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FROM THE ALBANY REGISTER.

COMMENTS

On the diplomatic absurdities and anti-American doctrines of Timothy Pickering.

No. II.

The maritime dominion of the United States being established incontestibly by the authorities mentioned in my last communication, they are entitled by right to (exercise whenever they can) within those bounds, all the acts of sovereignty, which they exercise on the land, for their defence, for the preservation of their neutrality, or to prevent the occupation of their seas whatsoever, by any foreign force, for warlike purposes; and they are also entitled to claim from any foreign nation, the compliments, honours and pre-eminence due to their local sovereignty. The usages of war, however have authorised in certain cases, a belligerent to occupy positions on the land of a neutral, and to demand the passage over his territory, in extreme cases of necessity; but not without obtaining his consent, and respecting in every other respect, his dominion and sovereignty. Grotious and Puffendorff are of that opinion, and declare that if the proceedings of the belligerents in such a case are not calculated to smooth the feelings of the proprietors of the land, *naturally irritated* to see any part of their dominion in the hands of foreigners, the occupation ceasing to be respectful and decorous, becomes an act of hostility, bordering on invasion and conquest, and no damage can be too great to satisfy the local sovereignty so unjustly treated. The opinion of those two eminent civilians, seem to agree perfectly with the charges of Sir Lionel Jenkins, mentioned in my last number, and with all the statutes of the British admiralty, and determines the law of nations on that point, not only with respect to the violation of the land of neutrals, but also with respect to the violation of their maritime jurisdiction.

I shall not however, content myself with those high doctrines. It might be alluded that the modern law of nations has altered the ancient state of things; that the dominion of a country over the adjoining seas, does not now extend further than that power can make it respected, and that the common bearing of cannon from the shore, or a marine league, are the most natural extent of maritime jurisdiction; but those theories are very far from being supported by substantial diplomatic authority. I have examined the treaties concluded by the European powers, before and since the principles of the armed neutrality, (which constitute what is called the modern maritime law of nations had become the favorite system of Catharine II) and find in none of them a relinquishment of the maritime dominion, such as it was understood to exist under the old law of nations.

By her treaty with England, Russia, the great and proud Russia, admits, art 3d that *in the British seas*, her vessels shall conform themselves to the rules and customs of that power. By her treaty with Denmark, concluded in 1782 the maritime jurisdiction of the latter is acknowledged. By her treaty with France, 1787, the two contracting parties, bind themselves to maintain the most perfect neutrality in all the ports, coves, gulphs and seas belonging to them respectively. By her treaty with the king of the two Sicilies, 1787, the two parties agree that their men of war shall observe the jurisdiction of the respective countries over their surrounding seas. And in all those treaties it is stipulated that the usual compliment of saluting shall be paid to the local sovereignty; though on the high seas that ceremonial is entirely abolished with France, and is to be ruled with the other powers by the rank of the commanding officers, the highest in grade being entitled to the salute. It is true that in several treaties, the contracting powers agree, that in case either of them should be at war, they will forbear attacking the vessels of their enemies within the bearing of cannon from the shores of their ally. But that limitation of the protection of the local sovereignty of the country over the surrounding seas, nor into a relinquishment of all the advantages which it is entitled to derive from it, for its police and profit.

Mr. Jefferson, in a letter which he wrote to me, the 8th of November, 1793, when I was minister of France, without expressing a decided opinion on that subject, states that the President had provisionally given instructions to the officers acting under his authority, to consider the *line of territorial protection* on the coasts of the U. States, as restrained for the present to the distance of one sea league, or three geographical miles from the sea shore. I am satisfied that Mr. Jefferson never understood by *that line of protection*, the maritime dominion—and I am strengthened in that opinion, when I consider that he informed me by the same letter, that, "*future occasions will be taken to enter into explanations with the foreign powers as to the reasonable extent of our jurisdiction.*" That occasion is come; right is reason; and the sword of Rogers, better than the pen of a negociator, has severed the gordian knot.

France has never declined to acknowledge the maritime dominion of the U. States reserved by her to England by the American treaty of peace and neutrality, of 1686, and guaranteed by her since, to the U. States. And as an example in support of that fact, I will mention, that during my diplomatic functions in America, on the judicious representations of the federal government, I have caused to be returned to the owners, the English vessel the Grange, richly loaded, taken by the frigate of the French republic, the Ambuscade beyond the *line of protection*, described by Mr. Jefferson, but within the *line of dominion of the U. States.*

The law of nations is not as particular as the civil law, to constitute a full right and possession may be maintained if the right has been claimed and defended, when practicable at any time. To maintain our right, to our most important maritime dominion, nothing then is wanted but to be firm, spirited and united, and to prove to the government of Great Britain, that we are not to be treated as their cunning traders manage the unskillful Indians.

