, is startling.

In the peroration of the court in the case of the *Amistad* negroes, we find "Cinquez and Grabeau," the Africans of the *Amistad* concerned in the murder (according to the version of the Spanish Government), or the justifiable homicide (according to the United States authorities), of the master, &c. of that vessel, "shall not sigh for Africa in vain. "Bloody as may be their hands, they shall yet "embrace their kindred,"<sup>1</sup> &c. &c.

How entirely this tallies with the great legal principles followed by Her Majesty's Government in the affair of the Creole? The *Amistad*, with the goods on board, was restored to Spain. The *jurisdiction* in the case lay exclusively in the United States, as also the mode of dealing with the *individuals*, yet, when Great Britain proceeds in her turn to execute her laws within her own jurisdiction, observe the indecent violence, the mob-like scenes enacted in the Congress, to force the executive to assume the most untenable positions.

Here again we perceive,—not only the proof of the utter want of reciprocity, in the practice, at least, of the United States Government in its relations with others, and the consequent imprac-

<sup>1</sup> Extract from the decision of the court in the case of the *Amistad* negroes.—*District Court of the United States, Connecticut, January 1840.*



ticability of her coming under the general provisions of international law;—but also that power of coercion exercised by the numerical majority, gained by the Southern States on this and similar questions, which enables them to force the general Government into collision with every foreign state with which a discussion, touching “peculiar interests” or passions, may arise.

Had the case of the *Amistad* been tried in the South, the righteous decision above cited of the tribunal would never have been carried into effect, and a stain upon the character of the general Government would have ensued, of which the Northern States would have helplessly shared the odium; although we well know that they would have been unwilling participators in the judicial crime; for let it not be supposed that even the exciting question of independent national jurisdiction or territorial rights would have weighed in the balance against the all-pervading pro-slavery interests of the Southern States.

The *Morning Chronicle* aptly shews up the extravagance of the claims of the United States in the case of the *Creole*, by admitting, that “if Americans choose, within their own dominions, to make “butchers’ meat of negroes,” thus physically carrying out the spirit of their present legal and *social* system *quoad* the coloured race, “they may undoubtedly “do so;” but they must not hope to cause their “cannibal laws” to be enforced in British dominions.



Yet will the unfortunate executive power of the United States be forced into a discussion even on such glaringly untenable grounds as these, and this in direct opposition to their own jurists and writers on international law.<sup>1</sup>

By the same coercing agency is the paragraph devoted to the praises of Texas dictated. In a document of the gravity and length of this message it is impossible to suspect a lurking sarcasm; otherwise we should be inclined to ascribe the following words to a misplaced jocularity:—"Settled principles by emigrants from the United States," we "have the happiness to know that the great principles of civil liberty"! (the very essence and origin of their independence being a perverse determination to bring the curse of slavery into that fine province) "are there destined to flourish, under wise institutions and wholesome laws"! (Lynch law and the bowie-knife, to wit) "and that through its example another evidence is to be afforded of

<sup>1</sup> "Every nation has *exclusive* jurisdiction to the distance of a marine league from its own shore."—ELLIOTT'S *Diplomatic Code of America*, vol. ii. p. 296, § 251.

"No sovereign state is bound, unless by special compact, to deliver up persons, whether its own subjects or foreigners, charged with or convicted of crimes committed in another country, upon the demand of a foreign state or officer of justice."—WHEATON'S *Elements of International Law*, vol. i. p. 168.

<sup>2</sup> A pretty candid admission of the neighbourly qualifications of the United States, as a people and a Government.

" th  
 " p  
 " th  
 a d  
 been  
 Stat  
 dling  
 men  
 and  
 belie  
 scan  
 gover  
 the n  
 natu  
 that  
 State  
 V  
 inves  
 1  
 man's  
 every  
 engag  
 one st  
 rest;  
 experi  
 or mo  
 the m  
 not b  
 this n

“ the capacity of *popular institutions to advance the prosperity, happiness, and permanent glory (!) of the human race.*” We should have thought that a deduction the very reverse of this would have been suggested by the case of Texas.

The repudiation of their engagements by the State Governments, in other words, their late swindling on a large scale, places the Supreme Government in a pitiable dilemma. Forced by decency, and a fear for national credit, as also, we really believe, by principle, in its turn to repudiate the scandalous dishonesty of the self-governing and governed States, the President's message handles the matter tenderly, and deprecates the idea very naturally arising on the part of foreign capitalists, that “ there is no virtue extant ” in the United States.<sup>1</sup>

We fear, that until the general Government be invested with greater executive powers and a more

<sup>1</sup> “ I can do no more than express the belief ” (the drowning man's straw, we fear) “ that each state will feel itself bound, by every consideration of honour as well as of interest, to meet its engagements with punctuality. The failure, however, of any one state to do so, should in no degree affect the credit of the rest ; (?) and the foreign capitalist will have no just cause to experience alarms as to all other state stocks, because any one or more of the states may neglect to provide with punctuality the means of redeeming their engagements,” &c. &c. We cannot but think that there will be some hesitation in subscribing to this *non sequitur*.

extended financial influence and responsibility, the credit of the United States, collectively or separately, will remain, like the shares of the United States Bank Stock, about zero. And who can deny that this want of faith, of common honesty, to other nations, is to be attributed to the direct influence of that numerical majority, that mobocracy that consults but the petty and short-sighted interests of the moment?

Let it not be said that this is a monarchical, prejudiced, or European view of the action of democratic Governments. One of the most sagacious of American statesmen, Jefferson, is forced by a conviction, the result of practical and thorough experience, to this conclusion:—"Circumstances sometimes even occur in this republic, which induce me to doubt whether the large majority of any people are sufficiently virtuous or enlightened for self-government."

If this doubt harassed the mind of that able man, when there appeared to his eyes only a cloud in the horizon as large "as a man's hand," what would he have said now, in the fierce storm of abolition riots,<sup>1</sup> Lynch law, state-swindling, invasion of neighbouring states, and, ultimately, threats of going to war in defence of slavery and the

<sup>1</sup> *i. e.* Not, as represented, riots brought about by the friends of *liberty* and *equal rights*, but by the violence of those who seek to *secure* and *extend slavery*.

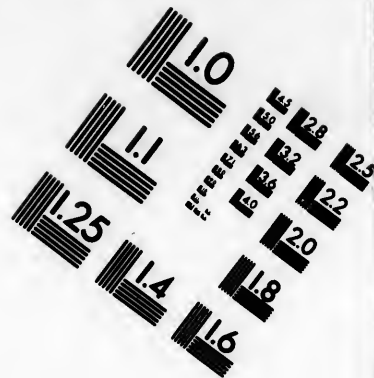
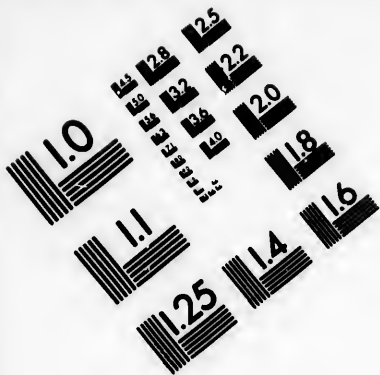
slave-trade, against which latter sin he<sup>1</sup> was an uncompromising champion, together with almost every great man from Washington downwards, among the early statesmen of America.

His prophetic misgivings are amply justified. The weakness of the executive to withstand any impulse of the masses must necessarily tend to involve the federal Government, *as at present constituted*, in war with all neighbouring states. Fortunately for the peace of the world, there are but two powers having possessions immediately bordering on the United States. With both have the people of the United States given ample cause for war by their proceedings. In the one instance, a province has been wrested from a friendly Government, Mexico, while distracted by suicidal party dissensions, being too weak to withstand the invaders; and on the other frontier similar attempts are constantly renewed, but the British provinces are not so easily detached from their Government, nor is that Government to be lightly forced into a war. Confining itself to self-defence, it has hitherto regarded the general Government of the United States as being, *de facto*, under duress, and impotent to carry into effect the powers with which it is nominally invested for restraining the acts of any of the states, or their inhabitants.

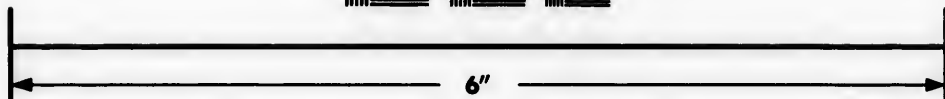
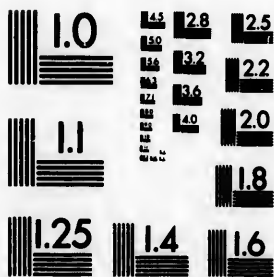
Thus the hostilities against Canada, the aggressions on New Brunswick by Maine, the trial of

<sup>1</sup> Jefferson, as well as Washington, Adams, Madison, &c. &c.





**IMAGE EVALUATION  
TEST TARGET (MT-3)**



**Photographic  
Sciences  
Corporation**

23 WEST MAIN STREET  
WEBSTER, N.Y. 14590  
(716) 872-4503



M'Leod, &c. &c., have been borne with a degree of equanimity (for which it would be in vain to look for reciprocity, *mutatis mutandis*, on the part of the United States), in the hitherto vain hope that the obvious necessity of rendering the Supreme Government capable of abiding by the provisions of international law, and of observing the Comity of nations, would induce the required change in the present constitution.

Not only has this longanimity been abused, but now the Government of the United States endeavours to alter the law of nations and maritime usage, for the purpose of preventing the conviction of those unworthy but too numerous Americans engaged in a traffic which she has herself denounced as atrocious, piratical, and unchristian. For this is, after all, one of the strongest motives which induce the United States to endeavour to cause her flag to be unquestioned, whether covering man-selling, or any other sort of piracy.

Shrinking from the exposure in the eye of the world that would ensue by the mere verification of the multitude of vessels and citizens of the United States engaged in the slave-trade,<sup>1</sup> and of the complete impunity which would, as long as the slave-holding interests dictate to the general Go-

<sup>1</sup> It is obvious that common decency, and the slightest respect for moral and judicial consistency, would prevent the condemnation of slave-vessels by tribunals which would be forced to assert the legality of a precisely similar traffic carried



vernment, as at present, accompany all such transgressions of divine or human law, they are forced to challenge a right existing from time immemorial, and acknowledged by themselves to be necessary for the security of legitimate commerce on the ocean, that of verifying the nationality of suspicious vessels.

on along their own shores, between the middle and southern states. What were the *Enterprise*, the *Creole*, and hundreds daily sailing from American ports, but slave-trading vessels?

We may here remark, that the "American" is not, he asserts, aware that the flag of his country is much abused for the protection of the slave-trade. As it is possible that this assertion is founded on *bonâ fide* ignorance of the real state of the case (a want of practical knowledge of the subject being perceptible throughout the pamphlet), we beg to inform him that the coasts of Africa, Cuba, Brazil, swarm with American slave-vessels. Without referring to the recent exposure of the systematic protection to American and other slave-trading, afforded by the United States Consulate at the Havannah, we will name a few notorious American slavers:—The *Traveller*, The *William Jones*, The *Mary*, *Pilgrim*, *Sophia*, *Perry-Spencer*, *Florida*, *Mary Anne Cassard*, *Mary Cushing*, *Eagle*, *Catherine*, *Butterfly*, *Solon*, *Hunmaleh*, *Rodbury*, *Odessa*, *General Pinckney*, &c., &c., *cum multis aliis*. Nor is it merely to cover Spanish or Portuguese speculations that the United States flag is disgraced. Latterly, since the North American republic has so decidedly declared itself the arch protector of slavery and the slave-trade, numerous purely American slave-trade speculations have been undertaken, in which, we regret to say, buyers, navigators, and sellers, are all citizens of the United States.

## CHAPTER VII.

Question of Allegiance—Doctrine of British Allegiance compared with that of other Countries.

WITH respect to the question of allegiance, although it has nothing, as we have shewn, to do with that of the right of search, at present under discussion, yet as it is incidentally mentioned by the "American," his peculiarly one-sided mode of viewing it requires some remark.

The *ex parte* statement of the doctrines of allegiance and naturalisation, given in the American pamphlet, conveys an impression that the principle followed by Great Britain is at variance with that of other countries, and that the provisions of international law do not authorise her practice.

It would be easy to shew, by reference to the highest authorities, that the reverse is the case. The fact is, that the United States never having been brought into collision with any other than the mother country on this point, her writers wish to declare the usage and law of nations on this point<sup>1</sup> obsolete and "feudal;" a convenient mode

<sup>1</sup> "Amidst many gradual ameliorations in the constitution of England, she has adhered with wonderful tenacity to certain pretensions, arising out of feudal notions," &c. &c.—*Examination of the Right of Search*, p. 23. See Appendix.

of disposing of any part of the international code that does not suit her peculiar views or institutions.

It is possible that the "American" is really ignorant of the principles and practice of other nations respecting natural allegiance and acquired nationality. We will succinctly state some of them.

The very circumstance of a general "conscription," to which allusion is made by the "American," being established in most countries of continental Europe, especially France and the Germanic Governments, at once simplifies the task of proving the identity of the principle followed by Great Britain and other civilised nations respecting allegiance.

In Germany, for instance, a man is so completely held to be ever subject to the sovereign rule of his country, that he cannot leave it without a passport, *i. e.* without the knowledge and assent of his Government. Should he go abroad before the epoch at which he is liable to the conscription, he must furnish securities for his reappearance. In case of absence, when his turn comes to serve, he is regarded as a deserter, and his property is confiscated.

A subject cannot be absolved from his allegiance by his own will, nor by the act of a foreign state; it must be by that of his own Government.

Without referring to the high authorities of such writers as Grotius, Vattel, Martens, &c. all

bearing out this view,—for probably the “American” will be inclined to call them all “antiquated and feudal,” even the last,—look at the practice of nearly every Government in Europe,—Russia, France, the German States, &c. &c.

Yet has the “American,” but we trust not his Government, put forward the preposterous pretension, not of *conferring their own rights of nationality* on foreigners, whether by the general Government or the several states, and whether after five years’ or five months’ residence,<sup>1</sup> this no one disputes; but that of *absolving an Englishman<sup>2</sup> from his allegiance to his own Government!*

This attempted usurpation of a right belonging solely to a foreign Government would be the more astounding, had we not seen that the United States Government actually demands that Great Britain should carry into effect American laws repugnant to her own and those of humanity, within her own territories, as in the case of the Creole, &c.; while on the other hand she seeks to assert *her* mon-

<sup>1</sup> The separate states do not all require the same periods of residence.

<sup>2</sup> Or Frenchman, German, Russian, &c., for the principle is the same, and the greater or less probability or frequency of the attempt does not alter the force of the argument. *A fortiori*, the case more strongly affects continental nations, as *all* are liable; whereas England, *de facto*, in general looks only after the *seamen* deserting their flag.

strous doctrine of allegiance, even to the extent of claiming a right of *property* in her people!

Alas! for consistency or common decency in argument. The "American" uses as the motto of his pamphlet a saying jocularly quoted by the *Times*—"When we doubted we took the trick." But the United States take the trick whether with or without a doubt. "The heads I win, tails you lose," principle, is here most strikingly exemplified.

It may be inconsistent with the tenets of a democracy to subscribe to the otherwise universal doctrine of allegiance, founded on international law, as observed by other nations; but it is too much to expect that other nations must alter their mutual relations in deference to the defective system of America.

It is clear that such naturalisation as that supported by the "American" implies two distinct acts,—a *denationalisation* by one Government, and a *nationalisation* by another. It can by no means be effected, as respects the subjects of any monarchy, by the one-sided act of the United States, or that of any other republic in the world.

But, as usual, the spirit shewn in the favourite toast, "Our country, right or wrong," induces American legists to keep in reserve authorities by which, *le cas écheant*, they can in their own case argue on the other side. Thus we find,—"A native citizen of the United States *cannot throw*

*“ off his allegiance, unless authorised by a law so  
“ to do..”*<sup>1</sup>

Is there as little respect for reciprocity, for *meum* and *tuum*, as regards personal rights in the United States, as there apparently is with respect to state obligations, facetiously styled “ *securities?*”

<sup>1</sup> Halls' “ Law Journal ;” United States v. Gilles; Elliott's “ American Diplomatic Code,” vol. ii. p. 310, § 492.

T

of  
ha  
ex  
th  
indu  
pu  
ma  
toph  
wh  
onc  
is c  
wri  
sub

## CHAPTER VIII.

The "American" addresses the Prejudices and Passions of a Party in France—Accusations against England—"American" Deductions False—Means by which Abolition of Slave-Trade and Slavery was Carried—Quintuple Treaty—France urged to Act for the Interests of the United States—M. Lamartine.

THROUGHOUT the "Examination of the Question of the Right of Search," the "American" has, as we have already remarked, addressed himself almost exclusively to passions and prejudices, not so much those of his countrymen,<sup>1</sup> as those of a certain party in France, and not without effect.

A certain portion of the French press has, during the short time that has elapsed since the publication of the "Examination," unceasingly made this *vera in questio* its theme; and it is difficult to comprehend how writers of talent and general

<sup>1</sup> It is worthy of observation, that the "American's" pamphlet has been carefully excluded from circulation in England, where its misrepresentations and fallacies would have been at once detected, and is only distributed where the whole question is completely new, and by the self-evidence of the periodical writers themselves, and that of the most violent speakers on the subject, utterly misunderstood.

information can have been, as the *Times* well observed, so completely mystified by the American mistatements, or have exposed in so strong a light their total ignorance of the subject. We have neither space nor inclination for quoting the numerous articles in the journals to which we allude proving either the utter misapprehension of the entire matter, or a want of good faith which we are unwilling to attribute to public writers or speakers.

