

Oration by John Rodman

AN  
**ORATION,**

DELIVERED BY

**THE TAMMANY SOCIETY,**

OR

**COLUMBIAN ORDER,**

**TAILOR'S, HIBERNIAN PROVIDENT,**

**COLUMBIAN, CORDWAINERS, AND GEORGE  
CLINTON SOCIETIES,**

IN THE

**CITY OF NEW-YORK,**

ON THE

**FIFTH DAY OF JULY, 1813.**

—\*—  
**BY JOHN RODMAN, ESQ.**  
—\*—

“ It is of infinite moment, that you should properly estimate the immense value of your national union, to your collective and individual happiness; that you should cherish a cordial, habitual, and immovable attachment to it; accustoming yourselves to think and speak of it as of the palladium of your political safety and prosperity; watching for its preservation with jealous anxiety; discountenancing whatever may suggest even a suspicion that it can in any event be abandoned; and indignantly frowning upon the first dawning of every attempt to alienate any portion of our country from the rest, or to enfeeble the sacred ties which now link together the various parts.”

*Washington's farewell address.*

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PUBLISHED BY REQUEST OF THE GENERAL COMMITTEE  
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1813.

# ORATION.

*Fellow-Citizens,*

**WHAT** American who does not feel his bosom swell with honorable pride, and the most lively emotions of joy, on this auspicious day! What friend of liberty who does not mingle his congratulations with the veteran heroes of our revolution!

We come not here to celebrate the dawn of infant tyranny—no despot's birth-day now claims the reluctant offerings of joy, the cold-homage of respect, the unwilling tribute of applause. Our hearts are filled with nobler views—they offer purer, more exalted oblations. We are the faithful votaries of **FREE-DOM**.—At her altar we pour out the grateful effusions of our souls, the tribute of a sincere and heartfelt joy. Oh! thither let us constantly repair, and gather inspiration at her shrine, to animate and strengthen our patriotism; to arm our minds with courage and constancy, that we may be ever ready to defend our rights, and maintain our liberties.

And ye Sainted Spirits whom death has removed from this earthly abode! ye who sealed with your blood the sacred Charter of our Independence!—ye whose wisdom and valor shone conspicuous in the cabinet, and the field!—whose noble example and heroic achievements bore us triumphantly through the doubtful conflict! We invoke your hallowed manes!—be present with us—inspire us with that ardent love

of country, that exalted sentiment of liberty, that resolution and unshaken firmness, which erst dwelt in your breasts!—that we may be enabled to preserve with unsullied purity, the precious boon of Independence, which you have bequeathed to us!

Yes, Fellow-Citizens, it is to the persevering zeal and bravery of the fathers of our revolution, that we owe all the blessings we enjoy. They boldly dared to assert the rights of freemen, and rescue from a tyrant's sway this goodly land. Surely this vast and fertile country, where nature with a lavish hand dispenses her choicest gifts; where abundance crowns the laborer's toil, and the earth teems with the various productions of the remotest regions, was never destined by the God of nature, to be ruled by the petty sovereignty of a distant isle—to be tributary to European despotism. 'Twas Heaven's high behest that it should be free—the favorite abode of liberty—the asylum of the oppressed and persecuted of every clime.

Fired with this noble thought, the heroes and sages of our revolution resolved to sacrifice their lives and fortunes in the great enterprise—they devoted themselves to their country's freedom—their whole souls were embarked in the sacred cause. Every arm was nerved with valor;—every heart glowed with patriotism. Undismayed by threats, unsubdued by misfortune, they pressed forward to the happy goal of their deliverance, with unabated zeal and energy. Not all the mercenary hosts of England, arrayed in arms under her most experienced commanders—not all her savage allies—her still more savage cruelties—her insolence and rapine—the prison's dank and noisome cells—the burning of our towns—the massacre and plunder of our citizens; and all the horrors of relentless war, could shake the steady purpose of the patriot band. Under the guidance of the illustrious Chief, whom Heaven and the united suffrages of his countrymen had cho-

sen, to conduct them to freedom and to glory, they encountered every hardship—braved every danger—bid defiance to misfortune and disaster, till victory crowned their noble efforts, and Independence was secured.

