National Intelligencer.

& WASHINGTON ADVERTISER.

VOL. VII. | WASHINGTON CITY, PRINTED BY SAMUEL HARRISON SMITH PENNSYLVANIA AVENUE. | NO. 1098.

FIVE DOLLARS PER ANNUM, | TUESDAY, OCTOBER 27, 1807. | *PAID IN ADVANCE.*

FOR THE NATIONAL INTELLIGENCER.

No. II.

THOUGHTS ON THE SUBJECT OF NAVAL POWER,

AND ON THE MEANS OF PROTECTING COMMERCE—CONTINUED.

When the United States determined to avoid the expences and dangers of "*a standing army,*" they found in the rights and habits of the chace and of arms, and in their universal militia, adequate and safe means of suppressing insurrection and repelling invasion. They did not desire an army for ambitious wars. If they adopted a regular armed force, it was upon a very limited scale, and besides many checks, it was absolutely controlled by the standing national militia in time of peace. Even in the season of war we have believed, that a proper establishment of the militia will be indispensible to counterbalance the weight of the army.

Things seem to be less happily circumstanced in regard to the naval force. If we should create a powerful fleet, it will not be controllable by the militia, who never can have ships on their establishment. It receives a regular army on board in the body of marines, and in all that great portion of seamen, who are not requisite to work a ship during action, and who are not required to manage the guns, which are on the side opposite to a fort, a shore or an enemy. The employment of the navy being very often without the limits of the dominions of a nation, it is liable to meet the forces of other nations, and in these contacts, to produce quarrels and wars.

In this respect navies are more inconvenient than armies, to a people like us, whose sincere desire is to avoid the injuries, sufferings, expences and crimes of war.

The friends of naval power in this country are ever tempting and inciting the nation to the adoption of a limited but more considerable marine. Viewing the whole subject we ought to remember, that the limited yet costly navies of France and Spain, (and so of the minor enemies of the ascendant maritime power of any time) have but served to multiply the floating castles of Great Britain. The number and diversity of foreign names in her naval list will prove, that all her enemies have contributed to possess her of an immense fleet from their own ships. The advocates of a marine force press upon this country, the adoption of a limited number of square rigged ships of war for the defence of our waters and coasts, in preference to gun boats. But what would the navy of Denmark have done against the British fleet in the case at Copenhagen, under Nelson, without the forces on the shore? What are the defences made by the navies of Europe against the British attacks upon the mercantile shipping in enemies ports? *The English generally succeed, when the land force does not prevent them.* Omnipresence is not an attribute of the navy. The militia may be more fairly considered as every where present. It is submitted, therefore, whether if the 10 or 1200,000 men, able to bear arms in the United States, were provided with depots of every useful and necessary species of arms from large cannon and heavy mortars to musquets, pistols and swords, at and around our sea ports, they would not prove a more effectual bar to any considerable mischief in our ports, than the limited navy, which is so ardently desired.

It will be found perhaps, on careful examination and reflection, that there are other means of diminishing the inconveniences of dispensing, so far as we have done, with naval force.

The evils we sustain from foreign naval power will be considered as the only objects worthy of our attention. For if these evils were prevented, a navy could only be an instrument of ambition or of unlawful gain, or of domestic oppression, as stated in the 5th, 6th and 7th pages of the pamphlet of 1806, on "naval power." It is therefore manifest, that so far as *the civilized and peace-loving nations* can diminish the sources, means and instruments of *excessive* foreign naval power of each of the European states, so far they encrease their own safety, and diminish the necessity for a costly and dangerous domestic navy.

In this view, a few examples will be submitted of measures, which appear to be worthy of our consideration.

It is conceived, that it might be wise in regard to such a limitation of inordinate, foreign naval power, to adopt a regulation, whereby no nation (which so restricts us), could bring to our country, goods, not of her own growth, produce or manufacture; and that it would be equally wise to promote the adoption of such a regulation by the great countries of Europe. By this measure (to apply it to the evil of the day) the carrying trade from the British European islands, for example, would be confined to their compact manufactures, which would employ very few vessels and seamen. Cargoes of coarse foreign bale goods, wines, fruits, and other groceries, woods, dye stuffs, &c. &c. would no longer be introduced in their vessels, so as to support that British navigation and trade, which are the only sources of their domineering foreign navy. Wishing them no harm, we may provide for our own peace and prosperity as they do.