It being apparent that the "American" mystification has been completely successful, we can account for the fact, inasmuch as most of the writers and speakers on the matter in France are entirely unaware that the right of search has been mutually agreed upon and in force between France and Great Britain for upwards of ten years. Like the *Bourgeois gentilhomme*, they have been speaking plain prose all this time without discovering it, and now resort to poetry, or at least fiction, in their *tirades*.

Yet, in truth, it matters not to the party most violent on the right of search what question is put forward in connexion with England. Animated by a monomaniac hostility to Great Britain, and a wish to plunge Europe in a war, beginning no matter with whom, but, if possible, with England, they hail this question with exultation. Nor can we be surprised at this when we see interests the most important to the commercial and agricultural pro-



sperity of France, sacrificed to this blind antipathy to Great Britain.

In vain do the wine-growers of France represent their distress—the necessity of paying the Government taxes in kind, from the impossibility of finding a market for their produce. England gratuitously makes extensive reductions in the duties levied on a variety of articles of French produce, proposes a still greater reduction on the staples of France, particularly on wines, &c. &c., provided France will but make a step to meet her. What do we see?—a proposal, incredible as it may seem, for laying still further restrictions on the importation of British production! This suicidal mode of giving vent to national and short-sighted prejudices partakes more of political insanity than even of commercial ignorance.

But while the “American” avails himself of the want of knowledge of the question of the right of search,<sup>1</sup> shewn by a party in France, and their puerile irritability, he is by no means himself a dupe of the long-repeated and unmeaning phrases, “*perfidie Albion*,” the “*Astucieux insulaires*”—the

<sup>1</sup> The morbid nationality, the “thin-skinned” feelings respecting their country, that have been attributed to the Americans as a people, may be more justly laid to the account of their form of government. The democratic party in France is equally prone to see an insult in every act not in accordance with their own peculiar views on the part of a foreign government.

“long-sighted and undeviating commercial system,” the “Machiavelism of English policy,” &c. &c.

Americans read English papers; they read the debates in the British legislature: the French do not. Possessing, as the United States do, a common language, it may be said a common press; for their prints equal in size, and are almost as universally comprehensive on the subjects treated, and reprint great part of our own. Whereas the diminutive and restricted French papers can scarcely suffice for the insertion of the matters of immediate and home interest; and it is a question, even if they were larger, and conducted on a principle similar to those of English papers, whether the Parisians would read aught but the articles immediately concerning their own world of Paris.

Thus it is easy to mystify the French public, however acute on matters with which they are conversant, respecting foreign nations and policy.<sup>1</sup> But it is impossible to acquit the “American” of bad faith in his affectation of participating

<sup>1</sup> The absurdities swallowed by certain French journalists respecting countries but a few hours' journey from Paris would be almost incredible, did we not daily see the results. Thus a late French paper represents the Archbishop of Canterbury, the Primate of all England, as a “Dissenting minister,” and makes a deduction from this respecting the right of succession to the British throne as amusingly extravagant as the assertion respecting the head of the Anglican Church, and many others.

in the belief in the "astute and undeviating selfish policy," &c., and *hoc genus omne* of accusations.

The "American" knows well that, in a representative Government, and with the publicity given to debates on all questions, great or small, one of the greatest defects, as relates to foreign policy and diplomacy, is the utter impossibility of following, as asserted, *any* undeviating and calculated line of policy, and, above all, of effectually keeping secret any part of public measures.

The "American" cites several great names among the statesmen and ministers, &c. of England,<sup>1</sup> as having opposed the abolition of the slave-trade, as having denounced the danger, the ruin, the bloodshed, with which that humane measure would be followed, and argues from this against the motives of Great Britain, the sincerity of her philanthropy, &c.

Now, if the "American" argued with the fairness for which he assumes credit, would he not come to a conclusion the very reverse of this?

If, notwithstanding the opposition of men high in station, great in power, and eminent in ability (although subsequent events shew that they were on this subject mistaken), this great question was carried in favour of human rights and happiness, how was it carried?

No one pretends that English ministers or re-

<sup>1</sup> See Appendix.

representatives are or were exempt from human prejudices, or freed from the influences of self-interest, habit, prejudice, or political bias. Many defended the slave-trade, and latterly slavery, on grounds that they considered just and fair; others, doubtless, actuated by interested motives, many of the very ministers themselves being West Indian proprietors. If, against this array of interest, this great measure was successful, how do we account for it? Let any man, biassed or not, in the possession of reasoning faculties, follow up the debates on this important question from the commencement of its agitation to its final issue, and he will see that it was the "action from without" that principally carried the point in favour of humanity.

Doubtless the great parliamentary leaders of the philanthropic party were the immediate actors, through whom the people of England found a hearing; they were the advocates employed by a population; for it is notorious, that by dint of petitions, public meetings, and demonstrations—and many of these were actually adopted by associations of females—was this great question carried.

So far from a long-sighted policy having dictated the abolition of the slave-trade, the majority of the leading men were, during the course of the many years the struggle lasted, opposed to it; as, indeed, the "American" observes, from motives of prudence or interest. The fact is evi-

de  
liti  
qu  
the  
the  
sel  
ma  
in  
rec  
sim

to  
the  
Th  
me

" (   
mo  
the  
car  
an  
co  
cra  
see  
jus  
co  
he

dent that persons entirely unconnected with politics, and many of them as ignorant of the various questions involved in the slave-trade abolition as the most violent opponents of the ratification of the Quintuple Treaty of France daily shew themselves to be, did, solely from motives of humanity, force the great measure of emancipation in the British Colonies to a successful result. The recent abolition of slavery was brought about by similar means.

Petitions so numerous, and of such length as to require waggons<sup>1</sup> to transport them, covered the tables and floor of the Houses of Parliament. The movement was irresistible, and the great measure passed into a law.

The "Americans" may sneeringly call this a "Crusade of philanthropy," &c. ; it is, at all events, more creditable to the feelings and humanity of the people who, at an enormous expense, thus carried so great a measure, than the excitement and violence that we see evinced in a directly contrary sense, in a country calling itself the cradle of freedom, and in whose legislature we see that the small party in favour of liberty and justice are even refused a hearing, in violation of constitutional right, whenever they seek to be heard *in support* of justice and liberty.

It must also be remembered, that the opposi-

<sup>1</sup> This is no exaggeration, but a literal fact.

tion to the abolition of the slave-trade and slavery in England was chiefly caused by groundless, though, perhaps, excusable fears of the possible danger of so great and novel an experiment. Whereas, the happy result of that noble measure has utterly dissipated all the apprehensions of revolt, massacre, idleness, &c. The United States thus has not the excuse for opposition to emancipation that existed for the legislature of England.

But the position assumed by the United States in relation to the Quintuple Treaty, is, perhaps, the most anomalous in the annals of diplomacy. It virtually amounts to this,—The “American,” or his Government, says, it is “true that all the great powers have agreed to the mutual right of search and to treaties suppressive of the slave-trade; it is also true, that a certain right of verification of the title to any national flag is absolutely necessary to prevent piracy, and always has and must be exercised.” But the United States Government dare not, and cannot under the present dictation of the Southern States, and during the existence of a legal slave-trade between the separate States,<sup>1</sup> consent to join Christendom in any really suppressive measure. On the other hand, this moral and political defence of the slave-trade and piracy (for such it is passively) would be too

<sup>1</sup> As well as a considerable traffic in man on the coast of Africa.

striking a contradiction of their theoretical principles of universal liberty, &c.

They say, therefore, "Can we withstand the moral sense of the world, and the possible consequences of this isolation from 'the great brotherhood of nations?' Let us see if we cannot so mystify the question, by mixing up that of impressment and others, and work upon the war and republican party in France, as to force its Government into the position of a barrier behind which we may act. It is true, that a French Ambassador, duly instructed to that effect by his Government, has signed this treaty; but it may, perhaps, not be ratified. We know that the right of search has been mutually stipulated for these ten years by France; but no matter, the Parisians of the party we court do not know it; and, if they did, would affect not to be aware of it in order to get themselves into place on a popular cry. Therefore, let us endeavour to make it be believed that the question is French and not American, and then we shall have the battle fought for us!"

But would it be credible, without the strong proofs lately afforded of the utter recklessness of party spirit among our neighbours, that so great a power as France could be induced by so "clumsy a mystification," to become the mere tool of the sectional interests of the United States as relates to this question?



Yet such is the course now urged on that Government.

This fact appears the more surprising when we look back to the history of the last few years. But the other day, the Government of the United States threatened that of France with reprisals if the payment of certain claims for indemnities were delayed. We make no further remark on this absurd *fanfarrnade* of a State without either fleet or army thus threatening one of the most powerful military nations that the world has seen, except that from certain political complications of the moment it was allowed to be successful with impunity. But that immediately afterwards, a party in France, affecting to have its glory and interests at heart, should urge its Government to succumb to the interested dictation of the insulting power, is truly astonishing. The more so when we reflect, that the marked slight to England and the other Powers (for as to real effect on the right of search question there can be none, that being a *fait accompli*) of the non-ratification now urged upon the very Government proposing the Quintuple Treaty, and by the political party itself which already conceded the question at issue (ten years ago) gives legitimate cause of grave difference<sup>1</sup> with

<sup>1</sup> We do not allude to the advice given deliberately by a part of the press to their Government to violate the law of nations and faith of treaties by at once refusing the stipulated right of search; this is unworthy of reply; but to the light in



the very powers with whom it is for the best interests of France to cultivate a spirit of harmony and alliance.

It may be extremely convenient for the United States Government to make use of the powerful fleet and army of France, to shelter itself behind her great moral and political influence; *vulgo*, "to make a cat's-paw of her;" but it is rather surprising that a nation so scrupulous as to its honour and dignity should suffer itself to be thus led.

But amidst the storm of senseless declamation,

which a refusal to ratify a treaty already signed, when (as Lord Palmerston significantly observed in a late speech on the Quintuple Treaty) *the minister fulfilled his instructions by doing so*—is considered by all publicists. Admitting, as Martens does, that, until after ratification, a treaty is not binding, he adds, "Que si l'une des deux parties offre *dûment* sa ratification, l'autre *ne peut refuser la sienne* qu'en tant que son *mandataire s'est écarté des bornes de son instruction*, et, par conséquent, est punissable; et qu'au moins, dans la règle, *il ne dépend pas du libre arbitre d'une nation de refuser sa ratification par de simples motifs de convenance*."—MARTENS, *Droit des Gens Moderne*, tom. i. livr. ii. ch. ii.

This principle is laid down also by Vattel, Héroid, &c.; and other writers on international law go farther, and do not think a ratification necessary, unless expressly reserved.

We should be glad to know what the party who cry out in France on every petty matter, "France is insulted, war must be declared!" would say, or do, had England, after conjointly urging and signing a treaty, refused to ratify it, at the interested suggestion of some third power inimical to France? Fortunately the spirit of democracy has not yet invaded the councils of England, or the peace of Europe would long since have ceased.

and ignorant or wilful misrepresentation with which Great Britain, and, indeed, the French Government, has been assailed on this topic, it is consolatory to dwell upon some brilliant exceptions among the public men of France. Without citing the speeches of statesmen, who, by their position and experience of affairs, know and must keenly feel the false position in which France is placed by excess of party spirit—we request attention to the admirable speech of M. de Lamartine as delivered at the late General Anti-Slavery Meeting in Paris.<sup>1</sup>

This places the matter on its true merits, un-mixed with national or party prejudices or predilections, as a great philanthropic measure, in which the whole civilised world should take a willing part.

<sup>1</sup> See Appendix.

## CHAPTER IX.

Recapitulation of the Question of Right of Search and  
Summary of Objections—Conclusion.

THE "American" breathes defiance throughout this pamphlet towards England, should she attempt to enforce certain principles of international and maritime law, to resist which he affirms that the United States would not only be ready and justifiable in declaring war, but unworthy of the name of an independent nation if she did not do so.<sup>1</sup>

Yet, when we examine the grounds of difference on the question at issue, they appear so extremely narrow, that these grandiloquent conditional declarations have scarcely a foundation on which to rest.

Great Britain, having entered into mutual compacts with almost every civilised power for the extinction of the slave-trade, and for years in vain invited the United States to join the great brotherhood of nations for that good purpose, renews her proposals on the signature of an additional and

<sup>1</sup> See Appendix.

quintuple treaty. The United States Government still refuses: the British Government then says, "We cannot, of course, claim the same stipulated right of search, as we are entitled to do with regard to the people of other nations, until you concede this mutual right. We deplore it, as your flag is notoriously abused by piratical or slave-trading speculators. We, therefore, shall abstain from that right of search, and in future, even after the verification of the right of a slave-vessel to assume your colours, shall no further interfere than, perhaps, to denounce such vessel to your own authorities."

Upon this the United States replies, "But you shall not even verify the nationality of vessels hoisting our flag under any circumstances."

The answer to this novel pretension is, simply, "The English Government only claim a right universally admitted and adopted, and which is absolutely necessary for the suppression of piracy, and authorised by the law of nations." The United States say, "No; it is doubtful, in *our opinion*, whether this right is so generally admitted by international law as you contend. Under any circumstances *we* will not admit it."

Again, Great Britain very patiently and courteously rejoins, "You forget that this right of verification is a matter of necessity for the protection of legitimate commerce." "We admit," answers the "American," "the occasional necessity

“ of this practice ; we are aware that vessels have  
 “ been and must be visited for the objects you  
 “ mention, but it is only ‘ a pardonable act,’ not a  
 “ matter of right. Inevitable, we grant, and not  
 “ to be resented ; but if you say it is a right, and  
 “ act upon this assumption, we go to war.”

And is it possible seriously to support such a miserable argument as this ? still less to make a *casus belli* of an act admitted not to be a just ground of offence ?

Yes ; but this “ American ” says, “ You mean  
 “ to impress our men ” (he says, also, those of  
 other nations ; but this is a slight lawyer-like embellishment ;) “ under the pretext of verification,  
 “ as well as of right of search.”

We reply, in the first place, there is no impressment in time of peace ; but, further, we will agree expressly to prevent any such abuse of this right.

What the answer of the “ American ” might be to this, we cannot say ; he intimates that there is some mysterious reason for not assenting, but he does not give it.

We fear that the true difficulty but too evidently arises from the domination of the slave-states, and the glaring contradiction that we have already pointed out, that would be thus exposed, of condemning as felony in one latitude a traffic that is legal and protected by the United States’ laws in another.

It is with great satisfaction, however, that we perceive that it is not in England alone that the untenable position and unwarrantable pretensions of the United States on the question of right of search are felt and their consequences deprecated. We subjoin an extract from an article in a late New York paper,<sup>1</sup> quoted in *The Times*, April 1, which is remarkable for the good sense and straightforward manner in which the question is treated.

Let us be pardoned for once more succinctly exposing this homœopathically minute—this imaginary distinction upon which the “American” sounds the war-trumpet. The ground taken by the United States is simply this, “The verification must necessarily take place” (this is admitted by the “American”), “but it will be “pardoned as an act of necessity, not conceded by “the United States as a right!”

When, therefore, Great Britain acts upon the universal maritime usage (founded, like all international law, upon necessity and mutual advantage), she is taking a pardonable liberty, say the United States, and there is nothing to resent. But if England is of opinion that she thus only exercises a general right, does the “American” seriously maintain that there consequently arises a *casus belli*?

<sup>1</sup> See Appendix.

We abstain from designating, as it deserves, the *animus* of the "American;" we are willing to grant that he shews great, though mischievous, ingenuity in hair-splitting; but trust that it may be deservedly unsuccessful in producing the deplorable results at which he evidently aims.

In conclusion, we address the "American" and his Government, cordially adopting the sensible words of the American writer in the *New York Evening Post* :—

" Do not raise theoretical points and argue  
 " abstract questions, *the only practical effect of*  
 " *which is to promote the infernal traffic in human*  
 " *beings, &c. &c.*

" For the respect of the present and future  
 " ages — by your hopes of freedom and your  
 " love of God, *do not go to war in behalf of the*  
 " *slave-trade!*"





APPENDIX.

---

“Conventiones quæ juri naturæ aliquid adjiciunt, aut æquales sunt, aut inæquales. Æquales sunt quæ utrimque eodem modo se habent *αἰ ἴσως καὶ κοινῶς ἐν ἀμφοτέρωσι ἔχουσι,*” &c. &c.

---

“Necessaria ad finem licitum licita.”

---

“Necessitate factum pacem non rumpit.”

HUGONIS GROTII, *De Jure Belli ac Pacis Lib.*

---

## APPENDIX.

(THE REFERENCES ARE TO THE PAGES OF THE ENGLISH EDITION OF THE "AMERICAN'S" PAMPHLET, PUBLISHED AT PARIS.)

*Preliminary Observations.*—"The general point involving "the *liberty of the seas*, is every where well understood."

In the first place, the "liberty of the seas" is left just where it was, but we beg to deny, *in toto*, that the subject is "well understood." Many late French publications bear self-evidence of how utterly ignorant many, otherwise clever, writers are of the whole matter; nor would they have been so egregiously mystified by American writers, so as to be induced to fight their battles for them, had this not been the case.

"In its application to the United States and Great Britain, "there are *circumstances not generally understood arising out of the peculiar relations* of the two countries," &c.

"It has been the purpose of the writer, by a summary view "of the whole controversy, to convey to those who may take an "interest in it—and who does not? for the liberty of the seas is "interesting to all—and *who do not wish to turn to original "documents in the English language*, a general idea of the "grounds upon which the demand of one party, and the refusal "of the other, are maintained. This he has endeavoured "fairly (!) to do. How successfully (and how 'fairly') others "must judge."

What have the "peculiar relations" in question to do with the *general* "liberty of the seas?" But if a proof were wanting of the object of the "American" being to address those who are in no wise interested in the discussion,\* it is found in the ad-

\* We allude to the question of impressment more particularly. An English officer could no more impress a British seaman, either from on board an English, or, *à fortiori*, any other vessel, than could a French or American

mission that it is on those not familiar with documents in the *English language*, that he attempts his mystification of all the points at issue.

