

THE
Cause of the Country

TRULY STATED.



SPEECH

OF

MR. FINDLEY,

(OF PENNSYLVANIA)

IN THE CONGRESS OF THE U. STATES,

THE

LOAN BILL

BEING UNDER CONSIDERATION.

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Mr. Findley's Speech,

IN THE HOUSE OF REPRESENTATIVES
OF THE UNITED STATES.

MR. CHAIRMAN,

I HAVE voted for the declaration of war, and for the means necessary to carry it on, but have not heretofore on that subject accompanied my vote with my reasons for giving it, believing that such reasons had been given by others, as were self-evident—I now, however, claim the attention of the committee to a few of the reasons that determined me to vote for war, and the means of carrying it on with effect, and consequently to vote for filling the blank with twenty-five millions of dollars as I design to do. This is the third declaration of war that I have lived to see, and I have read of many more, I believe of most that have been declared in Europe on the system that has been adopted for two centuries past; and I have observed but very few of them declared on grounds so perfectly justifiable as that in which we are now engaged.

I have, sir, heard one if not more respectable and honorable members, to give weight to their arguments in opposition to this war, mention that they themselves had learned their politics *in the old school—the school of Washington*. You, sir, I know, consider old men to be privileged to some extent to talk about themselves; this having been already admitted to others, I will make some use of the privilege, because this will be connected with my argument. I am, sir, now an old man. I have the frost of 70 years on my head. I am a scholar of the old school—of the school of Washington. I was elected a member of the first committee appointed to promote Independence in a very respectable and then very extensive old county of the same state that I have still the honor of representing in this house. I was employed in confidential stations to support it when declared. I risked my life oftener than once in situations where several of my friends fell, to give it the support I thought it deserved. When the present government was put in operation and Gen. Washington was appointed President, I was consulted by him about the circumstances and defence of the western country, before I had the honor of a seat in Congress; and owing to particular circumstances was more intimate with and more consulted by President Washington and the members of his administration, than ever I have been by any succeeding one.—Therefore I claim a right to be a disciple of that school, and perhaps the oldest

one in this house. But it is proper to inquire what was the doctrine taught in this school.—This may be substantially found in the official documents of that period.

In President Washington's remonstrance, presented to the British minister, he says, that the British government had *brocke the definitive treaty before it was known in this country, and continued to break it after it was known.*

That they continued to break it after it was known, we are taught to remember by very serious tokens; they continued to supply the savages, by whom they had desolated much of our country during the revolutionary war, with every implement for distressing the most exposed part of our settlements. Kentucky was made the unceasing object of their attack, and even Pennsylvania did not escape. On the conclusion of the revolutionary war, Congress found themselves possessed of as little power as means of providing for the general defence, and gave some reason to believe that they were not very zealously disposed to defend the western frontier; they seemed rather inclined always to consider the frontier settlers as the aggressors. This and other causes rendered it necessary, or at least prudent for Gen. Washington to send a confidential agent (Mr. Innis) on this enquiry as part of his mission. He reported an amount of sufferings in Kentucky beyond what had been conceived, while their hands were bound up from even defending themselves by retaliation.

During the first Congress of Washington's presidency, and without any act of Congress for that purpose, he sent out an expedition against the hostile Indians under the command of Colonel Harmer, composed in part of the militia from Pennsylvania, Kentucky, &c. They were defeated, and besides other friends whom I valued, a young man, a near and dear relation of mine, was killed and scalped by the savages. The next season Gen. St. Clair was sent out with an army provided by law; he was not only defeated, but his army destroyed. It was raised only with a view to subdue the Indians between the Ohio and the lakes, but the savages from the deep recesses of the woods were brought to Detroit, still at that time in possession of the British, contrary to the express terms of the definitive treaty, and furnished with every thing necessary for war, and sent against Gen. St. Clair. I recollect this the more perfectly, because on the receipt of that information by the President, I was sent for by the secretary of war and informed of it—the secretary lamented that the information came too late for the government either to recall or reinforce Gen. St. Clair. Government was, therefore, under the necessity of raising a large and more permanent army, which was put under the command of Gen. Wayne, and which after four years, became eventually successful. Much more information might be given of the hostility of Britain against the U. States during this period, but I will only detain you, sir, with one instance. A council of the Indian tribes was convened by Lord Dorchester, then Governor of Canada, in which he engaged