Need I dwell on the events of that interesting period?—they must ever be held in unfading remembrance. The various vicissitudes of war—the brilliant exploits of our troops—the undaunted courage and devotion of their leaders—the noble sacrifices, the virtuous sufferings of the people. It was one common cause united the friends of liberty—there was an union of sentiment, of action, of zeal. The South supported the North—the East aided the West. They disdained a separation of interests or of danger—they spurned at every attempt to seduce them from the cause of freedom, of virtue, of independence. There was then no lukewarm, doubtful patriots—those who were not for us, were against us. No individual states then presumed to stand on neutral ground, and claim exemption from the calamities, the contributions, or the fortune of war. All bore a part in the glorious struggle—all shared in the misfortunes, as in the honors of the contest. Then was Massachusetts foremost in the conflict, the zealous champion of liberty—the bold assertor of the rights of man. There first the gauntlet was thrown. On the plains of Lexington the first American blood was shed—then was each patriot soldier roused to arms, and soon the base slaves of Britain were made to feel the unerring stroke of a Freeman's sword.

Such was Massachusetts in her days of virtue;—but now, alas! “what a falling off” is there! Where now is that proud sense of duty and of honor—that sacred love of country—that holy enthusiasm of freedom, which distinguished her early days?—Sunk in the tombs of Warren, Hancock, and Adams. Oh! could the spirits of those exalted chiefs, from the realms of bliss above, revisit this earth, and behold the degenerate

race who now govern that once noble and patriotic state, with what indignation would they frown upon their conduct! With what marks of infamy would they brand their proceedings! They are become the sordid minions of England—that England whose insolence and tyranny their brave and virtuous sires so manfully resisted—The vile flatterers of Princes, whose victories they celebrate, and whose depredations they justify—Quibblers upon the rights and honor of their country, and the constitutional duties they owe to its government:—they are so lost to every noble and virtuous sentiment, that they would barter their liberties for a bale of goods, and betray their country for a British license. But there is a redeeming spirit in the honest yeomanry, and mechanics of Massachusetts, which will ere long rise up in vengeance on the heads of their guilty and unprincipled rulers—confound their treasonable plots—drive them from the councils of the state, and restore it to an honorable rank in the Union.

But let us, my countrymen, return to the period of our revolution. The glorious object was accomplished—our Independence acknowledged—Britain's mercenaries withdrawn, and peace resumed her halcyon reign. A work however of great importance remained to be performed. 'Twas not enough that haughty Britain had been compelled to recognise our rights, and our country raised to the rank and dignity of an Independent nation. Vain had been all our efforts—vain the privations we had endured—vain the sacrifices we had made—if, after sheathing the sword, our Independence had been left the sport of faction, and of future wars. It was necessary to establish a government which should protect that Independence so valiantly achieved—a government founded on the solid basis of equal rights, of personal liberty, and the security of property;—which should call forth the great resources of the country, the best energies of the people; and

give to industry, to talents, and to enterprise, ample scope for the display of all their powers.

The old confederation was but a temporary league, held together by the mild cement of mutual good-will, and patriotic attachment—too loose for internal security—too feeble to resist foreign encroachment.—Hence the adoption of our present Constitution, the work of the wisest and best patriots of our country; in which security is combined with freedom, energy with mildness; and where the voice of the people, the only legitimate source of authority, constitutes both the legislative and executive branches of the government. It is a solemn compact entered into by the people of the United States themselves, one with the other.—Every citizen is therefore, individually bound, most sacredly on his honor and conscience, to support this Constitution and the laws made under it. He has no right to join the standard of opposition, set up by the rulers of disaffected states, to thwart the measures of the general government, revile and resist the laws; and form plots against the integrity of the Union. If he engage in such nefarious attempts, he is a perjured traitor to his country, and deserves the execration of every honest man, the contempt of every good and virtuous citizen.

The Constitution secures to each citizen the full enjoyment of all his rights. He has a voice, through his representative, in the enacting of every law, in the adoption of every measure of the government—but the decision of the majority must prevail. This is a fundamental principle of an elective government, and the only security for the rights of the whole. Whatever may, therefore, be the private opinion of any individual citizen, he is conscientiously bound to support the laws made by the majority, by all the force of his example, his influence, and his activity.

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Fellow-Citizens, How great has been our public prosperity—how extensive our domestic enjoyments, under this free and happy form of government! The genius of the nation has been developed in every branch of human industry and enterprise. Our Commerce has visited every country and clime—our ships have spread their sails on every sea; at once the rivals, the models, and the admiration of Europe. Even the distant and inhospitable shores of the Western Pacific have been benefitted by our trade, and have learned from us the arts and the comforts of civilized life. Our hardy and adventurous citizens have traversed the western wilds, from the Atlantic to the Pacific, and thus, both by sea and land, have opened an intercourse with regions before unknown to commerce and to civilization.