From first to last, this "Examination" is a tissue of artful misrepresentations, special pleading, and fallacies.

Page 4.] "But he has still some hopes that the public opinion of Continental Europe may come in aid of the efforts of the United States, and that both may find powerful auxiliaries in the native good sense and correct feeling of the people of Great Britain; and that the latter may yet prevail on their Government to abandon pretensions which cannot be urged without injustice, nor *submitted to* without disgrace."

These are not pretensions, but reciprocal engagements. There can therefore be neither "injustice" in urging them, nor "disgrace" in submitting to them, or, more correctly speaking, in their mutual adoption.

"The writer has kept within the limits of a courteous discussion."

Page 5.] "To meet crimination by recrimination, concerning the motives of the great parties now appealing to the judgment of their contemporaries."

"He has, therefore, refrained from all topics relating to *material interests, whether of the East Indies or the West, which the public journals of Continental Europe, and some of the most enlightened too, and many intelligent writers have considered, not to be involved merely, but to be in fact looked to, in the measures so tenaciously pursued for the suppression of slavery and the slave-trade.* It was not that these topics had escaped the notice of the writer, but that respect for himself, and for the great people who have done so much for the honour and benefit of mankind, did not allow him to touch them, either for the purpose of confirmation or of refutation."

naval officer. He has no power to do so, nor can the Admiralty give him such orders — they would be utterly illegal. Recently, and while this Reply was in the press, mendacious assertions have been published as to imprisonment by English officers. These are palpably gross inventions, as readily believed as they are easily fabricated, to suit the purposes of unscrupulous party feeling. This falsehood will be easily proved when the matter is duly examined.

The "American" deserves credit for ingenuity in thus making inferential charges, vicariously, through that noisy part of the French press whose theme is "*perfidie Albion*," "*astucieux insulaires*," and other similar puerilities, which he knows to be as devoid of truth as of originality. He thus hopes to keep up the appearance of candour, while, in fact, these vague denunciations, which it would puzzle him excessively to substantiate, have all the force with those ignorant of the subject (to whom he addresses himself) of the *ignotum pro magnifico*.

Page 7.] "*The right of maritime search, now in discussion between the British and American governments, is a grave question, practically interesting to all nations, to whom the freedom of the seas is dear, if not in its application to the subject, which has been the cause or the pretext of its assertion, at any rate, from the consequences to which its use or abuse may lead. Its connexion with the African slave-trade is but incidental, and the nature of this traffic, which nowhere finds advocates, cannot affect the nature of this question, nor the right of a state, nor of a combination of states, to make an interpolation into the law of nations, which shall become a part of that great public code. Great Britain professes to push this point, in order to destroy the yet existing relics of that trade. We do not question her motives (oh, no!), that is no part of our purpose.*"

The "right of maritime search," in the sense used by the "American," is not, as he well knows, the question at issue between the British and American governments.

Unfortunately, the slave-trade *does find advocates*. Every one conversant with the subject is aware that late Spanish writers, as well as Portuguese and Brazilians, have strongly and with more consistency than their North American accomplices (who only carry it on while they do not defend it), loudly and elaborately defend man-stealing and man-selling.

Latterly, also, the "American" has done wonders to convert the republican press of France into ardent defenders of slavery and the slave-trade. We are ready to concede the credit he deserves for this.

International law itself is founded on "a combination of states," who can also modify it. But there is no question of

“ interpolation,” but a specific convention, guaranteeing a mutual right.

Page 8.] “ And we are at liberty, without violating any of the courtesies of liberal controversy, to *assume that neither can be indifferent to its bearing upon their interest*, whatever motive of general benevolence may have led to the difference. “ Great Britain is eminently a maritime and commercial nation.”

There is too much profession of “ not questioning motives,” while it is sedulously made the burden of the whole pamphlet.

More candour “ à l’Americaine.”

Page 8.] “ It is impossible that the intelligent government and people of Great Britain should shut their eyes to the *effect of this claim of a right of search upon their interests, whatever motives of philanthropy may have led to its first suggestion*. To their flag it will give *the virtual supremacy of the seas*. We say virtual supremacy, because it would be found in practice, *that ninety-nine times out of a hundred* it would be her cruisers which would search the vessels of other nations.”

How courteous and fair!—*more suo*.—What “ virtual supremacy” can possibly arise out of this mutual right of search?

This *petitio principii* is utterly fallacious. England has many more merchant-ships liable to be searched, than perhaps all the other nations collectively. It would be more consonant with “ fair and candid argument,” as it would with veracity, to say, “ the difference is, that English ships *do not engage in the slave-trade—ours do*.” Hence the disparity. But is this a reason against the “ right of search,” or an argument shewing its necessity?

Page 10.] “ ‘ All our Government contends for,’ says the *Times*, ‘ is the mere right to act as constable in boarding suspicious ships, bearing the American flag.’ And who made England the great *préfet* of police of the ocean, searching and seizing at pleasure? And the United States, who have so long been asked to yield this point by convention, *are now told that it is established without them and in spite of them*.”

They are told no such thing, as a reference to the public correspondence will amply shew.

Page 10.] " While the special ambassador, Lord Ashburton, goes out with the professed objects of peace and conciliation, we are told in effect by this leading journal, that the United States have but one course to adopt, in order to avoid a war with the European world ; and that is, submission to the demand of England."

The *Times*, after this, has no excuse for any longer concealing its credentials. Its official colleague has by this time exhibited his full powers to the President of the United States. Lord Ashburton and the *Times* are evidently engaged in a conspiracy, of which the New Post-office steamers are, we suspect, but means in the hands of Their Excellencies,—as some patentee for the discovery of mares' nests lately sagaciously declared in the American papers.

Page 11.] " As to the suppression of the slave-trade, it is a question which meets no opposition in the United States. The American Government, if not the first, was among the first, to give the example to the world of a legal prohibition of this traffic."

It meets with the greatest and most persevering practical opposition on the part of the United States ; and its being declared piracy is a glaring inconsistency, while it is carried on actively by the Americans every where, while their Government covers it with its flag, and above all legalises it as between the several states of the Union.

Page 12.] " That violations may occasionally occur, and that the American flag may be sometimes abused, we feel no disposition to deny. Not by the introduction of slaves into the United States, for that traffic is unknown, and would be impossible. We may venture to assert, that not a slave has been imported into the United States for thirty years. We would not be guilty of deception upon this subject, and if there is a single exception to this statement, we have never learned it. If American interests are connected with this traffic, it is in the transportation of slaves to Brazil or to the Spanish colonies. But even this is much rarer than is supposed, and what has given occasion to the imputation of its frequent occurrence is the fact, that the sharp Baltimore schooners, well known for their speed, are often sold to the

“ Spanish and Portuguese merchants, and are then fitted out for  
“ the slave-trade.”

We venture to assert that many hundreds of slaves have been introduced into the United States during the last thirty years, and especially of late. This must be gross ignorance of the subject, for we cannot believe that such an audacious assertion would be made were the truth known to the writer.

Hundreds of American vessels, and of American owners and navigators, are engaged in the slave-trade, as is mentioned in this “ Reply;” but we are happy to see that the “ American ” is ashamed of the crimes of his countrymen.

Page 13.] “ The pecuniary interests of a few degraded  
“ men, who covertly pursue it, by associating their capital with  
“ the regular slave-dealers of other nations, would not weigh as  
“ the small dust of the balance with the American Government  
“ in any consideration connected with this matter.”

‘ This is grandiloquent, and “ important if true.”

“ But, after all, a crusade of benevolence cannot be carried  
“ on against any nation because its laws are sometimes violated  
“ and its flag abused. *If its Government connives at such  
“ measures, then, indeed, it is justly liable to the reproach of  
“ Christendom. But against the United States there is no  
“ pretence for such an imputation;* and the question now  
“ under discussion must be judged independently of these  
“ accidental evasions, which are common to all nations and  
“ to all codes.”

But what if a Government not only connives but actually throws the protection of its flag over all pirates and slave-dealers? *A fortiori*, it calls for the interference of the “ Crusaders,” if mere “ connivance ” would render it justly liable to the “ reproach ” (*at least*) “ of Christendom.”

Page 14.] “ As to a right of search in time of peace, no  
“ one pretends it has heretofore existed.”

Not the stipulated right of search with its consequences as provided by treaty; but no one in his senses will deny that men-of-war always have, and always must verify, the character of suspicious vessels.

“ This decision in the case of a French vessel seized upon



“ the coast of Africa, absolutely puts down all this pretension  
“ in the most authoritative manner.”

Not a case in point. The French vessel *was seized and carried as prize into a port*, and brought before a tribunal for trial. Can the “ American ” affect to be ignorant that all right to carry into effect these proceedings is expressly disclaimed by the British Government ?

The question would have been very different had the man-of-war *only ascertained whether the vessel were really French, and then released her*.

“ No nation can exercise a right of visitation and search  
“ upon the common and unappropriated parts of the ocean,  
“ except upon the belligerent claim. No nation has the right  
“ to force their way for the liberation of Africa by trampling  
“ upon the independence of other states, on the pretence of an  
“ eminent good, by means that are unlawful, or to press forward  
“ a great principle by breaking through other great principles  
“ which stand in their way.”

Without seriously examining the inapplicability of this quotation of the “ American ” to his own argument, we may be permitted, *mutatis mutandis*, to parody this favourite citation, so as to make it decidedly bear on the position assumed by the United States, viz. :

“ No nation has a right to invest pirates, upon the common  
“ and unappropriated parts of the ocean ” (this leaves the strictly  
internal slave-trade of the United States untouched), “ with the  
“ power of using its flag as a guarantee of perfect impunity and  
“ freedom from all interruption in plundering or kidnapping. No  
“ nation has a right, in order to secure the enslavement of Africans,  
“ to force an exception to the universally recognised right  
“ of examining all suspicious vessels, nor break through a great  
“ and general principle established for the safety of all nations,  
“ for the encouragement of a system which, though existing  
“ legally on a great scale in its own dominions, is abhorrent to  
“ the humanity and civilisation of other independent states.”

Page 15.] “ In the first place, we would remark, that there  
“ is a natural indisposition in the human mind to yield to applications which *are accompanied with threats of the consequences*. This sentiment is common to nations as well as to

“ individuals, and, in fact, forms part of the dignity of human nature. English pertinacity in demanding has been met by American pertinacity in resisting; and now, when the United States are summoned to give their adhesion to a *new principle of public law* (?), against which they have uniformly protested since its first promulgation, and are told by Lord Aberdeen that the course of the English Government is taken, and that this claim will be enforced, with the taunt that ‘ it is for the American Government to determine what may be due to a just regard for their national dignity and national honour,’ no generous people can fail to find, in their present position, that just resistance to dictation, &c. &c.”

Who has threatened the United States? We challenge the “ American ” to point out a single passage of the official correspondence of the English Government that can be construed into a threat! Whereas, threats of resorting to war, on every petty occasion, resound in the United States, as among the republicans of France, and, withal, not unaccompanied by a certain share of jactancy or *fanfarronade*.

“ But besides, where would end this doctrine of interpolation? Who can tell the extent to which it may be pushed, or the purposes to which it may be applied?”

It has been shewn, in the course of this “ Reply,” that there is no “ doctrine of interpolation,” such as it suits the purpose of the “ American ” to assume *usque ad nuuseum*.

Page 17.] “ It is arbitrary, because it constitutes a naval officer, *whatever may be his rank*, the judge to decide upon serious questions and upon grave interests. It permits a foreigner, under the pretence of settling the national character of a vessel, and the objects of her cruise, to indulge his antipathies or his love of gain, by seizing the ship and cargo, and imprisoning the crew, and by sending them to a distant port for examination; and all this without any practical redress against the wrong doer.”

“ Important if true ” again, but entirely inapplicable in theory and practice to the question at issue, or the proposals of Great Britain.

Page 19.] “ And once establish this right of search, and the scenes of violence which chequered the ocean for twenty

“ years will again be renewed. The hatches will be broken  
 “ open, the cargo overhauled, property dilapidated (*sic*), and  
 “ many articles will be taken—as they have been taken—  
 “ without permission and without compensation.”

Entirely gratuitous suppositions, supported by a figure of  
 speech vulgarly called “ begging the question.” When prop-  
 erty is damaged by the fault of the captor, compensation is  
 awarded.

Page 20.] “ But again, this claim is liable to serious abuse,  
 “ because there are *strong temptations, both national and in-*  
 “ *dividual, to pervert the professed objects of the search into*  
 “ *others, which, though not avowed, are apparent,* and because  
 “ the remedy is distant, expensive, and doubtful.”

Another specimen of candid courtesy.

Page 21.] “ The commerce of Africa is already important,  
 “ and is becoming more so every day.”

“ Courteous,” but mysterious and significant warnings.

“ Who can doubt but that English cruisers, stationed upon  
 “ that distant coast, with *an unlimited right of search, and*  
 “ *discretionary authority to take possession of all vessels fre-*  
 “ *quenting those seas, will seriously interrupt the trade of other*  
 “ *nations, by sending in their vessels for trial under very slight*  
 “ *pretences, and, in fact, under no real pretence whatever.*”

Had these “ bold imaginings ” any foundation in the facts  
 of the case, they would deserve some attention.

“ Under these circumstances, a boarding officer, stimulated  
 “ by that reward which a successful capture always brings with  
 “ it, and by a determination, which may not *be uncharitably*  
 “ *charged to him, of favouring the trade of his own country*  
 “ *and of discouraging that of another,* will readily believe, or  
 “ affect to believe, not that there is just ground to suspect the  
 “ destination of a vessel.

This “ charitable ” supposition of the English commanders,  
 accused by most American writers of being “ patrician boys,”  
 utterly unconnected with trade or any thing useful, being in  
 fact only the agents of the Manchester manufacturers, is amus-  
 ing enough.

We venture to say that there is no American naval officer of experience, and acquainted, as many of them are, with our service, and personally intimate with our officers, but would find it difficult to suppress a laugh at such egregious nonsense.

Page 22.] “The vexation and interruption of voyages, the result of this system, are easily understood. A trade, carried on under such unfavourable circumstances, cannot contend with the trade of a favoured nation who herself exercises the police of the seas, and who may be harsh or lenient, as her prejudices or interest may dictate.”

Further “charity” and “candour.”

Page 23.] “But beyond all these objections, applicable in common to every maritime nation, there is another far more powerful in its operation, and which, from the peculiar relation of language, manners, and institutions, that exist between the United States and Great Britain, renders this measure not only obnoxious, but to the last degree unacceptable to the American Government and people. We would not impute unworthy motives to a great and intelligent people, (again!), and Great Britain has done enough to command for herself her full share of the admiration of the world. But we must take human nature as we find it, and the code of political ethics is a loose system,” (the “American” generously himself furnishes an example of this school of ethics, in his contradictory arguments), “where there is much, both of good and evil. Amidst many gradual meliorations in the constitution of England, she has adhered with wonderful tenacity to certain pretensions arising out of feudal notions, and among others, to one by which she claims that every person born under her Government is for ever a British subject, and that if he is by condition a seaman, he is liable to be taken, wherever he can be found, and forcibly compelled to serve an unlimited period on board her vessels of war. This is not a conscription, which operates equally upon all, subjecting all to the same chance, and requiring their services upon established conditions, and for fixed periods.”

The writer ought to know that there is no impressment in time of peace; that the question at issue leaves that of impress-

ment untouched, excepting formally to offer its renunciation. There is not an impressed seaman on board the British fleet.

Engagements for services are voluntary, and latterly for stated periods.

Page 25.] "In theory, indeed, the British Government did not arrogate to itself the right to impress American citizens, unless those citizens had been born British subjects. In that case the new character, with which they were invested, gave them no protection against pretension."

Nor could it, unless absolved from their allegiance, as in the case of every other nation, and notably the United States among the rest.

Page 26.] "To this the American Government answered, We deny the doctrine of perpetual allegiance. Our country is open, and if foreigners come here, after a certain number of years, and compliance with certain established formalities, they may be invested with the character of American citizens, and then it is our duty to protect them. You adopt the same principle, and follow the same practice; you naturalise by special Acts of Parliament; you naturalise all persons who reside a certain number of years in your colonies; and you naturalise all seamen, who have served a short term in your navy. At this moment the Governors of some of your colonies are compelling emigrants from the United States to bear arms against us."

The "American" forgets that although the United States may invest foreigners with certain national privileges, they cannot usurp the power of other Governments, and absolve such foreigners from their obligations towards their own sovereign. (See the chapter on Doctrine of Allegiance.)

Page 27.] "In the one country a foreigner can enter into the marine service without the probation of a moment; and, after serving three years, he becomes *ipso facto* a British seaman. Into the marine service of the other, no one but a native can enter, till he shall have actually lived five years in the country without departing from it."

But the doctrine of allegiance is not applicable to such foreigners as enter the English naval service, in the sense im-

plied by the "American." They may have certain rights conferred on them, as to the receipt of pensions, rewards, &c., *quoad* which it is necessary to regard them as British seamen; but unless their *own government* absolves them from their allegiance to their natural sovereign, it is not attempted by Great Britain.

Does the "American" mean to deny that, in hundreds of instances, Englishmen procured naturalisation-certificates immediately after setting foot for the first time in America? The residence clause is perfectly illusory.

Page 29.] "Where do you find the right to seize them in our ships, covered by our flag, which is as exclusive of your jurisdiction, except in certain prescribed cases in time of war, as the territory of the United States? If you suffer your citizens to *escape*, (1) and to come under our sovereignty, your claim to their services must yield to our superior claim to national immunity.

"Like many *other rights or pretensions in society, if this cannot be exercised, without violating the privileges of another party, it must be abandoned.*"

All this paragraph is utterly inapplicable to the question, inasmuch as no impressment can take place, whether from an English or any other vessel, in time of peace, as we are tired of repeating.