to supply them in behalf of Britain with munitions of war, and encouraged them to proceed in war against the United States with an expectation of the co-operation of the British government. This was first shewn to me in confidence, but has been since published even in British prints. The British minister was called upon to account for it. He gave no satisfactory answer—So, we are informed, Gov. Prevost of Canada has done when called on about worse than savage depredations on the Chesapeake. After peace was made with the Indians, and Jay's treaty was ratified, President Adams informed Congress as early as 1797 of the British agents being employed in forming a confederation of all the Indian tribes against the United States, the truth of which has been severely verified.

Much has been said in opposition to the conquest of Canada—in almost every argument against the measures of government, the attempt to make the acquisition has been denounced as both unjust and unwise. This, sir, is not the doctrine of the school of Washington, nor even of New England while colonies. It is well known that they, while colonies, principally Massachusetts, equipped and sent out a powerful armament at their own expence for the reduction of Canada, to commence with the taking of Quebec, under the command of their Governor. The winds and waves defeated them—many were lost by shipwreck—those who escaped returned home. It is remembered by many yet living and recorded in history, the very great assistance which the colonies, especially New England, contributed to aid Britain in conquering Canada from France during the seven years war. In accomplishing this object much American blood was shed.

When the aggressions of Britain forced the colonies, though still acknowledging allegiance to the British crown, to appeal to arms in defence of their rights, one of their earliest objects was the conquest of Canada. The approaches to it were secured and the plan laid for its future reduction before the declaration of independence was agreed on, and officers appointed and an army raised for the final conquest of Canada. In the autumn following the declaration of independence, Gen. Washington detached a division of his army under the command of Gen. Arnold to co-operate with Gen. Montgomery, in the reduction of Québec. The misfortunes that prevented the final success of that plan, are two well known to require to be repeated; but though the plan was at that time defeated, it was not relinquished. As soon as the French alliance was obtained the plan was renewed by Congress. Gen. Washington was consulted on the subject, and the Marquis de la Fayette went to France to negotiate for assistance to complete the conquest of Canada. He did not, however, succeed, and the object was from necessity relinquished.

It may be asked what was the object of the New England colonies, and afterwards the U. States, in being so solicitous for the conquest of Canada? Was it to acquire a greater extent of territory? No. It was solely as a defensive measure of the first impor-

tance; it was, as they express themselves, to secure their frontier settlements from being destroyed, and their people, without regard to age or sex, scalped and barbarued by a savage and ferocious foe, instigated and supplied with the munitions of barbarous destruction, by the agents of a foreign nation whenever they tho't proper. If this was a justifiable reason for the conquest of Canada in defensive war by offensive operations, when our settlements but in a few instances were extended to the sources of the Atlantic rivers—how much more justifiable and necessary is it now, when our people are increased to more than three times the number, and our settlements extended far and wide on all the western rivers as well as to the south?