Nor has Agriculture, that parent of wealth, and source of public happiness, been neglected. We have beheld the thick forests of our country yield to the sturdy arm of the enterprising settler—his cheerful habitation has been raised where naught before was seen but the gloomy hut of the Indian. The lowering woods have given place to meadows and cultivated fields. The trackless desert is now adorned with smiling villages—the sweets of social life have dispelled the solitude of the wilderness—the charms of polished society, invaded the haunts of the savage. The crops of the husbandman have richly rewarded his toil. Philosophy and Science have aided the labors of the cultivator; and improvements in agriculture have become no less the pursuit of the inquisitive and the learned, than the occupation of the rustic and the farmer. Our flocks have been enriched and improved by additions from the herds of Spain and Portugal, dispersed on the Spanish peninsula by the ravages of war, they have found in our country, a welcome reception and a genial clime. Their valuable fleece is an increasing



source of wealth—it affords us the means of placing our woollen manufactures in successful competition with the productions of foreign looms.

Our manufactures have lately taken a bold and confident start. The fostering hand of the government has aided the genius and enterprise of individuals; and the time, perhaps, is not far distant, when our citizens will cease to be tributary to Europe, not only for the necessaries, but the luxuries, the follies, and the fashions of life.

Our cities and towns have risen like magic, amidst marshes, mountains and forests. Wherever nature had offered eligible situations, whatever may have been the obstacles she opposed, they have been overcome by the power of industry, perseverance and art. The rude and inconvenient habitations of the colonists, have sunk beneath the elegant and commodious dwellings of their free and enlightened descendants.

Our scientific and literary institutions, though still in their infancy, have shown symptoms of vigor and improvement—even the fine arts, have found some timid—and some fashionable votaries.—But the domestic arts—the solid comforts and conveniencies of life, more congenial with the nature of our government, more conducive to general happiness, still maintain their superior claims to our attention, and never, I trust, will be supplanted by the studied refinements of luxury, or the splendid follies of wealth.

Religion here finds her calmest, safest retreat—no invidious distinctions dishonor her cause—no victims of persecution stain her altar—no spirit of intolerance pursues her humble votaries—no test acts exclude them from the honors and offices of their country—no tithes, wrung from the hard-earned pittance of labor and indigence, disgrace her ministry. Under

the protecting banner of freedom, the faithful followers of Christ find consolation and security.

Our national character begins to assume a form and colouring distinct from that of Europe. Separated from that portion of the globe, not less by moral and political, than by physical causes, why should we not be impressed with some marks of originality? What though some of our ancestors drew their first breath within the narrow precincts of Britain's Isle; Why should we their descendants, who inhale a purer air, enjoy a wider range of nature, and are blessed with a freer government; so far disregard the dignity of our nature, and our national rank, as to become the servile copyists of fashions, manners, and customs, condemned by virtue, reason, and humanity?

But, my countrymen, the events of Europe, for the last twenty years, have at length extended their noxious influence to this blissful land. The restless jealousy, and the domineering pretensions of England have not suffered us to remain at peace. Ever busy, and meddling in the affairs of others, ever encroaching upon their rights, she has for centuries, been the unceasing disturber of the world and the scourge of humanity. With liberty in her mouth, and tyranny in her heart, she had alternately cheated and bullied the most innocent and unoffending nations into submission or slavery;—till finally, outraged humanity has risen from her slumbers, and indignation and resentment have armed the whole world against that ruthless violator of its happiness and repose.

The gleam of liberty which broke upon mankind, at the period of the French Revolution, has passed away, without conveying one cheering ray of consolation to enslaved Europe. Against that noble and virtuous struggle of a whole nation, to assert and

establish their liberties, England was foremost in opposition. By continuing the war against France, she has contributed to raise upon the throne of the Bourbons, an abler head, and a more vigorous arm, than ever before swayed the Gallic Sceptre. England must therefore expect to pay the forfeit of her crimes—she was the first enemy of liberty,—she may be the last victim of despotism.

With these contending nations our rights and interests have repeatedly come in collision—both have committed numerous acts of violence and injustice upon our citizens, and property. Against the government of France, we have claims to a large amount, for illegal confiscations;—but the administration of the general government are too sensible of their duty, and the just expectations of the people, to abandon those claims, or relinquish one particle of our rights. God forbid that there should be a treaty with France, any more than with England, without full indemnity for every cent of American property, captured or seized contrary to the acknowledged laws of nations.

