IMPORTANT COMMUNICATION.

THE INADMISSIBLE PRINCIPLES. OF THE *King of England's PROCLAMATION* of Oct. 22, 1807—Considered.

The source from whence we derive this highly important discussion of a subject, involving so deeply the rights, the honor, and the interest of America, will render it unnecessary for us to invite the careful attention of our readers.
Ed. Patriot.

Quincy, January 9, 1809.

SIR,

In my letter of the 26th of December it was remarked that the proclamation for pressing seamen from our merchant ships had not been sufficiently reprobated. Some of the reasons for that opinion will be found in the following commentaries, which were written for private amusement, within a few days after the appearance in public of this

TEXT.

"*The proclamation of the king of G. Britain, requiring the return of his subjects, the seamen especially, from foreign countries, to aid in this hour of peculiar danger, in defence of their own.*"

"*But it being an acknowledged principle that every nation has a right to the service of its subjects in time of war, that proclamation could not furnish the slightest ground for an embargo.*"

This partial description has a tendency to deceive many, and no doubt has deceived thousands. *It is concealing the asp in a basket of figs.* The dangerous, alarming and fatal part of the proclamation is kept carefully out of sight. Proclamations of one kind are of immemorial usage; but the present one is the first of the kind. Proclamations of the first kind, issued usually in the beginning of a war, are in effect but simple invitations to subjects, who happen to be abroad, to return home. To deny the right of the king to issue them, would be as unreasonable as to deny his right to send a card of invitation to one of his subjects to dine with him on St. George's day. But in neither case is the subject bound by law to accept the invitation. As it is natural to every human mind to sympathize with its native country when in distress or danger, it is well known that considerable numbers of British commonly return home from various foreign countries, in consequence of these invitations by proclamation.—The British ambassadors, consuls, agents, governors and other officers give the proclamations a general circulation, stimulate the people to return, and contrive many means to encourage and facilitate their passages. All this is very well; all this is within the rules of modesty, decency, law and justice; no reasonable man will object to it. But none of these proclamations, till this last, ever asserted a right to take British subjects by force, from the ships of foreign nations, any more than from the cities and provinces of foreign nations. On the other hand, it is equally clear, that British subjects in foreign countries are under no indispensable obligation of religion, morality, law or policy, to return in compliance with such proclamations. No penalty is annexed by English laws to any neglect; no, nor to any direct or formal disobedience. Hundreds in fact, do neglect and disobey the proclamations to one who complies with them. Thousands who have formed establishments, and settled families, or become naturalized, or made contracts, or enlisted on board merchant ships or even ships of war in foreign countries, pay no regard to these orders or invitations of their former sovereign. Indeed, all who have become naturalized in foreign countries, or entered into contracts of any kind, public or private, with governments, or merchants, or farmers or manufactures, have no right to return until they have fulfilled their covenants and obligations. The President of the United States has as legal authority to issue similar proclamations, and they would be as much respected by American citizens, all over the globe. But every American would say his compliance was voluntary, and none, whose engagements abroad were incompatible, would obey. But "it is an acknowledged principle, that every nation has a *right* to the service of its subjects in time of war." By whom is this principle acknowledged? By no man, I believe, in the unlimited sense in which it is here asserted. With certain qualifications and restrictions it may be admitted. Within the realm and his own dominions the king has a right to service of his subjects, at sea and on land, by voluntary enlistments and to send them abroad on foreign voyages, expeditions and enterprises—but it would be difficult to prove the right of any executive authority of a free people to compel free subjects into service by conscriptions or impressments, like galley-slaves, at the point of the bayonet, or before the mouths of field artillery. Extreme cases and imperious necessity, it is said, have no law; but such extremities and necessity must be very obvious to the whole nation, or freemen will not comply. Impressments, of seamen from British merchantmen in port or at sea are no better than the conscriptions of soldiers by Napoleon or Lewis XIV. who set him the example. So much for that part of the proclamation, which the text produces to public view. Now for the other part, which it has artfully concealed.