Mr. Chairman, some of those who are opposed to the war, and every measure proposed for carrying it on to effect, denied that the Indians either provoked or commenced the war. Not designing to detain you long on this subject, I refer to the warning voice of president Adams to Congress in his speech to Congress sixteen years ago, to which I have alluded above, and to all the information since obtained by government from the Indians themselves and our own agents, of the councils to which the Indians were called by the British agents, of the presents made to them of arms, ammunition, and all other suitable goods, and as the industry of their prophets, &c. extending the confederation against the United States, and of the murders committed, and such rendezvous as have usually indicated the commencement of Indian war. Was the government to look blindly on till our frontier settlements were desolated and the inhabitants murdered, without using any measures of prevention? It was only by a preventative measure they did begin; they sent a commissioner accompanied with a small army to the principal Indian rendezvous to negotiate; they promised to negotiate the next day; but while the army lay in security, depending on the promise, they were attacked with the usual Indian ferocity in the night. Was the government wrong in marching the army into their country? If they were in error, they learned it in the school of president Washington, who, during the first Congress, called on the militia of the different states, the first call of militia under the government, and who, with the only regiment of regulars then existing, were sent on a secret expedition to attack the Indian towns. Those Indians, I believe, were justly charged with committing murders and stealing horses in Kentucky; but not at that time in other states: on this late occasion murders had been committed, and horses stolen in different territories, and endeavours used to induce them to desist. Before Gen. Wayne's treaty, the Indians refused to acknowledge the transfer of that territory to the United States in full sovereignty; but in that treaty the sovereignty of the United States, as transferred by Britain, was fully acknowledged. The Indians retaining the right of soil, disposable to the United States only; therefore, the United States had an unquestionable right to march their troops wherever it was necessary in that territory. It may possibly be recollected by some members, that when provision was

made by law for raising several regiments in addition to the peace establishment in 1808. I advocated the measure, on the ground that a military force stationed in the Indian country was absolutely necessary to prevent an Indian war, and give my opinion that a regiment or two, judiciously stationed, might prevent a war and incalculable mischief and expense. Though the raising these regiments was strenuously opposed, and the recruiting stopped the next session, yet no member suggested that we had no right to keep a garrison in that country, or denied that the British agents were supplying the Indians with the munitions of war.

I have, sir, examined with some attention what has usually, by the civilized nations of Europe, been assigned as causes to justify war. In some of them I could only discover that the party assigning them only wished for an excuse to get to war; but that a nation, by its agents, exciting war in a neighbouring country, was an act of hostility, and a just cause of war against the aggressor, is agreed by all; yet the nation against whom the hostility is committed, is the proper judge of the time and manner of correcting it.— If there was any doubt of the hostilities committed by Britain, in exciting the savages and supplying them, it might be supposed that their so instantly, incorporating them in their armies, and patronizing their savage barbarity in conducting the war, is a sufficient proof: therefore, I conclude that their exciting and supporting the savages in a war against the United States, was alone a justifiable cause of war, and renders the conquest of Canada not only expedient, but a necessary defensive measure, and would alone justify the war. But it is not alone.

I do not, however design to detain the committee with explaining all the causes of war that existed before it was declared; I design principally to confine myself to one other cause, viz. the impressment of our seamen, and on that I will chiefly confine myself to the question of expatriation, on which some extraordinary opinions have been advanced, opinions to which I seem to be personally called to pay attention.

But, sir, before I proceed further I will take some notice of what an honorable member from Rhode Island, (Mr. Potter) expressed some days since, in vindication against the charge of factious opposition. He claimed the opposition made by the minority in 1798, as an example and justification of that opposition. The gentleman and myself were both in that Congress; I was one of the minority: a minority much more numerous in proportion to the majority than the present. The minority were opposed to engaging in hostilities with France, formally repealing the former treaty with that nation, without making further attempts at negociation, as the door to this was still open; but when these acts had become laws, the minority did not oppose the means of carrying them into effect; I voted for the direct tax; I voted for the greatest number of ships that was moved to fill the blank, a greater number than carried: but I was opposed to leaving the number wholly to the president's discretion. The minority in the first Congress were

zealously opposed to the assumption of the state debts, on other principles than those prescribed by the confederation, and before they were liquidated and their amount known ; and that party having become the majority in the second and two succeeding Congresses, they prevented the large additions to the assumption debt, recommended from the treasury to the second Congress, from passing into a law ; but rigidly preserved the national faith, by appropriating funds for the assumption which they had opposed as well as for any other debt. The act assuming the state debt, after having been first rejected, was carried by a very small majority ; but those who were then the minority acted on the constitutional principle, that the vote of the majority, however small, gave validity to the measure, and morally obliged the minority and the citizens at large to carry it into effect, if it was not in direct opposition to the constitution. It is this principle that decides the character of opposition, and determines whether it is factious or not.