England began her present system of outrage and injury, at the commencement of her war with France; and it was but partially suspended by Mr. Jay's treaty. Our rising importance—our extensive commerce, excited her jealousy, and alarmed her cupidity. Her disgrace and discomfiture, in the war of our Independence, still rankled in her breast. Disappointed in her expectations of subjugating us, she resolved to obstruct our trade and retard our advancement. She found us her rivals in almost every sea. Her own commerce diminishing in consequence of her mad and impolitic war against France, and her ambitious intrigues with the continental powers; she resorted to the plunder and pillage of neutrals, to replenish her exhausted coffers. Her merchantmen, repulsed from the

ports of the continent, brought disappointment and distress into the very heart of her capital. To repair this misfortune, the fruit of her own folly and ambition, she adopted a scheme of fraud and iniquity, which would have disgraced Carthage itself. To justify her continued spoliations on our commerce, she set up a system of maritime jurisprudence, unfounded in reason and truth, and alike subversive of the invariable principles of justice, and the rights and independence of other nations. In pursuance of this system, the offspring of power and violence, thousands of our brave seamen have been dragged from our vessels, and compelled to serve in her ships of war—to fight in the cause of despotism, and to shed the blood of their brothers and countrymen. Property, amounting to millions, has been plundered from us on the high seas, and condemned in her courts of admiralty, without the shadow of law or justice.

In vain did our government remonstrate—in vain enter upon negotiations with the British ministry. Uniform frankness and good faith on our part, met with nothing but insult, prevarication, and perfidy on theirs. Finding a party in this country closely wedded to their principles, and warmly espousing their cause, they confidently relied on this faction, to further their atrocious schemes against the integrity of our Union, and the rights and Independence of our country. Thus encouraged to persist in their unjust pretensions, by their “*friends in Congress*” and their equally devoted adherents without, every rational hope of accommodation was frustrated, and war became the only alternative to maintain the rights, and vindicate the honor of our country.

The immense maritime force of the enemy, threatened our little navy with immediate destruction, but it has performed prodigies of valor and enterprise; and the pride of Britain has been humbled. In

stead of victories and glory, she has met with mortification and defeat; and the trident of Neptune has trembled in her hand. This single twelvemonth of war is worth an age of renown.—It will place us on the page of history as the first avengers of the violated liberty of the seas. The exploits of our gallant commanders have gained them immortal honor.—The names of HULL, and DECATUR, JONES, BAINBRIDGE and LAWRENCE, will adorn the annals of our country as long as its shores shall be washed by the waves of the ocean.

But Oh! thou brave and much-lamented Lawrence! thus early to fall in thy country's cause!—in the flower of age, and the full career of glory!—Thou wert valor's favorite son—of an ardent and generous spirit—a frank and manly port—a courageous soul, tempered with kindness and humanity—valued by thy friends—dear to thy afflicted family. Already had a splendid victory decked thy sword—already had fame enrolled thee among her noblest heroes—already wert thou cherished in the hearts of the brave and the free—long shalt thou live in their grateful remembrance—coeval with thy country, shall be thy renown!

What though England's numerous fleets have nearly swept our commerce from the ocean—our vital strength, the great resources of our country are unimpaired. We have within ourselves, a creative power—a fertile and extensive soil—mechanical genius and enterprise—the arms and souls of freemen, which bid defiance to all the power of Britain.

Her doughty admirals will surely boast of valorous feats in America!—they have made some predatory incursions on our coasts—committed the most brutal acts of violence—sent marauding parties to plunder the inhabitants, and fire their dwellings. Such is the warfare that becomes the British name!—but let her

myrmidons beware!—the indignant spirit of the people cries out for vengeance on their ruffian heads.

In Canada, the savage and the Briton, most worthy allies! fight side by side, and stratagem and scalping mark their course. Although surprise has sometimes brought disaster to our camp, yet the intrepid valor of our troops has ever been evinced; and victory has given us several important posts. But in the attack on York, we have to mourn the loss of a most valuable and accomplished officer—the heroic and much-loved PIKE. He led his valiant soldiers to the ramparts of the enemy, and in the arms of victory fell. But ere his noble soul to Heaven had soared, the colours of the vanquished foe were brought—and placed beneath his dying head—how sweet a pillow for the brave!

