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MASSACHUSETTS LEGISLATURE.

HOUSE OF REPRESENTATIVES.

The Committee to whom was referred so much of His Excellency's message as relates to the subject of protecting in the merchant ships of the United States the seamen of Great Britain, against the claims of that government, and who were also directed to report what measures are proper to be taken in order to ascertain the number of seamen of this Commonwealth impressed or detained by any foreign nation, beg leave to submit the following

## REPORT:

Your Committee find, from the message of the President of the U. States to Congress, that the principal alleged causes of hostility against Great Britain have been removed by the repeal of the British orders in council, & that the remaining cause of war against that nation is her claim of the right to impress her own subjects from merchant ships.

Your Committee, while they have been with the highest satisfaction that every other cause of hostilities has thus removed, have perceived with the deepest concern, that the blood and treasure of the country are still to be expended in the prosecution of a war, the object of which is to compel G. B. to relinquish a principle which never, till the present time, seems to have been considered by the government of the United States as a necessary cause of war.

The U. States, it is said, "engaged in the war for the sole purpose of vindicating their rights and honor." It therefore becomes a deeply interesting inquiry for the people of the United States to make whether their rights have been invaded, and their honor insulted, in such a manner as to demand a vindication by this last resort of a sovereign state. If it should be found that this is not the case, but that the principle which is now made the cause of the war against G. Britain, has been recognized & practised upon by France and other powers, without being considered on our part as a cause of war, the just and enlightened people of Massachusetts as well as of the other parts of the Union, will not, it is believed, think it necessary that the war should be continued for that object; they will not think it just for a neutral power to make war for the sake of requiring of one nation, what they have not exacted of others, and what others have never exacted of them.

The government of the U. States, however, to whose reasonable discretion is committed the power of declaring war, has thought it proper to announce, that the present war is still to be prosecuted for the purpose of compelling the relinquishment of this claim of G. Britain. It is then more than ever necessary that the people of this Commonwealth, a portion of the Union destined to bear a large share of the hardships and calamities of war, should carefully inquire into, and correctly understand the nature of this claim, and the real magnitude of the injury for which hostilities are to be continued, in order that they may be enabled to devise the best means which may be in their power as a member of the Union, of contributing to effect the restoration of peace. Your Committee, therefore have thought it to be their duty, deliberately and dispassionately to make this inquiry; and in doing it, they have felt all that responsibility which must result from a just regard to the welfare of our common country, and the essential interests of the citizens of this Commonwealth.

With this view they have found it necessary to present a detailed statement of the subjects committed to them, a statement which in their opinion will satisfy this house of the necessity of a further and more minute inquiry, than has been possible to

to make during the present session of the Legislature.

In prosecuting this inquiry, your Committee, in the first place, tho't it proper to obtain facts sufficient to enable them to form some estimate of the number of impressed seamen of this Commonwealth. For this purpose they had recourse to various official reports made to congress by Mr. Madison, while Secretary of State, and by his successor, Mr. Monroe; and they hoped to have found in those documents, published under the authority of the government, satisfactory information on this point. But in this expectation they have been entirely disappointed; they have found those reports so uncertain and erroneous, that they could place little reliance upon them. In proof of this, your Committee beg leave to offer a few remarks; and such as they shall make will chiefly arise from their examination of the last of those reports, dated Jan. 15, 1812.

This report contains a list of 1557 applications of men represented as impressed; which, with the applications before communicated to Congress, amount to the now well known number of 6057 (or, as it is sometimes called, 6257) cases of British impressments.

The first general remark your committee have to make on these extraordinary documents, is this, that of the 6057 cases, many hundreds appear to be duplicate applications; and in many instances the same name is reckoned three and four times and in some, five times. And these repetitions occur not only in the names of real persons, but also in the names of persons, who, by the evidence of native inhabitants of the towns to which they are alleged to belong, were never known or heard of.

Of the remaining cases, vast numbers are altogether destitute of the particulars of the places of birth or residence, &c. of the seamen, which are so essential to determine the fact whether the applicants were *Americans*, or not. Of the 1556 cases contained in the report last mentioned, about 1216 have no designation of the towns and states to which the seamen belonged, the time and place of impressment, &c. and only the 344 remaining cases are accompanied with these particulars. It should be observed, further, that this list is entitled by the Secretary of State, "A list of AMERICAN seamen and citizens who have been impressed and held in bondage in his Britannic majesty's ships of war." &c. This very title is calculated to mislead; it purports to be a list of persons *impressed and held on board British ships*; yet in many of the cases it appears that the men *voluntarily entered* into the British service and received bounty and pay. The list is also given as a list of *Americans*; yet in a vast number of cases the men acknowledged themselves to be *Englishmen, Irishmen*, or other subjects of Great Britain. Further; many of the men it appears, had entered into *French* privateers, and were taken in the service of the enemies of Great Britain. Some, though taken from *American* merchant ships, were the subjects of Denmark or other nations at war with Great Britain. Some acknowledged the names in their protections were not their true names; others had protections that did not correspond with their persons. Some had protections that were forged or altered. Many of the seamen were taken from *English* merchant ships, and no suggestion is made that they had not entered voluntarily.