The principle of our maritime dominion being undeniable according to the old and modern law of nations, and the boundaries of the American Empire, within which the English sloop of war committed *her trespass*, being ascertained, the task which I have pledged myself to fulfill, will be accomplished when I have proved, agreeable to the military rules and customs of all nations in time of peace, or in time of war, the proceeding of our Commodore have been regular and honorable.

Armed vessels, stationed in the ports, roads, bays, or on the coasts of their country, to enforce the execution of its laws, protect its commerce, maintain its neutrality and guard against unforeseen attacks or invasions, are, with respect to prerogative, what forts, garrisons, patroles and sentries are on the land; they are a portion of the military force of the country, and in pursuance of their orders, are entitled to the respect and obedience which is due to the nation itself, from the natives as well as from foreigners. It is their duty to execute and not to reason, and the power of compelling immediate obedience to their commands resides essentially in them. A sentry, or patrole have the right to hail, and if no answer is made to their call, it is their duty to fire, and to enforce obedience by all possible means. Under that order of things, which no military man will question, commodore Rogers on the 16th of May, Cape Henry, bearing south west, distant 14 or 15 leagues, & of course much within the bounds of our jurisdiction discovers a vessel under a press of sail, standing towards the frigate; the symmetry of her upper sails and her making signals, shew her to be a man of war; the commodore hoists his national ensign and pendant, when the vessel finding her signals not answered, wears and stands to the southward. Obliged by the nature of his duty to ascertain what that suspicious vessel was, which might have been a pirate or a smuggler, the commodore makes sail in chase, but is unable to approach her sufficiently before sun set, to discover her force, which she avoided to disclose as well as her colors. After dusk, only, she hoists to her mizen peak an ensign or flame but it is too dark for the commodore to discover what nation it represented, or to determine her real force. Before eight the commodore attempts to come near to her to speak to her, but she avoids it. Being, notwithstanding, come closer to her, at 20 minutes past eight, he hails her, but is hailed back by her commander. After a pause of 15 or 20 seconds, the commodore reiterated his first enquiry, but before he had time to take the trumpet from his mouth, he is answered by a shot which cuts off some of his rigging and strikes his mainmast, On information being given to the commodore of that circumstance, he pauses for a moment, and just as he was giving the very moderate order to fire a shot in return, a shot was actually fired from the President, which was answered from the unknown vessel by three others in quick succession, and soon after, the rest of his broadside and musquetry; upon which the commodore gave a general order to fire, the effect of which having silenced the guns of his adversary, he ceased firing, by motives of humanity towards an antagonist which appeared to be weaker than he. He had, however, reason to regret, for the unknown vessel fired again at him; the fire of the President was accordingly renewed, and silenced the other—which shewing no further disposition to continue the engagement, the commodore hailed her again, and was informed, that it was a ship of his Britannic majesty, which proved in the morning of the 17th, to be the Little Belt, capt. Bingham, a large sloop of war, which had suffered considerable damage, and had 29 or 30 of her men killed and wounded.

Humanity may lament the fate of all those who have perished in that engagement, but national interest, military discipline, and diplomatic science must approve the conservatory act which has maintained Columbia's rights and dignity.

Enlightened by all the authentic authorities which I have collected, let any man whose native feelings are not entirely blunted by the most obdurate party spirit, decide whether the horrid appellations disgorged against our navy, are dictated by patriotism? They are certainly not! but by a favor of Providence those hypocrites who try to alarm the passions of the people in support of their dark designs, have brought the the merit of their schemes to an issue, on which every American of the most extensive, or of the narrowest capacity, will give his verdict in favor of his country.

Difference of opinion on legislative and executive measures, may create just contentions among the citizens of a republic; but when the sacred honour of their country is committed with another power, they must show to the world, that side by side they are ready to meet victory or death.

I do not see what could be the object of a council of war in the present case. There is no fact of any consequence to be ascertained in the whole transaction. Bullies alone, after fighting, dispute about the first blows given on either side; but a great, a generous and a grateful nation, whose rights have been so long, and so scandalously invaded, covers with crowns of oak & laurel, the brows of those who have firmly supported her cause, and rejects with indignity the very idea of subjecting them to a pusillanimous investigation, more degrading for the country than for themselves. An officer or an agent is not more liable to be prosecuted in behalf of the people, for having discharged their duty, than a citizen for having paid his taxes, or worshiped his God! And the man who does not think so, denotes that his principles are in no manner more equitable than those of the disgusting tyrants or the venomous monsters, who have been the scourge of France, and who made it a practice to stab the most faithful servants of the republic, with the daggers sharpened by her enemies.