Fellow-Citizens, The present situation of our country calls for the active patriotism, the united efforts, and the persevering zeal of every true friend to its welfare and Independence. Engaged in a war with a nation that acknowledges no other law than its own power—no other rights than such as proceed from its own will—no justice but such as is obtained by submission—no interest but such as is subservient to its own views;—that boasts of its civilization, while it forms alliances with the barbarians of Algiers, and the savages of the woods—of its morality, while the foulest corruption, pervades every department of the government, and bribery and treachery mark its intercourse with foreign nations—of its humanity, while it offers a reward for American scalps, murders wounded prisoners in cold blood, and encourages the Indians on our borders in the perpetration of every species of cruelty and rapine—of its religion, while intolerance and persecution form an integral part of its constitution—of its freedom—while it forcibly drags its own subjects into the

most galling slavery on board of its ships, and one half of its famished population at home, are employed to keep the other half in subjection, at the point of the bayonet.—Of its happiness and prosperity, while every sixth man in the country is a public pauper, and thousands die annually of hunger and want.—Of its respect for the laws of nations, while it openly violates the undoubted rights of others, it tramples on the most sacred principles of justice, and sets at defiance the acknowledged laws of civilized society.—But let me not be misunderstood. I mean not to confound the brave and generous part of the nation, with that corrupt and unprincipled portion, who hold the helm of government, or are devoted to its views; and who have brought misery and disgrace upon their country. I know there are honest and honorable men in the nation, whose noble and virtuous feelings revolt at the baseness and despotism of the government—perhaps indeed there may be found, souls breathing the lofty spirit of a **HAMBDEN**, who will one day rise upon their guilty oppressors—assert the people's rights, and Albion yet be free.

Such being the nature of the government with which we are at war—insolent, cruel and despotic!—and though it has heaped countless injuries on our country; yet there are found among us men, so lost to every sense of decency and of patriotism, as openly to uphold and encourage that government in every insult, which for years has been offered to us—in every violation of our rights—in every outrage upon our honor. Yes, there are men in our country, who call themselves Americans—the friends of peace—the disciples of Washington—who say we have no cause of war; that Great Britain has done us no wrong; that her numerous spoliations, her unceasing aggressions, were merely the exercise of her own rights; and that her piratical maritime system is the acknowledged law of nations!

Gracious Heaven! where sleeps the shade of Washington, while these men thus dare prostitute his name! *Disciples of Washington!*—they have not a single spark of the ethereal fire, the patriotic zeal, that warmed his breast.—He loved his country above all others—he cherished her liberties and Independence—he never looked with indifference upon the violation of her rights—palliated, or excused the attack upon her honor.—*Disciples of Washington!*—he promoted a spirit of concord, enjoined obedience to the laws, confidence in the general government; and, with his dying breath, adjured his countrymen to preserve indissoluble the union of the States. They sedulously foment jealousies, weaken the obligation of the laws, and by every means in their power, excite disaffection, disunion, and resistance to the general government. Yes, Fellow-Citizens, these men who vauntingly style themselves the peace party—the friends of commerce—the disciples of Washington, are at war with every sentiment that reigned in the bosom of that great and good man—with every principle of our Independence—with every measure in defence of our rights and honor. They would reduce us again to the condition of colonies—to a state of vassalage to England. For this purpose they seek to form what they call a Northern Confederacy, which shall overawe and control the Federal government; and compel submission to the domineering and insolent demands of Britain—but let us rise, in all our strength—let union be our watchword, and convince the traitors of New-England that New-York is not yet sold to the enemy.

The friends of our Independence—the friends of our national government—the vindicators of our honor, are the real Friends of peace and commerce—but not that peace which must be purchased by the sacrifice of our dearest rights and interests—which will condemn our gallant tars to the slavery of British ships



—which will dishonor the sacred principles of our Revolution.—Not that commerce which will depend upon British licenses—simulated papers—taxed with tribute to England—and which must pass under the review of British commanders.—But an honorable and substantial peace—a peace founded on the equality of our rights—the security of our persons and property from future insult and depredation—a peace which shall procure indemnity for the multiplied acts of violence and plunder, committed upon our citizens—a peace which shall recognise the rights of neutrals, upon the solid basis of the laws of nations, and the liberty of the seas. A commerce, unshackled by tributary duties, uncontrolled by orders in council or paper blockades—a commerce free as the element on which 'tis borne.—And may that hand, whosoever it may be, which shall attempt to sign any other peace, be, by the avenging God who protects our liberties, instantly withered!