We might, on the same principles, impose a much heavier duty on all foreign distilled spirits imported from places, ports or islands, into which our vessels are not admitted and from which our vessels cannot clear out and bring away such distilled spirits. The introduction of foreign distilled spirits greatly interferes with our molasses trade and distilleries & with those from our own grains and fruits. The freight hither of the British rum, thus injurious as it is to our agriculture, trade and manufactures, is rigidly denied to us. But to our present point—The whole freight of that rum and the goods shipt hence to pay for it in the West-Indies, goes to encrease that British navigation and trade, which are the only sources of their most unfriendly navy.

There is another obvious and important idea, which will be merely submitted as an example, like all the other suggestions. We might adopt the regulation of not allowing the entry of any goods from any foreign port, into which our vessels are not admitted, and from which they cannot clear out and bring away the same goods.

We might adopt a regulation of our drawbacks, whereby the benefit of that allowance should be confined to our vessels, and (perhaps), the vessels of the country, which produces the exported commodity, and which will allow us to carry foreign goods to their ports.

Other examples might probably be suggested, but these will be sufficient to indicate the principle and to display the manner in which it may be caused to operate. Foreign statute books will furnish many more. One of the best and cheapest correctives of the causes and perversions of foreign naval power, is to adopt and to procure the adoption of all such measures, among the commercial states, as will occasion as general and equal a participation of that power as may be possible. If we thus prevent its accumulation in one kingdom it cannot be so grossly abused. It was in 1756, about 100 years after the English Navigation acts, that Great Britain first considered herself powerful enough in her navy, to innovate materially on the law of nations, *by a rule of her own making;* nor was it till her conventions of 1793, with Russia and Spain, that she assumed that ill-advised spirit of dictation to the neutral states, which now hazards their peace with both the warring parties, paralizes their commerce, degrades their flag, subjects their personal rights to infringements, interferes with their supplies and revenues, affects the sales of their surplus of foreign goods and of the produce of their lands and fisheries. In the year 1791, there arose among the reflections on Lord Sheffield's pamphlet* and on the report by the first Lord Hawkesbury (now the Earl of Liverpool), to the British privy council, an opinion nay a decided conviction, that the maritime world might remedy the evils of too dominant a navy in the hands of England, (and so of any other power), by such reciprocations as these of their own navigation laws. Treaties of armed neutrality and for the freedom of the seas may be used: but it is humbly conceived, that they do not promise as sure, stable and efficacious a corrective as the universal adoption of such laws of navigation and trade. The greater states of Europe may resort to both sets of measures, but it may prove least inconvenient for us to proceed in the line of ordinary commercial legislation, on principles of substantial reciprocity. This is a course incidental to our rights, capacities, powers, and duties, as an independent state. On these grounds we may enact such provisions of laws, as have been suggested for consideration, with a view to the encouragement and protection of our own commerce and navigation, as the only means of securing our share of trade.

The nation, whose capacity to continue her excesses we propose by these means to moderate, will have no right to object or complain; for she has openly taught the world the principles, and the practice of commercial legislation, during more than a century and a half. We may rightfully take instruction from her statute book. We may learn wisdom from the real and imperious necessities, with which she has caused as well the neutrals as the belligerents to be surrounded and oppressed.

It will be seen, that the ground on which commercial legislation is here respectfully suggested and recommended, is not that on which it has been heretofore generally advocated in the United States. It has been tho't by our agricultural interest, that the merchants sometimes desired commercial laws, incompatible with that interest, for the mere and undue promotion and protection of navigation and trade. But the object of the suggested regulations, though they will be incidently favorable to commerce, is the diminution of the sources, means and instruments of such a palpable naval despotism, as Great Britain now holds, by which our supplies are often interrupted, our revenues diminished and endangered, our expences increased, our personal rights violated, our flag dishonored, our trade and navigation injured, and the free exportation and foreign sales of the surplus of our imports, of our fisheries, of our manufactures, and of our crops circumscribed, impeded and prevented.

