

**REPLY TO AN
"AMERICAN'S
EXAMINATION" OF
THE "RIGHT OF SEARCH"**

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Reply to An "American's Examination" of The "Right of Search" by Sir William Gore Ouseley

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SIR WILLIAM GORE OUSELEY

**REPLY TO AN
"AMERICAN'S
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REPLY
TO
AN "AMERICAN'S EXAMINATION"
OF THE
"RIGHT OF SEARCH:"

WITH
OBSERVATIONS ON SOME OF THE QUESTIONS AT ISSUE
BETWEEN GREAT BRITAIN AND THE UNITED STATES,
AND ON
CERTAIN POSITIONS ASSUMED BY THE NORTH
AMERICAN GOVERNMENT.

BY AN ENGLISHMAN.

" Neco mihi regna peto: paribus aed (ae?) legibus ambas
Invictas gentes aeternae in foedera mittam."
(*Aeneid*, xii. 190-91, apud HUGO. GAOR. LIB. II. CAP. XV.)

LONDON:
JOHN RODWELL, 46 NEW BOND STREET.

M. DCCC. XLII.

INTRODUCTORY REMARKS.

THE pamphlet which gave rise to the publication of the following observations appeared about two months ago at Paris. Professing as its author does to give a fair account of the question "now in discussion concerning the Right of Search," it is so full of misrepresentations of a simple question, contains so many fallacies, and is written in so ingeniously mischievous a spirit, that the writer of this "Reply" thinks (notwithstanding the exciting appeals made by the "American" to the party feeling and national prejudices of those utterly ignorant of the real nature of the case in discussion) that, unless the precept *audi alteram partem* be totally disregarded, the remarks of one who is more likely to be acquainted with the present disputed questions and counter-pretensions than those who never visited the United States, may be allowed some weight.

The author trusts that it will not be considered presumptuous to assume that those recently returned from America, after a prolonged residence in the United States, are more likely to be practically acquainted with the nature of the positions assumed by that republic, and the working of its system, than writers, however distinguished for ability or genius, who have acquired their ideas of the cases in dispute in the neighbourhood of the Chaussée d'Antin, and from those who have an evident interest in mystifying public opinion on the contested points; in which they have been but too successful.

The pamphlet of the "American" not having been allowed to appear in England, it has been thought necessary to reprint in the Appendix the chief passages to which reference is made in this "Reply."

London, April 1842.

REPLY
TO
"AN EXAMINATION,"
&c. &c.

CHAPTER I.

Summary of the Arguments of the "American"—Observations.

THE professed object of the "American" is to give "a summary view of the question of the Right of Search, as affecting the United States and Great Britain."¹

He affirms that he has endeavoured *fairly*, and in a spirit of courtesy, to discuss this question²—that he avoids recrimination, or rather *crimination*; for it does not appear that there is an accusation to retort. He further speaks of not violating the "courtesies of a liberal controversy,"³ and throughout the pamphlet there is an assumption of candour and impartial examination, for which it is not easy to find a justification in the tone and arguments of the writer.

¹ Page 4.

² Page 5.

³ Page 8.

Three distinct questions are treated by the "American" under the head of "Right of Search."

1stly, The right of search required for the suppression of the slave-trade, as mutually stipulated between Great Britain and the nations of Christendom, and especially in the late Quintuple Treaty signed in London,—and as proposed for many years to the Government of the United States, and by them alone refused.

2dly, That right of ascertaining the character of a suspicious vessel, which consists in verifying its title to the flag that it hoists; which right is, and ever has been, exercised by the vessels of war duly commissioned of all civilised governments, and arises from the manifest necessity of preventing piracy on the high seas.

3dly, The question of impressment, as possibly connected with a right of search,¹ *i. e.* Whether,—while searching for negroes or slaving equipments, in the one case (under the stipulations of treaty), or when ascertaining, or under pretence of inquiring into, the character of a suspicious vessel, in the other (for the suppression of piracy under the law of nations), American seamen, or the subjects of other nations, may be pressed into the British service?²

The last is the only purely American question. For the absurdity of arguing that England means,

¹ Page 23.

² Page 24, &c.

under the pretext of enforcing a right of search, to impress French, Russian, &c. seamen, is too gross an abuse of common sense to require a serious reply. Were one necessary, it would be found in a reference to the experience of many generations, and more especially, as regarding the stipulated right of search under slave-trade suppression conventions, to that of the last ten years, and upwards, that it has been in force between Great Britain and France, as well as nearly all other civilised countries.

These questions and arguments, or rather anticipatory denunciations,¹ will be discussed in the course of this Reply. At present let us examine how far the "American" has avoided all "crimination," "violations of courtesy," and how his self-lauded candour and claim to moderation are proved.

It appears scarcely credible that in the same pages containing these ingenuous professions and disclaimers, England is accused directly, or by implication, of the basest motives, of sordid self-interest, masked under a pretended philanthropy; that it is asserted that there would be "*disgrace*" in entering into mutual agreements with her;² that the "material interests" of the East and West Indies are her secret motives for seeking suppression of the slave-trade.³ An indefinite accusation is also introduced,⁴ at which the "American" ob-

¹ Coming, however, so late as to carry their own disapproval with them to those who know the facts of the case.

² Page 5.

³ Page 6.

⁴ Pages 5, 6.

scurely hints, as though he avoided its discussion from motives of delicacy.

He acts "wisely in his generation" in thus confining himself to inferential accusations, well knowing that the Government whose conduct is thus impugned, has reason to court publicity and invite discussion,—he, like a good advocate, evades it.

Were the writer of this Reply to cite all the passages in which these and similar accusations are made or insinuated, almost every page of the pamphlet might be quoted;¹ he confines himself to noticing some of the more prominent. In these will be found denunciations of England's lust of universal dominion; assertions that she threatens (alluding to passages in newspapers!) to become "constable of the ocean," or, as he elsewhere words it, adapting his phraseology to those whose national jealousy or hostility he in reality seeks to excite against England, "*prefet de police*" of the high seas.

He even ventures to prophesy that French crews will be forcibly mustered and pressed; that our interests in African commerce are so wonderfully great as to be the real motive for all the expense and trouble attending our suppressive measures against the slave-trade. But, perhaps, the most surprising accusation is that in which the French are forewarned that Great Britain has the delibe-

¹ Pages 1, 5-8, 10, 13, 15-20, 22, 24, 29, 32, 35, 40, 44, 48, 59, 62, 76.