My Countrymen—As long as we consider ourselves an Independent nation we must insist upon our maritime rights. On the great highway of nations, we have an undoubted right to pass, unrestrained and unmolested. By the natural law of nations the Ocean is free to all—all meet there upon an equal footing; and no nation has a right to set up an exclusive jurisdiction. The rights of neutrals are as sacred as those of belligerents; and there can be no restriction on the freedom of their trade, but what results from custom, founded on the uniform authority of treaties, constituting the conventional law of nations.\*

Blockades can never apply to the high seas, nor to places not actually invested—the very term shows the absurdity of such a construction; and it never was attempted by any nation, at any period of time, before Sir William Scott, that official tool of the British ministry, published his judicial decisions to the world, to set

\* See Note—Page 23.

up the legality of a blockade, without the constant and uninterrupted investment of the place.

Our ships are a part of our territory—they are under our jurisdiction on the high seas, and no nation, with which we are at peace, has a right to search or molest them. This is a principle ingrafted in the first elements of Independence, and the equality of rights. It was never dreamt, before the present war between England and France, that a belligerent had a right to search a neutral vessel for men, and forcibly to carry them off, whatever may have been the place of their birth, unless actually in the military service of the enemy.

Great Britain would never suffer her vessels to be stopped, rummaged and ransacked, on the high seas—the crews mustered, and such part of them taken out, as might comport with the wants or views of a petty boarding officer—Then why should we suffer such insults and violations?—are not our rights as sacred as her's? do we not stand upon the honor and dignity of an independent nation? or must we truckle to insolence and power?—forbid it, spirit of our fathers!—This is a pretension on the part of the British government towards us, so contrary to the laws and usages of nations—so hostile to every principle of justice—so revolting to humanity—so insulting to our feelings, our rights and our honor; that to yield to it, would be to stamp our national character with eternal infamy. What have we to do with their municipal laws against expatriation? can their laws extend over our dominions? are they in force on board of our ships?—It is a strange doctrine indeed, that because Great Britain claims a right to the services of her subjects, her commanders may violate our territory to enforce this right—may trample upon our rights, to come at their own. Our ships are as much under our protection on the high seas.

as our houses on the land; and they have no more right to enter the one than the other, to take even their own subjects. If they really have a right to impress their subjects into their naval service, let them seize upon their prey wherever they can find it, *within their own dominions*;—but they shall not come, cloathed with tyrannic authority, to violate our sanctuary---to outrage humanity under our eyes.

My Countrymen---the practice of impressment on board of our ships, is the grossest indignity that can be offered to us---the most flagrant violation of our rights; and it must be resisted, as long as we have hearts to feel, or arms to avenge and protect.

The doctrine of non-expatriation, set up by Great Britain, cannot be admitted by us---it is repugnant to the vital principles of our government---it is hostile to that spirit of liberty which achieved our Independence, and which must be fostered and encouraged, in order to strengthen and preserve it---it is, moreover, opposed to the first elements of reason and natural justice. Man in entering into a state of society gives up no such right to any government. It might as well be pretended that he gives up the right of self-defence, implanted in his very nature, and physically connected with his being. He may withdraw from the society in which he was born, whenever he pleases, and seek a kinder sun, a more genial clime; a free-er government---he may say to that society, if, as you pretend, there was a compact between us, which binds me to you---you were also bound to me, and you have broken the compact. You promised me protection, freedom, comfort, happiness---I find them not among you:—I have an undoubted right to seek them elsewhere—The pursuit of happiness is a primeval right of nature, interwoven with the existence of every human being---nor was it choice, but necessity made me a member of your political body. I was not a dur

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The doctrine of non-expatriation, set up by Great Britain, cannot be admitted by us---it is repugnant to the vital principles of our government---it is hostile to that spirit of liberty which achieved our Independence, and which must be fostered and encouraged, in order to strengthen and preserve it---it is, moreover, opposed to the first elements of reason and natural justice. Man in entering into a state of society gives up no such right to any government. It might as well be pretended that he gives up the right of self-defence, implanted in his very nature, and physically connected with his being. He may withdraw from the society in which he was born, whenever he pleases, and seek a kinder sun, a more genial clime, a free-er government---he may say to that society, if, as you pretend, there was a compact between us, which binds me to you---you were also bound to me, and you have broken the compact. You promised me protection, freedom, comfort, happiness---I find them not among you.---I have an undoubted right to seek them elsewhere---The pursuit of happiness is a primeval right of nature, interwoven with the existence of every human being---nor was it choice, but necessity made me member of your political body. I was not a

agent--I could not choose the place of my birth.— And hard indeed, and unnatural would it be, when the dawn of reason beams upon his mind--when maturer years have ripened his understanding--when the wide range of creation is before his eyes, that he should not have a right to say "Where Liberty dwells there is my Country."