The hon. member from New-York (Mr. Grosvenor) a few days since asserted, and that repeatedly, that we were making war for the protection of *traitors*, and considered that as the exclusive, or at least the principal object of the present war. He asserted that every emigrant that had not become a citizen, and who engaged in war against the country in which he drew his first breath, is a *traitor*, and he expressed great doubt if even having become a citizen could free him from that charge ; he at least considered it as a point not yet settled, and therefore illegal. The hon. member from Virginia (Mr. Sheffey) yesterday in an eloquent, but on that point, a very metaphysical argument asserted, that man was under a perpetual and indissolvable obligation to support the country in which he drew his first breath, &c. I will not follow the gentleman's metaphysical subtleties in proof of this assertion, I prefer common sense and common usage.

Taking both the gentlemen's arguments together, I feel myself charged with being a traitor, and if so, I am a pretty old one, and it is full time that I should examine myself, for this is brought home as a case of conscience. Mr. Chairman, I drew my first breath in the British European dominions, but have been in this country more than fifty years—as early as 1775, I served as a member of the committee elected to preserve order when the king had renounced the protection of the colonies by dissolving their legislatures, and to provide for the public defence, and also to prepare the way for independence ; and when it was declared, though not in the regular army, I risked my life more frequently and for longer periods, where many of my friends fell, or were taken prisoners, for its establishment, than any law required ; I on more occasions than one volunteered my services in support of it, as several of my near relations have already done in the present war. Therefore on the principles now advanced, I have long been and yet am at least a moral traitor of a high grade, and for which, if I cannot be punished in this world, I must account in another. I may, however, be answered, that we were all equally traitors at that period, being equally born subjects

to the British king, but were morally justified by the justice of the cause. This answer, however, will not justify me on the principle of perpetual allegiance to the country in which I first drew my breath. I drew my first breath in Ireland, which then was and continues to be a component part of the British empire; therefore on principles now advanced, I am still under a moral obligation of allegiance to that soil and government. This was not the case with those who drew their first breath in the colonies; they supported the allegiance to the soil in which they drew their first breath, and only became traitors to their king; kings may be changed or die, but the soil where we drew our first breath continues unchangeable. Therefore I was a traitor on another and much higher principle than the native colonists—I also took up arms and held official appointments of pretty high trust before I was a naturalized citizen. Indeed I never have been naturalized, except by the definitive treaty. It is true, that during the revolutionary war, I in common with the native colonists, took an oath to support the independence of the U. States; this oath was prescribed by the state legislatures to distinguish between whigs and tories, a distinction then well known, that the latter might be double taxed and deprived of political privileges; that old school of Washington did not admit advocates of British aggressions and traducers of their own government to sit in the national councils, nor enjoy political privileges, but they did admit many into their councils and armies who had not drawn their first breath in the colonies, without any formal act of naturalization. Municipal laws for naturalization are made for the security of the state which enacts them, and not for the security of other nations—perhaps the United States is the only nation which has a standing general law for that purpose—Britain has none, yet admits to citizenship for a short time of service on the ocean; no nation is obliged to have such a law, yet all nations are obliged to treat strangers who come among them with hospitality as long as they permit them to stay, and to grant them protection, in return for which they are obliged to support the government and obey the laws; we oblige them to serve in the militia, constables, guards, &c.