Your committee will make but one other remark on these documents. The Secretary of State, in his report last mentioned, observes, that "there is reason to believe that no precise or accurate view is now or ever can be exhibited of the names, or the number of our seamen, who are impressed into, and detained in the British service," and that "it is equally impossible from the want of precise returns to make an accurate report of the names or number of citizens of the United States, who have been compelled to enter into the French service, or are held in captivity under the authority of that government; whether taken from vessels captured on the high seas, or

seized in rivers, ports or harbours; the names of a few only greatly below the number believed to be so detained, being within the knowledge of this department. A detail is therefore not attempted with respect to this part of the call of the House of Representatives."

Why the Secretary of State tho't it proper to give a "detail" of *British* impressments, and to withhold a "detail" of *French* impressments or detentions, under such circumstances, it is not the part of your committee to determine.

From this examination it was apparent, that these official documents were so uncertain and unsatisfactory, that little reliance could be placed on them. It became necessary, therefore, to resort to other evidence; and none appeared to your committee to promise so satisfactory a result as the testimony of eminent merchants and experienced ship-masters of some of the principal sea-ports of this state; men, who from their professional, as well as local knowledge, must be acquainted with the case of impressments from their own vessels, and their own towns. Your committee accordingly, under the order of the house, authorizing them to send for persons and papers, summoned a great number of merchants and ship-masters, without distinction of party, from Boston, Salem, Marblehead, Portland, and other seaports, which, all together, owned a vast proportion of the whole shipping of this Commonwealth. They also examined some of the custom-house officers, and also made enquiries of experienced officers of the navy. The united testimony of these witnesses, (which will be found in the depositions hereto annexed numbered from 1 to 51, and which your committee request may be considered as a part of their report) forms a body of evidence, from which highly important and interesting results have been obtained, some of which your committee beg leave here to offer to the consideration of this House.

It appears from the depositions of the merchants who were examined, and who have been engaged in commerce and navigation for ten, fifteen and twenty years past, that the whole number of seamen they have together employed upon an average for the last twelve or fifteen years (deducting the period of the embargo) amounts to about 1560, annually—which for fifteen years, would make an aggregate of 23,400 and for twelve years would make an aggregate of 18,720 seamen, constantly employed during those periods respectively; the average of these two aggregates will be 21,060. In this vast number of seamen thus constantly employed by these witnesses your Committee have found the following cases of impressments by the British, viz.—

American seamen ----- 12

Foreign seamen ----- 23

Total ----- 35

Of which there have been discharged, as follows, viz.

Foreigners discharged ----- 6

Americans discharged ----- 9

do. escaped ----- 1-10

leaving, of the twelve Americans impressed as above, but one who has not returned.\* Such was the result of the evidence of the witnesses in respect to impressments from among the seamen in their employment.

The whole number of impressments, (excepting the men hereafter mentioned taken in British ships of war) that were testified to before your committee, including not only cases within the personal knowledge of the witnesses; but also cases that they had heard of from the friends of the impressed seamen, in such a manner as entitled them to credit, amounted, with the foregoing, to one hundred and forty seven.

Add cases of supposed impressments, ----- 10

Total ----- 157

By the British ----- 145

By the French ----- 11

By the Portuguese ----- 1-157

\*This is a seaman who was impressed from the ship *Hugh Johnson*, Capt. Eames in 1809, at Palermo. The owner (Mr. Caleb Loring of Boston) could not recollect the man's name.

Of the whole number, there were  
Americans ----- 107  
Louisianian ----- 1  
Foreigners ----- 47  
Unknown ----- 2-157

Of the Americans there were  
Discharged on application ----- 51  
Escaped ----- 9  
Entered ----- 4  
Died ----- 3  
Detained ----- 8  
Supposed to be detained ----- 20  
No account given, ----- 12

107

To the above add the cases of the men who were taken in the British frigate *Guerriere*, (in all 18) and who informed Capt. Hull that they had been *impressed*, the sum total will then be 175.

It appeared further in evidence that some of the masters of ships had been to sea for many years without having a single man impressed; and in general the masters could recollect but two or three instances from their own vessels, in the course of their whole sea-faring life.

Your committee also found that in the practice of impressments, in some cases, abuses had taken place, both with the British and French; instances of which appear by the documents annexed. The instances of impressments by the French, however, appeared to have been few in number, comparatively with those by the British.