The king not only commands his subjects to return, but he commands the officers of his navy to search the merchants ships of neutrals, (meaning Americans, for it is not applicable to any others, nor intended to be applied to any others,) and impress all British seamen they find on board, without any regard to any allegation of naturalization; without any regard to any certificates of citizenship; without regard to any contracts, covenants or connections they have formed with captains or owners; and without regard to any marriages, families or children they have in America. And in what principle or law is this founded? Is there any law of God to support it? Is there any law of nature to justify it? Is there any law of England to authorise it? Certainly not. The laws of England have no binding force on board American ships, more than the laws of China or Japan. The laws of the United States alone, of which the law of nations is a part, have dominion over our merchant ships. In what law then is it grounded? In the law of nations? It is a counterfeit foisted into law, by this arbitrary, fraudulent proclamation, for the first time. Such a title, as *Impressment of Seamen*, was never found in any code of laws, since the first canoe was launched into the sea; not even that of England. Whoever claims right must produce a law to support it.—But this proclamation attempts to transfer a pretended right of impressing seamen from their own ships, which in truth is only an enormous abuse, to the impressment of seamen from foreign nations, foreign ships and foreign subjects. The honor of this gross attempt, this affront to our understandings as well as feelings; this contempt of our natural and national resentment of injuries, as well as our sympathies with fellow citizens and fellow creatures, suffering the vilest oppression under inhumanity and cruelty, could never have appeared in the world, had not the spirits of Lord Bute and Lord George Germaine risen again at St. James's.

It is in vain for the Britons to say, these men are the king's subjects.—How are they the king's subjects? By British laws. And what are British laws to us, on the high seas? No more than the laws of Otaheite. We Americans must say they are our fellow citizens by our laws. They have sworn allegiance to the United States. We have admitted them to all the rights and privileges of American citizens, and by this admission have contracted with them to support and defend them in the enjoyment of all such rights.—Our laws acknowledge no divine right of kings, greater than those of subjects, or any indefensible duty of subjects more than that of kings, to obedience. These remnants of feudal tyranny and ecclesiastical superstition, have been long since exploded in America. The king claims them to make them slaves. The President of the United States claims them, as it is his duty to do, by his office and his oath, not to enslave them, but to protect them and preserve them free. Our laws are as good as British laws. Our citizens have as good a right to protection as British subjects, and our government is as much bound to afford it. What is the impressment of seamen? It is no better than what the civilians call *Plagiat*, a crime punishable with death by all civilized nations, as one of the most audacious and punishable offences against society. It was so considered among the Hebrews. "He that stealeth a man and selleth him, or if he be found in his hand, he shall surely be put to death." Exodus 31. 17. "If a man be found stealing any of his brethren, then that thief shall die."—Deuteronomy 24. 7. The laws of Athens, like those of the Hebrews, condemned the plagiary or man stealer to death; and the laws of Rome pronounced the same judgment against the same outrage. But to descend from the Hebrews, Greeks and Romans to the British. What is the impressment of seamen in England, by their own laws, in their own ports, from their own ships within the four seas, or any where on the high seas? It is said to be an usage.—So were shipmoney loans and benevolences in the reign of Charles the first, and arguments were urged by his courtiers, to prove their legality, as plausible and conclusive as any that have been produced by judge Foster, in favor of impressment. It is at best but an abuse, subsisting only by toleration and connivance, like the practice in Holland of *kidnaping* men for settlers or servants in Batavia. It is in direct contradiction and violation of every principle of English liberty. It is a direct violation of Magna Charta and the fifty-five confirmations of it in Parliament, and a bold defiance of all the ecclesiastical execrations against the violators of it.—It is in direct violation of all their other statutes, bills and petitions of right, as well as the Habeas Corpus act. It deprives free subjects of their liberty, property and often of their lives, without alledging or pretending any accusation against them of any crime or fault. It deprives them of the trial by jury and subjects them to scourges and death, by martial law and the judgments of courts martial. It is a kind of civil war, made upon innocent and unoffending subjects. It is said that in a general impressment, like that of Admiral Keppell, it cost the nation, in cutters, luggers, press-gangs, and it might have been added, in Nanny-houses and rendezvous of debauchery and corruption, an hundred pounds for every man they obtained. The practice is not avowed or acknowledged by the nation. No Parliament ever dared to legitimate or sanction it. No court of law ever dared to give a judgment in favor of it.—No judge or lawyer that ever I heard of, till Foster, ever ventured to give a private opinion to encourage it.