Mr. Chairman, I really do not understand how happening to draw my first breath in a particular spot can bring me under a moral obligation of perpetual allegiance to that spot, under the penalty of being guilty of treason, which is allowed to be the highest crime a man can commit in society. I have been taught to believe that the law of nature, which is the law of nature's God, made it the duty of every man to consult and pursue his own happiness, and that this conduced to the general happiness. I have acted on this principle. The same supreme law also taught me that I could not be brought under a positive moral obligation but by a conscious act of my own will. Now, sir, I am not conscious of where or when I drew my first breath; my will was not consulted about it, it was not my voluntary act. I was wholly passive in that business. Therefore no moral obligation can arise from it to bind my conscience to perpe-

tuai allegiance to that spot of earth. If this reasoning is correct, I conclude that I am not guilty of the high crime of treason, that I am not a traitor. About twenty years after the time I was told I had drawn my first breath, consulting my own happiness, I came to Pennsylvania, where I have resided for more than half a century ; I have found that doing so conduced to my own happiness and the happiness of those with whom I am connected. I have a pretty numerous family of children and grand children, who as far as they have grown up, bear true allegiance to the country of my choice, but do not consider themselves as slaves to the soil on which they were born, because they happened to draw their first breath in it.

I have said that this is the doctrine of the law of nature. I will add that it has been the practice of free and civilized nations of the world, as far back as we can trace their history. After God had created the human race, he commanded them to increase and multiply and replenish the earth, which he apportioned to the different original families; but they, or at least the majority of them, rebelled against this commandment, and erected a despotic government on the plains of Shinar (Chaldea) the first despotic government of which we have any information; and the first national sin, of which we are informed in sacred history, was, like the opinion of the gentleman to whom I reply, refusing the right of expatriation. The Creator and supreme Governor of the world said, "disperse abroad and replenish the earth:" "No," says the government of Shinar, "we have chosen a fertile and beautiful situation, we will compel you to stay to defend the government to which you owe perpetual allegiance; we will establish here a universal empire; we will make ourselves a name, and an elevated tower, that we may not be scattered abroad." But God punished this despotism contrary to his law of nature; and by confounding their language laid them under the necessity of dispersing themselves abroad, and replenishing the earth in small colonies of emigrants, which laid the foundation of such numerous small nations as we observe in the time of Abraham.

That empire of Shinar (Chaldea) it appears was soon dissolved, and we find from the same record the emigration was free in all the countries of the East for some ages; we do not find that they asked leave to emigrate from the country which they left, but they did request admittance into the country to which they came. Jacob and his sons requested permission to settle in Egypt; they were received and treated with hospitality; but after they had increased in number, and all those who had been born before they came to Egypt were deceased, they proposed to emigrate to Asia, from whence their ancestors had come; but the king of Egypt, then become a despot, refused to permit them to remove. The ruin that this brought on that king, and the distress it brought on that nation, it is not necessary to repeat. After this period, emigration appears to have been freely admitted between Egypt, Phœnicia, Greece, &c. till perhaps it might have been interrupted by the rise of the great em-

pires, the scourges of the world; but it is well known that it was freely admitted by the civilized and free nations of Greece and Rome. They gloried in this as the test of their freedom and civilization. The moral law of nature and the examples I have quoted, are the schools from which I have derived my principles on this subject, as well as from the school of Washington, who admitted every free emigrant into the army without naturalization, if he was not a deserter from the enemy's camp—such he would not trust.