Our naturalization law is founded in the very nature of a free government—it is expressly sanctioned by our Constitution; and every foreigner who is admitted to the benefits of it, is as much entitled to the protection of the government, as any native born citizen in the country. To withhold this protection, in any manner whatever, would be to violate a most solemn contract made with our adopted citizens. They are become children of our common family, and ought to be alike cherished and protected, with paternal affection and regard. Nor are they unworthy of our confidence and care.--Surely he who flies from oppression, persecution, or want, in his native country; and seeks an asylum in this free and fertile land--who brings with him his talents, his virtues, or his industry--who freely espouses our country's cause, and is ready to shed his blood in her defence; has every claim to our kindness, our esteem, and our protection. But it is said, that we are not bound to protect our naturalized citizens, on board of our ships. I answer, our Ships are our territory--they are under the safeguard of the government. It never was questioned, but that we had a right to protect the property of our naturalized citizens, on board of our Ships--then I ask, why not their persons? Is the person less sacred and inviolable than the property? Is life and liberty less dear to man than a few bales of merchandis.—Were it possible for us to be so lost to all sense of justice, good faith, and national honor, as to give up this point to Great Britain, the consequences would be fatal not only to the liberty and lives of our

brave sailors, (a class of men indeed, whom the self-styled friends of peace and commerce, consider of no account.) but to the *property* of thousands of wealthy merchants, *British born*, who have been naturalized in our country. Our naturalization law would be declared a nullity, and their vessels and goods, on the high seas, would be at the mercy of every nation at war with England—They would be considered as *British*, and their capture and condemnation justified by our own admission. In vain would the owners appeal to their certificates of naturalization—The captors would point to our treaty with England—there they would find their warrant for the seizure.—There can, therefore, be no compromise in this matter. All who have been naturalized are citizens, or none are citizens—We cannot allow this amphibious character, of citizen on our shores, and foreigner in our ships—We cannot surrender the poor but gallant seaman, and protect the idle and opulent landsman, they must stand or fall together, by the same principle—this principle is the very soul of political liberty, and is embodied in the Constitution and laws of our country.

Fellow-Citizens—we are at war with England for the security and protection of our most precious rights and interests. Violation after violation—insult upon insult, had we borne, for nearly twenty years; till there was an accumulation of wrongs and injuries, which could no longer be endured, without the sacrifice of every virtuous and honorable sentiment. If the blessings of liberty be dear to us;—if we value the noble heritage of Independence, won by the valor and blood of the fathers of our Revolution, and transmitted to us in all its perfection and glory; we must support our government in a vigorous prosecution of the war, till we obtain complete redress of all our wrongs, restitution of our plundered property, liberation of our

enslaved countrymen, and respect for our maritime rights and Independence. Among Americans there ought to be but one voice on this subject, whatever may be our difference of opinion on local concerns. When we are injured and insulted from abroad in our persons, wronged and plundered of our property, stigmatized in our national character and honor, the united spirit of the nation should be up in arms, with a firm and determined resolution to crush domestic treason, and avenge our country's cause.

Let us then rally round our government—support the friends of the Constitution, and of Independence—indignantly frown upon every attempt to dismember the Union, or to truckle to the enemy. We fight under the banner of the **UNION OF THE STATES, THE FREEDOM OF THE SEAS, THE INDEPENDENCE OF OUR COUNTRY.** Here let us take our stand—firm on this rock erect the citadel of our liberties—and though the storms of faction beat against its front—though treason attempt to sap its foundation—though the enemy assail its portals, we shall gloriously triumph—avenge our wrongs—secure our rights—and save **Our COUNTRY.**

**FINIS.**



Note at Page 17.