The institution of an embassy to France in 1799, was made upon principle and in conformity to a system of foreign affairs, formed upon long deliberation, established in my mind, and amply opened, explained and supported in Congress, that is a system of eternal neutrality, if possible, in all the wars of Europe, at least eighteen years before president Washington's proclamation of neutrality in 1794. For the truth of the antiquity of this system, I appeal to Judge CHASE, who made the first motion in congress for entering into foreign relations. This motion was made in concert with me, and was seconded by me. If I am incorrect in any circumstance, that gentleman can set me right. And here I feel a pride in acknowledging, that perhaps no two members of congress were at that time upon more intimate terms. We flickered, disputed, and wrangled in public and private, but always with a species of good humour that never was suffered to diminish the confidence, esteem, or affection of either in the other. I have long wished for an opportunity of transmitting to posterity my humble testimony to the virtues and talents of that able and upright magistrate and statesman.

Our system was to form treaties of commerce with France, Spain, Holland and all the other nations of Europe, even with England herself, upon a footing of entire equality: but by no means to form any political or military connexions with any power in Europe, or engage in any hostilities against any, unless driven to them by necessity to support our independence and honor, or our just and necessary interest. In what manner, and by whose means his plan has ever been abandoned in any degree, I could detail from step to step, but it would require a volume and is not necessary here. It has never been forgotten by me, but the rectitude and wisdom of it has been confirmed, by every year and day's experience from 1776 to to 1789, and indeed to 1809.

This introduction will be called pompous, no doubt, and it will be thought an astonishing instance of the bathos to descend from Judge Chase to Mr. Logan, but my plan requires it.

With this system clear in my head, and deeply impressed upon my heart, it was with the utmost reluctance that I found myself under a necessity in 1798, of having recourse to hostilities against France. But the conduct of that government had been so unjust, arbitrary and insolent, as to become intolerable. I therefore animated this nation to war; determined, however, to listen to every proposal, and embrace the first opportunity to restore peace, whenever it could be done consistently with the honor and interests of the country. In this spirit I gave all due attention & consideration to Gen. Washington's and Mr. Barlow's letter; nor was I wholly inattentive to a multitude of other circumstances, some of which shall be mentioned.

Perhaps at no period of our connexion with France has there ever been such a flood of private letters from that country to this, as in the winter 1798 and 1799. The contents of many of them were directly or indirectly communicated to me.

They were all in a similar strain with that of Mr. Barlow, that the French government had changed their ground & were sincerely disposed to negociation and accommodation. I will instance only two. M. Codman, of Boston, wrote largely and explicitly to his friends to the same purpose, and his worthy brother, the late Mr. John Codman, of Boston, not only communicated to me the substance of his brother's letters, but thanked me in warm terms, for opening a negociation; and added, that every true friend of this country who was not poisoned with party spirit would thank me for it, and support me in it. Mr. Nathaniel Cutting, a consul in France, under President Washington's appointment, and a sensible man, wrote almost as largely as Mr. Barlow, and to the same effect.