There was, sir, however, an old school which once prevailed all over Europe, and unfortunately yet prevails in Russia, Poland, and some parts of Germany. The school of feudal vassalage; on the principles of which men, except some privileged orders under the designation of fiefs, are considered as the trees that grow in the woods, and transferred with the soil, like the herbage it produces. When the sovereign of Russia bestows a landed estate on a favorite, it is not limited by the number of acres as with us, but by the number of souls it contains; and the same is the case with Poland and several sovereignties of Germany. This we know to our cost; they were sold in thousands to Britain, for whom these gentlemen are such zealous advocates, in order to destroy the Americans. Some of these despots, however, seem to sell their people for that purpose and refused the British money; Russia and Prussia did so. I have conversed with several respectable old Germans, who have informed me that they had to purchase their freedom from their prince; and some have come away by stealth. I am acquainted with a very respectable manufacturing town (Harmony) in Pennsylvania, the inhabitants of which emigrated from Germany not very many years since, but had previously to purchase the right of emigration. To this school and to it only the gentleman's principles will apply. From other parts of Germany, from Holland, &c. emigration has been freely admitted, and none of these nations ever pretended to reclaim them again, even if they went off by stealth, either by land or sea, after they were out of their municipal jurisdiction.

The question, sir, wholly relates to Britain; no other free nation has ever set up such a monstrous claim as she does. I know the gentlemen in opposition assert that all the nations of Europe maintain the right of reclaiming their citizens who drew their first breath on their soil. This is a question of fact and not of theory; they have not mentioned one instance of any nation doing it except Britain; nor of her doing it till within a few years past. I am confident they cannot do it; no, nor of Britain reclaiming them from any other nation but ours. Can they tell, sir, how much her army and navy would be thinned if other nations would reclaim all their citizens? in that event the United States would come in for a large share of even native citizens.

The question of expatriation in the present contest derives its importance from the question of impressment. The Greeks and Romans considered violence done to one citizen as an act of hostility against the whole nation, and resented it accordingly. So did all

nations, not even excepting the savage tribes. So did President Washington; so did President Adams; and every succeeding administration; only they exercised longer forbearance than the ancient nations would have done.

As early as 1792, President Washington, in his instructions to Mr. Pinckney, then our minister near the Court of London, mentions one instance of British impressment that had recently taken place, and instructs our minister in remonstrating against that outrage, to inform the British Court that it was such an act of hostility as, if persisted in, would certainly provoke retaliation; or, in other words, was clearly indicating, that it was a just cause of war in his opinion. He also objected to written protections as a test of citizenship, because our flag was the proper protection of all that sailed under it. When Jay's treaty was made, this question with some others was postponed for further negotiation. Another minister, Mr. Rufus King, was sent without delay with positive instructions to renew the negotiation on that subject. On the same principles similar instructions were renewed and strongly enforced by President Adams, and continued to be so by President Jefferson, but without success. These things are so generally known, that it is not necessary to be more particular. Some gentlemen who hear me are so well acquainted with the facts, that they can correct me if I am mistaken. I, sir, agree with Washington and Adams, that impressing seamen of any description, whether our own citizens or those of other nations, from under the national flag on the ocean, the common highway of nations, was a just, and if persisted in, necessary cause of war. That thousands of our own native citizens were thus impressed, was a great aggravation to the aggression, but did not change the principle. Impressings of French, Danes, Portuguese, &c. from under our flag, about whose language there could be no mistake, has been practised, and protested against by different Presidents. President Adams, it is presumed, was as well informed on this subject as any member on this floor. He not only in his public instructions, but in his private discourse, invariably maintained that our national flag was the protection of all under it, except contraband of war. In his last instructions to Mr. King, he lays down the incontestible position, that independent nations, while they remain so, have all equal rights; that consequently, if Britain had a right to impress from under our flag, we have an equal right to impress from under theirs.

It has, sir, been repeatedly and boldly declared on this floor, by such as are engaged in advocating the cause of Britain and accusing their own government, that Britain has enjoyed and exercised these rights from time immemorial; and they treat with a kind of ridicule our expectation that she will ever surrender them, or ought to do it, because they say her national existence depends on them; that she has invariably exercised this authority—this I deny absolutely, and appeal to facts. I do not admit it to be entitled to the name of *right*.