We cordially recommend the "American" to abide by the principle laid down in the last paragraph. If the United States cannot exercise their monstrous pretensions of absolving foreign subjects from their allegiance to their natural sovereign (no one disputes their power to confer certain rights in the United States), it must be abandoned.

Page 31.] "But it is well, with regard to the future, to investigate the claims of the past. A seaman on board an American ship *is protected by his national flag*. No British officer can enter for the purpose of tearing him from this natural asylum. But having entered for one object, he may execute another. Certain belligerent rights are given to him, and he may board all vessels upon the great highway of nations, in order to enforce them. And having done, or affected to do this, he may then turn round *and pervert his*

" *right of entry to a totally different object.* He may violate the sovereignty of the neutral power, by giving effect, not to the code of international law, but to the mere municipal regulations of his own country; and under the most arbitrary and offensive circumstances. No; all this is but the sophistry of power, determined to attain its object, and seeking to justify itself. There is no such right of conversion — no just claim to demand one thing and to do another. The whole pretension shocks the common sense of the world."

The fallacies of this paragraph have been exposed in this Reply. No one disputes that an *American* seaman is protected by his flag. The belligerent right of search is not disputed. This leaves the question of impressment just where it was, as impressment does not exist in time of peace.

This whole simulated argument shocks every feeling of good faith. The "American" knows its fallacy while affecting to rely upon it.

Page 32.] "According to this right of conversion, when the British forces entered the state of New York to burn the Caroline, having got within the American territory, for what they contended to be a lawful purpose, they might have then violated the national sovereignty at pleasure, and seized all the persons they found who had been born British subjects, and transported them into Canada. And why not have seized their American debtors, if they had any, or done any other act which they might lawfully do at home, as they claim to enforce their municipal laws upon the vessels of the United States?"

Not true in point of fact. And if the British forces *had* acted in the way that the "American," giving way to a lively imagination, and his fondness for the *reductio ad absurdum*, describes, they would only have followed at a humble distance the example set by the United States in the Spanish territory of Florida; that which they are now preparing to do in Mexico; and already have, by the injudicious forbearance of our authorities, been suffered to do in New Brunswick.

The assurance of the "American" in this cool assumption is astounding. He counts on the utter ignorance of his readers.



Page 34.] “ *We pardon the frivolity of manner with which this grave subject is treated, in consideration of the frankness of the journal, in the open avowal of a principle which cannot fail to excite general reprobation, now the unnatural excitement of a long and bitter war has passed away.*”

Very indulgent respecting the style of newspapers, which it is clear he is of opinion ought to be written in the inflated, magniloquent style of an American state paper.

“ But here is the true key to much of the reluctance of the American government to become a party to any arrangement which shall *add to the category of the right of search ; whether it is likewise the key to the pertinacity with which the British government presses this matter, we do not presume to judge.*”

The “ American ” is an adept at insinuation—a complete Mrs. Candour. Perfectly aware at the same time, that the question of impressment by no possibility can be involved in time of peace.

Page 36.] “ And surely many cases may occur, where its exercise *might be necessary* to man a fleet, before hostilities were actually declared, but while they were considered impending.”

However “ necessary ”—a necessity the existence of which we question—it could not be exercised but by express legislative enactment. Even at the present moment, when we are *de facto* engaged in serious and expensive warfare, it is not and cannot be resorted to.

Page 37.] “ But it may be said, and, indeed, the suggestion, as we have seen, is in the *Times*, that it is in the power of the American government to frame a convention which shall exclude this process of impressment ; and, therefore, the fear of its occurrence ought not to prevent the adoption of this check to an odious traffic. To this suggestion the answer is easy. The United States can enter into *no stipulation which can be tortured into a recognition of this doctrine of impressment.* They cannot provide for its restriction nor regulation. They can only accept a general



“ declaration from the British government, that their flag shall  
 “ protect their seamen at all times and under all circumstances;  
 “ and there is little reason to hope, that the counsels of justice  
 “ will so far prevail over those of interest as to lead to such a  
 “ measure.”

Why this is abusing the patience and common sense of all readers. Even the hair-splitting special pleading of the “ American ” cannot “ torture ” a proposal to *exclude* impressment into a recognition of the right. Such an idea never entered the head of an Englishman. Hence the fictitious argument resorted to for the purpose of covering the real repugnance of the United States to suppression of the slave-trade is evident.

“ Were it, however, adopted by the British government, as  
 “ the regulation of its future conduct, it would be hailed in the  
 “ United States as the harbinger of a brighter day; as the  
 “ cause and the precursor of an indefinite peace between two  
 “ nations, having so many reasons for union and so few for  
 “ separation. In such an event, there would be little hazard  
 “ in predicting that a satisfactory arrangement might soon be  
 “ made, by which the fullest co-operation of the United States  
 “ would be obtained towards the suppression of the slave-trade.  
 “ The great difficulty being removed, a mutual spirit of con-  
 “ ciliation would soon do the rest. But, till then, the United  
 “ States cannot, in any arrangement giving reciprocally the  
 “ right of search, with a professed view to the extinction of the  
 “ slave-trade, admit a stipulation that the doctrine of con-  
 “ structive entrance should not apply, and that their seamen  
 “ should be safe from seizure.”

After all, is the true object of this artificial excitement, this  
 “ much ado about nothing,”—to induce the French government  
 to assist the United States in obtaining from England a renunciation of the right of impressment at all times? If so, we heartily wish that it may be thought feasible to put the good faith of these conditional professions to the test. But we much doubt that, even were impressment totally abolished to-morrow, the United States would fulfil the pledge here given. The fatal influence of the only really dominant influence in the United States, that of slave-holders, would assuredly prevent it.

Page 38.] “ They went to war to oppose it thirty years

“ ago, when comparatively young and weak. And now, after  
 “ having advanced in all the elements of power, with a rapidity  
 “ unknown in human history, they will not be found wanting  
 “ to their duties and honour in the day of trial. An American,  
 “ at home or in Europe, may safely predict that the first man  
 “ impressed from a ship of his country, and detained, with an  
 “ avowal of the right, by order of the British government, will  
 “ be the signal of war. A war, too, which will be long, bitter,  
 “ and accompanied, it may be, with many vicissitudes. For no  
 “ citizen of the United States can shut his eyes to the power  
 “ of Great Britain, nor to the gallantry of her fleets and armies.  
 “ But twice the Republic has come out honourably from a  
 “ similar contest, and with a just cause she would again hope  
 “ for success. At any rate she would try.”

A fine specimen of the “ American ” flourish of trumpets, or war-whoop. — See Washington Irving on “ Slangwhanging ” (*Anglicè*, political clap-trap).

“ In the preceding discussion, we have spoken generally of  
 “ the right of search, without being led aside by any distinction  
 “ founded upon the purposes, *real or avowed*, of those who  
 “ exercise it.”

Page 40.] “ And these considerations are abundantly  
 “ powerful to justify the United States in refusing their consent,  
 “ both to the conventional arrangement proposed for the right  
 “ of search to ascertain the objects of the voyage, and to the  
 “ new doctrine, *now first* (!) promulgated, of a right of search  
 “ to ascertain if the proofs of the vessel’s nationality are suffi-  
 “ cient to justify her title to the flag she bears.”

Good specimens of a *non-sequitur*; and of assurance in assertion utterly at variance with fact.

Page 44.] “ The most rigorous discipline and the best  
 “ disposition could not prevent abuse where a party of sailors  
 “ enter the vessel of another nation, in fact as masters; parade  
 “ the crew, examine the papers, break up the hatches, overhaul  
 “ the cargo, and feel themselves at free quarters, almost in an  
 “ enemy’s country.”

Discipline does effectually prevent these abuses. But no one can prevent the fabrication of groundless charges, nor their dissemination by such writers as the “ American.”

Page 44.] "What will they be hereafter, when this doctrine of *universal search*, under the guise of an inquiry into the nationality of vessels, becomes consecrated by time and usage; and is exercised" (as it ever has been, with the exception of the exaggeration 'universal search') "as well in peace as in war."

This is easily answered by a recurrence to the experience of several centuries; as indeed is admitted, however unwillingly, elsewhere.

Page 45.] "That they do not assert this claim of search with a view to ascertain the objects of a voyage, and to seize the vessel if found engaged in the slave-trade.

"But both equally contend, that the flag at the mast-head, or the piece of *bunting*, as Lord Palmerston rather contemptuously styles this emblem of sovereignty, furnishes no evidence of national character, and shall furnish no protection against the entrance of British force; that they have a right to board all vessels upon the ocean, examine their papers, and satisfy themselves respecting their nationality. Lord Aberdeen, indeed, consoles the government of the United States by the assurance, that their vessels are not intended as their *vessels*. 'Nor is it as American that such vessels are ever visited.' Poor consolation this! *If Tom is knocked down in the streets, it is little comfort to him to be told, I did not knock you down as Tom, I knocked you down as Jack.* The answer to all such pretensions is very simple, and cannot have escaped the sagacity of the British statesmen who have resorted to this strange process of justification. You commit the act at your own hazard. If you enter a ship or knock down a man, believing the ship or man is not what appearances indicate, and your suspicions being correct, if the law, international in one case, national in the other, gives you the right to use this violence, then you may avow the act, and justify it. But if you err in these premises, you are responsible for the consequences.

"The municipal law of every country is filled with illustrations of this principle. It is common sense, applied to the affairs of men in their social relations, as members of an organised community. Applied to the affairs of nations, in their commercial intercourse with one another upon the

“ ocean, it is the same common sense, then called public law. “ If a father or master meet his son or servant, he has a right to “ examine him, to ascertain if he is violating his orders. This “ we may call the *visitation of persons*. The right cannot be “ denied. Now, the son or servant may disguise himself, and “ assume the appearance and dress of the son or servant of a “ neighbour, it may be his livery. But does this possibility of “ abuse give to the superior the right to stop in the streets all “ persons he may choose to suspect, with or without cause, to “ be his son or servant? and not even violating the law of the “ country, but his own domestic law? Certainly not. If he “ examine forcibly, he does so at his peril. Borne out by the “ result, he is but in the exercise of his right. Deceived, he is “ a trespasser, and responsible for his conduct.”

What the “ American ” means by his prudery about the “ piece of bunting,” is not very clear. But he ought to be aware that the American, or any other colours, hoisted by a slave-trader (not of United States) or any other pirate, is but *a piece of bunting*. It has no national character, and is only invested with the rights due as to the *flag of a country* when legitimately hoisted.

The fallacy of considering international law and maritime usage on the high seas as identical with local municipal regulation, is elsewhere exposed.

Page 48.] “ And after all, this emblem of sovereignty and “ accompaniment of victory is but a piece of bunting! Alas! “ for the prestige of great names, when reduced to this matter- “ of-fact standard!”

For the benefit of the sensitive “American,” we will illustrate the case in point, although already explained.

If the “American” chooses to wear a blue riband or a star on his breast, or, like some of his countrymen, to assume the arms or liveries successively of the most noble families in Europe, he only usurps the *emblem* of a dignity, and obtains the *reality* of general ridicule. There must be an acknowledged right to the “ bunting ” before it will be respected.

“ It will not be denied, that this is the first solemn occasion “ upon which this pretension has been put forth to the world. “ No elementary writer has advanced it; no jurist has asserted “ it; no judge has ruled it.”

It will be most positively denied, and on the authority of all great writers on the law of nations.

Page 50.] “As to what may be termed the quarter-deck law, we shall dismiss it with a very cursory examination. Mr. Stevenson calls in question the exactitude of the fact, *at any rate to the extent, to which it must reach*, in order to support such a claim as this. That vessels *may have been overhauled and entered in time of peace, under peculiar circumstances, we do not doubt*. But it is *evident, that this practice has never prevailed in any considerable degree, most certainly not sufficiently so to render it authoritative, as otherwise it would have given rise to examination and consideration among the elementary writers and to discussion among the governments, which, from time to time, must have been affected by it*. No trace of this *appears, and the conclusion is inevitable, that its use has never been established, nor its abuse sufficiently prevalent nor serious, to render it the subject of diplomatic intervention*. If Great Britain had, *as she has not*, in the exercise of her naval strength, pushed this usage beyond the point we have indicated, certainly it would be with a bad grace she could claim, *that her own violence (!) should be written down in the law of nations, and constitute the rule for their future government*. We go farther; *vessels will no doubt be hereafter spoken and entered, and no one will complain, because no indignity will be intended, nor will any injury be done*. *Strictly speaking*, a trespass may be committed, but the matter will pass off without exciting the least sensation, either among the parties or their governments. How different this is from a claim to enter and search all ships (?), at all times (?), and in all places (?), we leave to the common sense of mankind to judge.”

We request particular attention to this master-piece of special pleading, especially the glaring *non-sequitur*, that, because an established and necessary maritime usage has not been abused (as he, *more suo*, reluctantly admits), it therefore cannot have been generally admitted.

But we have elsewhere noticed this most singular Yankee argument, particularly the unblushing misrepresentation of the last sentence.

Page 52.] “ Both these statesmen appear to think that the United States *claim a perfect immunity for all vessels bearing their flag*; and as an illustration of the absurdity of such a pretension, Lord Aberdeen asks Mr. Stevenson if he supposes the Government of Great Britain would permit ‘ British vessels and British capital to carry on, before the eyes of British officers, this detestable traffic, &c. by hoisting ‘ the American flag?’ ”

If the United States do *not* claim a perfect immunity for their flag, in the name of common sense and consistency, what is the matter in dispute ?

“ This conclusion is no corollary from the premises laid down by the United States. They advance no such pretension. It is the immunity of *their own bond fide vessels they seek to secure*. They do not deny to the cruisers of all the powers of the earth the right to enter and search each the vessels of their own country, and of every other country, which may concede the privilege; though the flag of the United States may fly at all their mast-heads. But they do deny the right of any such cruiser to search their vessels; and here lies the *root* of the whole matter. Certainly, if a British or French frigate encounters a vessel at sea, which is most assuredly a British or a French vessel, endeavouring to conceal her nationality under the American flag, such frigate is justified in boarding her, and in disposing of her as the laws of her country may provide. But this is done at the risk of the boarding ship. If the result proves that the suspicion was well founded, then the commanding officer will be scatheless. *He will have done his duty to his own Government, and no injury to another*. But if he has suffered himself to be deceived, then he has *violated (!) the rights of a foreign power,*” &c. &c.

The immunity of *their own bond fide vessels* is secured and officially assured to the United States. The moment a suspicious vessel is verified (as the “ American ” justly observes must be done, or the officer commanding the cruiser will not “ have done his duty to his own Government ”) to belong to the United States, she is allowed to proceed; and, as the “ American ” also justly says, “ with no injury.” And this

even if filled, as so many lately have been, with kidnapped Africans.

What pitiable confusion and contradictions arise out of the struggle between truth and plain sense, and the hopeless effort to manufacture a grievance !

It would have been more politic to have avoided examination, as it bids fair to destroy any defensible grounds for the quarrel which the "American" wishes to fasten upon us.

Page 53.] "But he has committed an injury against another, and for that injury atonement may be demanded."

What injury? He elsewhere says that there is no right to complain !

"The two British statesmen attempt to support their position "by pushing principles to their extremes. This may do in the "schools, but its place is not in active life, and, least of all, in "the affairs of nations. A British officer meets a vessel bearing an American flag, but which he has the strongest reason "to suspect to be British, and engaged in the slave-trade. He "boards her, conducts himself with perfect propriety, ascertains his error, and retires, *without committing any injury*. "He is a trespasser, *but no government would ever think of "complaining in such a case*. A perpetual right to stop, to "search, and to seize, is one thing; a casual act of trespass, "conceded to be such, *excused by peculiar circumstances*, and "immediately acknowledged and atoned for, is another. The "latter may be pardoned. The former is intolerable. The "commander of the boarding vessel is precisely in the condition of a sheriff's officer, who, with a writ against A, arrests "B. Now, on a trial in an action of trespass, which B might "institute for this assault and battery, what would be the "measure of damages which an intelligent jury would apply "to the case? They would adopt precisely the same rule we "have already laid down in the case of the commander."

We leave the mass of inconsistencies in which the "American" has "fixed" himself to the judgment of any impartial reader.

Again we repeat that law exercised within undoubted jurisdiction on shore is not identical with that exercised on the high seas, as every book on international law sufficiently shews.



Page 55.] "Upon it turns the claim of impressment. The exercise of that claim, as we have seen, is the consequence of a legal right of entry."

Which legal right of entry he admits in time of war; and in peace impressment does not exist; this is "damnable iteration."

"Let us examine this matter. The cruiser of a civilised power approaches a region, where a pirate is known to have recently been committing depredations. His appearance is described, and he is anxiously watched. A vessel with the flag of the United States heaves in sight, and she bears a great resemblance to the corsair. She is entered, and the mistake is discovered. *The act would be pardoned, and especially as the crime (meaning piracy) is proscribed by the law of nations; a law which all powers should support and enforce*; and it would not be difficult to suppose a case, where the public ship of a nation might be attacked, and under such strong presumption of her being a pirate, as to excuse, though not to justify, the aggression. When piracy was prevalent in the West Indies, some years since, the smaller vessels of the American squadron, employed in its suppression, were often disguised to deceive the pirates. If one of them had been mistaken by a French or British frigate for a piratical cruiser, she would have been attacked; but the matter would have been amicably arranged, as was the controversy respecting the action between the American frigate, the President, and the British sloop of war, the Little Belt," &c. &c.

We must leave others to extricate the "American" from the "pretty fix" in which his contradictions involve him.

Piracy has already revived since the United States has taken it under their protection, and would, undoubtedly, flourish, if other maritime nations yielded to the plea of immunity for certain bunting, for which the "American" contends.

Page 56.] "The public vessel is inviolable in principle by universal consent, as *the private vessel was till this pretension arose*. The immunity of the one has not prevented the suppression of piracy, nor would the immunity of the other prevent the suppression of the slave-trade."