It appeared also, that great frauds had been practised, with regard to seamen's protections, and which could not easily be guarded against by the officers of the government. Many of these protections, it appears, have been *forged*, and hundreds of forged ones, it was testified, had been destroyed by the custom house officers. Specimens of these forgeries were exhibited to your committee, and are herewith submitted.

(See depositions No. 13 and 31.)

It appeared also, that *genuine* American protections were bought and sold in many cases, for two dollars a piece; and that, by means of the keepers of boarding houses in the seaports, who were in the practice of collecting them, these genuine protections were put into the hands of *foreigners* whose persons agreed with the description in the protection, and the foreigner then assumed the name of the *American* who was named in the paper; and it sometimes happened, that illiterate foreigners, who had procured such protections, forgot the name they were to take.

Such are some of the facts which have appeared before your committee in respect to the practice of impressments.

Your committee directed their attention, in the next place, to the principle on which Great Britain founds her claim of impressing her seamen from merchant ships. This inquiry appeared to involve principally the following considerations: Whether France, and other European nations recognize and practice upon the same principle; and whether the government of the United States has ever made it a cause of war against France or any other nation;—what measures have been adopted by the United States under the former and present administrations in respect to impressments;—what offers have been made on the part of Great Britain to secure to the United States the *practical advantages* which they have demanded, without a *formal* relinquishment of the principle contended for; and whether the magnitude of the injury had been constantly increasing until the time of the declaration of war, to such an alarming degree that "forbearance could no longer be justified."

First, then, does France, as well as other nations, recognize the same principle which is contended for by Great Britain?

It is a principle acknowledged in all governments, that allegiance and protection are reciprocal; and that every government has a right to the services of its citizens; and especially that no citizen has a right to leave his country *in time of war* without the consent of his own government. This principle has ever been recognized in the laws of this Commonwealth; and during our revolutionary war (the only occasion till

now, when the United States have been under the necessity of enforcing this rule) was rigorously adhered to in practice; and your committee accordingly find, in the year 1779, a solemn legislative declaration of Massachusetts that "every government has a right to command the personal services of all its members, whenever the exigencies of the state shall require it, especially in times of an impending or actual invasion; no member thereof can then withdraw himself from the jurisdiction of the government, and thereby deprive it of the benefit of his personal services, without incurring justly the forfeiture of all his property, rights and liberties, holden under and derived from that constitution of government to the support of which he hath refused to afford his aid and assistance."

Nor does this principle appear to be inconsistent with the practice of naturalizing foreigners, when the legal effects of naturalization are properly considered. When a state naturalizes a foreigner, it binds itself to protect him so long as he remains within its jurisdiction. If he does not choose to remain within the jurisdiction of his adopted country, but will place himself within the power of the government of his native country, by going within its exclusive jurisdiction, or within a jurisdiction which is common to his native and adopted country, as in merchant ships on the ocean, the government of his adopted country will not consider itself bound to follow and protect him.

Your committee find, that France, for a century and a half, has maintained the right to seize her own seamen, in time of war, in her own ports, on board of neutral vessels, and at sea. In proof of this, your committee beg leave to refer to the French laws and ordinances on this subject, of which some extracts are subjoined. (See Documents No. 52.)

Your committee will here ask the attention of this house to only one of these edicts: that of the 8th Ventose, 6th year, of the French Republic (A. D. 1799.) This edict declares—"that all English sailors on board neutral flags in the ports of France should be arrested; and every man who spoke the English language, should be considered English, unless he could prove by authentic evidence and documents that he was an American."

The practice of France appears to have been conformable to the principle of these laws, as will be seen by a reference to the cases of impressments contained in the documents annexed. (See depositions Nos. 1, 14, 15 and 18.)

It being undeniable then that France has long maintained the principle in question, the next inquiry of your committee was, whether this claim of France had ever been considered by the government of the U. S. as a necessary cause of war. They do not find that it has been so considered. They find that in the year 1800, the U. S. concluded a treaty with France, on the various subjects in controversy, but they do not find in that negotiation, any demand that France should renounce the principle, nor does the treaty itself contain any such renunciation.

This being the case then, it is for the wisdom of the people of the U. S. to judge, how far it is just or necessary, that a neutral power should prosecute a war against one of the belligerent nations, to compel the renunciation of a principle which it suffers the others to exercise.

The next inquiry of your committee was, what measures had been adopted by the government of the U. S. under the former and the present administrations, in respect to the impressment of seamen and what has been the result of those measures?

During the whole prosperous administration of that illustrious man, whose real patriotism justly entitled him to the appellation of the father of his country, the practice of impressments was exercised by Great Britain to a greater extent, and in a more vexatious manner, than it has been for years past; yet Washington, whose nice sense of national honour, has not been surpassed by

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One, two, or three.  
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viz. one the house at present occupied by Mr. John Childs; another the house late the property of James Madison Esquire, both situated on the waterfront the dock, equal in situation for business to any in the city. A third is the house at present occupied by Mr. Isaac Parker as a Tavern, for terms apply to James Williams.