During the reign of Queen Elizabeth, thousands of Englishmen went volunteers into the service of Holland and Henry Fourth of France: but though England soon after being at war with Spain, stood in need of seamen, yet we know they did not impress their own seamen, nor seamen of other nations, from under the flag of Holland or France. As the armies of Holland have been generally composed of men enlisted from other nations, they have at all times, while they enjoyed independence, had numbers of English, and Scotch, and Germans from different states in their service. They had several regiments kept up regularly by recruits from Scotland. Britain has been different times at war with the United Provinces, but we never have heard of British citizens who entered their ranks in time of peace, considered or treated as traitors. During the revolutionary war, when Britain purchased all the Germans she could procure from the petty despots, she also called on the states of Holland for the Scottish regiments; but they refused to come. Britain afterwards went to war with Holland, but did not in that war consider or treat as traitors the Scottish regiments, nor before they went to war, impress seamen from the ships of Holland; nor have they impressed from Prussia, whose navy was manned with British seamen, from the admiral to the private sailor.

When the Prince of Orange arrived with an army in England to accomplish the revolution of 1688, that army was composed of officers and soldiers of different nations; a large proportion of that army, and their Gen. the Duke of Schomberg, were native born citizens of France. France became a party in the war, which was continued for several years; but none of the French citizens who had left France in time of peace to seek their fortune in foreign service were ever considered or treated as *traitors* by France. During the reign of Louis the 14th, who has been often, perhaps justly, considered as a tyrant, a number of young Frenchmen, during a period of peace between Austria and France, entered the Austrian service as volunteers in a war against Turkey. One of these afterwards became the celebrated Prince Eugene. A war soon after commenced between Austria and France, when the King of France called on the volunteers to return. Eugene and a number of others who had received commissions from Austria, then considered as the natural enemy of France, refused to return. Eugene became commander in chief of the army of Austria, which eventually reduced the haughty Louis very low; but during different wars of near fifty years continuance, with some intermission, neither Prince Eugene or these Frenchmen who continued in the Austrian service with him were ever considered as traitors. They left France in pursuit of their own happiness, and went to a nation with whom France was not at that time at war.

The Count St. Germain, a native of France, in time of peace entered the service of Prussia, but when France engaged in the war against Prussia, he joined the armies of his native country, in which he attained a high rank, and rendered eminent services; but

he was not a favorite of the King's mistress, Madame Pompadour, and his great merit was overlooked. He became discontented, and determined to resign and go into foreign service. Every inducement was given, and promise made both by the King and commander in chief to retain him in the service; these promises, however, had been too often broken to afford confidence. He claimed his right from the law of nature to pursue his own happiness, but engaged not to go into service of those then at war with France, but of a neutral power who eventually might be at war with it. He accepted of the chief command of the troops of the King of Denmark, who gave him a high salary to introduce discipline and order among the troops of Denmark. Was he deemed and prosecuted as a traitor, or reclaimed for this? No, after peace was restored in France, he was invited back to France and put at the head of the war department.

But passing numerous examples from different nations of Europe that might be produced, I will, sir, offer a few examples from the practice of Britain herself on this question. I have already mentioned instances from the time of Elizabeth; I will now offer some of a later date.

On the termination of the war in Ireland which had been for several years supported in favor of King James against King William by the natives, assisted by auxiliaries of France, by the treaty of Limerick, the heads of the opposition were permitted to retire into foreign service. It was soon after discovered that it would have been better policy to have rendered them happy at home. They went into the service of France and Spain, and formed the famous Irish brigade, so much distinguished in the service of those nations in their war with Britain till the revolution of France, in which we know by their names many of them made a figure. They continued to be recruited from Ireland in time of peace for near an hundred years. Gen. Conway from France, who served in the American revolutionary war, was one of them, he was born in Ireland. These brigades continually recruited in Ireland, by the estimated amount of more than two hundred thousand, fought against Britain, the country in which they drew their first breath, from 1690 till the close of the last century. They were exchanged and otherwise treated in the same manner as the native troops of France; they were not punished as traitors. This was not singular, Holland, Prussia, Austria, &c. always had troops in their armies enlisted or appointed from the neighboring states with which they were frequently at war. One of the sister's sons of the king of Prussia, the famous duke of Brunswick, had a command in his army during the seven years' war while his brother had a command in the Austrian army opposed to him. But if they emigrated and went into foreign service in time of peace or with a nation at peace with their native country at the time of their emigration, there is no instance known to me on record in which they were treated or punished as traitors or obliged to return. The instance of