The candid "American" here "calls his imagination to the aid of his memory."

Were the novel pretension to immunity now set up admitted, neither the slave-trade nor any sort of piracy could be even checked. Experience daily shews this.

Page 57.] "But pursuing the analogy, and pushing the principle, as Lord Palmerston pushes it, it is evident that, if the possible abuse of their flag, for the purpose, among other things, of carrying on the slave-trade, is a proof that the merchant-vessels of the United States may be stopped and searched, *then their armed ships may be also stopped and searched* (?!), or every corsair, who may in like manner hoist their flag, may roam the ocean untouched. We leave the dilemma where the argument originated. With our views there is no difficulty. These we have sufficiently explained.

"Piracy has been put down without any violation of the freedom of the seas, or of the independence of nations. The slave-trade may be put down also with the same sacred regard to those great principles. If occasional trespasses are committed, in attaining the one object or the other, let these be judged as they arise. Sufficient unto the day is the evil thereof. *Let violence not be encouraged and shielded in advance, and one of the best works of man, the code of opinion, by which the strong is restrained, and the weak protected upon the ocean, be broken up, and its fragments scattered to the wind.*"

Without further shewing up the notable specimens of two figures, in which the "American" is prone to indulge, viz. the *petitio principii* and the *non sequitur*, contained in this extract, we invite him to shew how the last sentence applies otherwise than to the unrestricted protection offered to the maritime freebooter and the man-stealer, by the voluntary offer of the North American flag as their general and unchallenged passport.

Page 58.] "The most grave suspicions and well-founded doubts of what, Lord Aberdeen? Of violating your municipal laws? (And those of the United States recollect.) If that proposition is meant and can be maintained, then

“ England is much nearer universal domination upon the ocean (!) than the most jealous observer of her maritime ‘steps’ has ventured even to insinuate. *She has only, by statutory provision*, to declare, as she already declares in principle, that the employment of her native-born subjects in the American marine, military, or commercial, is illegal; and she can then enter the ships of the United States, and seize their crews, without resorting to the sophism,” &c. &c.

The transparency of these fallacies prevents the necessity of pointing them out. (See “Reply.”)

Page 59.] “ *She has only to declare piratical the transportation of the merchandise of France, as she has declared piratical the slave-trade.*” (Has not the “American” boasted of the United States having been among the first to declare the slave-trade piracy? Ah, but with the mental reservation of neutralising the effect of this illusory law by offering the impunity of their own flag.) “ And then every French ship sailing the ocean, and every other one, indeed, may be stopped and searched, to ascertain if they carry *the wines of Bordeaux, the silks of Lyons, or the rich and elegant manufactured articles of Paris.* From such a search, to seizure and condemnation is but another step; and the tri-coloured bunting of France, and the striped bunting of the American Union, might disappear from the face of the seas.

“ *Let no man say that such things will not happen (!).* Upon this subject we can no more assert what is probable than we can predict what will happen.”

The bad faith of this *reductio ad absurdum*, and the inadvertent admission of estimating “man” and the “merchandise of France” as morally on a par, and equally legal objects of commerce, is elsewhere noticed.

Page 60.] “ But what constitutes this illegality, we are nowhere distinctly told. Indeed, the whole reasoning of Lord Aberdeen, upon this branch of the subject, is marked with a confusion, certainly not the characteristic of that accomplished statesman, but the result of the position he felt it his duty to take. He says in one part of his despatch, ‘ that the present happy concurrence of the states of Christendom’ (Quære, Some of the states of Europe?)”—(with the

obvious exception of Switzerland, and one or two others similarly situated ;—all) “ ‘ in this great object, not merely justifies, “ ‘ renders indispensable, the right now claimed and exercised “ ‘ by the British Government.’ This, it will be observed, was “ ‘ written before the conclusion of the late treaty, between five “ ‘ of the European powers, upon this subject ; and, therefore, “ ‘ has relation only to the previous isolated treaties ; though “ ‘ that circumstance in our view, whatever it may do in that of “ ‘ Lord Aberdeen, changes nothing in the rights of the parties “ ‘ to this controversy. That all the powers of Christendom “ ‘ have not conceded this right of search will not be disputed ; “ ‘ for we suppose the United States may fairly claim to *belong* “ ‘ to that great brotherhood of nations. It is possible Lord “ ‘ Aberdeen means all his words clearly express. Will he “ ‘ openly assume the principle, that the concurrence of some of “ ‘ the powers of Europe, great or small, in a measure, even “ ‘ when avowedly and specifically confined to themselves, im- “ ‘ mediately and *ipso facto* changes the law of nations, and “ ‘ sanctifies the principles of the new measure ? ”

Does the “ American ” mean then to assert, after all, that the United States look upon the slave-trade as *legal* ? If this is not his meaning, what is the object of this tirade ?

Page 62.] “ *Why not extend it to all cases (?)* which may “ happen, and stop and seize upon the ocean all vessels sus- “ pected, or pretended to be suspected, of aiding in such eva- “ sion ? And why should not a French cruiser overhaul and “ search any merchantman, foreign as well as French, which, it “ may be pretended, has on board a young conscript fleeing “ from conscription ? ”

Page 63.] “ Lord Aberdeen says, that the fraudulent abuse “ of the American flag ‘ constitutes that reasonable ground of “ ‘ suspicion which the law of nations requires in such a case.’ “ *Let Lord Aberdeen put his finger upon that part of the law “ ‘ which applies to ‘ such a case,’* and all opposition to the pre- “ tensions of his country is at an end. But it is the fair provi- “ sion which is demanded, and not a substitute created by a “ false analogy. This doctrine is not to be supposed by trans- “ ferring to this subject principles and practices, applicable only “ to a state of war, and to acts which are then ‘ illegal,’ by the “ unanimous consent of mankind.”

We refer to the answer given by an American writer on international law, to this triumphant appeal. (See "Reply.") The rest, as far as is intelligible, does not apply to the case in question.

Page 64.] "There is a tendency in the communications of both the British Secretaries of State for Foreign Affairs to consider the African slave-trade as piracy. This point established, and all opposition to this claim of search, in cases *bonâ fide* suspicious, would cease. Lord Palmerston speaks of 'slave-trading pirates,' and Lord Aberdeen of 'piratical adventurers.'

"But this is loose language, except so far as it has reference to municipal laws. The slave-trade is nefarious, unjustifiable, and ought every where to be proscribed and rigorously punished. But it is one of that class of acts whose criminality depends upon the laws of different countries. A nation or a combination of nations may call it piracy, and apply to their own citizens the punishment usually prescribed for that crime."

At all events, by English and *American* law, the slave-trade is piracy.

Page 65.] "As to the status of slavery itself, it were idle to contend it is *illegal by the common consent of mankind*. It has existed since the earliest ages of the world, and there is probably no nation, ancient or modern, among whom it has not been known. By some it has been abolished, and where it yet survives, we hope its condition has been meliorated.

"This is certainly true of the United States." (This we deny upon the best evidence.) "A general disposition is gaining ground to improve the situation of this unfortunate class of society. This is felt in the Southern States of the American confederacy," (Can the "American" be so egregiously ignorant of the daily increasing stringency and abominations of the laws of the Southern States, as seriously to make this glaring mistatement? If he has long been out of his country, let him refer to the journals of the different States for the last three or four years!) "as well as elsewhere; and he, who should judge of the treatment of the slaves in that region by their treatment in the West India colonies, would do the Southern planter egregious injustice. The best proof of this assertion is the fact, disclosed by the statistical tables published by the Ame-

" rican Government, that in some of the slave states, the slaves  
 " increase faster than the white population ; and another fact,  
 " not less significative, is the rate of their natural augmentation.  
 " This is found to be between twenty-five and thirty per cent in  
 " each decennial period. A very respectable countryman, now  
 " here, in whose statement we place full confidence, has just  
 " informed us, he has examined the subject, and finds, though  
 " there are more than fourteen millions of free white persons in  
 " the United States, and but two millions and a half of slaves,  
 " yet the number in the latter class, over one hundred years of  
 " age, is almost double that in the former.

" We are no slaveholder. We never have been. We never  
 " shall be. We deprecate its existence in principle, and pray  
 " for its abolition every where," (only resisting with frantic and  
 " indecent violence every step tending to carry into effect its abo-  
 " lition, or even its amelioration. See late scenes and violations  
 " of Constitution in Congress, *passim*.) " where this can be effected  
 " justly, and peaceably, and safely for both parties." (What is  
 " to prevent this consummation, if sincerely wished ?) " But we  
 " would not carry fire, and devastation, and murder, and ruin  
 " into a peaceful community, to push on the accomplishment of  
 " the object." (Has any one of these concomitants attended  
 " the emancipation of the slaves in the British colonies ?) " But  
 " after having visited the three quarters of the Old Continent, we  
 " say, before God and the world, that we have seen far more,  
 " and more frightful, misery, since we landed in Europe, and we  
 " have not visited Ireland yet, than we have ever seen among  
 " this class of people in the United States." (Then must the  
 " American " either have very myopic vision in the United  
 " States, or never have visited the States of Georgia, Louisiana,  
 " &c., or have a system of estimating such sufferings entirely *sui*  
 " *generis*.) " Whatever may be said, there is much of the patri-  
 " archal relation between the Southern planter and the slave.  
 " And as to the physical distress which is seen in Europe, re-  
 " sulting from a want of food, and from exposure to a rigorous  
 " winter, without adequate clothing, we believe it to be so  
 " rare, as not to form a just element in the consideration of  
 " this matter. (!) But the subject of the emancipation of  
 " two millions and a half of human beings, living among  
 " another population, of different race and colour, and with  
 " different habits and feelings, is one of the gravest questions,

“ which can be submitted to society to solve. It can be safely left only to those who are to be so seriously affected by it,” (The presumption would be that he meant the two millions and a half most grievously effected by it; but we must recollect that the “ American ” looks upon them as “ merchandise,” and that he leaves to the *masters* alone the work of emancipation, *i. e.* to be effected on the Greek Kalends of some future year), “ and there it is left by the Constitution of the United States.” (This is not accurate, as far as interfering for *the protection* of personal liberty, the Constitution is interpreted as *null*: but a late iniquitous decision of the supreme court has shewn that the pro-slavery dictation has now reached the judiciary of the United States, and the Free States are robbed of the independent state right, upon whom alone the slave states rest *their* right of holding in thralldom whomsoever they please. They now can exercise their *local state* slave laws over the whole of the Union !

In Chief Justice Marshall’s time such things could not have occurred. The most serious blow has been struck at the institutions of the United States from the moment that the Supreme Court has yielded to the interested domination of the South.

“ It is a matter with which the general Government has no concern.

“ And so with respect to the slave-trade, it is a traffic which can be traced back to the time of Jacob, whose son was sold into Egypt; and down, in some form or other, during the successive ages, which have intervened, to the last century, when, by treaty, arrangements with Spain, England obtained, as a great commercial favour, the privilege of supplying the Spanish colonies with slaves, and to the present, when, after many years of bitter opposition, the English Parliament voted the abolition of the slave-trade; but when some of the greatest names in England were found in the minority. These statesmen, by their votes not only pronounced the slave-trade to be legal and expedient,” (yet elsewhere England is accused of abolishing slave-trade from motives of interested calculation!) “ but moral also, so far, as that consideration formed, at that time, a motive of legislative action. That it is illegal, by the great code of public law, no statesman, or publicist, or well-informed man will seriously contend.” (To put the sincerity of this principle to the test it

were desirable that the "American" should be enslaved in Marocco, or among the Tartar tribes for a year or two.) "Thanks to the advancing opinions of the age, its atrocity is generally acknowledged, and the obligation of Christian states to extirpate it almost everywhere felt and obeyed. But it is not permitted, in order to attain a great good, to commit a great evil. In order to break up this traffic, to break down the barriers which centuries have been rearing, and by which *the weak are every where protected against the strong, the peaceful against the warlike.*" (One would think this was an argument on the other side of the question.) "The law of nations is but general opinion, illustrated by able jurists, and sanctified by time, and by universal acquiescence," &c.

Page 72.] "But the United States refuse no such co-operation." (This is new! in the teeth of all their efforts to afford protection to the slave-trade.) "They have interdicted, as we have seen, this trade to their citizens, and have provided exemplary punishments for the transgressors. They have, for many years, kept a squadron upon the coast of Africa, to aid in its suppression, and they are now making arrangements for its augmentation." (When we see a slave vessel captured by an American cruizer, and that vessel condemned, we shall think this worthy of attention.) "We do not affect to deny that a *general right of search would assist the objects, which all Christian powers are seeking to attain.* It would be an additional means of detection. But such a right is not at all indispensable to success." (The "American" knows right well that it is absolutely so.) "Much has already been done, and the work is going on now. It would be greatly promoted, if the markets in countries to which slaves are yet transported were closed to this traffic." (Rather superfluous truisms to those who for years have been spending vast sums and negotiating treaties to effect this object.) "If these unhappy victims of lawless violence could not be sold, they would not be bought. Let a general effort be made with the Spanish, Portuguese, and Brazilian Governments, to induce them to act vigorously in this matter, by judicious municipal regulations faithfully executed, and a powerful means of success will be put in motion, without 'breaking down the great principles which now stand in its way.'"



Why, what idle talk is this! Does the "American" affect ignorance of the unceasing efforts of the British Government in all these countries, and of their defeat through the direct instrumentality of the United States flag and people?

Page 73.] "This journal proposes, that an officer of the British and American navies shall reciprocally sail in one of the cruisers of the respective nations, and that such officer shall exercise the right of search in the vessels of his own country; thus ascertaining their character and objects, and seizing them, when guilty, without any violation of the rights of sovereignty. We do not stop to examine this proposition; we merely allude to it to shew that, in a spirit of accommodation, means may be found to reconcile all avowed objects with national dignity and independence. Such a plan would possess one advantage, it would be truly reciprocal; whereas the proffered power to search is but the mockery of reciprocity towards the United States, whose institutions never will permit impressment as a means of manning their navy. While, therefore, the British officer enters to search and impress" (an assertion shewn repeatedly to be a gratuitous and unfounded supposition), "and the American officer enters to search, the inequality is too glaring to need illustration."

This sounds plausible. It is "important *if true*." But in the only parallel case attempted, on the authority of cruising commanders of the two nations, the Government of the United States at once put a stop to the beneficial understanding; as they will and must to any practical interference with man-selling.

Page 75.] "By and by, after law shall have worked its way far enough, the trick may become a French citizen; and what sort of a struggle will come when that step is taken?"

It is *so* probable that English officers will impress French seamen! particularly in time of peace, when they can impress none.

"But should the United States yield to this claim, what security is there for them, or for nations like them, interested in the freedom of the seas, that it would not be followed by another and another pretension, till the British flag rode



“triumphant over the waters of the earth? How far is to be pushed *this crusade of benevolence*, which would involve east and west in one common calamity, in order to attain, in its own way, an object which *must come, and that speedily?*” (This is not clear—to what object does he allude?)

“There are significant signs abroad, that this is but the commencement of a system destined to a wide extension. Already the project has been publicly discussed in England, of putting a stop to slavery, by putting a stop to the sale of its products. It has been supported in the journals, and advocated, we believe, in parliament, &c.

Page 76.] “But benevolence is sometimes shrewd as well as active; and the proposition so far is merely to interdict the sale of these products in England; yet who can tell how soon the question,” &c.

This is the writer who attributes no motives, who offers no “criminations,” &c.

“*Slavery is wrong, as well as the slave-trade.*” (Here, at all events, is at length a fair admission.) “We cannot enter upon the territory of another nation to suppress it. But we will seize its products upon the ocean. They shall become *contraband of peace,*” &c. (!)

Page 77.] “There are planted her laws, her language, her manners, her institutions. A thousand ties of interest unite these kindred people. Let England cherish this, as her most glorious work. But let her recollect, too, that a spirit equal to her own animates the republic; and though she may be crushed, that she will not be dishonoured.”

*She will* certainly be dishonoured, and will *deserve* to be crushed, if she follow up her “Crusade” in favour of slavery and the slave-trade; while by joining Christendom in the great measure that has lately ennobled the history of the international relations of the great powers of the world, she will at once share in their honour, and prove the sincerity of professions that have hitherto been at variance with all her acts.

## No. II.

(Extract from a Liverpool Paper.)

“ We copy to-day from a New Orleans paper a few facts arising out of judicial proceedings, and illustrative of those grand principles of *equality* so prominently and ostentatiously set forth in the American declaration of independence. ‘ All men,’ says that piece of lying fustian, ‘ are born equal.’ They who signed the document knew that they were asserting a falsehood, not only in theory but in practice; and that while they were professing a love of liberty, they were slave-dealers, prosecuting a trade in human flesh, riveting the shackles of at least two millions of black men, and treating them as beasts of burden, which the subscribers of the declaration, or their successors, have continued to do until the present day.

“ The case, however, to which we allude, and to which we earnestly invite public attention, possesses some peculiar attributes which make it, in our estimation, unusually revolting.

“ It appears that certain persons, citizens of the state of Louisiana, who are styled ‘ *respectable* citizens of different Protestant denominations,’ had raised a sum of 1000 dollars for the purpose of distributing Bibles to those who either had not the means or the inclination to procure a copy of the Holy Scriptures. They ordered from New York, and in due time received, a number of Bibles, representing the value of the 1000 dollars. They appointed agents to inquire into the religious necessities of the poorer population; and one of these agents, not properly understanding his duty, nor the stringent nature of the laws in the land of liberty, was discovered one afternoon in conversation with one or two slaves; and it was afterwards ascertained that he had perpetrated the horrid crime of asking them whether any of them could read, and whether they should not like to have a Bible.