It is perfectly immaterial to know who chased, who hailed, who fired the first, or by whose orders it was done, if we had a right to exercise all those acts of local sovereignty, and if the real trespasses, the real act of hostility repeatedly committed against our jurisdictioin and neutrality by the Little Belt and the other English men of war, who annoy constant our commerce, and blockade our ports, were anterior to those circumstances. That conclusion however, I admit it, is established on the principle of maritime dominion, which Mr. Pickering has carefully avoided to take into consideration. But if the American ground does not suit his politics, I am willing, for the sake of argument, to give him all the chance he may wish to have, and to suffer him, in imitation of the Little Belt, to run away as fast as he can, from our shores, towards the highway of nations, the high seas, the *mare Liberum*; where a new floating battery of *neutral* diplomatic authorities, will, in my next number, outsail him, coerce him to show his British colours, and disclose that whilst he opposes the tyranny of France over Europe, he advocates the tyranny of England over the seas. For my part, I hate all kinds of tyranny, but I venerate America, the last abode of liberty on earth, and I do not think that to abandon tamely her rights, could secure her independence against either France or England.

EDMOND CHARLES GENET,
A citizen of New York.

Prospect Hill, August 29, 1811.

BRITISH PIRACY.

A BLACK LIST

Of *American vessels* CAPTURED and DETAINED in *England* and *English ports*, months, after the repeal of the Berlin and Milan decrees. Those printed in capitals are already CONDEMNED, and the others will shortly follow the same fate. While Timothy Pickering has the impudence to declare that the British have not essentially injured us, his very neighbours of Marblehead are suffering under the piracy of their navy. What must the industrious fishermen think of such a hardened wretch? A man who can thus *sport* with the distresses of his countrymen? Every man, woman and child must curse him and his adherents.

A state of *open, actual* war, cannot be more ruinous to our commerce than this war in disguise; and it would have one favourable operation;—that of putting in our power to punish and capture in turn. Let the Canadas and Nova-Scotia look to this. And when the British armies in Spain and Portugal are starving for bread, let them curse the infatuated ministry, that has thus wantonly cut off their supplies.

Ship DANUBE, N. York, cotton, rice, & colonial produce.
ADOLPHUS, Brevort, do. tobacco, furs, &c.
RUSEVER, Tobay, do. cotton, sugars and coffee.
Betsey, Millwood, do. colonial produce.
PROJECTOR, Brown, do. tobacco.
CHARLESTON PACKET, weak, do. cotton and tea.
ROSE-IN-BLOOM, Chit, Bayonne, brandy and dry goods.
ANDREWS, Coggin, do. brandy, wine, &c.
HANNAH, Mulge, from Boston, fish.
Eleanor, Kempton, Savannah, cotton, rice, &c.
Golden-Fleece, Silliman, Charleston, cotton, rice and wax.
Louisiana, Richards, N. York, passengers.
Thomas-Wilson, Brown, from *Tonningen*, for Philadelphia.
New Orleans Pcket, from Bordeaux to Boston.
Dolphin, from *Philadelphia* for *New Orleans*, was captured by the British, and obliged to pay *three thousand dollars ransom.* (TRIBUTE!!)
Orien, of and from Petersbnrg, Va. for Heligoland with a cargo of tobacco.
Brig, FOX, Porter, Boston, assorted cargo.
MATILDA, Lee, Boston, cotton, fish, tobacco and tea.
ELIZA, Corgie, Philadelphia.
GURLAND, Haff, N. York, cotton, coffee and sugars.
IDA, Stacy, Boston, fish.
BEAUTY, Morris, N. York, cotton and colonial produce.
HUNTER, ——, from Boston, fish.
Milo, Johnson, from Bordeaux for Baltimore.
Telemachus, Berry, Bordeaux, brandy.
Fox, Gooday, N. York, cotton, coffee, &c.
Sch. BETSEY, Lindsey, Marblehead, fish and oil.
MARY, Vickery, do. fish, &c.
POLLY, Devereaux, do. fish, &c.
ANN, Dolliver, do. fish, &c.
SALLY, Willson, do. fish.
WOODBRIDGE, Kineman, Boston, fish and colonial produce.
TWO SISTERS, Bridges, Millhead, green fish.
Lydia, Kelham, Bordeaux, brandy, and silks.
Helen, Elkins, Marblehead, fish and oil.
Lark, Cloutman, do. fish.
Severn, from Rhode Island, for Sierro Leone, (Africa.)
Spedwell, of Newburyport.
Fortuna, from Bordeaux for New York.
Shadow, of Philadelphia, from Naples.
Betsey, of Bristol, R. I. bound to Sierro Leone.