Patrol, I presume, will not be considered as an exception. Their emigration is their voluntary act. In drawing their first breath, they are passive, their will is not consulted.

This case has apparently, by the gentlemen from New York and Virginia, been, divided into two questions: allegiance to a particular king or government, and allegiance to the soil or country in which we happen to be born. The native colonists were only traitors against the king, even if they had not been successful in the struggle for independence; but I and others who had emigrated from Britain, if this doctrine was valid, were also traitors against the country in which they drew their first breath, viz. guilty of double treason. But these honorable members seem to have more acute discernment than the British government itself possessed at that time. Very many officers and soldiers of the revolutionary army drew their first breath in Britain or Ireland. Gens. Lee, Gates and St. Clair, the oldest major general now living, of that respectable army, drew their first breath in Britain, and had held commissions in the British army; Lee only resigned the British commission the day preceding his acceptance of a major general's commission from Congress. He was afterwards taken prisoner by the British, but he was not by them considered as a traitor, but exchanged as other officers were, agreeably to the law of nations.—The Pennsylvania line of that army, considered, at least before the mutiny, as the strongest line of the revolutionary army, was in a great measure composed of men born in Ireland. Of these generals Irwin and Hand, well known in the annals of that period, had been in Ireland, and held military commissions under the king of Britain. General then colonel Irwin, and many other officers and privates who had been born in Ireland, were taken prisoners at the battle of Three Rivers, but they were not considered as traitors, but exchanged on the same principles as the natives were. If this absurd slavish doctrine had been urged and admitted at that period, it is very probable that the present generation would not have enjoyed independence or a government of their own; and if we had not gone to war when every honorable means of avoiding it was exhausted, we would have enjoyed independence only in name: the expense of supporting it without the benefit. The gentlemen knew that they did not offer any alternative for war but submission. Submission in important points opens the way for repeated submission.

I did not design, sir, to enumerate all the cases that justify the war, and have already called your attention longer than I had intended. I will only add that the mission of Henry, as well as the mission among the savage tribes, were acts of hostility and justifiable causes of war, agreeably to the established rules and practice of all civilized nations, and we are sensible of having felt their hostile effects.

It is strange, Sir, that this perpetual moral obligation of allegiance to the spot where we were born, though it should have been

the most unproductive spot in the world; or under the most oppressive government, has been so long kept out of sight as to any practical effect. I have indeed long since observed such an idea held out by Judge Blackstone and D. Rutherford, both stipendiaries of the British government, but denied by Locke, a superior and more independent authority. But what is that to us? The municipal laws of Britain and theories of British writers have no authority but in their own country. Let them keep their people in perpetual allegiance or slavery if they think proper. I, with several hundreds besides, sailed from Ireland in a British ship, agreeably to law. I gave no promise to return, nor was any asked. I was by law left free to go to what part of the world I pleased in pursuit of my own happiness. I have done so agreeably to the laws of Britain, therefore she has no claims on me. I declare most positively, that I do not recollect of hearing this slavish doctrine ever advanced in Congress till within ten or twelve years past, if so long. It is a doctrine of a new school, not of the old school of Washington, to which some of the gentlemen make pretensions. When I look around me in this house, or in whatever company I happen to be, I see none but emigrants, or the descendants of emigrants, who at no very distant period, have expatriated themselves, by their own act, from the country in which they first drew their breath; this renders the new doctrine of treason, recently advocated on this floor, the more extraordinary.