THE law of nations, in regard to the Ocean, is either *natural*, or *conventional*, that is, either derived from natural right, or positive law, founded on the general assent of nations, as expressed in treaties. There is no such thing as a *customary* law of nations applied to the Ocean, which is not recognised by treaties. We have no other criterion by which to ascertain the custom, than a reference to the *general* tenor of treaties. The mere *practice* of one or two nations in time of war, which has never been sanctioned by general consent, cannot be considered as sufficient authority on which to ground a rule of law. All nations in regard to their rights are equal—the assent to any rule or principle of maritime jurisprudence, set up by any one nation, must therefore be *general*, or at least, by a majority of those interested in maritime commerce. Now, by the *natural* law of nations the ocean is free, and no nation has a right to interrupt the commerce of another, with which it is at peace, in any manner whatever—but in time of war, lest neutrals should supply the enemy with articles of danger, that is, articles serving directly for the use of war, it has been *generally* agreed, that these articles, called contraband, should form an exception to the general rule of a perfectly free trade: and this exception is recognised in treaties—but with respect to the goods of the enemy, not contraband, which may be on board the neutral, there is no such general rule for their seizure—on the contrary, there are but a very few treaties which admit the right—so few, that if the question is made to depend even on the authority of treaties, without recurring to reason or natural right, there can be no pretension whatever for the exercise of such a right.

From the year 1642 to 1780, thirty-five commercial treaties are found, all admitting the principle that, *the flag covers the merchandise*, while only two exist, during that period, stipulating a contrary rule. They are those concluded by Great Britain with Denmark, in 1661, and with Sweden, in 1670. From the year 1780 to the period of Mr. Jay's treaty, 1794, twenty-five treaties are found sanctioning the rule that "Free ships make free goods;" and we know of none, except the one last mentioned, between the United States and Great Britain, wherein, the contrary doctrine is allowed—till we come down to the treaty between Great Britain and Russia, in 1801. At the treaty of Utrecht in 1713, to which Great Britain and France were parties, all the principles and rules of the positive law of nations, in regard to the Ocean, were ascertained and settled—even the manner of visiting neutral vessels by belligerents, to verify the flag, was explicitly laid down. From that time to the present, with the few exceptions before noticed, all

commercial treaties have contained the substance, if not the very words, of the 17th Article of that celebrated treaty, stipulating the perfect freedom of enemy-goods on board of a neutral vessel. Even as early as the middle of the 14th century, England herself was the advocate for the principle that "that the flag covers the merchandize," as may be seen by the treaties of Edward III. with the commercial cities of Spain in 1351; and afterwards with Portugal in 1642, renewed in 1654. In 1596, Queen Elizabeth claimed the right of a neutral flag to cover the enemy's property, against Holland, then at war with Spain, and obtained reparation from the Dutch for the detention of her ships laden with Spanish property—this detention was then called by the English an *insult*. How then can it be said, that the laws of nations authorize the seizure of enemy's goods on board of a neutral vessel, when the very few treaties, wherein this right is conceded, bear no proportion to the immense catalogue; for the space of upwards of an hundred and eighty years, recognising the principle that *the flag covers the merchandize*! Thus, whether we resort to the principles of the natural law of nations, or to those sanctioned by the general, nay, almost uniform authority of treaties, constituting the conventional or customary law of nations, the rule that "free ships shall make free goods" must be considered as the *general rule*, and the contrary stipulation, whenever it occurs in any treaty, as the exception.

With respect to the writers on public law, there is a very large majority in favor of the principle that the "flag covers the merchandize." *Grotius*, indeed, maintains the contrary doctrine; but he wrote before the year 1642, when the maritime law of Europe was altogether vague and arbitrary, being little else than the crude and barbarous rules laid down in the Rhodian laws, the *Consolato del mare*, the laws of Oleron, Wisbuy, &c. *Vattel*, the favorite of the English, may also be considered as on that side of the question—but against these publicists, and a few others of less note, may be opposed the works of HENNING, HUBNER, DE STUCK, GALLIANI, LAMPREDI, BUSCH, MARTENS, AZUNI, RAYNEVAL; all authors of great reputation, whose writings on the laws of nations abound in the most lucid and forcible reasoning. They are, however, never quoted by the English, because their doctrine is in direct opposition to the system of maritime jurisprudence, set up by the British government;—and they are but little known in America, because we borrow every thing from the English, to whom we are, in general, such slaves, in literature, in law, in moral and political science, that we can hardly persuade ourselves that truth, reason, or common sense can be found out of the little island of Great Britain—unless indeed it has previously passed the ordeal of British criticism, and received the royal stamp of their approbation.