“ This was deemed an invasion of the rights of citizenship. In a *free* country no man is permitted to address such a question to a slave. It is an insult to the *magna charta* of the commonwealth, a libel upon the declaration of independence, a felony committed upon republican equality.

“ The unfortunate offender against the laws, in the case to

which we refer, was dragged before the Recorder, charged with tampering with the slaves of the accuser, and actually offering them a Bible! The members of the Bible Society, when informed of this, were driven to their wits' end. They would have evinced their fine notions of Protestantism by eating the Bible and the agent too, if they could thereby have hushed up the affair. This, however, was impossible. The offence was of too grave a nature to be passed over *sub silentio*, and the Recorder was compelled to deal with it in open court, and for the sake of example. And how did this republican judge deal with it?

“ The serious nature of the *crime* was admitted by all the parties. The Protestant leaders of the Bible Society really confessed that it was *criminal* to offer a Bible to a slave, or hold any conversation with a slave about the Bible, or about Christianity, or any shade of religion whatever; but they pleaded that their agent had disobeyed their orders from pure ignorance, and that his conversation with the slaves in question arose from his want of discernment and his deficiency of understanding, and on this ground they prayed that he should be released from prison and from custody without further punishment. The Recorder was lenient and most merciful, as all republican judges are, and he dismissed the unhappy Bible-distributor after inflicting upon him a severe lecture. He told him he was exceedingly fortunate in having fallen into such charitable hands; that the laws of the enlightened state of Louisiana imposed a heavy punishment against such criminals; that speaking to a slave about the Bible was equal to treason against the state— treason against *liberty* and the famous declaration of independence— and that he must take care not to commit a similar offence for the future. Solemn promises to this extent were made; the members of the Bible Society declared that they never did and never would countenance any agent in speaking to slaves, far less giving them Bibles, and the judicial inquiry ended to the satisfaction of all parties, the Recorder stating that he cherished a profound respect for Bible Societies!

“ Now, kind reader, we shall suppose you to have perused the article from the New Orleans paper, and having done so in the honesty of a good heart, and as a free-born Englishman, we ask you this one simple question, What do you think of the laws of the United States, of this model republic of this boasted land of liberty?” &c.

## LOUISIANA SLAVERY v. THE BIBLE.

We abridge this from the *New Orleans Picayune*, of  
Aug. 12 :—

“ CHAUNCEY B. BLACK.—The charge made on Monday last against this individual by William H. Avery, was yesterday investigated before Recorder Baldwin. The accused, it will be recollected, was charged with tampering with the slaves of the complainant, a course of conduct which was calculated to lead to insubordination among them.

“ Mr. Avery was sworn, and related the circumstances which led him to make the affidavit on which the prisoner was arrested. About four o'clock on the afternoon of Sunday last he was attracted by the conduct of the prisoner, who stopped and chatted familiarly with six or eight slaves in the neighbourhood of his dwelling, and among others with some of his own servants. This excited his suspicion; and it was still further increased by a remark he heard from one of his own slaves, who said, ‘ What can that man mean (alluding to the accused) by asking if I can read or write, or if I would take a Bible?’ He followed after the accused, told him his conduct excited his suspicion, and asked him why it was that he had been, as he saw him, tampering with his slaves and those of other citizens? The accused, first asking who he was and what was his number, replied that he was appointed by Mr. Lowndes, who was agent for a Bible Society, already organised, or about to be organised in this city, for the distribution of the Bible. He was then engaged, he said, in taking down a list of the names of persons who stood in need of the book, and would accept it from the Society. He entered indiscriminately on his list the names of white and black, slaves and free persons.

“ Mr. Lowndes impressed it strongly on the mind of the court that before any Bibles were distributed to the parties whose names might be taken by the accused, the list was to be first submitted to him; and, as it was opposed to his own feeling, and contrary to the intention of the Society, he would certainly furnish no slaves with a Bible!

“ The strongest and most satisfactory proof was given that the accused bore an excellent character; and that, in speaking to the slaves at all, he acted from a misconception of Mr.

Lowndes's instructions, and an ignorance of his duty as a sub-agent of the Bible Society.

"After the testimony was heard, the counsel for the accused, Mr. Micon, said he trusted the recorder, having heard the evidence, would see the propriety of at once discharging his client, and would not send him before the criminal court. It was evident he was actuated by no evil intention, and that the most of which he was guilty was indiscretion, for which he had already suffered enough by his arrest, and by being brought before the public as he had been in the newspapers. He believed that the true policy of every one friendly to southern institutions to pursue was, to get up no unnecessary excitement, nor create any unnecessary alarm; but to punish at the same time promptly and severely in every instance where there was any evidence of guilt. He then urged that the fact of asking a slave, 'Can you read or write? Will you take a Bible?' of which his client was unwittingly guilty, does not come within the purview of the statute, which makes it punishable to do any act which would lead to insubordination among the slaves.

"The Recorder addressed the prisoner, and told him that he highly approved the laudable work, distributing the Bible, in which he was engaged; but, while executing the duty, he must be cautious that he does not infringe *on other rights which are as dear to this community as religion itself*. Believing that in speaking to the slaves he was actuated by no evil intention, he would discharge him, bidding him God speed in his religious career, and cautioning him against ever bringing himself in contact with our institutions."

Another Extract from an American Paper:—

"The facts as above stated were admitted by the prisoner, who pleaded in mitigation 'that the most he was guilty of was indiscretion.' The officers of this precious Bible Society were examined on their agent's behalf. They gave him an excellent character, and declared it was contrary to the intention of their Society to furnish slaves with Bibles. The Recorder allowed the accused to go free, on the understanding that he was to desist in distributing Bibles among slaves. He highly approved of Bible distribution; but warned the defendant, in executing his duty, 'not to infringe on other rights which are as dear to this community as religion itself!' The

offender was then discharged, with a caution 'against ever bringing himself in contact with our institutions!'

"So, then, we have it practically admitted that the Bible cannot safely be intrusted in the hands of Louisiana slaves; that its circulation amongst these unhappy victims of human guilt would 'lead to insubordination,' and is an offence against the statute law of the commonwealth of Louisiana. 'Slavery,' said Mr. Recorder Baldwin, 'is as dear to the community of New Orleans as religion itself.' The assertion is a wicked lie! slavery is dearer to the community of New Orleans than religion; and what is more, slavery and religion cannot co-exist in New Orleans. Such is the amount of the decision as detailed elsewhere.

"The message of Governor M'Donald to the legislature of Georgia, delivered early last month, contains another illustration of the 'institution' in that state.

"'The spirit of fanaticism' (the fanaticism is all on the side of the slaveholder), says this stern republican, 'against which we have to contend is ardent, untiring, artful, and insidious. It has sent its missiles into a neighbouring state, and, perhaps, into our own, in incendiary prints and publications, concealed in packages of goods. Although, as a body, the highly respectable merchants of other states with which we have held commercial intercourse may not engage in such nefarious business, it is essential to our safety and interest that no avenue should be left open through which we may be assailed. The open ground occupied by the constitutional authorities of New York on this subject leaves no room to doubt that a large part of the population of that great state are hostile to the institution of slavery, and that for the purpose of destroying *it*, would destroy us. In this state of things, our safety requires that a system of police should be adopted that will protect us against the possibility of harm. I would, therefore, recommend, that a law be passed subjecting to inspection every package of goods that shall be imported, either directly or indirectly, from the state of New York, or any other state manifesting the same disposition of hostility to our institutions; and that competent officers be appointed to execute the law, with sufficient salaries to be provided by duties on goods imported from these states; and, moreover, that all suspected persons coming from such states be required to find surety for their good behaviour; and

particularly that they will in no manner interfere or hold intercourse with our slave population while within our limits.’

“The ‘institution’ totters when the distribution of Bibles is prohibited in Louisiana, and a *pro* slavery police has to be established in Georgia to protect its slaveholders ‘from the probability of harm.’ Every package of goods received in Georgia from New York contains abolition or prospective insubordination and rebellion, and must be searched with greater rigour than the Russian *douaniers* rummage the portmanteaus of travellers entering Poland. The Southern Americans may depend upon it that if they do not get rid of their favourite ‘institution,’ it will ultimately get rid of them.”

---

### No. III.

There is a little too much of this swaggering tone in all American writings; even the late message of the highest authority of the United States is not exempt from the style of oratory classified by Washington Irving as “Slangwhanging,” when making an appeal that sufficiently betrays on what small foundations the boasts are made. “I take upon myself, without a moment of hesitancy (*sic*) all the responsibility of recommending the increase and prompt equipment of that gallant navy which has lighted up every sea with its victories and spread an imperishable glory over the country.”

We are tempted, without calling in question the real gallantry and daring of the United States navy, to inquire when, where, and how these victories were thus achieved in *incognito*? Of course, allusion is intended to three or four actions of single frigates, of disproportioned force to their antagonists, and a flotilla action on a lake in which each force counted, perhaps, a little more than the number of men forming the complement of a line-of-battle ship. A practical naval man, and a writer of talent and observation, to whom justice is not done in the United States—Cooper—more accurately estimates the naval force of his country, and knows wherein consists naval superiority. In the preface to the “Two Admirals” he observes:—“An American fleet never yet assembled, the republic possesses the materials for collecting



such a phenomenon," &c. And elsewhere he says, " True naval superiority, or skill, can only be shewn in the command of large fleets," &c.

The true state of their case is also felt by other Americans occasionally. Thus an American paper of January 1828, when the probable consequences of the threats of the United States government to make reprisals on that of France had caused well-founded alarm in the greater part of the United States, speaking of the possibility of a general Indian war on their frontier, of which the difficulties would be fearfully aggravated by a war with Great Britain, says,—

" We are free to say that at present we have little fear of a war with Great Britain, because we are certain that both *governments* are honestly desirous of avoiding such a calamity ; and because also we confide in the good sense of our *people* to put down the spirit of semi-hostility which has sprung up on the frontier, in connexion with the attempted revolution in Canada. Nevertheless, the suddenness with which we have been brought to contemplate such an event as more than possible, must convince us of the utter folly and madness of leaving ourselves without protection against such contingencies. *We ought at least to have spare men enough to fire a salute, on the entrance of a foreign ship of war into the principal port in the Union ; which is more than we had when a French government ship arrived here soon after the adjustment of our late difficulty with that country.\** We ought also to be able to spare a few men for exposed points, such as the frontier of Maine has been for the last two years, and as other portions of our northern frontiers now are ; and, finally, we ought to have a force able to co-operate with the navy in any enterprise which might result from a war with Mexico, or any other power."

It was fortunate for the United States that their government was successful in its great game of " brag," for Admiral Mackan had already proceeded to the West Indies with fourteen sail of the line and frigates, and was to have been soon joined by as many more ready at Toulon, when circumstances incidentally saved the United States from a severe lesson.

Such actions as those which have taken place not many

\* This was literally a fact.



years ago, with thirty line-of-battle ships on each side — these may, with less assumption and exaggeration, be said to “light up the seas.”

A pamphlet, published in 1838, quoted in the *Morning Chronicle* with approbation, contains some passages so apposite to some of the subjects treated in this reply, that we make the following extract :—

“Some diplomatic discussion is to be apprehended with the United States in relation to the affairs of Canada. With the best intentions on the part of their government, acts of outrage have been committed by citizens of the United States against Great Britain. In self-defence, and in the repression of these outrages, the Canadians have, in point of *form*, say the Americans, on one occasion, violated that neutrality which had, in fact, been violated by the people of the United States on British territory repeatedly, and for weeks together.

“It is true, the American Government disavow the acts ; but can they prevent them ? If not, does not the law of nations authorise self-defence and protection of its own subjects by Great Britain, when the United States is unable to afford it ? At any rate, as the United States government is sincere in wishing to avoid useless irritation on this question, they will not make a serious cause of complaint on a point which turns upon the question, whether a small—avowedly piratical—steamer had a rope fastened to the United States’ shore or not !

“Could the American authorities have seized the steam-boat Caroline, and punished the perpetrators of the breach of neutrality and their abettors, there would have been no justification for the act of self-defence of the Canadians. But it would be too much to expect that from a punctilious observance of national law, not enforced (however involuntarily) by the American Government, the Canadians should be so far the dupes of their attention to decorum, as not to prevent their assailants from cutting their throats.

“Whenever the United States Government comes in immediate contact with foreign powers, it will be found extremely difficult under the present form of government, to separate the individual character of masses of their people from that of the general government, still further complicated by the pretensions of the separate state sovereignties. The law of nations, as it stands, has been found generally sufficient for the pur-

*poses of intercourse between European governments ; but either an express modification of that law, or of those of the United States, will be ultimately necessary, or unfriendly collision between the United States and every other country with which she may come in contact, is likely to be the result."*

---

## No. IV.

Let it not be said that because we foretel the disastrous consequences of a war between any great European nation and the United States, that we are preaching massacre and incendiarism, &c. The following extract from a Report to the War Department, of last November, proves that those who are practically acquainted with the subject know well the danger that arises from the injustice of the United States towards part of her population.

" Report of Quarter-master-General. Washington, Nov. 15, 1841. (Submitted to Congress, 2d Sep., of 27th Congress) :—

" In the event of war with either of the great European Powers possessing colonies in the West Indies, there would be danger of the peninsula of Florida being occupied by blacks from the islands. A proper regard to the security of our Southern States requires that prompt and efficient measures be adopted to prevent such a state of things. . . . . The timely attention of the Government to that important object (military defences) may save a heavy expense, as well as avert the most disastrous consequences," &c. &c.

General Jessup (the writer of this report) may, perhaps, be more uneasy than others, as his conscience can hardly be very clear on the subject of a war in Florida.—*Vide Treachery towards Oceola, &c. &c.*

---

## No. V.

We cannot refrain from giving the speech of M. de Lamar-tine *in extenso*. It offers that rare union of sound sense and

argument, supported by the noblest and purest sentiments, expressed in the most eloquent and purest language, and for the best purposes, that it is a benefit to humanity to contribute to its dissemination.

We copy the speech from the *Courrier de l'Europe* of M. V. Bohain, an excellent paper, generally conducted in a spirit calculated to soften national and unwise prejudices, equally injurious to the interests of England and France:—

“ C'est M. de Lamartine qui a répondu. Nous donnons ici son discours, heureuse et brillante improvisation, qui a été reçu avec enthousiasme. Les grandes causes vont bien à l'illustre orateur:—

“ Messieurs,—En écoutant les pieuses et ardentes paroles de M. Scoble, ces paroles pénétrées de la chaleur d'un zèle tellement divin, qu'elles se faisaient jour jusqu'à vos cœurs à travers la diversité des langues; en applaudissant comme vous à ces appels au sentiment de la liberté pour tous, caractère national de la France depuis qu'elle a conquis, il y a un demi-siècle, la liberté pour elle-même; et ces invocations à l'extension de l'influence française par tout l'univers, pour que cette influence se sanctifiât par l'abolition universelle du honteux commerce des esclaves, j'éprouvais à la fois un double sentiment, un sentiment de joie, un sentiment de tristesse; oui, je me réjouissais en moi-même de voir ici réunis et fraternisant des hommes, de langues, de patries, d'origines, d'opinions diverses, qui, poussés par le seul désir du bien, ont quitté leur maison et leur pays, ont traversé la mer pour venir combiner leurs efforts en faveur d'une cause qui ne touche ni eux, ni leur famille, ni leurs enfans, ni même leurs concitoyens, et se consacrer à la régénération d'une race d'hommes qu'ils ne connaissent pas, qu'ils n'ont jamais vus, qu'ils ne verront jamais, dont les bénédictions les suivront sans doute un jour dans le ciel, mais dont la reconnaissance ne les atteindra jamais ici bas! C'est là du désintéressement dans ce siècle qu'on accuse d'égoïsme, mais c'est un désintéressement commandé par l'amour des hommes et payé par Dieu.

“ Et en même temps, Messieurs, je ne pouvais que m'attrister en pensant que ces sublimes manifestations de la charité pour le genre humain, qui nous réchauffaient ici de toute leur foi, et d'une foi si vraie, si éloquente dans la bouche de M. Scoble et de ses associés, ne retentissaient pas hors de cette

enceinte ; mais, qu'au contraire, vous ne seriez pas encore sortis de cette réunion, ces paroles que vous entendez ne seraient pas encore refroidies dans vos cœurs, que déjà les interpellations malveillantes, les insinuations odieuses, les clameurs intéressées, s'empareraient de l'acte, des hommes, des discours, et jetteraient sur tout cela les fausses couleurs, les travestissemens et le ridicule, ce premier supplice de toute vérité ; il faut s'y attendre et il faut les braver. La vérité sociale, religieuse, politique, serait trop facile à suivre et trop belle à embrasser, s'il n'y avait pas entre elle et nous la main intéressée de la routine et les pointes acérées de la calomnie.

“ Que dira-t-on de nous, Messieurs ? Deux choses : qu'en poussant les esprits à la solution de la question de l'esclavage dans nos colonies, nous sommes des révolutionnaires, et qu'en voulant les efforts combinés de tous les peuples civilisés pour l'abolition de la traite, nous ne sommes plus assez patriotes ; répondons :

“ Nous sommes des révolutionnaires ; vous voyez comment. Vous venez d'entendre ces paroles prudentes, mesurées, irréprochables, de l'orateur auquel je réponds ; vous avez entendu ce matin celles de M. le Duc de Broglie, de M. Passy, de M. Barrot, ces paroles qui tomberaient d'ici entre le maître et l'esclave sans faire rejaillir de leur cœur autre chose que la justice, la miséricorde, et la résignation ; nos réunions n'en ont jamais eu d'autres. Moi-même je l'ai dit ; nous ne sommes pas, nous ne voulons pas être des tribuns d'humanité, des agitateurs de philanthropie, et lancer d'ici, où nous sommes en sûreté, où nous vivons à l'abri des lois et de la force publique, lancer dans nos colonies je ne sais quels principes absolus chargés de désordres, de ruines et de catastrophes, pour y faire explosion à tout risque et emporter à la fois les colons, les maîtres et les esclaves ! Non, ce serait là un crime et une lâcheté ; car pendant que nous recueillerions des applaudissemens sans péril dans des banquets comme celui-ci ou sur le marbre retentissant de quelque tribune, nous exposerions nos frères, nos concitoyens des colonies, premier objet de nos devoirs et de notre affection ! (Applaudissemens unanimes.)