* *Page 186 to 190, and 196, and elsewhere of the answer.*

From the London Independent Whig.

We, who profess to have no political attachment but what emanates from the true spirit of liberty and a love of truth, cannot forbear expressing the surprize which we felt upon reading in Mr. Cobbett's Register of Saturday, the first of August, under the head "American States," an avowal on the part of that writer, that he was very sorry to hear Mr. Percival say in the house of commons what seemed to indicate a decided disposition to yield; and to add, that if they do yield, if they follow the advice of the Morning Chronicle, our navy will not be long lived. We have neither leisure nor room in our present number to enter into this discussion with Mr. Cobbet; but, as in our last number we in a manner, under the head "Summary of Politics," maintained nearly the same ground upon this subject, which we consider was soundly and properly conveyed through the Morning Chronicle of Tuesday week last, (much as we generally execrate that journal, we must agree with it in truth) we deem ourselves bound at least to enter our decided protest both against the propriety of the rebuke thus conveyed in this paragraph by Mr. Cobbet, and the general principle he contends for. We unequivocally declare, that, in our judgments, nothing can authorise such conduct as that which is reported to have been the conduct of the commander of the Leopard, but a spirit of usurpation, and a gross despotic stride of power. Equity revolts against such a species of tyranny being assumed by any single state over that of any other; and, as to the law of nations, no such power has ever been conceded. With respect to the argument attempted by Mr. Cobbett, "that if we permit the Americans to veigle and detain our seamen, we cannot have a navy; the American would in fact recruit for France, and England would be beaten by her own seamen." The absurdity of this doctrine is almost beneath a comment, and in charity we would fain hope, that Mr. Cobbett must have been but half awake when he wrote it. Where one British seaman will be found on board an American, we believe FIFTY Americans (to say nothing of Swedes, Danes, Portuguese, and almost every other country) are to be found on board British ships of war; and, if this great tenacity is really necessary for the maintenance of the dignity of England why, we would ask Mr. Cobbett, may not every power, that is left in Europe, and which remains neuter, feel the same tenacity and claim the same privilege? We cannot in equity, see the distinction; therefore we repel the doctrine. With respect to the insinuation about the British seamen, we consider it an outrageous imputation upon their loyalty that nothing can justify; and if symptoms of an evil so tremendous were ever to occur the remedy would always be in the hands of the ministry, seasonably to remonstrate, but not with the fire of broadsides. We will not here attempt a refutation of what we conceive the unmerited abuse Mr. Cobbett has heaped upon the people of America, in saying "the Americans are like the worst set of women; they will set up a terrible outcry, they will beat admiral Berkeley in lungs; but if we keep a firm foot, they will soon listen to reason:" or the remainder of his coarse invective applied to captain Barron and his frigate whom he elegantly and classically terms a "swaggering blade," &c. we consider it quite sufficient, unless we are farther called upon, to mark this kind of language with the expression of our decided contempt, whether we read it in Mr. Cobbett's Register, or Mr. Perry's Chronicle. We deprecate the propriety of reflections upon the courage of a people, whose bravery, when struggling for their rights and independence, has already been proved invincible; and as to the right of insulting their flag with impunity, and forcibly to demand the privilege of searching their ships of war, even under the certainty of their containing British seamen, we insist upon it to be a right unsupporable by any principle of equity, and that can only be maintained in argument by the same species of violence that has been attempted to be enforced by the commander of the Leopard, viz. by a thundering assertion or thundering broadside. If these are the principles of liberty Mr. Cobbett would teach the British people, he must excuse us from becoming his disciples. Our ideas of liberty are to tolerate that in others, we claim as a right ourselves, and to repel every species of assumption of power not founded in equity and justice as derogatory to humanity and inimical to the natural rights of civilized society.—As to capt. Barron, he seems to have done only his duty, and, under the circumstances in which he was placed, to have acted with exemplary moderation and humanity; how far the epithet of "Swaggering blade," therefore, justly applies to him, it remains for the calmer reasoning powers of Mr. Cobbett to substantiate. We like not coarse and harsh epithets at any time, still less when when there does not exist any thing in the shape of provocation to justify them. National prejudices are at all times unbecoming the true friend of liberty; he looks to principles and not to men, and scorns to justify the perpetration of that by one government he would condemn the practice of in another. Americans, Frenchmen, and all other countries have an equal right to liberty with Englishmen; and it is high time despotism was banished the world. Mr. Cobbett has invariably professed a friendship for Mr. Windham, whom we have as invariably considered as the very champion of despotism; as no man but he, whose heart was steeled against every noble ebullition of patriotism, and overflowing with rancour and revenge could have recommended vigor beyond the law, and branded honest men, liberated from a state of persecution, with the epithet of *acquitted felons!*—These are inconsistencies for Mr. Cobbett to reconcile with his ardent professed love of liberty; to us they are irreconcileable. These observations, extorted from us by Mr. Cobbett, necessarily lead to the following few remarks upon the question of right attempted to be claimed by the advocates of such a power belonging exclusively to the English government. The engagement between the British and the American frigate off the Chesapeake has been stated to have arisen from a demand of the British captain to search the American for deserters, which was refused on the part of the American, who was reduced to submission at the mouth of the cannon. The visiting by force the ship of a neutral and friendly power for the purpose of searching for deserters, is a case which does not seem to have been at any time, in the contemplation of writers on the law of nations; for, neither Grotius, Puffendorff, nor Vattel give an opinion on the question: and we scarcely imagine that Civilians will be able to produce any authority for the exercise of a power wholly inconsistent with the sovereignty and independence of the state who submits to it. The right of searching ships for goods contraband of war has limits, and has not yet been extended to ships bearing the flag of an independent state; nor can we discover any instance where such a ship has been subjected to search at all, much less for deserters, which has never yet become the subject of treaties settling the contraband of war. If the principle be once admitted it will follow as a natural consequence that the Americans or the Danes will possess an *equal right* of searching our ships on the same pretence, and shall we argue that we prevent its exercise by our naval seperiority, and call this equal justice? In the case of the Swedish convoy there was no claim made to visit and search the ship of war, our claim was to search the ships under convoy. The Swedes contended that even the presence of their ships of war ought to be taken for a security that the convoy carried no contraband—what would they then have said, if we had also insisted on a right to search the ships of war as well as the convoy? And all the learning displayed on the question by the eminent civilians, Selegel and Dr. Coke, does not even hint at this right as likely to become a matter of discussion.—Indeed, what can be a more direct invasion of the right of sovereignty, or a more flagrant attack on the honor of an independent nation, than to insist, as a matter of right, upon visiting a ship of war and searching for deserters? As a matter of right, we can find no acknowledged law, no case, no treaty, that will support such a demand.