Feb. 18. 6

**Anne-Arundel County, Md.**

ON application to me, the subscriber, in the recess of Anne-Arundel county court, as an associate judge for the third judicial district of Maryland, by petition in writing of BENJAMIN LUSBY, of said county, praying for the relief of sundry judgments, passed at November Session, eighteen hundred and five, and the several supplements thereto, on the terms mentioned in said act, a schedule of his property, and a list of his creditors, on oath, as far as he can ascertain them, being annexed to his petition; and the said William Barnes having given sufficient security for his personal appearance at Anne-Arundel county court, to answer such allegations as may be made against him by his creditors; I do therefore order and adjudge, that the said William Barnes be discharged from his imprisonment, and that he (by causing a copy of the order to be inserted in one of the public newspapers in the city of Annapolis, every week for three months successively, before the third Monday in April next,) give notice to his creditors to appear before Anne-Arundel county court on the said third Monday in April next, at 10 o'clock in the morning, for the purpose of recommending a trustee for their benefit, and to show cause, if any they have, why the said William Barnes should not have the benefit of said act and its supplements as prayed. Given under my hand this 26th day of August, 1812.

Richard Ridgely.

**Anne-Arundel County, Md.**

ON application to me, the subscriber, in the recess of Anne-Arundel county court, as an associate judge for the third judicial district of Maryland, by petition in writing of BENJAMIN LUSBY, of said county, praying for the relief of sundry judgments, passed at November Session, eighteen hundred and five, and the several supplements thereto, on the terms mentioned in said act, a schedule of his property, and a list of his creditors, on oath, as far as he can ascertain them, being annexed to his petition; and the said William Barnes having given sufficient security for his personal appearance at Anne-Arundel county court, to answer such allegations as may be made against him by his creditors; I do therefore order and adjudge, that the said William Barnes be discharged from his imprisonment, and that he (by causing a copy of the order to be inserted in one of the public newspapers in the city of Annapolis, every week for three months successively, before the third Monday in April next, to give notice to his creditors to appear before the county court of said county on the said third Monday of April next, for the purpose of recommending a trustee for their benefit, and to show cause, if any they have, why the said Benjamin LUSBY should not have the benefit of said act and its supplements as prayed. Given under my hand this seventh day of January, eighteen hundred and thirteen.

Richard H. Harwood.

**Anne-Arundel County Court, September Term, 1812.**

ON application to the judges of Anne-Arundel county court, by petition in writing of JESSE P. PEARCE, of said county, praying for the benefit of the act for the relief of sundry judgments, passed at November Session, eighteen hundred and five, and the several supplements thereto, upon the terms mentioned in said act, and the supplements thereto, a schedule of his property, and a list of his creditors, on oath, as far as he can ascertain them, together with the assent of most two thirds of them in value to his obtaining the benefit of said act, being annexed to his said petition; and the said court being satisfied by competent testimony, that he has resided in the state of Maryland for the period of two years immediately preceding his application, and that he has given due public notice of his intention to make it: It is therefore ordered and adjudge, that said Jesse P. Pearce, by causing a copy of this order to be inserted in the Maryland Gazette, once a week for three successive months, before the third Monday of April next, give notice to his creditors to appear before the said county court, to be held at the City of Annapolis, on the said day, for the purpose of recommending a trustee for their benefit, and to show cause, if any they have, why the said Jesse P. Pearce should not have the benefit of said act and its supplements, as prayed.

Test. J. S. GREEN, CLK.

Dec. 30. 1812.

**Anne-Arundel County, Md.**

ON application to me, the subscriber, in the recess of Anne-Arundel county court, as an associate judge for the third judicial district of Maryland, by petition in writing of GEORGE W. PARKER, of said county, praying for the relief of sundry judgments, passed at November Session, eighteen hundred and five, and the several supplements thereto, on the terms mentioned in said act, a schedule of his property, and a list of his creditors, on oath, being annexed to his petition, and having satisfied me that he has resided two years in the state of Maryland immediately preceding the time of his application, having also stated in his petition that he is in confinement for debt, and having prayed to be discharged therefrom; I do hereby order and adjudge, that the person of George W. Parker be discharged from imprisonment, and by causing a copy of this order to be published in the Maryland Gazette for three months successively, before the third Monday in April next, to give notice to his creditors, to appear before the county court of said county, on the said fourth Monday of April next, for the purpose of recommending a trustee for their benefit, and to show cause, if any they have, why the said George W. Parker should not have the benefit of the act as prayed. Given under my hand this 10th day of January, 1813.

Richard H. Harwood.