When we look around, and observe this immense mass of piracy and plunder staring us in the face; when we see a list exhibiting no less than FORTY ONE AMERICAN VESSELS and CARGOES, some of which have been CONDEMNMED, & others robbed; when we reflect, that between TWO & THREE THOUSAND of our citizens have been stolen from our friends, and are *compelled to aid and assist in the present piratical system of robbery, carried on against their country*; we cannot but wonder at that moderation which permits the emissaries of the plundering nation to declare that Great Britain is the "*protector*" of our *persons* and *property*, and which refrains from instant retaliation.

Bost. Chron.

MAIL STAGE.

THE subscriber respectfully informs the public that he has contracted to carry the Mail from Easton via Centreville to Chestertown, which makes the line of stages complete to Philadelphia;—he has furnished himself with several pair of good horses, an excellent and commodious stage for the conveyance of passengers, and a careful, sober driver, and hopes by his attention to this establishment, to ensure public patronage.

The mail leaves Easton on *Mondays* and *Fridays* at 6 o'clock, and arrives at Chestertown in the afternoon of the same days; returning, leaves Chestertown on *Tuesdays* and *Saturdays*, at 6 o'clock, and arrives at Easton in the afternoon. The subscriber begs leave further to inform his friends and the public generally, that he is prepared at all times to accommodate with the best entertainment, passengers and others who may be pleased to call on him at the sign of the Fountain Inn. SOLOMON LOWE.

Easton, september 10——m

THE CITIZENS OF QUEEN-ANN'S COUNTY,

WILL PLEASE TO TAKE NOTICE,

THAT the public Taxes for the county aforesaid are now due, and they are hereby requested to be prepared for payment as early in September as possible—and as they must be paid, the sooner the better. The commissions allowed for the collection of taxes are so small, the collector cannot afford to call often; he therefore hopes they will not put him to the unnecessary trouble to call the second time, and the favor will be thankfully acknowledged.—By the public's ob'dt. serv't. JOHN DUHAMEL,

august 20—9 Collector Q. A. c'ty taxes

WILLIAM COOPER'S

NEW TAYLORING SHOP.

THE subscriber having lately returned from Baltimore, where he has been employed in one of the most fashionable shops in that place; and having commenced business in Easton, in the house formerly occupied as a store by Mr. Abbott, next door south of Mr. Bennett's new brick building, takes the liberty to solicit the patronage of his friends and the public—He flatters himself that his acquaintance with his business will justify this call for public patronage, and satisfy all who may favour him with their custom.

He will have constantly on hand the newest fashions, and no pains shall be spared to gratify the taste, and comply with the convenience of his customers.

Easton, august 27——m W. C.

MARYLAND,

Kent County Orphan's Court, May 11, 1811.

ORDERED, on application of Robert Dunn, jun. adm'r of *James Dunn*, deceased, that he cause a notice to said deceased's creditors to produce their claims, to be inserted in the Star, at Easton, according to law. Test,

RICHD. BARROLL, Reg.

This is to give notice—That the subscriber of Kent county, hath obtained from the orphan's court of said county, in the state of Maryland, letters of administration on the personal estate of *James Dunn*, late of Kent county, deceased—All persons having claims against the said deceased, are hereby warned to exhibit the same, with the vouchers thereof to the subscriber, at or before the twentieth day of March next; they may otherwise by law be excluded from all benefit of said estate. Given under my hand this 31st day of August, 1811.

ROBERT DUNN, jun. adm'r of

september 10——3—James Dunn, dec'd.

TO BE RENTED,

THE Houses, Lots and Blacksmith's Shop now occupied by *John Craw*. This establishment is commodious and convenient, and is supposed to be the most lucrative country stand for business in the county.

ROBT. H. GOLDSBOROUGH.

august 6——m

NOTICE

TO ALL WHOM IT MAY CONCERN,

THAT there will be a petition to the next General Assembly of Maryland, praying a law to stop a road leading from William Parrott's to Thomas Hardcastle's gate, in Caroline county.—september 10—3