And if we view the conduct of the British captain as a matter of prudence, we are equally at a loss for argument to justify his proceedings.—At a time when the ports of the European continent are shut against our commerce, we do not expect to find one man hardy enough to assert that it would be prudent to cause the ports of the American continent to be shut against us also. When our trade on this side of the Atlantic is sensibly diminishing, it cannot be prudent to destroy the opportunity of extending it beyond the Atlantic—and yet this must be the mildest effect of a rupture with America. Since, then, the proceedings of the British captain can neither be justified by the law of nations, nor palliated as a prudent exercise of that discretion which every naval commander must possess, if reparation be not made for the insult offered to the American flag, it will be evident that this occasion was purposely embraced to provoke hostilities with the U. States. Had we been treated in the same manner, our complaints might have been louder and more effectual than their's, but they would not therefore have been more just.—We have penned these remarks with regret, inasmuch as they may be liable to involve us in a controversy with Mr. Cobbett, and for a moment even to create a disunion between the avowed friends of liberty; but Mr. Cobbett left us no alternative but either an ignominious connivance at what appeared to us to be nothing less than a most outrageous slander of the people of America, or an exposition of the calumny.—Our consciences, we trust, will never let us compromise our public duty."

Declaration of the Danish government.

All Europe knows the system, which during fifteen years of wars and troubles, Denmark has followed with an unchangeable perseverance. The rigorous observance of a frank and