I shall conclude this letter with another anecdote. Mr. Logan of Philadelphia, a gentleman of fortune and education, and certainly not destitute of abilities who had for several years been a member of the legislature of Pennsylvania and has since been a senator of the United States, though I knew he had been one of the old constitutional party of that state and a zealous disciple of that democratical school which has propagated many errors in America, &, perhaps, many tragical catastrophies in Europe, went to France, either with the pretext or the real design of improving his knowledge in agriculture and seeing the practice of it in that country.—I had no reason to believe him a corrupt character or deficient in memory or veracity. After his return he called upon me, and in a polite and respectful manner informed me that he had been honored with conversation with Talleyrand, who had been well acquainted with me and repeatedly entertained at my house, and now visited me at his request to express to me the desire of the Directory, as well as his own, to accommodate all disputes with America, and to forget all that was past; to request me to send a minister from America, or to give Credentials to some one already in Europe, to treat; and to assure me that my minister should be received, and all disputes accommodated in a manner that would be satisfactory to me and my country. I knew the magical words Democrat and Jacobin, were enough to destroy the credibility of any witness with some people. But not so with me. I saw marks of candour and sincerity in this relation that convinced me of its truth.

But the testimonies of Mr. Codman, Mr. Cutting, Mr. Barlow, and Mr. Logan, and all other private communications though they might convince my own mind, would have had no influence to dispose me to nominate a minister, if I had not received authentic, regular, official diplomatic assurances, which may be sent you in another letter.

JOHN ADAMS.

Quincy, April, 1809.

REPEAL OF THE ORDERS IN COUNCIL.

The AMERICAN EMBARGO, the JEFFERSONIAN POLICY, has effectually triumphed.—England has felt the "weapon of America" rankling in her bowels, and has at length been brought to a sense of justice. Tyrannical, oppressive, and ungrateful, she has wantonly imposed upon a nation, whose friendship is indispensibly necessary to her, and whose enmity might convulse her. *A rigorous and full enforcement of an American Embargo*, for a few months, is the powerful weapon, which will at any time cause the laws of justice to be respected. Although this is so undeniably true, yet have the British, with characteristic folly, continued to sport with the friendship of America! Dear-bo't *experience*, however, has at length taught them wisdom; and they have saved themselves while it was in their power. Had they procrastinated the repeal of their orders a little longer, they would have experienced the most fatal consequences. One thing, however, is incontrovertible—that from the encouragement given them by the tories of this country, they have held out to the last breath. The continuance of their system for one 'little month' longer, would have produced the dangers of suffocation.

Notwithstanding the clamorous and jacobinical opposition of the tory faction to the embargo, and their shameful violations of it, it has been powerful enough to convince Britain of the necessity of our supplies, and of the firmness and strength of our government. It has convinced her of the weakness and impotency of the Essex faction; and that their pitiful ravings have no effect upon the administration. The British ministry were grossly deceived by the *promises* of the tories of '75, (which they could never perform,) and they have been still more grossly deceived by those of 1808, who are placed in the same predicament. This is what galls the faction. This it is that stings them to the soul. "What! (vociferate they) can it be possible, that after having assured our friends the English, that if they will but hold out in enforcing their orders *we will compell the American government to crouch to them*—is it possible, after this, that we should not be able to keep our promise?—Oh! horrible, horrible, most horrible!" What will his majesty think of us? He will not permit us to approach with reverential lips and kiss his *royal* hand! And his serene sultanship the prime minister, he will think us too insignificant for a *single note*, either of correspondence or *condolence!* The noble duke of York too, will tear himself from the arms of his delectable *dulcinea*, to vent his execration upon our guilty heads! Oh—heavy day!" "Would we had met our direct foes in Heaven, or ever we had seen this day!" Such will be the language of the leaders of toryism, *behind the curtain:*—In public they will wear the front and semblance of content.—"They will have angels' faces, but *Heaven will know their hearts.*" To the tory faction alone are attributable the delays which have taken place in the settlement of our differences. Had it not been for their rebellious opposition to the embargo, the American flag would long since have waved triumphant in every sea; and the sails of our merchantmen would have whitened every track of the ocean. From their incendiary and wicked conduct, they have entirely lost the confidence of American freemen. They will "fall like LUCIFER, never to rise again." *(Bost. Chron.)*

Latest from England.

