

We ought to recollect however, the peculiar circumstances in which Louisiana is placed, nor ought we to be unmindful of the respect due the sentiments and wishes of the Ancient Louisianians who compose so great a proportion of the population. Educated in a belief of the excellencies of the Civil Law, the Louisianians have hitherto been unwilling to part with them, and while we feel ourselves the force of habit and prejudice, we should not be surprised, at the attachment, which the old Inhabitants manifest for many of their former Customs and Local Institutions. The general introduction therefore into this Territory of the American Laws must be as effect of time . . . otherwise much inconvenience will insue, & serious discontents will arise among a people who have the strongest claims upon the Justice and the liberality of the American Government. . . .

D. The Issue of Sailors' Rights

I. A Briton (James Stephen) Recommends Firmness (1805)

The titanic struggle between France and Britain flared up anew in 1803. American shipping boomed, especially in carrying coffee and sugar from the French and Spanish West Indies to blockaded France and Spain. Yankee shipowners, shorthanded, used high wages to lure hundreds of sailors from the British merchant fleet and the Royal Navy, where pay was poor and flogging frequent. Some deserters became naturalized; others purchased faked naturalization papers for as little as one dollar. With firsthand knowledge of these tricks, James Stephen published a popular and potent pamphlet in Britain that stiffened the London government in its determination to stifle Yankee-carried traffic between Britain's enemies and the West Indies. Of the grievances mentioned by Stephen, which one did he regard as most serious? Why?

The worst consequences, perhaps, of the independence and growing commerce of America is the seduction of our seamen. We hear continually of clamors in that country on the score of its sailors being [im]pressed at sea by our frigates. But how have these sailors become subjects of the United States? By engaging in their merchant service during the last or the present war; or at most by obtaining that formal naturalization which they are entitled to receive by law after they have sailed two years from an American port, but the fictitious testimonials of which are to be bought the moment they land in the country, and for a price contemptible even in the estimate of a common sailor.

If those who by birth, and by residence and employment, prior to 1793, were confessedly British, ought still to be regarded as His Majesty's subjects, a very considerable part of the navigators [sailors] of American ships are such at this moment; though, unfortunately, they are not easily distinguishable from genuine American seamen. . . .

The unity of language and the close affinity of manners between English and American seamen are the strong inducements with our sailors for preferring the ser-

¹James Stephen, *War in Disguise*. 2nd ed. (London: C. Whittingham, 1805), pp. 120–124.

vice of that country to any other foreign employment. Or, to speak more correctly, these circumstances remove from the American service, in the minds of our sailors, those subjects of aversion which they find in other foreign ships; and which formerly counteracted, effectually, the general motives to desert from, or avoid, the naval service of their country.

What these motives are, I need not explain. They are strong, and not easy to be removed; though they might perhaps be palliated by alterations in our naval system. . . . If we cannot remove the general causes of predilection for the American service, or the difficulty of detecting and reclaiming British seamen when engaged in it, it is, therefore, the more unwise to allow the merchants of that country, and other neutrals, to encroach on our maritime rights in time of war; because we thereby greatly, and suddenly, increase their demand for mariners in general; and enlarge their means, as well as their motives, for seducing the sailors of Great Britain. . . .

It is truly vexatious to reflect that, by this abdication of our belligerent rights, we not only give up the best means of annoying the enemy, but raise up, at the same time, a crowd of dangerous rivals for the seduction of our sailors, and put bribes into their hands for the purpose. We not only allow the trade of the hostile [French] colonies to pass safely, in derision of our impotent warfare, but to be carried on by the mariners of Great Britain. This illegitimate and noxious navigation, therefore, is nourished with the lifeblood of our navy.

2. *A Briton (Basil Hall) Urges Discretion (1804)*

British cruisers, hovering off New York harbor, blockaded French ships that had sought refuge there. They also visited and searched incoming and outgoing American merchantmen, and impressed British seamen (and sometimes Americans by mistake). Basil Hall, later both a captain and a distinguished author, entered the British navy as a midshipman in 1802, when he was only thirteen. Many years later he published these recollections of his early service on the fifty-gun frigate Leander in American waters. Which was the most infuriating of the practices he describes?

. . . It seems quite clear that, while we can hold it, we will never give up the right of search, or the right of impressment. We may and ought, certainly, to exercise so disagreeable a power with such temper and discretion as not to provoke the enmity of any friendly nation.

But at the time I speak of, and on board our good old ship the *Leander*; whose name, I was grieved, but not surprised, to find, was still held in detestation three or four and twenty years afterwards at New York, I am sorry to own that we had not much of this discretion in our proceedings; or, rather, we had not enough consideration for the feelings of the people we were dealing with. . . .

To place the full annoyance of these matters in a light to be viewed fairly by English people, let us suppose that the Americans and French were to go to war, and that England for once remained neutral—an odd case, I admit, but one which might happen. Next, suppose that a couple of French frigates were chased into Liverpool, and that an American squadron stationed itself off that harbor to watch the

²Basil Hall, *Fragments of Voyages and Travels, First Series* (London: E. Moxon, 1840), pp. 47–49.