“ Que voulons-nous donc ? Ce qu'on vient de vous dire, et par des bouches qui ajoutent autorité aux paroles : non pas faire, mais prévenir une révolution, restaurer un principe et conserver notre société coloniale. Nous voulons introduire

graduellement, lentement, prudemment, le noir dans la jouissance de l'humanité à laquelle nous le convions, sous la tutelle de la mère-patrie, comme un enfant pour la compléter, et non pas, comme un sauvage, pour la ravager! Nous le voulons aux conditions indispensables d'indemnité aux colons, d'initiation graduée pour les esclaves: nous voulons que l'avènement des noirs à la liberté soit un passage progressif et sûr d'un ordre à un autre ordre, et non pas un abîme où tout s'engloutisse, colons et noirs, propriétés, travail et colonies! Voilà, Messieurs, quels révolutionnaires nous sommes! Nous disons aux colons: Ne craignez rien, notre justice et notre force sont là pour vous garantir vos biens et votre sécurité. Nous disons aux esclaves: N'essayez pas de rien conquérir par d'autres voies que par le sentiment public; vous n'aurez de liberté que celle que nous vous aurons préparée, que celle qui s'associera avec le bon ordre et avec le travail! Si vous appelez cela révolution, oui, nous sommes révolutionnaires, révolutionnaires comme l'ordre! révolutionnaires comme la loi! révolutionnaires comme la religion! révolutionnaires comme Fénélon, comme Franklin, comme Fox, comme Canning, comme O'Connell, comme les ministres les plus conservateurs de la Grande-Bretagne! comme tous ces grands hommes de tribune et tous ces grands hommes d'Etat qui, trouvant une vérité sociale arrivée à l'état d'évidence et de sentiment dans un peuple, la prennent hardiment dans la main du législateur, dans le domaine des faits. Dieu nous donne beaucoup de révolutionnaires de cette espèce: les révolutions subversives attendront long-temps. (Nouveaux applaudissemens.)

“ ‘ Nous suscitons, nous fomentons, dites-vous, des espérances parmi les noirs. Voyez quel crime! Vous ne savez donc pas que le seul supplice que Dieu n'ait pas permis à l'homme d'imposer pour toujours à son semblable, c'est le désespoir! Vous ne savez donc pas que rien ne rend patient comme une espérance, et qu'il n'y a pas de bâtonnettes, pas d'escadres, pas de prisons, pas de menottes qui puissent valoir, pour maintenir les noirs dans le devoir et dans le calme, la certitude que la mère-patrie, que le gouvernement s'occupent sérieusement de leur sort, et le rayon d'espérance qui va d'ici même briller sur leurs dernières heures de servitude, et leur montrer de loin la famille et la liberté! (On applaudit.)

“ ‘ Voilà quant au premier reproche.

“ ‘ Et maintenant est-il vrai que nous soyons moins patriotes, parce que nous voulons donner une patrie à toute une race d'hommes proscrits et sans place au soleil ? Est-il vrai que nous soyons moins patriotes que ceux qui, en se félicitant d'avoir tous les biens de la vie civile, ne veulent pas que d'autres les possèdent ? Est-ce que l'héritage des enfans de Dieu sur la terre ressemble à cet héritage borné du père de famille où les fils ont une part d'autant moins large qu'ils en donnent une part plus grande à leurs frères ? Non, vous le savez bien ; la domaine du père commun des hommes est sans bornes ; il s'étend avec la civilisation et avec le travail à mesure que des races nouvelles se présentent pour le cultiver ; c'est l'infini en espace, en droits, en facultés, en développemens ; c'est le champ de Dieu. Celui qui le borne et qui dit aux autres : ' Vous n'y entrez pas, ' celui-là n'empiète pas seulement sur l'homme, ilempiète sur Dieu lui-même ; il n'est pas seulement dur et cruel, il est blasphémateur et insensé. (Vive adhésion).

“ ‘ Ne serait-il pas temps de s'entendre enfin sur ce qu'on appelle patriotisme, afin de ne pas nous renvoyer éternellement comme des injures des termes mal définis qui dénaturent nos pensées aux uns et aux autres, et qui sèment l'erreur et l'irritation entre les hommes et entre les peuples ?

“ ‘ Le patriotisme est le premier sentiment, le premier devoir de l'homme que la nature attache à son pays, avant tout, par-dessus tout, par tous les liens de la famille et de la nationalité, qui n'est que la famille élargie. Celui qui ne serait pas patriote ne serait pas un homme complet, ce serait un nomade. Pourquoi est-il si beau de mourir pour son pays ? C'est que c'est mourir pour quelque chose de plus que soi-même, pour quelque chose de divin, pour la durée et perpétuité de cette famille immortelle qui nous a engendrés, et de qui nous avons tout reçu. (Bravos.)

“ ‘ Mais il y a deux patriotismes : il y en a un qui se compose de toutes les haines, de tous les préjugés, de toutes les grossières antipathies que les peuples abrutis par des gouvernemens intéressés à les désunir nourrissent les uns contre les autres. *Je déteste bien, je méprise bien, je hais bien les nations voisines et rivales de la mienne ; donc je suis bien patriote ! Voilà l'axiome brutal de certains hommes aujourd'hui.*

*Vous voyez que ce patriotisme coûte peu ; il suffit d'ignorer, d'injurier, et de haïr. (Longs applaudissemens.)*

“ Il en est un autre qui se compose au contraire de toutes les vérités, de toutes les facultés, de tous les droits que les peuples ont en commun, qui, en chérissant avant tout sa propre patrie, laisse déborder ses sympathies au delà des races, des langues, des frontières, et qui considère les nationalités diverses comme les unités partielles de cette grande unité générale dont les peuples divers ne sont que les rayons, mais dont la civilisation est le centre ! C'est le patriotisme des religions, c'est celui des philosophes, c'est celui des plus grands hommes d'Etat ; ce fut celui des hommes de 89, celui de vos pères, celui qui, par la contagion des idées, a conquis plus d'influences à notre pays que les armées mêmes de votre époque impériale, et qui les a mieux conservées. Oui, nos pères de 89 nous montrèrent, en 92, comment ceux qui osaient aimer les hommes savaient mourir pour leur patrie !

“ Eux aussi on les calomnia, on les injuria, on chercha à les livrer à la risée et à la colère du peuple ! Eux aussi on les accusa d'être les dupes ou les complices des desseins machiavéliques de l'Angleterre pour perdre nos colonies en les régénérant : ils répondirent en montrant, en nommant leurs prétendus complices, dans le Parlement et dans les associations britanniques, et qui étaient donc ? et qui sont donc ces prétendus conspirateurs contre la liberté, les droits, la sûreté de nos colonies ? Ces prétendus ennemis de la France, qui étaient-ils, Messieurs ? Précisément ceux qui, représentans de l'Opposition en Angleterre, combattaient avec le plus de persévérance les pensées egoïstes, les pensées jalouses du gouvernement anglais contre nos alliés, contre l'Amérique, contre notre révolution, contre nous ! C'était Wilberforce ! c'était Sheridan ! c'était Lord Holland ! c'était Fox ! c'était le parti français ; c'étaient les apôtres les plus passionnés de l'influence de votre liberté par tout l'univers ! ces hommes qui s'écriaient, en plein Parlement, que séparer la France de l'Angleterre, ce serait mutiler la civilisation européenne, ou qui disaient comme Fox, comme O'Connell, que la France et l'Angleterre étaient à elles deux le piédestal de la liberté moderne, le piédestal d'où la statue de l'humanité s'élèverait le plus haut dans l'histoire.

“ Voilà ces conspirateurs : les nommer, c'est les absoudre !

“ On excite les susceptibilités justement irritables des deux



pays après les froissemens pénibles qui ont eu lieu entre les deux politiques. M. Scoble vient de toucher ce point avec autant de loyauté que de délicatesse ; je l'en remercie. Je l'aurais évité ; mais il vaut autant s'expliquer tout haut et sans réticence. Oui, on alarme à tort le sentiment public à propos d'un traité dont l'heure était mal choisie, dont l'extension et les formes étaient mal calculées, *mais dont la pensée qui est la nôtre ne peut pas être désertée par nous*, et doit être honorée, selon moi, dans les intentions de ceux qui la poursuivent. (Légers murmures).

“ Quoi, Messieurs, parce que des plages limitées, sur des points déterminés avec prudence, et sur des espaces de l'Océan que nous voulons définir et préciser, avec toutes les garanties pour notre commerce, tous les respects pour notre honneur, notre drapeau s'unirait à celui de l'Europe civilisée tout entière pour réprimer un infâme commerce d'hommes, il y aurait dégradation de notre pavillon ! *Est-ce que la dignité du drapeau français consisterait à couvrir de l'inviolabilité du crime ces navires étrangers, ces entrepôts, ces tombeaux flottans remplis de cargaisons humaines, au lieu de couvrir un grand et saint principe d'humanité et de liberté conquis au profit des hommes et au nom de Dieu ?* Ah ! ce n'était pas ainsi qu'il comprenait l'honneur du pavillon naval de la France, l'orateur, homme d'Etat qui, présidant ce jour-là l'assemblée nationale, le salua pour la première fois du haut de la tribune : ‘ Elles vogueront sur les mers,’ s'écria Mirabeau, ‘ les couleurs nationales de la France, et elles seront le signe de la sainte confraternité des amis de la liberté sur toute la terre.’ Qu'aurait dit le grand prophète des destinées de la révolution, si on lui eût annoncé qu'à cinquante ans du jour où il proférait ces belles paroles, on oserait revendiquer pour des corsaires américains, portugais ou dénationalisés, le droit de couvrir leurs crimes de l'inviolabilité du drapeau tricolore ? Il ne l'aurait pas cru ! et il aurait eu raison ; la France ne le voudra pas !

“ ‘ Messieurs, encore une fois, bravons *ces misérables glapissimens d'un odieux intérêt que se cache sous les honorables susceptibilités d'un sentiment national* ; ce sentiment s'apercevra bientôt à quelles honteuses combinaisons il sert de voile ; le patriotisme secouera son manteau, et l'égoïsme intéressé



rougira d'être reconnu dans toute sa nudité, dans toute sa faiblesse ! On vous a prononcé tout à l'heure un nom, le nom vénéré d'un homme qui passa par les mêmes épreuves que nous et qui en triompha ! car toute vérité à son calvaire, où il lui faut souffrir avant de triompher. Cet homme, c'est l'apôtre de l'abolition du commerce des noirs, c'est Wilberforce !

“ Lui aussi, lui surtout, il lutta pendant quarante ans pour la réhabilitation de toute une race proscrite, et il lutta avec cette fixité de but, cette sérénité de volonté qui n'appartiennent qu'aux hommes qui se dévouent à une idée, parce qu'une idée étant une chose qui ne meurt pas, une chose éternelle, participe, pour ainsi dire, de la patience de celui qui vit et qui dure éternellement de Dieu ! Lui aussi, les hommes qui s'appelaient de son temps les hommes pratiques livrèrent souvent ses intentions, sa conscience, à la dérision des politiques de la Grande-Bretagne.

“ Eh bien ! il ne désespéra pas, et il y eut un jour, un grand jour dans sa vie, un jour pour lequel il sembla avoir vécu tout le nombre de ses longues années. Ce fut le jour où le Parlement de son pays vota l'acte d'émancipation ! Le 28 juillet, 1828, Wilberforce vivait encore ; mais comme s'il eût attendu le salaire de sa vie avant de la quitter, il touchait à sa dernière heure, quand ses amis vinrent lui annoncer que l'acte libérateur était voté, et que son idée, à lui, son idée bafouée, calomniée, injuriée, déchirée comme le vêtement du martyr pendant un demi-siècle, était devenue une loi de son pays, et bientôt serait infailliblement une loi de l'humanité ! Le saint vieillard, absorbé déjà dans les pensées éternelles, et qui depuis long-temps n'avait pas proféré une parole, parut se ranimer comme une flamme remuée sous la cendre ; il joignit ses mains amaigries par la vieillesse et consumées par le zèle, il les éleva vers le ciel d'où lui était venu le courage et d'où lui venait enfin la victoire, il benit Dieu ; il s'écria comme l'auteur des choses : ‘ Ce que j'ai fait est bien ! Je meurs content ! ’ Et son esprit monta peu d'instans après dans l'éternité, emportant avec lui devant Dieu les chaînes prisées d'un million d'hommes ! (Bravos !)

“ Messieurs, ayons toujours devant les yeux cet exemple de la patience triomphante des injustices et des préjugés du

temps, et demandons à Dieu qu'un demi-siècle de travaux et de calomnies nous mérite un pareil jour. (On applaudit.)

“ Je demande à porter à mon tour un toast analogue aux sentimens qui nous unissent tous. Messieurs, à l'unité des peuples, à l'unité par les idées, par les religions, par les moyens de communication intellectuelle, les langues; par les moyens de communication matérielle, les chemins de fer; à l'unité qui centuple les forces du genre humain par la puissance de l'association, et qui prépare l'unité divine, c'est-à-dire la confraternité de toutes les races et de tous les hommes.’ (Vive adhésion.)”

---

#### No. VI.

We gladly hail the appearance of an article couched in the fair and sensible spirit which actuates the writer of the following article (extracted from the *Times* of April 1, 1842), who is, moreover, familiar with the principles and facts of the questions involved—more than can be said of the other writers, French and American—with scarcely an exception, that we have yet perused on this subject, who write either as *ex parte* advocates or blindly furious assailants.

The only observations which smack of Yankeeism in this article are those respecting the Boundary Question, the Caroline, and some general remarks. To the former we have only a *Tu quoque* to retort;\* the latter are, we suppose, the necessary homage to republican prejudices.

No remarks of ours could equal the judicious observations with which the *Times* introduces the article in question, which we therefore cite:—

#### “ RIGHT OF SEARCH.

“ It is consoling to the friends of peace to observe that the doctrines propounded by Mr. Stevenson and the Government of America, on ‘ the right of search in the African Seas,’ do not meet with universal concurrence even in the political atmo-

\* The aggressions of the State of Maine on the disputed territory, and on that of New Brunswick, are admitted in official correspondence. The extreme moderation of the British local authorities is matter of surprise, although of doubtful advantage, where so much abused.

sphere of the United States. We quote the following article from the *New York Evening Post*, for the purpose of shewing that the more sensible and prudent part of the American public are inclined to renounce the more violent dogmas of their Government, and to admit that the bare fact of hoisting an American flag can never be justifiably considered as a protection to the pirate or slaver that carries it. We are afraid, however, that on the other side of the Atlantic, where there has been an excitement of prejudices and an exasperation of passions which it would have been much wiser never to have awakened from their apparent torpor, it will be difficult to convince our irritable brethren of the broad sheet that there is an immeasurably wide difference between the right of search, against which they so strenuously contended in the years which intervened between 1797 and 1801, and the right of search which they now repudiate in 1841. The article which we are going to quote would be excellent even in a British view of the question; but being descriptive of an American view of it, the reasoning which it contains becomes really invaluable. We recommend the article, notwithstanding its prolixity, to the most careful perusal of our readers:—

“ ‘ RIGHT OF SEARCH IN THE AFRICAN SEAS.

“ (‘ *Mr. Stevenson's Correspondence.*)

“ ‘ The relations between this country and England are in an extremely critical position, so much so, that it is not extravagant to say that a single ill-tempered or wrong-minded minister on either side could bring about a war in six months.

“ ‘ Fuel is every day adding to the flame, and among not the least important points of controversy between us is that involved in the correspondence recently published between Mr. Stevenson and Lords Palmerston and Aberdeen. It may not be amiss, while yet the voice of reason can be heard, to consider the real nature of the question at issue. ‘ The right of search’ is the cry, and there is not one to which the American breast is more keenly or more properly sensitive. We all—especially those whose ardent republicanism makes them the opponents of the English system in every sense—we all instinctively rally under the banner on which is inscribed ‘ No right of search.’

“ ‘ But let us not be misled by names. It is worth while to see whether this immunity from search claimed by Mr. Ste-

venson is the same for which, scarce a generation since, we plunged into war, and for which the men of this day would again as readily battle.’”

The whole article, which we strongly recommend to attention, is too long for insertion. We therefore only add the latter paragraphs :—

“ ‘ The President has stated the controversy with vastly greater accuracy in his recent message. He says :—

“ ‘ American citizens, prosecuting a lawful commerce in the African seas, under the flag of their country, are not responsible for the abuse or unlawful use of that flag by others ; nor can they rightfully, on account of any such alleged abuses, be interrupted, molested, or detained, while on the ocean ; and if thus molested and detained whilst pursuing honest voyages in the usual way, and violating no law themselves, they are unquestionably entitled to indemnity.’

“ ‘ Of course, they are entitled to indemnity. But of what kind or to what extent ? An American vessel is overhauled on the high seas, and compelled to shew her papers. They appear satisfactory, and in an hour she is on her way again. What kind of indemnity would be thought worth claiming for a case like this ? Take another case. An American vessel is detained ; the papers do not appear satisfactory, and she is carried into port, put to delay and expense, and, after all, turns out a *bonâ fide* ship of the Republic. Take still a third case. An American vessel is arrested by an insolent British officer, the captain is insulted, perhaps maltreated : he is compelled to stop several days to please his captor, and all this without any sufficient reason. Here, in both these last cases, the indemnity doctrine applies, and applies with its rightful force. Such a case— one such case—is cause of the highest indignation. Unredressed or repeated in a single instance, and satisfaction should be demanded at the cannon’s mouth ; the citizen is entitled to full, complete protection ; and of all citizens the sailor’s rights, his dignity and interest, should be most carefully watched. If any substantial injury is done to an American vessel or an American citizen, by the subjects of a foreign power, the American is entitled to indemnity, and it is the duty of the government to insist upon it. To demand an inspection of papers, unaccompanied by insult or delay, is of itself no substantial injury.