FIVE DAYS LATER.

Last evening Capt. Wood, of the Packet Express, from Newport, politely favored the editors of the New York Gazette with the Boston Repertory of Friday, containing the Important News which follows:—

BOSTON, April 28.

We yesterday received a Halifax paper of the 18th inst. with intelligence from the LONDON GAZETTE, to the 14th, and from Greenock to the 17th of March.

The die, at last, is cast in Germany. The whole Empire exhibits one scene of military movements.

FRENCH MOVEMENTS.

The French army of the Rhine under Davoust is on its march to the Danube. General Oudinot, whose head quarters are at Augsburg, commands nearly 30-000 men. Several Dutch regiments have passed the Mayn on their way to Franconia, putting all the carriages and horses in their passage, in requisition.

A French army is to be found in Saxony, with which the forces of the Confederation of the Rhine are to act.

The French have also an army of about 40,000 men in Italy, near the Austrian frontiers. Massena is to have the command.

On the 12th of February, dispatches arrived at Vienna, with the final decision of Bonaparte on the subject of his differences with the Emperor Francis. Messengers were immediately dispatched to Petersburg, Berlin and Copenhagen, and to the several Austrian Governments.

Marshal Duroc passed thro' Frankford February 2d, on an important mission from Bonaparte to the Russian cabinet.

Jerome Bonaparte, by imperial command has issued a decree, ordering out an army for service, of 5,500, and an army of reserve, of 2,500.

The cabinet of Vienna have ordered further augmentations of their armies. The militia too are disciplined two evenings every week and provided for actual service.

The Archduke Charles is appointed Generalissimo with unlimited powers, so that his operations will no longer be shackled by the interference of the Aulick council.

"Louis Bonaparte was at Utrecht, taking measures to relieve the country suffering under the inundations, when he received orders from Napoleon for the immediate march of 15,000 Dutch troops into Bavaria, to act under Divoust, and another division of like force to be ready by the middle of March.—Louis sent off couriers to Amsterdam, &c. calling his ministers, and council of state to Utrecht, where after much deliberation, his council declared to him the incompetency of the nation to sustain the burthens of a new war, and solemnly protested against his employment of so large a force, in a service so unconnected with the interests of the country. A few regiments were however sent off; (the same mentioned above, on their way to Franconia.")

THE OTTOMAN PORTE, it is said in a letter from Holland, will immediately join Austria in a war against France. It is said to be one of the secret articles of peace between Turkey and Great Britain.

The British government had received intelligence from the head quarters of the Spanish army at Carolina, (an advantageous post in Sierra Morea) dated February 12. The Spanish patriots still retained a respectable force, and a confidence of eventual success. General Urbina had been appointed to the command of the central army and that of Carolina, in place of the Duke d'Infantado, under arrest. The French army had retired upon Toledo and Madrid, for the purpose of entering Estremadera with an army of 25,000 men.

Among the Spanish forces now embodied we observe the following mentioned, General Cuesta at Truxillo, with 14,000 infantry, and 2,000 cavalry. A division of British and Portuguese at Alcantra, of 14,000. The army of Carolina 21,000 infantry, and 1,700 cavalry. The advanced guard at La Manch 8,000 infantry, and 2,000 cavalry:—making 62,000.

In Chatham county, (North Carolina) Deep River, there is a mine of coal, supposed to be inexhaustible.—It is, however, in a part of the country where, at present, no advantages can be derived from it. American.

CHINA.—Letters from Paris state, the emperor of China, his family, and the principal Mandarins have become converts to the Roman Catholic Religion. Political changes are expected in that great empire, under the tuition of French agents.