“ ‘ And how, in the name of astonishment, can Mr. Ste-

venson say, 'that there is no essential difference between the right of search and that now asserted by Her Majesty's Government?' The right of search is a right exercised in war, of arresting all neutral vessels, no matter how clear and unquestionable the neutrality, of overhauling their crews, mustering the men, and carrying such of them off as the boarding-officer considers British subjects.

"The present right is a *right of visitation, or inquiry*, as it has been termed in an able article on the subject in a Boston paper, attributed to Mr. Charles Sumner — of inquiry for slaves and slavers, and *which pays the most deferential reverence to the American flag*, when once ascertained that it is *rightfully hoisted*.

"How these two things can be a moment confounded, it is *difficult to conceive*. But it is said that the right claimed is liable to abuse; undoubtedly it is, and should be most carefully, zealously watched, and indemnity in all proper cases rigidly insisted upon. *But there are many rights susceptible of abuse, and yet not the less unquestionable*. The right of arrest, on suspicion of crime, is one exceedingly liable to be abused; but where it is executed honestly, without unnecessary vexation, does the law inflict damages? Do juries inflict them on actions of false imprisonment? Certainly not.

"If we are to go to war, let us understand what we are fighting about. If it is against the right of search, in defence of our flag and the safety of our sailors, very well; that is one thing, and no man will be found backward at the muster. *But if it is against a mere right of inquiry — if it is either to enable all the piratical rascals in the world to carry on their infernal livelihood with impunity, or to prevent some dozen or fifty merchantmen, annually, from being detained half-an-hour or half a day, through honest error, from a mistaken supposition that they were pirates, that is quite a different matter*. The trumpet that bids to that contest will have rather a lugubrious note.

"No blame is to be ascribed to Mr. Stevenson: a foreign minister, contending for his country's rights, had better ask for too much than too little: but our representative, in this case, has most assuredly demanded what Great Britain will never concede, and what we, under similar circumstances, would never tolerate.

“ ‘ No particular devotion to Great Britain animates the writer of these paragraphs. That country—great in her power, great in her intellect, great in her achievements—is controlled by a haughty aristocracy, which has never shewn regard or sympathy for our republic. Our institutions are repugnant to them; and they manifest their dislike both in their official and their private intercourse. So long as the Government remains in those hands, so long as their people are animated by these feelings, so long will dislike and distrust chill all the relations between two countries which, by blood and language, are bound so close together.

“ ‘ We have now abundant cause of quarrel with her without seeking it on the coast of Africa. Her course of foreign policy is generally haughty and aggressive. The affair of the *Caroline*—the pertinacious retention of Maine, furnish a thousandfold better cause for strife than nine-tenths of the wars that have afflicted the race.

“ ‘ Do not then let us, with our eyes open, and with all these ample and sufficient subjects of contest or discussion, allow their statesmen or ours, by craft or plunder, to fasten a quarrel upon us on a point *where our position is totally indefensible.*

“ ‘ The owners of slave property are entitled to all proper assistance in the defence of that property; but let us not raise theoretical points, and argue abstract questions—*the only practical effect of which is to promote the infernal traffic in human beings.*

“ ‘ If we must have a war, there will be no factitious opposition to the Government, let the origin of the contest be what it may. No party will shipwreck itself on the rock on which the federalists went down thirty years ago. *But, for the respect of the present and future ages—by our hopes of freedom and our love of God, let us have no war in behalf of the slave-trade.*”

---

#### No. VII.

*Copy of the President's Speech to the House of Representatives, Washington, March 8.*

“ ‘ In my message of the 7th of December, I suggested the

propriety, and, in some degree, the necessity, of making proper provisions by law, *within the pale of the constitution*, for the removal, at the commencement, and at the option of the party, of all such cases as might arise in state courts, involving national questions, or questions touching the faithful observance and discharge of the international obligations of the United States from such state tribunal to the federal judiciary. I am urged to repeat, at this time, this recommendation, by the receipt of intelligence upon which I can rely, that a subject of Great Britain, residing in Upper Canada, has been arrested upon a charge of connexion with the expedition fitted out by the Canadian authorities, by which the *Caroline* was destroyed, and will, in all probability, be subjected to trial in the state court at New York. It is doubtful whether, in this state of things, should his discharge be demanded by the British Government, this Government *is vested with any control over the subject* (?), until the case shall have reached the court of final resort of the state of New York, and been decided in that court. And although such delay *ought not, in a national point of view, to give cause of umbrage to Great Britain* (!), yet the prompt and instant rendering of justice to foreign nations should be placed among our highest duties. I cannot, therefore, in consideration of what properly becomes the United States, and in anticipation of any demand from a foreign Government for the discharge of one of its subjects, *forego the duty of repeating my recommendation to Congress for the immediate adoption of some suitable legislative provision on this subject.*

“(Signed) JOHN TYLER.”

Can a more complete admission of the humiliating position of the (so-called) supreme executive of the United States be required than this, and of the incompatibility of the institutions of that country, with the observance of international law? The attempt to get out of the false position in which he is placed does honour to the President; nor can we but respect the feeling that induces him to endeavour to gloss over the painful and anomalous situation of his Government, and, therefore, make no remark upon questionable parts of this document.



## No. VIII.

In confirmation of much that is stated in the course of this Reply, we cannot but quote some passages from the most able, philosophical, and accurate book on the United States that has ever appeared,—the reader will at once perceive that we allude to Tocqueville. Whoever strives to describe with truth the United States must necessarily find that he has been anticipated in almost every reflection, and forestalled even in personal observations, by that excellent writer; and thus risk either the imputation of plagiarism, or that almost as unpardonable, of not having read with attention that sterling work.

It was not, however, until after this Reply was gone to press, that in recurring to M. de Tocqueville, we found that his observations so completely confirmed some of ours, that we almost began to doubt whether the experience of years passed in the United States, or reminiscences of his work, had dictated many of our remarks. Far be it from us, however, to say *perant qui ante nos*, &c.

We add a few passages from M. Tocqueville's *Démocratie en Amérique*, although it is more difficult to know what to omit in quoting from that book, than to discover that which it is desirable to cite.

“ Cette dépendance du pouvoir exécutif est un des vices inhérens aux constitutions républicaines. Les Américains n'ont pu détruire la pente qui entraîne les assemblées législatives à s'emparer du gouvernement,” &c. — *Tocqueville, Dem.* vol. i. chap. vi.

“ C'est principalement dans ces rapports avec les étrangers que le pouvoir exécutif d'une nation trouve l'occasion de déployer de l'habileté et de la force.

“ Si la vie de l'Union était sans cesse menacée, si ses grands intérêts se trouvaient tous les jours mêlés à ceux d'autres peuples puissans, on verrait le pouvoir exécutif grandir dans l'opinion,” &c.—*Ib.* c. viii.

“ Le Président des Etats-Unis possède des prérogatives presque



royales, dont il n'a pas l'occasion de se servir ; et les droits dont, jusqu'à présent il peut user sont très circonscrits ; les lois lui permettent d'être fort, les circonstances le maintiennent faible."—*Ib.*

" Dans les pays où la démocratie gouverne, et où le peuple attire sans cesse tout à lui, les lois qui rendent son action de plus en plus prompte et irrésistible, attaquent d'une manière directe, l'existence du gouvernement."—*Ib.*

In accounting for the probability of the existence of the federal government, as at present constituted, Tocqueville says :

" A ces facilités, &c., s'en joignaient d'autres qui naissent de la position géographique du pays. Il faut principalement attribuer à ces dernières l'adoption et le maintien du système fédéral," &c. " Tant qu'il n'est question que de maintenir la paix dans l'intérieur," &c. — The present system may last, " Mais pour qu'une nation se trouve en état de faire la guerre, les citoyens doivent s'imposer des sacrifices nombreux et pénibles. Croire qu'un grand nombre d'hommes seront capables de se soumettre d'eux-mêmes à de pareilles exigences sociales, c'est bien mal connaître l'humanité," &c.

" C'est donc en général, dans la guerre que se révèle, d'une manière plus visible et plus dangereuse, la faiblesse d'un gouvernement ; et j'ai montré que le vice inhérent des gouvernements fédéraux était d'être faibles."—*Ib.* c. viii.

" D'où vient donc que l'Union Américaine, toute protégée qu'elle est par la perfection relative de ses lois, ne se dissout pas au milieu d'une grande guerre ? C'est qu'elle n'a point de grandes guerres à craindre.

" Placée au centre d'un continent immense, où l'industrie humaine peut s'étendre sans bornes, l'Union est presque aussi isolée du monde que si elle se trouvait resserrée de tous côtés par l'océan."—*Ib.*

Are not the following passages prophetic ?

" Au Sud, l'Union touche par un point à l'empire du Mexique ; c'est de là probablement que viendront un jour les grandes guerres," &c.—*Ib.*

" Le grand bonheur des Etats-Unis n'est donc pas d'avoir

trouvé une constitution fédérale qui leur permette de soutenir de grandes guerres, *mais d'être tellement situés qu'il n'y en a pas pour eux à craindre.*"—*Ib.*

"Ce que je reproche le plus au gouvernement démocratique, tel qu'on la organisé aux Etats-Unis, ce n'est pas, comme beaucoup de gens le prétendent en Europe, la faiblesse; mais au contraire sa force irrésistible (he means as acting upon the executive).

"Et ce qui me répugne le plus en Amérique, ce n'est pas l'extrême liberté qui y règne, c'est le peu de garantie qu'on y trouve contre la tyrannie." (Of the majority.) "Lorsqu'un homme ou un parti souffre d'une injustice aux Etats-Unis, à qui voulez-vous qu'il s'adresse? A l'opinion publique? c'est elle qui forme la majorité; au corps législatif? il représente la majorité et lui obéit aveuglement; au pouvoir executif? il est nommé par la majorité, et lui sert d'instrument passif; à la force publique? la force publique n'est autre chose que la majorité sous les armes; au jury? le jury, c'est la majorité revêtue du droit de prononcer des arrêts: les juges eux-mêmes, dans certains états, sont élus par la majorité. Quelque inique ou déraisonnable que soit la mesure qui vous frappe il faut donc vous y soumettre."—Vol. II. chap. vii.

On the injustice of the treatment of the coloured races in the United States:—"Un despote venant à confondre les Américains et leurs anciens esclaves sous le même joug parviendrait peut-être à les mêler; tant que la *démocratie Américaine restera à la tête des affaires, nul n'osera tenter une pareille entreprise*, et l'on peut prévoir que plus les blancs des Etats-Unis seront libres, et plus ils chercheront à s'isoler." And in note: "Si les Anglais des Antilles s'étaient gouvernés eux-mêmes, ou peut compter qu'ils n'eussent pas accordé l'acte d'émancipation que la mère patrie vient d'imposer."—*Ib.* c. viii. How perfectly true!

"Le danger, plus ou moins éloigné mais inévitable, d'une lutte entre les noirs et les blancs qui peuplent le Sud de l'Union, se présente sans cesse comme un rêve pénible à l'imagination des Américains. Les habitans du Nord s'entretiennent chaque jour

de ces périls, quoique, directement il n'aient rien à en craindre. Ils cherchent vainement à *trouver un moyen de conjurer les malheurs qu'ils prévoient.*"

" Dans les états du Sud, on se tait ; on ne parle point de l'avenir aux étrangers ; on évite de s'en expliquer avec ses amis ; chacun se le cache pour ainsi dire à soi-même *Le silence du Sud a quelque chose de plus effrayant que les craintes bruyantes du Nord.*"

" Les Américains du Sud (des États-Unis) ont enlevé aux maîtres, dans la plupart des ces, la faculté d'affranchir. J'ai rencontré au Sud de l'Union un vieillard qui jadis avait vécu dans un commerce illégitime avec une de ses négresses. Il en avait eu plusieurs enfans, *qui, en venant au monde, étoient devenus les esclaves de leur père.* Plusieurs fois celui-ci avait songé à leur léguer au moins la liberté ; mais *des années s'étoient écoulées avant qu'il pût lever les obstacles mis à l'affranchissement par le législateur.* Pendant ce temps, la vieillesse était venue, et il allait mourir. Il se représentait alors *les fils trainés de marchés en marchés, et passant de l'autorité paternelle sous la verge d'un étranger.* Ces horribles images jetaient dans le délire son imagination espérante. Je le vis en proie aux angoisses du désespoir, et je compris alors comment la nature savait se venger des blessures que lui faisaient les lois."

It is doubtful whether the horrible consequences of this hateful system here portrayed are more painful to the feelings than the infinitely more general examples of the callous indifference with which the sale of children of mixed blood is regarded by their white "chivalric" parents in the slave-states of North America.

" Ce qui se passe dans le Sud de l'Union me semble tout à la fois la conséquence la plus horrible et la plus naturelle de l'esclavage. Lorsque je vois l'ordre de la nature renversé ; *quand j'entends l'humanité qui crie et se débat en vain sous les lois, j'avoue que je ne trouve point d'indignation pour flétrir les hommes de nos jours, auteurs de ces outrages ; mais je rassemble toute ma haine contre ceux qui, après plus de mille ans d'égalité, ont introduit de nouveau la servitude dans le monde.*

“Quels que soient, du reste, les efforts des Américains du Sud (des Etats-Unis), *pour conserver l'esclavage, ils n'y réussiront pas toujours.* L'esclavage, resserré sur un seul point du globe, *attaqué par le Christianisme comme injuste, par l'économie politique comme funeste; l'esclavage, au milieu de la liberté démocratique et des lumières de notre âge, n'est point une institution qui puisse durer.* Il cessera par le fait de l'esclave au par celui du maître. Dans les deux cas, il faut s'attendre à de grands malheurs.”— *Ibid.*

“Ainsi donc, il n'y a plus, à vrai dire, que deux races rivales qui se partagent aujourd'hui le nouveau monde, les Espagnols et les Anglais.

“Les limites qui doivent séparer ces deux races ont été fixées par un traité. Mais quelque favorable que soit ce traité aux Anglo-Américains, je ne doute point qu'ils ne viennent bientôt à l'enfriendre.”— *Ibid.* (Prophetic.)

“J'ai déjà parlé précédemment de ce qui se passe dans la province du Texas. Chaque jour, les habitans des Etats-Unis s'introduisent peu à peu dans le Texas, ils y acquièrent des terres, et, tout en se soumettant aux lois du pays, ils y fondent l'empire de leur langue et de leurs mœurs. La province du Texas est encore sans la domination du Mexique; mais bientôt on n'y trouvera, pour ainsi dire, plus de Mexicains. Pareille chose arrive sur tous les points où les Anglo-Américains entrent en contact avec de populations d'une autre origine.”— *Ibid.*

Can late events be more remarkably foretold ?

---

## No. IX.

At the moment that these pages are in press, articles in papers, reviews, and journals, daily appear, written in the same *ex-parte* spirit as the pamphlet of the “American,” and with more or less of violence, misrepresentation, or want of knowledge of the subject. One writer falls foul of Russia, and upbraids her for signing a treaty for the suppression of slave-trade, instead of abolishing it at home. Does this writer forget the extreme

difference that exists between the conduct of the highest executive of that country and the United States on this point? While we see the Emperor discouraging the modified state of serfdom (which formerly existed throughout all Europe) as much as possible, freeing the peasants on the crown estates, inducing his officers and nobles to follow his example, and offering, through military service, a road to freedom (while no internal slave-trade is permitted any more than in France), the general Government of the United States only interferes to rivet the chains of the coloured race still more firmly, even invading state-rights for this flagitious purpose. Again, while admitting the aggressions of Americans on the jurisdiction of the province of New Brunswick, and in the case of the *Caroline*, the argument used by some late writers is as though the father of a family should say, "I know that my children trespass on your grounds, break your windows, destroy your cattle, &c., but I make it a rule not to interfere, therefore you cannot ask satisfaction from me." The precedent of *Arbuthnot* and *Ambrister*, English prisoners of war put to death in cold blood by an American general, would have justified the Mexicans in shooting all the marauders of the *Santa Fé* expedition from Texas. Yet does the United States march an army to the frontiers to favour the *Texians*, and to prevent a friendly power from obtaining the services of natural allies — and, doubtless, to take, in fact, an active part against Mexico, peremptorily demanding, as under the protection of the United States, those who have violated the peace and territorial right of that country. While a senator of the United States has actually the audacity to assert, whether from ignorance or not is doubtful, that the fact of the recognition of the independence of Texas by the United States should have prevented Mexico from attempting to regain possession of her own!

But if it be true as reported, that General Cass has addressed an official remonstrance against the ratification of the Quintuple Treaty that France proposed and signed, then is the climax attained of violation of all diplomatic decency or international comity. France is thus told — "You have signed this treaty, but you shall not ratify it, because it does not suit 'our peculiar' institutions that you should do so." And the French

republicans brook and laud this insolent dictation,—it is incredible! Have the American ministers in Russia, Prussia, and England, &c., had instructions to address similar protests to the courts at which they are respectively accredited? We doubt it; at least it would not be long before some of them might expect to receive their passports, if they acted on similar extraordinary instructions towards Governments not under such unwonted dictation, or whose subjects are not so easily duped into taking up a cause entirely foreign to their own interests, and opposed to those of humanity and civilization.

---

LONDON:

PRINTED BY MOYES AND BARCLAY, CASTLE STREET,  
LEICESTER SQUARE.

is in-  
a, and  
ests to  
doubt  
might  
extra-  
ch un-  
ed into  
s, and



